REGIONALISM AND THE DILLON RULE

Regionalism And The Dillon Rule: An Interpretive Essay

The laws, practices and traditions of Virginia dominate the governmental context of Hampton Roads. World War I is a good era to begin reflection on the historical events that have shaped the modern relationship between local and state governments. It is also the time when the region began to emerge.

In the early 1920s everyone was enduring hard times. The waters of the port had frozen solid in the winter of 1917-18, a most unusual event for "the world's finest natural harbor," and by the following winter the Commonwealth was recovering from an influenza outbreak. Warwick County, now part of Newport News, was the hardest hit by the epidemic that broke out on Friday the 13th (March) at Fort Lee, near Petersburg.

Virginia's governments were also burdened. The state's education, health and prison institutions were in disarray and were being criticized as under-funded, and the road system was considered so impassable in 1921 that the Automobile Club of America urged motorists to bypass the state. The state treasury was running a deficit. Thus, it was not surprising when Virginians elected a 38-year-old "reformer" as governor in 1925 with his self-described "program of progress."

By 1930 he had convinced the General Assembly to approve a plan to simplify and overhaul Virginia's tax structures, establish the "short ballot," and streamline state government by reducing 100 agencies to 12 departments. Historian Virginius Dabney described new state appropriations for roads, education and mental hospitals as "unprecedentedly large."

Interestingly, the governor went outside Virginia to a New York City consulting group (New York Bureau of Municipal Research) for advice and development of the reorganization plan. Then he turned to a 38-member Citizens' Committee on Consolidation and Simplification in State and County Governments to advocate its merits.

Part of the package ceded to localities "property" as their main tax source and identified "income" as the state's sole domain. The reforms cost the state dollars ($4 million annually) and jobs (one state commissioner in each of 99 counties).

The youthful governor successfully fought for a 1 1-2-cent gasoline tax "to get Virginia out of the mud." He publicly confronted the Chesapeake and Potomac Telephone Co. and the nation's oil companies when they raised rates and gasoline prices.

The governor was visible with each cause. In one case he rode on a bus to 56 different towns, a 1,000-mile circuit, to stump for state constitutional changes. His central message touted the state as a whole. He held "regional" meetings with county and state officials selling his road program, urged an "end to sectionalism in Virginia" and was the first governor to mount a state-funded national advertising program for tourist and economic development.

Who was this reformist governor of the Commonwealth of Virginia? An individual not often associated with reform – Harry Flood Byrd Sr. It was a historic display of leadership.

Byrd's notions of strong state government were enabled in part by the thinking of a non-Virginian. John Dillon, an Iowa lawyer who later became a state and federal judge, then a law professor at Columbia University, wrote a treatise on municipal corporations in 1872 that advanced the legal doctrine that states are supreme and the source of all municipal power. That doctrine – called the Dillon Rule – has been bedrock in Virginia.

Part of Dillon's treatise reads:

> "It is a general and undisputed proposition of law that *a municipal corporation possesses and can exercise the following powers, and no others*: First, those granted in *express words*; second, those *necessarily or fairly implied* in or *incident* to the powers expressly granted; third, those *essential* to the accomplishment of the declared objects and purposes of the corporation – not simply convenient, but indispensable. Any fair, reasonable, substantial doubt concerning the existence of power is resolved by the courts against the corporation and the power is denied."

Both Dillon and Byrd expressed concern about the politics and management of cities. Dillon said the people managing cities were not "best fitted by their intelligence, business experience, capacity and moral character." City management was "too often both *unwise* and *extravagant*." Dillon believed in noblesse oblige and thought the "best fitted" could more likely be attracted to state government. Byrd favored state dominance for political reasons. He wanted progressive government through rural control of the courthouse, public purse and tax rates.

Hampton Roads itself is an interesting case study of survival within the Virginia context of strong state control. By 1900, its history included a notable series of up and down events. Lord Dunmore's burning of Norfolk on Jan. 1, 1776, and Jefferson's Embargo Acts of 1807, jointly depressed the region's ports and effectively prevented them from developing in tandem with the preeminent East Coast ports, New York, Philadelphia and Boston, in the early years of the Republic. Plus, there were epidemics of yellow fever in 1795 and 1855. The latter took more than 2,000 lives in three months. Occupations by federal troops during the Civil War had devastated the economy and its supporting social infrastructure. In the 1870s and 1880s, Virginia's political preference for canal technology over railroads thwarted Hampton Roads during the railroads' period of peak expansion. Thus, to use a contemporary aphorism, if it wasn't one thing, it was another. The net effect, however, was to slow the development of the region's ports until the 20th century.

World War I changed all of this. Its impact was most visible in the establishment of huge military and ship facilities, and over a period of time, the Norfolk Navy Base was to become the largest in the world. The state's largest city, Norfolk, nearly doubled its population between 1910 and 1920, to 117,000 people. According to the local Association of Commerce, the region was "a circle drawn with a radius of 30 miles from downtown Norfolk's new federal building." Within that circle Portsmouth's population was 45,000; Newport News, 34,500; South Norfolk, 7,800; Hampton, 6,300; Princess Anne County (including Virginia Beach), 16,200; and Norfolk County, 30,000.

The war efforts wrought a new form of local government that was concerned, like Bryd, with "economy and efficiency" and addressing infrastructure problems of housing, roads and utilities. The concept of the city as a large public business developed, and Norfolk voters approved the city manager form of government. Charles Ashburner, the first city manager, was very interested in the development of everything from city streets, schools and parks to public buildings and police and fire departments, as well as general beautification.

In 1922, Norfolk approved $5 million to build a grain elevator, which was followed by construction of a city market, one of the first notable results of the extension of suffrage to women. The City of Norfolk also acquired the local army base from the federal government in an effort to become part of the national port system of terminals.

Annexation was the way cities expanded boundaries under Virginia law and it usually occurred as suburbs became dense and wanted city services. As an example, in 1923, Norfolk annexed 30 square miles and 30,000 people in the areas of Ocean View, Campostella and Larchmont. The Association of Commerce described Norfolk as a city of "magnificent distances":

> "Here and there streets are opened, new houses appear, small suburbs are begun and grow slowly in numbers and importance. If the growth of the last 70 years should be duplicated through the next 70 years, Norfolk will become one continuous community from the tip of Willoughby to the extreme southern boundary of South Norfolk, and the suburbs will extend from Cape Henry to Churchland."

It's been 70 years since that vision was painted and, as we know, that's not how things actually developed. **Rather than one large city, the region is characterized by many cities and counties, each with its own government. However, the preceding bit of history provokes several questions:**

- **What is the picture of Hampton Roads governmentally in 2001?**
- **Does the notion of "region" count for anything?**
- **What impact does the Dillon Rule have today?**

The Picture Of Government In Hampton Roads In 2001

The *governmental* picture in Hampton Roads is complex in many ways. There are nearly 100 governmental units within the region. These include six counties, 10 cities, 15 dependent school systems, and more than 60 additional governmental units or districts such as the Hampton Roads Sewer Sanitation District and the Southeastern Virginia Public Service Authority. Many of the localities have retained the names they had many years ago (for example, Hampton and Norfolk), while others have acquired new names (Chesapeake). Some have new boundary lines because of consolidations in the 1950s and 1960s, including those involving Newport News, Hampton, Virginia Beach, Chesapeake and Suffolk.

Every community has success stories about which it can boast. As examples, Virginia Beach has been cited nationally for financial management and technology; Williamsburg is considered a "national treasure"; Hampton was featured on national television for its "healthy communities" model; and Norfolk was named one of America's "most livable" cities.

But the words "city," "county" and "town" are not easy to understand in Virginia any longer because of social and political changes that have occurred since Gov. Byrd's time. One continues to see the words sprinkled throughout Virginia's laws but they are words that have distinctions often with no differences, or worse, differences with no distinctions. It starts with Virginia's independent-city system – one that is different from those in any of the other 49 states. Most states divide responsibilities and services between the two scales of government – county and city. But not Virginia.

Virginia has an "either/or" designation for people living in a specific location. You live either in a city or a county, but not both. However, not all the cities are the same. There are 40 cities and 40 different city charters. For instance, Norfolk has a so-called "strong" charter that includes several important provisions about borrowing and referenda that are different from Virginia Beach and Chesapeake's "weak charters."

While counties are independent of cities, they are not identical to cities by any means, and there are 95 of them. Some counties, like Fairfax, are based upon special state laws, which grant so-called city powers, as well as some powers that most cities don't have. But, generally, counties are lumped into three or four categories, which make them similar in many respects, but different in others (for example, their ability to tax and pass laws).

Yet, perhaps the most complicated feature of Virginia local government is its "*towns.*" There are 188 towns, each with a separate charter. But towns, unlike cities, *are parts of counties* (similar to other states with cities and counties). Since each town charter can be different, this means towns can be very different. There are 11 towns in Hampton Roads. Those Virginians who live in a town (Smithfield is an example) have their local government functions divided between their town government and their county government. Are you a bit confused? Many other citizens are as well.

The Notion Of The Region Of Hampton Roads

Words from Ben Harper's song "Homeless Child" serve as backdrop for thinking about region in Virginia:

> "Nowhere here
>
> to call my home
>
> no one near
>
> to call my own
>
> all that's left
>
> is for me to roam
>
> somebody please
>
> help me hang on."

Most people agree that the geographic area from approximately Williamsburg to parts of eastern North Carolina is economically linked. Social, political and other links are less obvious and more debated. While regions have become the dominant and most meaningful structure today for organizing economic performance and are essential in solving many of our problems, Virginia public policy barely addresses "region" and offers few tools to encourage regional efforts. **To cite one example, the Virginia Area Development Act of 1968, which provided the enabling authority for planning districts, such as the Hampton Roads Regional Planning District Commission (HRPDC), does not mention the words *regional or cooperation*! Sadly, in some ways the concept of region is a fiction not recognized by the Commonwealth of Virginia. Contrast this to the explicit recognition of, and reliance upon, city-regions such as Indianapolis and Portland.**

Cities, counties and towns remain Virginia's primary structures for local government. Thus, exactly because there are no regional officials, we blame local government officials for not cooperating better – or more – but the truth is, Virginia is not organized for regional progress or performance. When the focus of the Dillon Rule is added to the state's policies of property taxation and independent status, Virginia has trapped localities, their residents and, ultimately, the entire state, in a zero-sum game.

It's hard to over-emphasize this next point. When local elected officials swear the oath of office, they accept a serious fiduciary responsibility to protect their individual municipal corporations. In practical terms this usually means: Does my community benefit immediately and can I show it beyond doubt? **No public official under the Virginia system, elected or appointed, takes an oath to support a region. Their elections and their livelihoods depend upon cities, counties and towns.**

Another reality concerns the number of elected officials who must agree for regional issues to move forward. Between cities and counties (not counting towns) there are 110 elected officials in Hampton Roads. The range of representation is dramatic – from a few thousand to more than 200,000. The mayor of Virginia Beach represents more than 400,000 people. Given the nature of the system – voluntary participation – an elected official who represents a few thousand people can match or exceed the voice of one who represents many more.

Given Virginia's preference for cooperation rather than coercion as the de facto organizing principle for regional policy, this means just one jurisdiction, either a county or city, can *veto* regional efforts. One local business leader calls voluntary regionalism "dancing with your sisters."

These thoughts are preamble to measuring and understanding regional economic progress in Hampton Roads.

Again, Harper's words:

> "There is no night
>
> and there is no day
>
> it is all
>
> one shade of gray
>
> some will pass
>
> and some will stay
>
> is this the end
>
> or just one more day."

The Dillon Rule

What is most remarkable about the Dillon Rule is even though it is not mentioned once in Virginia law or policy, a fact interesting in itself, it nonetheless has been used as the standard for interpretation by state and local courts for more than 100 years. Some Dillon Rule-inspired rulings have been strict – as when the Supreme Court of Virginia in 1985 found that Arlington County could not lease property the county owned for economic development purposes. Other rulings have been broader, as when the State Supreme Court let stand in 1988 a Virginia Beach ordinance that required handgun permits.

Though lacking the express words of policy, Virginia remains one of few Dillon Rule states. The doctrine has withstood change, in a changing world, like few other public traditions. Indeed, it hovers over all of the Commonwealth's governmental activities. It is not surprising, then, that nearly every city of any size employs one or more full-time lobbyists to represent it in Richmond during the sessions of the General Assembly. The reason is simple. Because of the Dillon Rule, the action is in Richmond, not in Arlington, Lynchburg or Newport News.

There are practical consequences to Dillon's norm of uncertainty. While few local attorneys argue that Dillon is impossible, one city attorney says the problem is "you need a lawyer all the time and government isn't working when you need an attorney that often." Another attorney says, "Often the way around Dillon in a particular case is complicated and convoluted, and that isn't good."

It's also not clear when a court will apply the Dillon Rule to overturn a local government decision. Not tallied or known are decisions avoided by local governments because of the uncertainty and/or the time and money it takes to withstand possible challenges. Also damaging is the mindset associated with the "negative presumption" of Dillon – that localities can't do things. It handicaps local or regional thinking about public-private solutions that require speed, decision-making at the lowest levels and collaboration. The involvement of lawyers, or petitioning the General Assembly, soaks up time and resources, and is of little value. **This past year, 119 local bills in the General Assembly were introduced involving the Dillon Rule. It is estimated that these bills occupied 550 hours of various committees, subcommittees and floor time. About half the bills finally passed. This is quite an achievement for a rule that is not explicitly mentioned in state statutes!**

But, it doesn't stop there. Each session, there are bills legislators regularly introduce to take away authority from localities. House Bill 1969, involving local control of firearms, introduced Jan. 10, 2001, has Dillon overtones: "… no locality shall adopt any ordinance, resolution, motion, administrative rule or regulation governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute." Virginia's Internet bill tracking service discloses that there were 61 separate actions involving HB 1969 before it "failed to pass" the House on Feb. 24. Prior to its death, it passed both houses, went to a conference committee and passed the Senate, again, before stalling in the House on parliamentary procedure.

Local threats by legislators occur, as well. Several years ago when Virginia Beach City Council was giving serious consideration to raising real estate taxes to fund school board budget requests, two state legislators from Virginia Beach threatened to "cap" the city's tax by introducing legislation. Meanwhile, away from the eyes of the General Assembly, stories are legend about one county or city doing something that another Virginia locality was told (or had assumed) it could not do.

The primary argument in support of the Dillon Rule is that it promotes uniformity of law and practice. This is said to be an essential element of building an attractive climate for business (businesses don't want to deal with scores of different legal, regulatory and taxation schemes). Further, Dillon Rule supporters (and there are many, especially among legislators whose power is amplified by its existence) assert that it reduces undesirable competition between cities, counties and towns that otherwise might offer widely diverging "deals" to businesses that might be considering relocation. There is, however, an unstated third reason that ultimately may be more important than the other two. It is that the existence of a Dillon Rule world makes state legislators very important people – individuals who must be courted and supported financially if their support is to be won.

Whatever spin one puts on the effects of the Dillon Rule, it is undeniable that it has dominated the government in the Commonwealth and in Hampton Roads just as Gov. Byrd and Judge Dillon intended. Even so, do the historic choices of the 1920s adequately address the challenges we face today? This seems doubtful. Most observers without vested interests believe reforms in state-local relations and in the tax structure, supplemented by a new "program of progress," are needed.

The Report Of The Commission On State And Local Tax Structure

The imbalance in the fiscal relations between the state and its local governments was documented, again, recently in the Report of the Commission on Virginia's State and Local Tax Structure for the 21st Century, chaired by Thomas R. Morris, and released in December 2000. Among its findings:

- The growth in property values (upon which most local government revenues depend) has languished when compared to the robust annual individual and business incomes taxes collected by the state.
- More than $60 billion in property values have been declared exempt from taxation and taken off the local government books as a result of state decisions.
- Major shifts have occurred in Virginia's economy, primarily in the growth in the provision of services, especially those related to information technology. For the most part, these services *are not included in the tax base.*
- The growth in interstate sales via catalogues and e-commerce also tends to escape taxation.
- The General Assembly and governors over the years have constricted the sales tax base *through a multitude of exemptions*.
- The elimination of the car tax by the state politically froze a major local revenue source for localities that was growing and producing 16 percent of their revenues in 1998.

To the escalating revenue imbalance between the state and local governments in Hampton Roads must be added the negative impact of the region's economic slowdown. For nine straight years, and 13 of the last 15 years, Hampton Roads' average wage has slipped. According to the Department of Commerce, the region's average wage is 84.6 percent of the national average. By comparison, Northern Virginia is 136.7 percent of the national average and the Richmond regional average is 101.6 percent. Hampton Roads' average is also lower than the average wage in the Roanoke and Charlottesville areas. Of course, cost-of-living differentials erase much (though not all) of the difference between Hampton Roads and other regions, especially Northern Virginia. And, as demonstrated in an accompanying chapter, the key determinant of wages and incomes in Hampton Roads is the level of military spending in the region. It now is smaller, in absolute dollars, than it was in 1985. Little wonder, then, that Hampton Roads has not been a boom region.

The region's picture is not bright when the financial strength of individual localities is measured and compared with other localities in the rest of the state. Two more regional cities – Newport News (No. 8) and Franklin (No. 10) – recently moved into the state's "top 10" ***mostly fiscally stressed*** **category, according to the Virginia Commission of Local Government. Norfolk remains** ***the most fiscally stressed*** **community in the Commonwealth, and Portsmouth moved from No. 5 to No. 3. Hampton fell from No. 15 to No. 12 in one year.** Five localities – Virginia Beach, Suffolk, James City County, Southampton County and Isle of Wight County – improved slightly, but three – Virginia Beach, Suffolk and Southampton County – remain classified as *above average stress.*

Property tax exemptions continue to be a special problem for Hampton Roads. More than *$20 billion* of property in Hampton Roads is tax-exempt. Seven communities – Newport News, Franklin, Hampton, Williamsburg, York County, Norfolk and Portsmouth – have 20 percent or more of their properties exempted. The two most fiscally stressed cities – Norfolk and Portsmouth – are 47 and 56 percent tax-exempt, respectively. Given the role property plays for localities, Norfolk and Portsmouth are forced to fend for themselves with one arm and one leg tied behind their backs.

Newport News joins their plight in another bizarre consequence of public policy as it relates to the Port of Hampton Roads. The port produces many jobs, but not all of these jobs are located on the waterfront. Yet, because of two additional Virginia policies: (1) counting income at *residence* rather than where the work occurs; and (2) granting *tax exemption* to the state's port facilities, Newport News (as well as the other cities) loses the market value of its state port facilities. Further, Newport News loses the value of the income generated within its city limits, which impacts the distribution of various state resources. The result? Newport News is on the top 10 list of the state's *most fiscally stressed* cities. This is punishment beyond reason. It is worth noting that the state does not care which city income is generated when it levies the state income tax. It cares not which pier in which city generated the income it taxes.

The Economic Consequences

Disparity among neighbors injures the entire region's ability to compete economically with other regions. Often, disparity occurs naturally, unavoidably. Virginia, however, has set in motion a series of actions that has artificially disadvantaged localities, weakening the area's productive capacities. To use regulatory terminology, its impact is arbitrary and capricious.

Statistics generated by the Hampton Roads Partnership often compare Hampton Roads to the Charlotte and Raleigh regions. In 1980, the nominal per capita incomes of the three were close to each other, with Hampton Roads slightly ahead of Charlotte and Raleigh ($9,522, $9,190 and $9,506, respectively). Twenty years later, in 2000, Hampton Roads trailed *both* North Carolina regions significantly ($23,771, $28,784 and $30,394, respectively). Analysts offer numerous reasons: loss of federal jobs here, the absence of a national-class research university and issues of inferiority. The most important reason, however, is the dependence of Hampton Roads upon Department of Defense spending. In 1990, 42 percent of the economy of Hampton Roads was dependent upon military spending. As military expenditures declined in the late 1980s and 1990s, this had a very negative impact upon the region. Income growth slowed and there was a net outflow of people from the region.

The recent federal census offers new evidence of change in the region that catches most people by surprise. When birth and death rates are taken into account, the region lost population. Hampton Roads is one of three Virginia regions with net out-migration. The other two regions are highly rural.

The population slowdown tarnishes the marketing image of Hampton Roads. Sometimes popular notions such as the region attracting a major league sports franchise (which is explored in another chapter) seem almost ludicrous when juxtaposed with net out-migration and stagnant income growth.

Because growth is a key assumption of Virginia's philosophy of governance, there is deeper damage. The current array of taxes, fees and incentives allowed localities biases the revenue system for growth. Property taxes during construction, along with development fees and connection charges, create windfall revenues for communities when houses and other properties are being built. It's when people fill those houses in numbers that require schools and other services that costs outstrip annual property tax collections. The situation is compounded in older communities when physical, social and economic infrastructure ages and needs renewal or expansion, which is more expensive.

In an oversimplified way, the reason cities become so interested in shopping centers, convention centers, and eating or amusement centers is because they develop revenues beyond their costs and can subsidize the maintenance costs of residential populations. Could it be that Virginia governmental structure and policies have made its citizens "guests of the state" in their own homes?

A Possible Regional "New Program Of Progress"

What might a "new program of progress" look like?

Interviews with business, government and community leaders suggest a blend of optimism and pessimism about the region's future. There is some optimism because parts of a unified regional agenda are evolving, and larger portions of the public are acknowledging the need for regional actions. More specifically, this agenda includes:

- Creation of a regional transportation authority
- Transportation projects like a third crossing and rapid transit
- Work force development

• K-12 education coordination among school systems

• City-state relationship improvement

• Reform of the tax structure.

Generally, people are pleased with the work of the Hampton Roads Partnership (HRP), a five-year-old agency which has on its board of directors the mayors and chairs of the 16 cities and counties, plus numerous chief executive officers from the military, education, and private and community sectors. The partnership has worked hard to define and publish a strategic plan for the region. Education, work force, transportation and technology transfer have been priority subjects. HRP has also been benchmarking Hampton Roads against other progressive regions.

However, pessimism exists about those business leaders and elected officials who are not at the table. Recent governors of the Commonwealth have shown little or no interest in issues that affect cities, counties or regions, other than to curb local taxing authorities at a time when the state's coffers have been at historic highs and local governments have struggled. Even symbolic actions, such as meeting with the Hampton Roads mayors and chairs, haven't occurred, despite invitations.

As for the General Assembly, one experienced lobbyist commented that "it's getting worse" in addressing governance problems. She says cities, counties and towns are described by many legislators as "just another special-interest group." And, it should be noted, this class of special-interest groups does not contribute funds to their re-election campaigns!

Local elected officials sometimes complain that they are not involved in the "regional meetings" attended by the mayors and chairs. This causes personal jealousies that stall or prevent discussions by governing bodies. One manager realistically noted that "it is risky" for city managers to put regional matters on council dockets.

It is also rare for neighboring city councils or boards of supervisors to meet with each other. As examples, Virginia Beach has met twice with one neighboring jurisdiction (Chesapeake) in the past 10 years. Norfolk has met once in the last 15 years with a neighbor (Portsmouth). The records are better on the Peninsula.

Perhaps the most difficult dimension involves citizens. Relatively few citizens show active interest in regional issues, which is itself a problem, and there is little or no citizen representation built into existing regional organizations.

If Hampton Roads is to find new understanding and knowledge big enough and friendly enough to address issues that have gone unaddressed for so long, it will be helpful for the region to set out principles to guide its choices of options. These might include:

• A desire for the region to function in a fashion that is open, self-organized, integrated (perhaps messy), adaptive and collaborative

• A commitment to build on assets – which are both tangible (e.g., roads, water) and intangible (sense of community and sense of place)

• Transparency and lots of "sunshine" – an absence of secret deals

• Clear rules of engagement that respect people and institutions.

The Governor And The General Assembly

With these principles as a foundation, the agenda could be addressed to four main categories of participants: the governor, General Assembly, local elected officials and citizens.

In preparing for his work, whichever of the "Marks" is elected governor, he will find good material from blue-ribbon citizen groups already on the bookshelf. The commission that studied Virginia's constitution in 1969 urged relaxation of the Dillon Rule. The Governor's Commission on the Future of Virginia in 1984 suggested the state should redo the boundaries of local jurisdictions. And, the recent Morris Commission urged tax reform.

What is needed is a gubernatorial action plan and the personal energy and commitment to ensure its success. Elements of such a plan could include:

• Seeking expert advice

• Establishing a Citizens' Commission on Governance and Tax Reform

• Hosting and presenting a plan of action to a state summit

• Revising, focusing and selling a plan of action

• Holding regular "regional" meetings.

The General Assembly may have the most difficult job. With the two houses still closely divided in political loyalties, this is a historic opportunity for bipartisan leadership. A detailed business review of how the General Assembly does its work is in order. The analysis could be done within the overall governance study suggested above, or the General Assembly could establish a separate study, perhaps by a national firm.

However, legislators should design an approach that can be a model for the rest of us in how to solve problems for the future that have been particularly intractable in the past. That would take uncommon leadership and give Virginia national notice.

Such an analysis should:

• Study and overhaul the decision-making processes

• Acknowledge regional performance is a "state problem"

• De-politicize governance discussions and institutions (e.g., cities, counties, Joint Legislative Audit and Review Commission)

Local elected officials are important to regional performance. While mayors and chairs can represent localities in special ways, regional progress will take heavy lifting by all officials.

Local elected officials must:

• Come to understand the notion that regions have become the most meaningful economic units in modern America

• Support regional approaches to problems

• Meet regularly with neighboring cities, counties and towns

• Set regular time on their own agendas for regional analysis and actions.

What Citizens Can Do

Citizenship was not a principal feature of either Gov. Byrd or John Dillon's model of governance. The governor was trying to install a political management system around troubled bureaucracies and Judge Dillon was reacting to local governments that were being bought off or sidetracked by railroad barons. Both pushed citizenship into the background and vested central power in the state, resisting the principle that local government should get its power from its own citizens. That principle is followed in most other states.

Citizenship in Virginia has made its way back into the public-purpose realm with creative involvement in diverse ways, ranging from community policing to Habitat for Humanity to teenage mentoring. However, the future may not work for all of us as well as it can if we do not broaden citizenship to include a significant regional dimension. Citizens can:

• Come to understand the notion that regions have become the most meaningful economic units in modern America

• Support regional approaches to problems

- Allocate time (e.g., Internet, television) to learn about the region and important regional issues
- Refuse to support elected officials and candidates who do not support regional approaches to problems.

Final Thoughts

The preceding agenda may strike some as both naïve and overreaching. Yet, consider the recent book *Tipping Point,* by Malcolm Gladwell. Gladwell talks about major social changes ("social epidemics") and how they occur. As he documents, frequently they are led by the efforts of a small number of individuals, many of whom were not famous beforehand. However, these were individuals who were distinguished by their energy, commitment and connections to other individuals and groups. They were "word of mouth" communicators who were influential not necessarily because of their wealth or elected status, but rather because of the central role they played in their social and community circles. They are the people who have produced successful campaigns for better schools, safer streets, mass transit, environmental cleanups and new college campuses. The point here is not the specific content of their passions, but instead their advocacy, energy and commitment. They were "connectors" who were inspired to tell their story.

Gladwell says he wrote the book in hope of making better sense of a world that doesn't always make sense. It is hopeful – but not unreasonable – to think that a few men and women can make the difference. Can there be a "tipping point" for Hampton Roads? What the region needs now is exceptional interest and knowledge followed by passion and energy.