

**LEGISLATIVE AGENDA
GENERAL ASSEMBLY SESSION 2012**

CITY OF VIRGINIA BEACH



**LEGISLATIVE AGENDA
GENERAL ASSEMBLY SESSION 2012
SEPTEMBER 27, 2011
CITY COUNCIL MEETING**

Revised November 1, 2011

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City of Virginia Beach
Preface*

The 2012 Session of the General Assembly will be very challenging. Hopefully, it will not be as challenging from a fiscal standpoint as the last two sessions. However, the current biennium budget was balanced through accelerated sales tax collection, deferral of over \$600 million in payments to the Virginia Retirement System (VRS), and other methods that will be carried forward into the next biennium. Furthermore, at the time of this writing, the economy may be entering into a “double-dip” recession. Although the state ended Fiscal Year 2011 with a “surplus” of \$311 million, there are still many unmet needs throughout the Commonwealth. Furthermore, the \$311 million needs to be reviewed in comparison to the over \$600 million that was not paid to VRS that is required to make the VRS fund more fiscally sustainable.

Besides the fiscal impacts, there will be other policy decisions made during the 2012 session that will have tremendous impact on the lives of Virginians and residents of Virginia Beach and Hampton Roads. It is likely that the issue of ABC Privatization will be reintroduced into the General Assembly discussion. All cities still remain concerned about the impact of such privatization. Furthermore, although the City is greatly appreciative of Governor McDonnell’s efforts to provide funding for transportation in the last session, there is still no ongoing financing vehicle available for addressing transportation infrastructure, maintenance, and construction needs. Currently, there is over \$550 million taken from the Transportation Trust Fund, which should be used for construction, and instead is going into system maintenance. Maintenance needs are also increasing by over \$50 million per year. To put this into perspective, one penny on the gas tax statewide provides \$50 million. Thus, it would require a gas tax increase of at least eleven cents statewide just to make up the funds in the construction budget that are currently being transferred to the maintenance budget.

In the backdrop of this is the turmoil at the federal level over the U.S. Government’s finances. Inevitable federal budget cuts will have great impacts and be likely passed through the state to the local governments. Also, the state continues to bill the local governments for \$60 million a year that local governments equate to local government state aid. The City suggests that if there are available funds after the constitutionally required funding that the \$60 million in cuts in state aid to local governments from previous years be restored.

As has previously been stated, the City Council of Virginia Beach continues to be concerned about the level of funding available for basic services such as education, social services, public safety, and transportation. These issues need to be addressed in the upcoming biennium budget.

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Finally, the City is very appreciative of the General Assembly and the Governor's funding of the Commonwealth's \$7.5 million share of the BRAC Compliance Program. We believe in keeping our commitments and maintaining the positive momentum we have jointly built with the military. Funding needs to be included in the biennium budget for both years.

City Council wishes the very best for the General Assembly Members during the upcoming 2012 session as you shape the judgments that will influence our future prosperity and well being.

City of Virginia Beach Requested Code Changes

1. POST LABOR DAY OPENING FOR SCHOOLS

Jim Ricketts

Department of Convention and Visitors Bureau

Background Information:

The total spending from the tourism industry in Virginia Beach for calendar year 2009 was \$1.06 billion, stimulating 11,596 jobs. Starting schools in Virginia Beach and other localities in the Commonwealth prior to Labor Day would have significant financial consequences in the long term. Beginning schools prior to Labor Day would effectively reduce the available vacation time in August by two weeks, which is prime family vacation time that cannot be replaced. If the Virginia Beach school system begins before Labor Day and other localities follow our lead, it will have a negative effect on the economic impact of the tourism industry. To a lesser extent, this will also have an impact on this industry by affecting the labor pool available prior to Labor Day.

Request:

The General Assembly is requested to maintain the existing legislation concerning post Labor Day opening of schools. This allows all schools to open after Labor Day except those given exemptions by the State Board of Education.

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2. EXPANSION OF THE VIRGINIA HUMAN RIGHTS ACT

Virginia Beach Human Rights Commission

Background Information:

The Virginia Human Rights Act (Va. Code §2.2-3900 *et seq.*) currently prohibits discrimination based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. The City of Virginia Beach has prohibited the aforementioned since 1994.

Request:

The City requests that the General Assembly amend the Virginia Human Rights Act to also prohibit discrimination based on sexual orientation.

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Requested Code Changes

3. EQUALIZATION OF LODGING TAXES

James K. Spore
City Manager

Background Information:

During the 2011 General Assembly Session, legislation (Senate Bill 972 – Whipple) was introduced that would have the retail sales and hotel taxes on transient rooms (hotel rooms) be computed based on the total charge or price paid. Currently, when a customer reserves a room online from a hotel website, they pay the full sales tax for that room. However, when the online travel companies rent rooms, the sales on the entire price is not paid. The Online Travel Companies (OTCs) buy blocks of unused rooms and resell them. However, the hotel tax is hidden within a service fee charged that shows up on the customer's credit card bill. This is not a new tax, but a fair collection of existing taxes. Major hotel chains such as Marriot and Hilton supported this legislation during the 2011 session. Several states have approved legislation such as this proposal and have upheld it in the courts.

Request:

The General Assembly is requested to amend section § [58.1-602](#), etc. as was proposed in Senate Bill 972 from the 2011 session. When a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based on the total charges or the total price paid for the use or possession of the room. It is suggested that the bill have a delayed implementation date of January 1, 2013. This would allow the OTCs time to accommodate the change into their billing practice.

City of Virginia Beach Requested Code Changes

4. AUTHORITY GRANTING THE CITY OF VIRGINIA BEACH CONCURRENT JURISDICTION WITH THE COMMONWEALTH IN IDENTIFIED WATERS OFF THE CITY SHORES

*Chief James A. Cervera
Department of Police*

Background Information:

The City of Virginia Beach provides Emergency Medical Services, Fire and Law Enforcement services in waters located off its coastline. These invaluable services supplement and greatly enhance those provided by the Department of Game and Inland Fisheries and the State Police. In an effort to curtail any possible argument related to the City's authority to address public safety concerns, the Code of Virginia should include a provision granting the City concurrent jurisdiction in specified waters off the City's shore. This has caused confusion in the courts when we bring offenders to trial.

Request:

Enact Code of Virginia § [29.1-747](#) to provide the City of Virginia Beach concurrent jurisdiction with the Commonwealth of Virginia in the identified waters off the shores of Virginia Beach.

See Appendix Item 4 ([page 31](#)) for text of the requested legislative change.

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5. AUTISM SPECTRUM DISORDER (ASD) INITIATIVE

*Robert R. Morin
Department of Human Services*

Background Information:

The Center for Disease Control (CDC) estimates that at least 1% of all children in this country have some form of Autism Spectrum Disorder (ASD). Based on these estimates, over 5,300 children in Virginia have ASD of which 437 reside in Virginia Beach. These children have access to needed school-based educational services and supports. However, children with ASD and their families have little/no access to non-school-based specialized mental health services and supports. For this reason, the Children's Council is requesting an ASD initiative to develop the workforce. This recommendation is to provide a foundation for across-the-board expertise and training in Community Services Board (CSB)/Behavioral Health Authority (BHA) for ASD. The Virginia Association of Community Services Boards (VACSB) Child and Family Services Council estimate that requests to CSB/BHAs now for these services exceed 1450 families. Specifically, the ASD Initiative will include:

- A onetime cost of \$15,000 per CSB/BHA (\$600,000 statewide in total) for designated staff to receive training to become certified ASD specialists to assist in the assessment, treatment planning, and coordination of services for children with ASD and their families.

Request:

Support the request for an ASD initiative to specifically include \$15,000 per CSB/BHA (\$600,000 statewide in state general fund dollars) for designated staff to receive training to become certified ASD specialists to assist in the assessment, treatment planning, and coordination of services for children with ASD and their families.

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6. RESPONDING TO HEALTH REFORM AND INTEGRATED CARE DEMANDS

*Robert R. Morin
Department of Human Services*

Background Information:

While all priorities have goals of both serving the existing need and developing capacity for need for effective service delivery through health care expansion of Medicaid and insurance coverage, this priority reflection promotes regional projects that integrate and coordinate mental health, substance use disorders, and primary care medical services for individuals with severe behavioral health conditions. This Comprehensive Systems of Care regional approach will enable us to more effectively meet the demands when Health Care Reform mandates begin in 2014.

Request:

Support projects that integrate and coordinate medical and behavioral health services through regional projects such as the Health Planning Region V (HPRV)/Eastern Virginia Medical School (EVMS) pilot or the Federally Qualified Health Center/Community Services Board integration project.

City of Virginia Beach Requested Code Changes

7. SPECIALIZED SERVICES AND REGIONAL INITIATIVES AND EMERGENCY SERVICES

Robert R. Morin
Department of Human Services

a. *Inpatient Diversion*

Background Information:

Decreasing the number of State facility beds currently being used requires the utilization of a variety of diversion strategies including purchase of services through increased and very flexible local inpatient purchase of service (LIPOS), immediate access to psychiatry, telepsychiatry, and medication, tiering rates for higher levels of private hospital services, including additional payments for temporary detention orders (TDO), and longer lengths of stay in private hospitals. Building capacity in these areas is critical in order to reduce reliance on state facilities.

Request:

Support the statewide spending of \$3.15 million in state general funds to continue building community capacity to help offset the downsizing of state facility beds by expanding existing private facility contracts. Such capacity would be available for all CSBs in the region to access.

b. *Specialized Regional Geri-psychiatric Capacity*

Background Information:

As of July 15, 2011, the largest facility in the region serving geriatric adults in an inpatient setting closed their gero-psychiatric unit. Providing appropriate crisis services at the time of crisis in order to augment the effective use of the acute care resources in the least restrictive treatment environment, expanding alternatives for post-acute care with the crisis service assisting in the return, and settling-in the home or long term care facility are among the outcomes of this priority: a Geriatric Psychiatry System of Care is proposed in each Region with an average cost of \$2 million per region (total annual cost of \$10 million).

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This funding would facilitate the CSBs:

- To implement crisis care alternatives that can serve as adjuncts to a CSB emergency services evaluation during crisis as well as adjunct supports to discharge planning after acute care.
- To implement alternatives that can serve as adjuncts to discharge planning after acute care.
- To provide access to the system of care services that supports a “No-Wrong-Door” program to reduce service fragmentation.
- To identify and promote strategies that prevents or eliminates disparities in health care for older adults.
- To prevent behavioral escalation that is likely to lead to more expansive involuntary detention and or ongoing crisis.
- To assure that crisis alternatives are best supported through a sufficient number of qualified staff trained in the needs of older adults.

Request:

Support request to build a system of care for geriatric adults in need of psychiatric/mental health services to meet increasing demands of this population with dementia and other psychiatric disorders. The request for Health Planning Region V Community Services Boards is \$2 million.

City of Virginia Beach Requested Code Changes

8. ILLEGAL USE OF LASER POINTERS OR LIGHTS

*James K. Spore
City Manager*

At the request of Naval Air Station Oceana

Background Information:

Currently there is a prohibition in the Virginia Code and City Code against pointing lasers at police officers. Oceana Naval Air Station's pilots have experienced several instances of persons shining lights into airplane cockpits. This is a very dangerous activity because this distracts the pilots when they are close to landing in Oceana Naval Air Station and also can cause permanent damage to vision.

Request:

The request is to amend section § [18.2-57.01](#) of the Code of Virginia to make it illegal to point a laser at aircraft and to allow local law enforcement officers to issue citations for illegal use of lasers when they are pointed at aircraft. This would be a Class 1 misdemeanor.

See Appendix Item 8 ([page 32](#)) for text of the requested legislative change.

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9. SMALL BUSINESS FINANCING AUTHORITY

Warren Harris
Department of Economic Development

Background Information:

The City of Virginia Beach, along with a number of other localities, has been pursuing curbs on the Virginia Small Business Financing Authority (VSBFA) for several years. In the 2003 General Assembly amended the definition of “eligible business” in the Virginia Small Business Financing Act, Va. Code Sec. [2.2-2279](#), et seq. (the “Act”), to allow the VSBFA to issue bonds not only for small for profit businesses, but also for 501(c)(3) non-profit organizations of any size. Prior to this time, large non-profits had to work with their municipal Industrial Development Authority (IDA) or Economic Development Authority (EDA) and local City Council in order to have the IDA or EDA issue the bonds after a local public hearing and City Council approval.

This represented a major expansion of the VSBFA’s jurisdiction, as while previously “eligible businesses” were limited to for-profit entities meeting various gross income, employment, or net worth limits (which essentially defined a “small business”). The situation was exacerbated in January, 2008, when the VSBFA, which already charged a lower fee rate of 1/10 of 1%, capped its administrative fees (currently at \$125,000) per year for non-profits of any size. This makes it even more lucrative for large non-profits to issue bonds through the VSBFA versus through a local EDA, while both the state and local governments lose valuable revenue through this competition for administrative fees. As larger 501 (c)(3) organizations continue to turn to the VSBFA instead of their local EDA for their bonds, there will be significant adverse financial consequences for localities caused by competition from an agency of the Commonwealth.

Large non-profits do not pay local taxes. Yet, as these large non-profits continue to grow, the localities must continue to provide services to them and increase these services in a like manner as the non-profit grows. Most of the time, the only direct revenues that accrue to localities from these developments are the bond administrative fees. Local and state government should not be in competition with one another for issuing tax free bonds.

Request:

The General Assembly is requested to limit the power of the Virginia Small Business Financing Authority along the lines of the legislation in 2011 sponsored by Senator Norment in Senate Bill 1349. Negotiations between the EDAs and the VSBFA are ongoing;

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however, there are sticking points such as the split on annual bond issuance fees and where public hearings are held.

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10. SUSTAINABLE TRANSPORTATION FUNDING

James K. Spore
City Manager

Background Information:

Transportation funding is required for two purposes:

- Maintenance of our existing infrastructure investment and;
- Construction of new roadway projects to meet existing and future mobility needs.

Virginia is not close to meeting either need and the trend is negative in both categories.

Since 1986, vehicle miles traveled has increased by approximately 40%. Population has grown approximately by 30%; however, lane miles of roadway have only increased by approximately 10%. To make matters worse, the purchasing power of the Virginia gas tax of 17.5 cents per gallon in 1987 is now equivalent to a tax of only eight cents per gallon in 2011. Obviously, that purchasing power will continue to decline over time. Virginia has a much lower state gas tax than its surrounding competitor states such as Maryland (23.5 cents), North Carolina (35.3 cents), West Virginia (32.2 cents), and Kentucky (27.8 cents). As of July 1, 2011, the national average for federal and state gas tax per gallon was 48.9 cents. With the exception of Northern Virginia, Virginia's total tax of 38.4 cents is currently 12.5 cents per gallon below the national average.

System Maintenance:

The cost of roadway maintenance continues to grow by approximately \$50 million a year. This is a function of new roadways being added to the system, secondary road maintenance, and increasing maintenance costs for segments of the interstate system, which are now aging. Since 2002, funds for maintenance have had to be transferred from the Commonwealth Transportation Fund, which was envisioned in 1986 as purely for new roadway construction. In fact, in 2011, over \$550 million will be transferred from the construction fund to the maintenance fund. As mentioned previously, that figure increases approximately \$50 million a year.

The consequences of this diversion of construction funds to meet maintenance needs means that in Virginia Beach, where only a few years ago, the City received over \$32 million a year in urban street funding, we now receive zero funds for urban street construction. The same is true for secondary construction in the counties. Money that was

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available to the City for constructing roads such as Princess Anne, Laskin Road, First Colonial, Kempsville Road, Centerville Turnpike, etc.

Because of the diminishing value of the gas tax due to more efficient automobiles and the growth in construction costs, there is not one measure that will be the “silver-bullet” for funding. However, the City Council believes that a sustainable long-term source of revenue for transportation should be pursued immediately. The Council leaves it up to the General Assembly as to what source(s) would best be utilized. However, the lack of a sustainable long-term transportation funding stream will leave Virginia lagging woefully behind its regional and international competitors. It will also cause a decrease in the quality of life to our residents through the cost of congestion, degraded air quality, and the reduced desirability of the Commonwealth for future economic growth.

New Roadway Construction:

The Hampton Roads Transportation Planning Organization (HRTPO) has identified \$30 billion in regional construction needs over the next twenty years. However, only \$13.6 billion in traditional federal and state funding are envisioned to be available. Maintenance requirements are projected at \$12.35 billion over that timeframe, and, therefore, would leave only \$1.25 billion left for construction of regional capacity improvement projects. To put that in perspective, the needed improvements to I-264 in Virginia Beach are projected at \$2.5 billion. Improvements to I-64 in Chesapeake are at \$2 billion and improvements to I-64 on the Peninsula are \$2 billion or more. Although tolls can certainly be used for funding for part of the program needs, there are serious downsides to depending exclusively on tolling.

Although we are very grateful to the Governor and the General Assembly for the approximately \$3 billion in new roadway construction funding, \$1.8 billion of those funds are bonds that will be serviced by future federal transportation appropriations. The diversion of funding to preserve the existing public investment can be halted by providing an additional \$500 million per year for partially meeting construction needs.

Request:

The General Assembly is requested to create a long-term sustainable source of additional revenue for transportation of at least \$500 million per year. This should be indexed for inflation and could use innovative forms of raising revenue. This could include tolls, vehicle miles traveled fees, gas taxes, etc.

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Furthermore, the General Assembly is requested to create additional language that would assure the public that any additional funds raised for transportation system maintenance or new construction actual are applied for those purposes. The City supports the condition that a “lockbox” be established to separate any new revenue from the general fund. This language is similar to § 58.1-662 dealing with communications sales and use tax revenue which would address this concern.

See Appendix Item 10 ([page 33](#)) for text of the requested legislative change.

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11. DISCLOSURE LIMITATION FOR UNPAID INVOICES

Patricia Phillips
Department of Finance

Background Information:

The purpose of the Virginia Freedom of Information Act (“FOIA”) is to provide citizen access to public records and meetings. “All public records and meetings shall be presumed open, unless an exemption is properly invoked.”¹ In addition to the mandates of FOIA, the Virginia Public Procurement Act (“VPPA”) provides, subject to certain exceptions, “all proceedings, records, contracts and other public records related to procurement transactions shall be open to the inspection of any citizen, or any interested person, firm or corporation...”²

In tension with the disclosure requirements of FOIA and the VPPA is the prohibition on the release of specific records by Virginia Code § 58.1-3131. This statute requires the City Treasurer to maintain a record of warrants drawn upon him by the City.³ The “warrant” described by this statute is a City-issued check. With regard to the release of information contained on the list of warrants, § 58.1-3131 provides:

No information contained in the list of warrants shall be released for any purpose except (i) that the local governing body may publish aggregated information relating to warrants paid, as classified by expenditure item, recipient, date, or disbursement, or (ii) as a means of establishing the status of a claim previously reported as having been paid when a person legally entitled to the funds presents evidence that a previously submitted claim has not been paid. In no case, however, shall the governing body of any county, city, or town publish any information that is prohibited from release under federal or state law, including but not limited to confidential records held pursuant to § 58.1-3.

The staff of the Finance Department receives requests for this information from outside entities in order that the outside entities can directly contact the City’s vendors for the purpose of gaining “finder’s fees” by informing the vendor of available cash. The Finance Department currently contacts all vendors of uncashed checks and will either reissue a

¹ Va. Code § 2.2-3700(B).

² Va. Code § 2.2-4342(A).

³ A municipal warrant is “an order to draw money from the municipality’s treasury for the payment of the municipality’s expenses or debts.” BLACK’S LAW DICTIONARY 1617 (8th ed. 2004).

City of Virginia Beach Requested Code Changes

check or escheat the check to the State. It is unfair that taxpayer resources should be used to develop programs and provide information for the benefit of outside entities.

Request:

The City requests the General Assembly amend Virginia Code § [58.1-3131](#) to specifically provide that “unpaid invoices” are included in the list of warrants. For purposes of this request, “unpaid invoices” means invoices that have been presented to a locality for payment and the payment has not been effective either because of a failure of electronic payment or a check was mailed but not cashed. Once paid, the invoices would be subject to the various requirements of FOIA and the VPPA.

See Appendix Item 11 ([page 34](#)) for text of the requested legislative change.

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12. WIRELESS E-911 FUND DISTRIBUTION FORMULA CHANGES

Athena Plummer

Department of Emergency Communications & Citizen Services

Background Information:

The average annual revenue received by the Commonwealth from the wireless E-911 surcharge is \$54,000,000. Approximately \$25-28,000,000 is distributed to Public Safety Answering Points (PSAPs) and carriers under a 60/30/10 formula. From fiscal year 2008 through fiscal year 2011, Virginia Beach has received an average of \$1,837,025 as their share of the wireless surcharge. This offsets the Virginia Beach general fund for E-911 personnel and operations.

On September 8, 2011, the Wireless E-911 board (15 members) voted to change the distribution formula effective fiscal year 2013. As a result of this change, Virginia Beach will receive 27% less of the wireless surcharge over a 3 year period (70% of the 911 calls received are wireless) resulting in a loss of over \$1,000,000. The Hampton Roads region will receive 30% less of the wireless surcharge overall. If the distribution formula remains as recently approved, there will be a negative impact on our ability to hire and retain qualified VB911 employees, and will lessen our opportunities to maintain, repair and upgrade the equipment and applications required for public safety emergency communications and Next Generation 911.

Request:

The General Assembly is requested to change or modify § [56-484.17\(C\)](#) to read that the funding distribution can only be changed by legislative approval, and not by a vote of the E-911 board. This will allow distribution of the wireless surcharge based on the geographic locations from which the fees are collected and the wireless emergency calls are received.

See Appendix Item 12 ([page 36](#)) for a chart that displays the Proposed Public Safety Answering Point (PSAP) Funding Formula Impact Analysis.

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13. LINE OF DUTY: DEATH, HEALTH, AND DISABILITY BENEFITS

*Patricia Phillips
Department of Finance*

Background Information:

The Line of Duty Act (LODA) provides benefits to state employees and local sworn government employees, including volunteers. The 2010 Appropriations Act required localities to provide the benefit which was previously funded by the State. The LODA Fund is administered by the Virginia Retirement System (VRS) and provides a funding mechanism for payment of LODA benefits. The state and localities participate automatically in the LODA Fund. However, localities may opt out of participation in the LODA Fund by June 30, 2012.

If the City of Virginia Beach does not opt out, it will cost the City \$620,502 in FY-13. If the City opts out, then the costs are fully payable by the City, which would be close to \$1,000,000. Before the 2010 Appropriation Act was passed, the City did not pay for any of these costs.

Request:

The 2010 Appropriations Act is essentially an unfunded mandate. We request the General Assembly to pass legislation that would reinstate full funding for LODA benefits at the state level.

City of Virginia Beach

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14. TAXATION OF INTERNET SALES

Catheryn Whitesell
Department of Management Services

Background Information:

The state of Virginia has one of the lowest sales tax rates – at 5% – in the country. All sales, whether in bricks and mortar stores or items purchased over the internet, are subject to this 5% tax. The specific term is “sales tax” when an item is purchased from a bricks and mortar store and “use tax” when an item is purchased over the internet. Virginia income tax forms require that individuals who purchase items over the internet reimburse the state for sales tax that they do not pay on those items. In 1992, the U.S. Supreme Court ruled that retailers are exempt from collecting sales tax in states where they have no physical presence, such as a store, office, or warehouse. Virginia has not adopted an amendment to the Code of Virginia requiring such tax collection even when there is a “nexus” or physical presence in the state.

Most of the large chains of bricks and mortar stores have publicly come out in support of the states collecting sales and use tax on internet purchases. This is because the internet companies operate at a 4% to 9% greater price advantage over local stores based on the sales tax in different states. The lack of taxing internet sales also undermines state and local governments by reducing tax revenues for general fund activities such as schools, police, and other services. This is a growing trend because of the explosion of business being conducted over the internet.

A number of states have amended their state code to extend the definition of nexus to cover some web only retailers such as Amazon.com. One school of thought is that because of the large amount of internet servers in Northern Virginia, through which much of the internet traffic for the country is handled, then that constitutes a nexus. Also, recently, California adopted a change to its laws allowing internet sales to be taxed. Amazon.com was pursuing an initiative to overrule that California law, but has recently settled with the state of California and has agreed to pay sales tax in California, which amounts to approximately 12% of their total market base starting in 2012.

Although the exact amount of sales tax to be collected is unknown, it is expected to be \$200 to \$300 million per year by the Government Financial Officers Association (GFOA), for the general fund of the Commonwealth. The General Assembly could also dedicate this new revenue to transportation.

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Request:

The General Assembly is requested to amend the Code of Virginia to allow sales tax to be required to be paid by internet retailers. As mentioned above, this is not a new tax, but is purely a better way of collecting the use tax that is not self reported by Virginia tax payers as they are legally bound to do. This will level the playing field between bricks and mortar businesses, many of which are local small businesses, and the internet businesses. It will also provide much needed revenue to the Commonwealth.

City of Virginia Beach Requested Code Changes

15. JOB-RELATED INJURY: CONTINUATION OF LAW ENFORCEMENT OFFICER (LEO) BENEFITS

Patricia Phillips
Department of Finance

Background Information:

Public safety employees lose the ability to retain the LEO supplement if they are disabled due to a job-related injury and have less than 20 years of service and move to a non-sworn, non LEO position. Public safety employees are some of the most frequently injured, often seriously and incur injuries that may limit their ability to continue working in a sworn position. Despite these injuries, these employees often are able to have significant productive work capacity and a potential to work in non-sworn positions.

Presently employees are entitled to disability retirement when an injury renders them unable to perform the essential functions of their specific job. In some cases; however, the employee is capable of performing other work and the locality may have alternate positions available for the employee within the parameters of the employee's medical restrictions. However, if an employee cannot medically continue to perform in a LEO covered position accepted an alternate position, he/she would lose the LEO supplement which can be a determining factor in whether the employee accepts an alternate non-sworn position.

Providing an extension of LEO benefits if an employee accepts an alternate non-LEO position within the organization with comparable pay would provide an incentive for employees to remain employed with the local government, and would potentially reduce disability retirements thereby decreasing the expense for the VRS system and the employer. Likewise, it would provide continuous employment and benefits for the employee.

Request:

The General Assembly is requested to amend Virginia Code § [51.1-138](#) Benefits as follows:

In the case of employees who are hired to positions covered under Virginia Code § [51.1-138](#) and which are considered LEO covered positions as defined by VRS: if the local government chooses to find an alternate position within its organization or affiliated organization and one is available within the employee's medical restrictions, that would not result in a diminution of salary or benefits, then any person disabled in any covered

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public safety position who (1) completed five (5) years in the LEO covered position and (2) who takes municipal employment in a non-LEO covered, non-sworn position with the same local government shall retain the rights to the annual allowance in Virginia Code [51.1-206](#), if the employer elected to provide said benefits, when they qualify for a service retirement. In addition, if said member retires with a service retirement at 25 years or more the service retirements will be unreduced.

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16. HAMPTON ROADS PARTNERSHIP PRIORITY ITEMS

City Council
City of Virginia Beach

The Council of the City of Virginia Beach supports and endorses the Hampton Roads Partnership's Priority's Items as follows:

- Capitalizing the Intercity Passenger Rail Operating and Capital Fund
 - The request is that a revenue stream be utilized to allow Virginia to meet its requirements as of October 2013 to fund 100% of the operating cost and 25% of the capital equipment costs for existing Amtrak service of 750 miles or less, and all new high-speed rail service.
- Creating the Virginia Federal Facilities and Defense Industry Caucus
 - This would be a caucus of General Assembly members who have military and defense industries, whether private or public, within their jurisdictions. The objectives would be:
 - To build a venue for members to discuss issues that impact the legislative districts in hosting federal installations.
 - To improve awareness regarding these issues and to strategize appropriate measures for addressing issues that may impact the Commonwealth's federal and defense industry.
 - To build coalition support to increase efforts for the United States defense industry.
 - To promote the creation of sufficient and necessary funding of activities to protect and expand Virginia's national defense capabilities.

City of Virginia Beach Requested Code Changes

17. MORATORIUM ON URANIUM MINING

*Thomas M. Leahy, III
Department of Public Utilities*

Background Information:

Virginia has had a moratorium on uranium mining since the 1980s. A large deposit of mineable ore has been found in Pittsylvania County. This deposit is upstream, through a series of tributaries, from the source of the Lake Gaston water supply. City Council has previously gone on record as being opposed to the lifting of the moratorium on uranium mining until it can be shown to be no threat to the City's water resource. The developer of the proposed uranium mine has commissioned, through the state, a study by the National Academy of Sciences. The results of that study examining the risks that uranium mining might have as well as the benefits to the Commonwealth are now not expected to be released until late November. The City has funded a study of the risks and is in the process of completing a supplemental study based on the initial study results. That study will not be finished until mid-December. The City believes it is unwise to pursue even the regulation promulgation for uranium mining until the previously mentioned studies, and other related studies, have been reviewed by all those who might be impacted by uranium mining.

Request:

The General Assembly of Virginia is requested to maintain the moratorium on uranium mining, or the consideration of such, until at least the 2013 General Assembly session. Furthermore, the General Assembly is requested to not have the regulation promulgation process for uranium mining started until 2013, at the earliest. The Council believes it is not appropriate to have the regulation process begun by the Department of Mines, Minerals and Energy (DMME) until the studies that are yet to be completed have been reviewed by all localities and others that may be impacted by uranium mining.

City of Virginia Beach Requested Code Changes

18. AUDIT RECORDS OF ONGOING INVESTIGATIONS AND CONFIDENTIAL SOURCES

*Lyndon S. Remias
City Auditor*

Background Information:

The Freedom of Information Act requires the release of public records, except those records that the General Assembly has excluded from the Act's mandatory disclosure provisions. One such exclusion applies to investigative notes, correspondence and information furnished in confidence with respect to audit investigations by state or local auditors. The exclusion requires that pertinent information about completed investigations be released "in a form that does not reveal the identity of the complainants or persons supplying information to investigators." Accordingly, when the City receives a request for documents pursuant to the Freedom of Information Act, the City is authorized to withhold certain documents about ongoing investigations, and the City can protect the identity of confidential informants (even if the investigation has been completed).

The Freedom of Information Act, however, is not the only state law that provides public access to records. The Government Data Collection and Dissemination Practices Act generally entitles a person to see almost any records or information about himself. The purpose of the Act is to allow citizens to see information that the government has about them and to enable them to compel the government to correct erroneous information about an individual. The wording of the Government Data Act is so broad, however, that an employee who is the subject of an ongoing fraud, waste and abuse audit investigation into the employee's alleged misconduct can use the Act to demand copies of any and all documents regarding the ongoing investigation—even information about other citizens or employees who have confidentially provided auditors with information in the course of the investigation.

The Government Data Act contains an exclusion for records of the State Internal Auditor or internal audit departments of *state* agencies or institutions that deal with communications and investigations relating to the State Employee Fraud, Waste and Abuse Hotline, but, unlike the Freedom of Information Act, the Government Data Act contains no similar exclusion for records of *local* auditors.

City of Virginia Beach Requested Code Changes

Request:

The City requests that the General Assembly amend section § [2.2-3802\(12\)](#) of the Code of Virginia to include an exclusion for both state *and* local auditor records that concern fraud, waste and abuse investigations.

See Appendix Item 18 ([page 35](#)) for text of the requested legislative change.

City of Virginia Beach Funding Items

1. CONTINUED FUNDING FOR BRAC EFFORT

*James K. Spore
City Manager*

Background Information:

Since January, 2007, the City of Virginia Beach and the Commonwealth of Virginia have been partnering to address the concerns that were raised by the Base Realignment and Closure (BRAC) Commission in 2005. This partnership has involved the cost sharing of \$15 million annually to purchase properties in the APZ-1 and Clear Zone areas around Naval Air Station (NAS) Oceana and in the Interfacility Traffic Area (ITA) between Oceana and the Naval Auxiliary Landing Field Fentress. The City has established a policy of spending \$7.5 million per year to comply with the BRAC Order, with the expectation that the Commonwealth will provide matching funds for expenses associated with the acquisition of land in the APZ-1 and Clear Zone areas around Oceana and in the ITA.

The City will keep its commitment to the military by to continuing its policy of spending \$7.5 million each year to protect NAS Oceana and requests that the General Assembly provide a matching amount for FY 2011-13.

Request:

Request that the General Assembly provide \$7.5 million in annual funding through the Military Strategic Response Fund in FY 2012-13 to the City of Virginia Beach to meet the requirements of the BRAC Compliance Plan. Providing these funds will reinforce our joint commitment and reinforce our message to the U.S. Navy that the Commonwealth and City of Virginia Beach are dedicated to preserving Naval Air Station Oceana.

This positive message and the results we have achieved through the Commonwealth/City partnership will benefit not only the preservation of NAS Oceana but send a clear signal to the military about Virginia's support of all bases throughout the state.

**APPENDIX: DRAFTS OF PROPOSED LEGISLATION – KEYED TO
REQUESTED CODE CHANGE**

LEGISLATIVE ITEM 4

**AUTHORITY GRANTING THE CITY OF VIRGINIA BEACH CONCURRENT
JURISDICTION WITH THE COMMONWEALTH IN IDENTIFIED WATERS OFF THE
CITY SHORES**

*Chief James A. Cervera
Department of Police*

§ **29.1-747** Concurrent jurisdiction; limitations.

For the purpose of local public safety regulation authority and enforcement, the territorial limits of the City of Virginia Beach shall extend from its coastal shore lines, the coastal shore lines of Camp Pendleton, the coastal shorelines of First Landing State Park and the coastal shorelines of False Cape State Park in a perpendicular direction for 3 miles into the Atlantic Ocean and Chesapeake Bay waters. This territorial jurisdiction shall be concurrent with the jurisdiction of the Commonwealth. No ordinance enacted under this authority shall conflict with the laws or regulations promulgated by the Commonwealth or any of its agencies.

LEGISLATIVE ITEM 8
ILLEGAL USE OF LASER POINTERS OR LIGHTS

James K. Spore
City Manager

At the request of Naval Air Station Oceana

§ **18.2-57.01** Pointing laser at law-enforcement officer unlawful; pointing laser at aircraft: penalty.

- A. If any person, knowing or having reason to know another person is a law-enforcement officer as defined in § [18.2-57](#), a probation or parole officer appointed pursuant to § [53.1-143](#), a correctional officer as defined in § [53.1-1](#), or a person employed by the Department of Corrections directly involved in the care, treatment or supervision of inmates in the custody of the Department engaged in the performance of his public duties as such, intentionally projects at such other person a beam or a point of light from a laser, a laser gun sight, or any device that simulates a laser, shall be guilty of a Class 2 misdemeanor.
- B. If any person intentionally projects a beam or point of light from a laser, a laser gun sight, or any device that simulates a laser at an aircraft or any device that results in the illumination of the aircraft, whether in motion or in flight, shall be guilty of a Class 1 misdemeanor. As used in this section, "aircraft" means any contrivance intended for and capable of transporting persons through the airspace. This section does not apply to operations or conduct authorized by the United States Armed Forces, the Federal Aviation Administration or other governmental agencies.

LEGISLATIVE ITEM 10
SUSTAINABLE TRANSPORTATION FUNDING

James K. Spore
City Manager

Example language for lockbox legislation related to sustainable transportation funding.

§ 58.1-662. Disposition of communications sales and use tax revenue; Communications Sales and Use Tax Trust Fund; localities' share.

There is hereby created in the Department of the Treasury a special nonreverting fund which shall be known as the Communications Sales and Use Tax Trust Fund (the Fund). The Fund shall be established on the books of the Comptroller and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund.

LEGISLATIVE ITEM 11
DISCLOSURE LIMITATION FOR UNPAID INVOICES

Patricia Phillips
Department of Finance

§ **58.1-3131**. Warrant book; release of information.

The treasurer shall provide and keep a well-bound book, in which he shall make an entry of all warrants legally drawn upon him by the governing body and presented for payment, stating correctly the amount, number, in whose favor drawn and the date such warrant was issued. All such warrants shall be paid, in the order presented, out of the fund drawn upon.

No information contained in the list of warrants, including invoices that have been presented to a locality for payment, the locality has attempted to pay, and the payment has not been effective because of failure of electronic payment or a check was mailed and but not cashed, shall be released for any purpose except (i) that the local governing body may publish aggregated information relating to warrants paid, as classified by expenditure item, recipient, date, or disbursement, or (ii) as a means of establishing the status of a claim previously reported as having been paid when a person legally entitled to the funds presents evidence that a previously submitted claim has not been paid. In no case, however, shall the governing body of any county, city, or town publish any information that is prohibited from release under federal or state law, including but not limited to confidential records held pursuant to § **58.1-3**.

LEGISLATIVE ITEM 18

AUDIT RECORDS OF ONGOING INVESTIGATIONS AND CONFIDENTIAL SOURCES

Lyndon S. Remias
City Auditor

§ 2.2-3802. Systems to which chapter inapplicable.

The provisions of this chapter shall not apply to personal information systems:

....

12. Maintained by the Department of the State Internal Auditor or internal audit departments of state agencies or institutions or auditors appointed by the local governing body of any county, city or town or a school board that deal with communications and investigations relating to the State Employee Fraud, Waste and Abuse Hotline or local investigations required by subsection B of § 15.2-2511.2; and

Proposed PSAP Funding Formula Impact Analysis

PSAP	FY2010 Data						FY2010 Percentage	3-year Average Percentage	Adjusted 3-yr Average Percentage	Actual FY2011 Disbursement	Disbursement Using Adjusted 3-yr	Disbursement Using Proposed Formula	% Change from Actual to 3-yr Average	% Change from Actual to Proposed Formula
	911 Calls	Wireless 911 Calls	Personnel Cost	(Wireless / 911) * Personnel	Proposed Formula Percentage	FY2011 Percentage								
Alexandria Police Communications	90,361	66,573	\$ 2,674,503.35	\$ 1,970,426.53	2.25%	2.11%	2.43%	2.26%	2.26%	\$ 581,296.02	\$ 597,908.20	\$ 582,968.45	2.86%	0.29%
Alleghany County	9,700	6,401	\$ 243,940.00	\$ 160,975.25	0.18%	0.14%	0.13%	0.15%	0.15%	\$ 38,866.81	\$ 39,840.54	\$ 47,625.98	2.51%	22.54%
Amelia County	4,444	2,221	\$ 142,118.00	\$ 71,027.02	0.08%	0.12%	0.14%	0.11%	0.11%	\$ 39,401.15	\$ 40,000.00	\$ 40,000.00	1.52%	1.52%
Amherst County Emergency Communications	20,202	13,211	\$ 549,667.00	\$ 359,452.07	0.41%	0.26%	0.24%	0.30%	0.30%	\$ 67,423.03	\$ 79,903.74	\$ 106,347.13	18.51%	57.73%
Appomattox County	9,091	5,141	\$ 392,844.00	\$ 222,154.99	0.25%	0.19%	0.18%	0.21%	0.21%	\$ 49,407.30	\$ 54,988.86	\$ 65,726.56	11.30%	33.03%
Arlington County PSCC	113,008	65,082	\$ 5,446,707.00	\$ 3,136,791.95	3.58%	2.50%	4.22%	3.43%	3.44%	\$ 779,521.14	\$ 908,157.56	\$ 928,048.17	16.50%	19.05%
Augusta County	31,287	21,992	\$ 1,064,857.05	\$ 748,500.54	0.85%	0.51%	0.52%	0.62%	0.63%	\$ 134,804.60	\$ 165,251.17	\$ 221,450.63	22.59%	64.28%
Bath County	3,097	1,530	\$ 118,837.00	\$ 58,708.62	0.07%	0.13%	0.14%	0.11%	0.11%	\$ 39,428.51	\$ 40,000.00	\$ 40,000.00	1.45%	1.45%
Bedford Communications Center	28,114	17,620	\$ 1,050,725.84	\$ 658,525.62	0.75%	0.37%	0.34%	0.49%	0.49%	\$ 97,178.19	\$ 129,283.87	\$ 194,830.74	33.04%	100.49%
Blacksburg Police Communications	10,673	7,836	\$ 567,995.00	\$ 417,015.72	0.48%	0.26%	0.25%	0.33%	0.33%	\$ 68,411.84	\$ 86,634.09	\$ 123,377.86	26.64%	80.35%
Bland County	8,492	2,598	\$ 161,038.00	\$ 49,267.16	0.06%	0.13%	0.16%	0.11%	0.11%	\$ 40,596.33	\$ 40,000.00	\$ 40,000.00	-1.47%	-1.47%
Botetourt County GIS-Communications	14,590	9,885	\$ 433,524.00	\$ 293,720.68	0.33%	0.19%	0.22%	0.25%	0.25%	\$ 52,880.50	\$ 65,625.49	\$ 86,899.91	24.10%	64.33%
Bristol 9-1-1 Communications	17,177	11,071	\$ 667,834.62	\$ 430,435.88	0.49%	0.29%	0.27%	0.35%	0.35%	\$ 76,083.29	\$ 92,929.61	\$ 127,348.33	22.14%	67.38%
Brunswick County	11,165	5,184	\$ 211,299.18	\$ 98,107.92	0.11%	0.29%	0.32%	0.24%	0.24%	\$ 78,792.50	\$ 63,835.80	\$ 40,000.00	-18.98%	-49.23%
Buchanan County	10,200	2,050	\$ 215,786.00	\$ 43,368.75	0.05%	0.12%	0.13%	0.10%	0.10%	\$ 38,427.06	\$ 40,000.00	\$ 40,000.00	4.09%	4.09%
Buckingham County	7,711	3,398	\$ 159,685.29	\$ 70,368.38	0.08%	0.13%	0.17%	0.13%	0.13%	\$ 41,298.85	\$ 40,000.00	\$ 40,000.00	-3.14%	-3.14%
Campbell County	29,431	16,157	\$ 749,226.00	\$ 411,309.32	0.47%	1.08%	1.08%	0.88%	0.88%	\$ 286,442.80	\$ 231,881.04	\$ 121,689.57	-19.05%	-57.52%
Caroline County	18,807	13,294	\$ 657,343.69	\$ 464,652.90	0.53%	0.26%	0.32%	0.37%	0.37%	\$ 73,933.94	\$ 98,484.26	\$ 137,471.75	33.21%	85.94%
Charles City County	4,294	2,433	\$ 32,671.00	\$ 18,511.54	0.02%	0.13%	0.13%	0.09%	0.09%	\$ 38,382.97	\$ 40,000.00	\$ 40,000.00	4.21%	4.21%
Charlotte County	6,119	724	\$ 104,209.89	\$ 12,330.11	0.01%	0.14%	0.14%	0.10%	0.10%	\$ 39,463.29	\$ 40,000.00	\$ 40,000.00	1.36%	1.36%
Charlottesville, UVA, Albemarle County ECC	90,385	60,947	\$ 2,515,978.00	\$ 1,696,534.95	1.93%	1.76%	2.04%	1.91%	1.91%	\$ 485,024.68	\$ 505,026.03	\$ 501,935.16	4.12%	3.49%
Chesapeake Police Communications	190,942	134,211	\$ 3,323,247.00	\$ 2,335,873.21	2.66%	4.82%	5.16%	4.22%	4.22%	\$ 1,302,655.57	\$ 1,114,698.74	\$ 691,089.14	-14.43%	-46.95%
Chesterfield County ECC	146,558	103,374	\$ 4,613,124.88	\$ 3,253,846.06	3.71%	3.31%	3.39%	3.47%	3.47%	\$ 883,135.13	\$ 917,329.85	\$ 962,679.69	3.87%	9.01%
Chincoteague Emergency Communications	2,190	1,294	\$ 232,085.00	\$ 137,131.50	0.16%	0.12%	0.13%	0.14%	0.14%	\$ 38,513.99	\$ 40,000.00	\$ 40,571.59	3.86%	5.34%
Christiansburg Police Communications	9,417	5,124	\$ 507,026.25	\$ 275,884.31	0.31%	0.14%	0.15%	0.20%	0.20%	\$ 39,743.24	\$ 52,745.49	\$ 81,622.86	32.72%	105.38%
Clarke County 9-1-1	6,210	3,544	\$ 278,801.00	\$ 159,109.62	0.18%	0.14%	0.14%	0.15%	0.15%	\$ 39,126.99	\$ 40,188.31	\$ 47,074.02	2.71%	20.31%
Colonial Heights 9-1-1 Communications	14,714	9,163	\$ 1,087,181.00	\$ 677,031.36	0.77%	0.30%	0.30%	0.46%	0.46%	\$ 80,128.92	\$ 120,926.04	\$ 200,305.83	50.91%	149.98%
Covington 9-1-1 Communications	2,616	1,214	\$ 446,874.00	\$ 207,379.60	0.24%	0.13%	0.17%	0.18%	0.18%	\$ 41,060.62	\$ 47,261.25	\$ 61,355.12	15.10%	49.43%
Craig County	1,010	640	\$ 28,794.96	\$ 18,246.31	0.02%	0.12%	0.13%	0.09%	0.09%	\$ 38,594.20	\$ 40,000.00	\$ 40,000.00	3.64%	3.64%
Culpeper Joint 9-1-1 Center	24,495	16,017	\$ 819,138.00	\$ 535,624.96	0.61%	0.38%	0.33%	0.44%	0.44%	\$ 97,390.13	\$ 116,318.45	\$ 158,469.47	19.44%	62.72%
Cumberland County	5,500	3,150	\$ 185,498.00	\$ 106,239.76	0.12%	0.12%	0.18%	0.14%	0.14%	\$ 42,246.23	\$ 40,000.00	\$ 40,000.00	-5.32%	-5.32%
Danville Emergency Services	61,431	33,567	\$ 807,732.00	\$ 441,359.25	0.50%	0.45%	0.48%	0.48%	0.48%	\$ 122,059.82	\$ 126,354.05	\$ 130,580.11	3.52%	6.98%
Dickenson County	20,909	8,343	\$ 399,105.00	\$ 159,248.79	0.18%	0.24%	0.15%	0.19%	0.19%	\$ 57,392.56	\$ 50,199.94	\$ 47,115.19	-12.53%	-17.91%
Dinwiddie County	14,803	3,495	\$ 735,476.00	\$ 173,646.46	0.20%	0.13%	0.23%	0.19%	0.19%	\$ 45,191.04	\$ 49,296.50	\$ 51,374.87	9.08%	13.68%
Eastern Shore 9-1-1	33,517	21,642	\$ 485,199.00	\$ 313,294.05	0.36%	0.37%	0.42%	0.38%	0.38%	\$ 101,295.97	\$ 101,171.53	\$ 92,690.87	-0.12%	-8.50%
Emporia Police Communications	8,872	5,152	\$ 368,229.00	\$ 213,831.81	0.24%	0.25%	0.15%	0.21%	0.21%	\$ 58,783.61	\$ 56,225.46	\$ 63,264.07	-4.35%	7.62%
Essex County	6,351	2,073	\$ 169,761.00	\$ 55,410.89	0.06%	0.11%	0.12%	0.10%	0.10%	\$ 38,285.14	\$ 40,000.00	\$ 40,000.00	4.48%	4.48%
Fairfax County PSCC	455,522	319,802	\$ 19,681,336.00	\$ 13,817,402.05	15.75%	18.37%	16.23%	16.78%	16.81%	\$ 4,730,568.34	\$ 4,437,983.45	\$ 4,088,002.93	-6.18%	-13.58%
Farmville Police Communications	12,758	6,999	\$ 658,473.00	\$ 361,236.29	0.41%	0.25%	0.30%	0.32%	0.32%	\$ 70,389.46	\$ 85,245.75	\$ 106,875.01	21.11%	51.83%
Floyd County	16,889	8,851	\$ 104,860.68	\$ 54,954.22	0.06%	0.18%	0.36%	0.20%	0.20%	\$ 59,572.64	\$ 52,817.15	\$ 40,000.00	-11.34%	-32.86%
Fluvanna County	7,047	3,123	\$ 369,983.00	\$ 163,964.37	0.19%	0.24%	0.24%	0.22%	0.22%	\$ 63,808.40	\$ 58,732.00	\$ 48,510.34	-7.96%	-23.98%
Franklin City Police Communications	7,844	4,840	\$ 440,684.50	\$ 271,916.49	0.31%	0.22%	0.20%	0.24%	0.25%	\$ 57,591.24	\$ 64,726.21	\$ 80,448.95	12.39%	39.69%
Franklin County	21,869	14,199	\$ 529,943.80	\$ 344,079.38	0.39%	0.26%	0.21%	0.29%	0.29%	\$ 66,099.08	\$ 76,444.51	\$ 101,798.99	15.65%	54.01%
Frederick County PSCC	32,439	22,641	\$ 769,389.00	\$ 536,999.79	0.61%	0.23%	0.23%	0.36%	0.36%	\$ 61,989.57	\$ 95,167.43	\$ 158,876.23	53.52%	156.30%
Fredericksburg Police Communications	25,385	18,221	\$ 834,982.00	\$ 599,338.47	0.68%	0.44%	0.58%	0.57%	0.57%	\$ 127,035.60	\$ 150,609.54	\$ 177,319.69	18.56%	39.58%
Giles County	7,514	4,119	\$ 168,376.74	\$ 92,300.21	0.11%	0.11%	0.12%	0.11%	0.11%	\$ 38,208.27	\$ 40,000.00	\$ 40,000.00	4.69%	4.69%
Gloucester County	16,940	9,450	\$ 217,124.00	\$ 121,122.89	0.14%	0.15%	0.17%	0.15%	0.15%	\$ 41,434.86	\$ 39,814.48	\$ 40,000.00	-3.91%	-3.46%
Goochland County	11,897	8,356	\$ 39,808.00	\$ 27,959.62	0.03%	0.12%	0.14%	0.10%	0.10%	\$ 39,515.05	\$ 40,000.00	\$ 40,000.00	1.23%	1.23%
Greene County	5,914	3,298	\$ 37,600.66	\$ 20,968.38	0.02%	0.11%	0.12%	0.09%	0.09%	\$ 38,290.02	\$ 40,000.00	\$ 40,000.00	4.47%	4.47%
Greenville Sheriff's Communications	7,956	5,670	\$ 276,070.62	\$ 196,747.16	0.22%	0.13%	0.12%	0.16%	0.16%	\$ 38,208.27	\$ 41,817.14	\$ 58,209.42	9.45%	52.35%

PSAP	FY2010 Data						FY2010 Percentage	3-year Average Percentage	Adjusted 3-yr Average Percentage	Actual FY2011 Disbursement	Disbursement Using Adjusted 3-yr	Disbursement Using Proposed Formula	% Change from Actual to 3-yr Average	% Change from Actual to Proposed Formula
	911 Calls	Wireless 911 Calls	Personnel Cost	(Wireless / 911) * Personnel	Proposed Formula Percentage	FY2011 Percentage								
Halifax County	23,216	13,143	\$ 466,567.00	\$ 264,132.07	0.30%	0.22%	0.23%	0.25%	0.25%	\$ 58,663.17	\$ 66,257.06	\$ 78,145.85	12.94%	33.21%
Hampton Police Communications	106,731	76,740	\$ 2,745,236.00	\$ 1,973,835.26	2.25%	1.57%	1.63%	1.82%	1.82%	\$ 421,714.03	\$ 481,200.67	\$ 583,976.95	14.11%	38.48%
Hanover County ECC	45,513	29,528	\$ 2,856,246.00	\$ 1,853,080.04	2.11%	1.29%	1.00%	1.47%	1.47%	\$ 322,248.04	\$ 388,068.82	\$ 548,250.43	20.43%	70.13%
Harrisonburg - Rockingham ECC	48,245	33,467	\$ 1,769,790.06	\$ 1,227,682.95	1.40%	1.00%	0.93%	1.11%	1.11%	\$ 260,787.99	\$ 293,741.97	\$ 363,221.07	12.64%	39.28%
Henrico County	172,732	120,056	\$ 5,121,451.00	\$ 3,559,623.70	4.06%	4.28%	4.33%	4.22%	4.23%	\$ 1,138,381.68	\$ 1,116,454.52	\$ 1,053,146.76	-1.93%	-7.49%
Highland County	752	214	\$ 40,000	\$ 11,382.98	0.01%	0.13%	0.14%	0.09%	0.09%	\$ 39,348.27	\$ 40,000.00	\$ 40,000.00	1.66%	1.66%
Hopewell Police Communications	14,101	10,034	\$ 397,099.00	\$ 282,568.00	0.32%	0.19%	0.15%	0.22%	0.22%	\$ 48,022.68	\$ 58,752.00	\$ 83,600.29	22.34%	74.08%
Isle of Wight Sheriff's Office	17,566	11,438	\$ 600,278.00	\$ 390,867.57	0.45%	0.31%	0.33%	0.36%	0.36%	\$ 83,454.58	\$ 95,477.37	\$ 115,641.69	14.41%	38.57%
James City County ECC	29,097	16,701	\$ 1,664,588.00	\$ 955,434.72	1.09%	0.71%	0.69%	0.83%	0.83%	\$ 186,295.37	\$ 218,877.95	\$ 282,673.97	17.49%	51.73%
King and Queen County	3,173	295	\$ 41,663.00	\$ 3,873.49	0.00%	0.12%	0.13%	0.08%	0.08%	\$ 38,411.40	\$ 40,000.00	\$ 40,000.00	4.14%	4.14%
King George County	56,606	31,951	\$ 419,802.00	\$ 236,955.34	0.27%	0.31%	0.30%	0.29%	0.29%	\$ 81,208.41	\$ 77,428.97	\$ 70,105.37	-4.65%	-13.67%
King William County	4,952	3,249	\$ 180,854.80	\$ 118,658.57	0.14%	0.13%	0.14%	0.13%	0.13%	\$ 39,330.10	\$ 40,000.00	\$ 40,000.00	1.70%	1.70%
Lancaster County	6,849	3,260	\$ 35,451.00	\$ 16,874.03	0.02%	0.12%	0.13%	0.09%	0.09%	\$ 38,775.17	\$ 40,000.00	\$ 40,000.00	3.16%	3.16%
Lee County	19,878	6,205	\$ 59,691.00	\$ 18,632.79	0.02%	0.12%	0.13%	0.09%	0.09%	\$ 38,417.17	\$ 40,000.00	\$ 40,000.00	4.12%	4.12%
Loudoun County Fire Communications	121,056	74,295	\$ 4,891,559.00	\$ 3,002,068.27	3.42%	2.37%	2.42%	2.74%	2.74%	\$ 632,175.00	\$ 723,946.48	\$ 888,188.95	14.52%	40.50%
Louisa County Sheriff's Office	16,264	10,678	\$ 550,043.00	\$ 361,126.36	0.41%	0.18%	0.19%	0.26%	0.26%	\$ 47,918.77	\$ 68,579.73	\$ 106,842.49	43.12%	122.97%
Lunenburg County	1,522	550	\$ 31,520.74	\$ 11,390.54	0.01%	0.16%	0.16%	0.11%	0.11%	\$ 42,697.86	\$ 40,000.00	\$ 40,000.00	-6.32%	-6.32%
Lynchburg ECC	73,161	42,865	\$ 1,455,160.00	\$ 852,577.65	0.97%	1.10%	1.05%	1.04%	1.04%	\$ 288,077.80	\$ 275,165.65	\$ 252,242.78	-4.48%	-12.44%
Madison County	5,762	2,459	\$ 457,672.00	\$ 195,316.81	0.22%	0.14%	0.15%	0.17%	0.17%	\$ 39,738.61	\$ 44,380.65	\$ 57,786.24	11.68%	45.42%
Martinsville - Henry County 9-1-1	59,282	35,215	\$ 900,679.44	\$ 535,026.26	0.61%	0.52%	0.51%	0.55%	0.55%	\$ 137,707.65	\$ 144,753.15	\$ 158,292.34	5.12%	14.95%
Mathews County	7,109	4,163	\$ 79,182.00	\$ 46,368.64	0.05%	0.13%	0.13%	0.10%	0.10%	\$ 39,013.97	\$ 40,000.00	\$ 40,000.00	2.53%	2.53%
Mecklenburg County	30,139	13,120	\$ 650,786.00	\$ 283,297.80	0.32%	0.55%	0.42%	0.43%	0.43%	\$ 137,999.50	\$ 114,197.35	\$ 83,816.21	-17.25%	-39.26%
Middlesex County	7,113	4,612	\$ 86,630.00	\$ 56,170.05	0.06%	0.15%	0.16%	0.12%	0.12%	\$ 40,624.19	\$ 40,000.00	\$ 40,000.00	-1.54%	-1.54%
Montgomery County	16,683	11,945	\$ 249,026.00	\$ 178,302.20	0.20%	0.14%	0.14%	0.16%	0.16%	\$ 39,720.26	\$ 43,082.18	\$ 52,752.31	8.46%	32.81%
Nelson County	9,707	3,991	\$ 293,369.00	\$ 120,617.67	0.14%	0.14%	0.14%	0.14%	0.14%	\$ 39,720.02	\$ 40,000.00	\$ 40,000.00	0.70%	0.70%
New Kent County	8,204	5,143	\$ 434,594.00	\$ 272,442.34	0.31%	0.12%	0.13%	0.19%	0.19%	\$ 38,749.28	\$ 49,660.02	\$ 80,604.52	28.16%	108.02%
Newport News Police Communications	164,659	117,551	\$ 2,842,720.00	\$ 2,029,434.03	2.31%	2.75%	2.75%	2.60%	2.61%	\$ 729,710.72	\$ 688,502.57	\$ 600,426.35	-5.65%	-17.72%
Norfolk Emergency Services	264,371	200,435	\$ 4,857,342.00	\$ 3,682,632.91	4.20%	5.16%	4.93%	4.76%	4.77%	\$ 1,353,699.72	\$ 1,259,535.23	\$ 1,089,540.14	-6.96%	-19.51%
Northumberland County	5,104	2,879	\$ 180,907.12	\$ 102,043.81	0.12%	0.11%	0.13%	0.12%	0.12%	\$ 38,487.79	\$ 40,000.00	\$ 40,000.00	3.93%	3.93%
Norton 9-1-1 Communications	5,608	3,221	\$ 276,693.00	\$ 158,920.85	0.18%	0.13%	0.14%	0.15%	0.15%	\$ 39,139.34	\$ 40,000.00	\$ 47,018.17	2.20%	20.13%
Nottoway County	8,419	5,528	\$ 162,404.62	\$ 106,636.51	0.12%	0.13%	0.15%	0.14%	0.14%	\$ 40,245.55	\$ 40,000.00	\$ 40,000.00	-0.61%	-0.61%
Orange County Communications	16,129	10,015	\$ 448,640.19	\$ 278,574.71	0.32%	0.42%	0.35%	0.36%	0.36%	\$ 106,814.29	\$ 95,604.60	\$ 82,418.84	-10.49%	-22.84%
Page County EOC	11,088	5,246	\$ 293,523.80	\$ 138,873.18	0.16%	0.53%	0.26%	0.32%	0.32%	\$ 122,964.12	\$ 83,577.11	\$ 41,086.88	-32.03%	-66.59%
Patrick County	5,634	1,593	\$ 205,068.00	\$ 57,982.49	0.07%	0.12%	0.13%	0.11%	0.11%	\$ 39,029.13	\$ 40,000.00	\$ 40,000.00	2.49%	2.49%
Petersburg Police Communications	56,735	40,365	\$ 1,044,818.00	\$ 743,352.05	0.85%	1.85%	1.44%	1.38%	1.38%	\$ 462,883.07	\$ 364,623.33	\$ 219,927.40	-21.23%	-52.49%
Pittsylvania County Emergency Management	29,983	16,591	\$ 635,436.00	\$ 351,616.54	0.40%	0.26%	0.23%	0.30%	0.30%	\$ 65,954.93	\$ 78,018.48	\$ 104,028.92	18.29%	57.73%
Portsmouth Police Communications	108,734	76,432	\$ 1,448,838.00	\$ 1,018,426.49	1.16%	1.75%	5.31%	2.74%	2.74%	\$ 701,918.07	\$ 724,108.18	\$ 301,310.66	3.16%	-57.07%
Powhatan County Emergency Services	10,231	6,191	\$ 497,854.00	\$ 301,262.25	0.34%	0.16%	0.16%	0.22%	0.22%	\$ 42,732.78	\$ 58,523.73	\$ 89,131.15	36.95%	108.58%
Prince George County	20,878	16,409	\$ 821,811.55	\$ 645,900.26	0.74%	0.63%	0.54%	0.63%	0.64%	\$ 160,618.77	\$ 167,806.57	\$ 191,095.41	4.48%	18.97%
Prince William County PSCC	174,367	98,583	\$ 4,353,599.00	\$ 2,461,422.46	2.81%	2.55%	3.16%	2.84%	2.85%	\$ 718,672.15	\$ 751,366.69	\$ 728,234.02	4.55%	1.33%
Pulaski County	19,307	13,273	\$ 74,712.57	\$ 51,362.72	0.06%	0.14%	0.15%	0.11%	0.11%	\$ 39,909.91	\$ 40,000.00	\$ 40,000.00	0.23%	0.23%
Radford Police Communications	7,995	4,312	\$ 499,284.31	\$ 269,289.28	0.31%	0.13%	0.14%	0.19%	0.19%	\$ 39,522.68	\$ 51,310.72	\$ 79,671.66	29.83%	101.58%
Rappahannock County	3,741	812	\$ 81,408.00	\$ 17,669.95	0.02%	0.13%	0.13%	0.09%	0.09%	\$ 38,683.86	\$ 40,000.00	\$ 40,000.00	3.40%	3.40%
Richmond County	4,023	2,205	\$ 80,779.60	\$ 44,275.17	0.05%	0.13%	0.14%	0.11%	0.11%	\$ 39,219.98	\$ 40,000.00	\$ 40,000.00	1.99%	1.99%
Richmond Police Communications	264,175	191,132	\$ 5,170,721.00	\$ 3,741,043.80	4.27%	4.55%	2.43%	3.75%	3.75%	\$ 1,064,867.34	\$ 991,178.19	\$ 1,106,821.53	-6.92%	3.94%
Roanoke Communications Dept. (CITY)	132,507	90,710	\$ 2,006,806.00	\$ 1,373,794.38	1.57%	2.67%	2.41%	2.22%	2.22%	\$ 690,528.84	\$ 585,836.06	\$ 406,449.45	-15.16%	-41.14%
Roanoke County Police Communications	53,206	33,935	\$ 2,166,818.00	\$ 1,382,005.20	1.58%	1.13%	0.92%	1.21%	1.21%	\$ 286,512.04	\$ 319,860.07	\$ 408,878.70	11.64%	42.71%
Rockbridge Regional PSCC	19,127	11,470	\$ 720,169.00	\$ 431,867.96	0.49%	0.44%	0.38%	0.44%	0.44%	\$ 114,017.95	\$ 116,511.57	\$ 127,772.03	2.19%	12.06%
Russell County	17,558	7,043	\$ 259,071.00	\$ 103,920.55	0.12%	0.13%	0.13%	0.13%	0.13%	\$ 38,896.53	\$ 40,000.00	\$ 40,000.00	2.84%	2.84%
Salem Police Communications	18,326	11,690	\$ 869,144.87	\$ 554,420.14	0.63%	0.53%	0.34%	0.50%	0.50%	\$ 128,611.37	\$ 132,955.29	\$ 164,030.20	3.38%	27.54%
Scott County	9,304	5,272	\$ 422,027.00	\$ 239,136.54	0.27%	0.16%	0.16%	0.20%	0.20%	\$ 42,610.59	\$ 52,116.22	\$ 70,750.70	22.31%	66.04%
Shenandoah County Emergency Communicatio	21,324	12,430	\$ 901,113.00	\$ 525,268.93	0.60%	0.32%	0.32%	0.41%	0.41%	\$ 84,822.46	\$ 108,917.44	\$ 155,405.55	28.41%	83.21%
Smyth County 9-1-1	15,926	8,624	\$ 380,220.00	\$ 205,890.83	0.23%	0.12%	0.13%	0.16%	0.16%	\$ 38,438.94	\$ 42,411.06	\$ 60,914.66	10.33%	58.47%

PSAP	FY2010 Data						FY2010 Percentage	3-year Average Percentage	Adjusted 3-yr Average Percentage	Actual FY2011 Disbursement	Disbursement Using Adjusted 3-yr	Disbursement Using Proposed Formula	% Change from Actual to 3-yr Average	% Change from Actual to Proposed Formula
	911 Calls	Wireless 911 Calls	Personnel Cost	(Wireless / 911) * Personnel	Proposed Formula Percentage	FY2011 Percentage								
Southampton County	10,119	6,819	\$ 256,455.93	\$ 172,820.73	0.20%	0.11%	0.13%	0.15%	0.15%	\$ 38,485.93	\$ 40,000.00	\$ 51,130.57	3.93%	32.86%
Spotsylvania County Emergency Communicatio	50,941	34,678	\$ 1,305,768.39	\$ 888,899.63	1.01%	0.65%	0.65%	0.77%	0.77%	\$ 172,717.05	\$ 203,943.48	\$ 262,988.97	18.08%	52.27%
Stafford County Sheriff's Communications	48,373	35,770	\$ 2,243,467.21	\$ 1,658,958.97	1.89%	0.78%	0.77%	1.15%	1.15%	\$ 207,000.17	\$ 303,566.55	\$ 490,817.96	46.65%	137.11%
Staunton 9-1-1 Communications	14,323	8,767	\$ 630,158.00	\$ 385,714.95	0.44%	0.23%	0.22%	0.30%	0.30%	\$ 60,695.87	\$ 78,729.18	\$ 114,117.24	29.71%	88.01%
Suffolk Police Communications	58,869	39,603	\$ 1,258,974.00	\$ 846,950.81	0.97%	0.79%	0.78%	0.84%	0.85%	\$ 208,412.76	\$ 223,317.08	\$ 250,578.03	7.15%	20.23%
Surry County	2,195	2,219	\$ 145,296.00	\$ 146,884.66	0.17%	0.23%	0.22%	0.21%	0.21%	\$ 60,587.44	\$ 54,809.81	\$ 43,457.15	-9.54%	-28.27%
Sussex County	10,759	5,319	\$ 237,416.00	\$ 117,372.96	0.13%	0.43%	0.15%	0.24%	0.24%	\$ 94,650.63	\$ 62,689.21	\$ 40,000.00	-33.77%	-57.74%
Tazewell County	31,036	13,595	\$ 380,124.00	\$ 166,509.40	0.19%	0.21%	0.23%	0.21%	0.21%	\$ 57,080.11	\$ 55,240.74	\$ 49,263.31	-3.22%	-13.69%
Twin County E-911	42,057	8,114	\$ 469,903.00	\$ 90,657.75	0.10%	0.30%	0.33%	0.24%	0.24%	\$ 81,025.96	\$ 64,136.38	\$ 40,000.00	-20.84%	-50.63%
Vinton 9-1-1 Communications							0.45%			\$ 30,393.37				
Virginia Beach Communications Division	236,162	163,268	\$ 6,147,207.00	\$ 4,249,803.92	4.85%	6.68%	5.68%	5.73%	5.74%	\$ 1,705,382.44	\$ 1,516,478.54	\$ 1,257,342.79	-11.08%	-26.27%
Warren County	15,344	10,218	\$ 301,007.00	\$ 200,449.00	0.23%	0.13%	0.14%	0.17%	0.17%	\$ 39,400.00	\$ 43,994.09	\$ 59,304.64	11.66%	50.52%
Warrenton - Fauquier Joint Communications Ce	26,374	17,217	\$ 1,091,954.00	\$ 712,829.76	0.81%	0.50%	0.38%	0.56%	0.56%	\$ 124,803.77	\$ 149,055.79	\$ 210,897.11	19.43%	68.98%
Washington County	32,742	20,094	\$ 421,237.75	\$ 258,516.63	0.29%	0.22%	0.18%	0.23%	0.23%	\$ 55,150.92	\$ 61,069.09	\$ 76,484.47	10.73%	38.68%
Waynesboro 9-1-1 Communications	17,111	11,310	\$ 727,219.00	\$ 480,675.99	0.55%	0.41%	0.46%	0.47%	0.47%	\$ 111,568.11	\$ 124,829.73	\$ 142,212.32	11.89%	27.47%
West Point 9-1-1 Communications	2,638	1,683	\$ 266,497.00	\$ 170,020.64	0.19%	0.15%	0.12%	0.16%	0.16%	\$ 39,117.43	\$ 41,409.88	\$ 50,302.14	5.86%	28.59%
Westmoreland County	5,553	4,833	\$ 260,731.12	\$ 226,924.82	0.26%	0.13%	0.14%	0.18%	0.18%	\$ 39,613.37	\$ 46,953.41	\$ 67,137.75	18.53%	69.48%
Winchester Fire/Rescue Communications	21,600	13,156	\$ 728,236.09	\$ 443,549.72	0.51%	0.16%	0.18%	0.28%	0.28%	\$ 44,913.96	\$ 75,226.17	\$ 131,228.18	67.49%	192.18%
Wise County	29,328	17,784	\$ 222,732.03	\$ 135,060.91	0.15%	0.13%	0.14%	0.14%	0.14%	\$ 39,460.11	\$ 40,000.00	\$ 39,958.99	1.37%	1.26%
Wythe County	10,456	7,200	\$ 115,847.00	\$ 79,772.23	0.09%	0.12%	0.14%	0.12%	0.12%	\$ 39,190.10	\$ 40,000.00	\$ 40,000.00	2.07%	2.07%
Wytheville Public Safety E-911	5,492	185	\$ 275,058.83	\$ 9,265.46	0.01%	0.13%	0.13%	0.09%	0.09%	\$ 38,714.89	\$ 40,000.00	\$ 40,000.00	3.32%	3.32%
York County Fire Communications	47,445	31,484	\$ 2,040,196.00	\$ 1,353,852.48	1.54%	1.14%	0.85%	1.18%	1.18%	\$ 283,469.31	\$ 311,866.06	\$ 400,549.46	10.02%	41.30%
	4,810,646	3,129,500	\$ 134,483,047.02	\$ 87,705,154.69	100%	100.00%	100.00%	99.85%	100.00%	\$ 26,765,926.36	\$ 26,765,926.36	\$ 26,765,926.36		

Proposed PSAP Funding Formula Impact Analysis Definitions

Columns	
Heading	Definition
911 Calls	This is the number of total 9-1-1 calls reported by the PSAP.
Wireless 911 Calls	This is the number of wireless 9-1-1 calls reported by the PSAP.
Personnel Cost	This is the total personnel cost for all call takers and dispatchers and one director or manager of the Center reported by the PSAP.
(Wireless / 911) * Personnel	This is the basis for the proposed formula. This column divides the number of wireless 9-1-1 calls by the total 9-1-1 calls and multiplies the resultant by the total personnel cost for the PSAP.
Proposed Formula Percentage	This is the impact the proposed formula distribution would have had on the actual FY2011 disbursements. It is calculated by dividing the resultant of (Wireless / 911) * Personnel by the statewide total for that column. FY2010 true-up data is used in this calculation.
FY2011 Percentage	This is the current formula distribution used from October 2010 to present. FY2010 true-up data is used for this calculation.
FY2010 Percentage	This is the formula distribution used from October 2009 to September 2010. FY2009 true-up data is used for this calculation.
3-Year Average Percentage	This is the average of the proposed formula, FY2011 percentage and FY2010 percentage.
Adjusted 3-yr Average	Because Vinton received funding in FY2010 and will not going forward, this is an adjustment to ensure that 100% of the funds are disbursed.
Actual FY2011 Disbursement	This is the actual disbursement that was made during FY2011.
Disbursement Using Adjusted 3-yr	This is what the disbursement would have been in FY2011 using the adjusted three year average and the \$40,000 minimum funding.
Disbursement Using Proposed Formula	This is what the disbursement would have been in FY2011 using the proposed formula percentage and the \$40,000 minimum funding.
% Change from Actual to 3-yr Average	This is the percent of change from the actual FY2011 disbursement and the disbursement using the three year average percentage.
% Change from Actual to Proposed Formula	This is the percent of change from the actual FY2011 disbursement and the disbursement using the proposed formula percentage.
Colors	
Color	Meaning
	Cells related to the proposed formula based on FY2010 True-up Data.
	Cells related to the FY2011 Percentage Distribution based on FY2010 True-up Data (used October 2010 to present).
	Cells related to the FY2010 Percentage Distribution based on FY2009 True-up Data (used October 2009 to September 2010).
	Cells related to the three year average of the proposed formula, FY2011 and FY2010.
	Cells related to the percent change from the actual FY2011 disbursement to the projected disbursement using the three year average.
	Cells related to the percent change from the actual FY2011 disbursement to the projected disbursement using only the proposed formula.