

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

**AN ORDINANCE MAKING APPROPRIATIONS FOR THE FISCAL YEAR
BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022 FOR
OPERATIONS**

WHEREAS, the City Manager has heretofore submitted an Annual Budget for the City for the fiscal year beginning July 1, 2021, and ending June 30, 2022, and it is necessary to appropriate sufficient funds to cover said budget.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA THAT:

Sec. 1. ~~That~~ The amounts named aggregating \$3,039,214,793 consisting of \$601,554,352 in inter-fund transfers, \$231,218,677 for internal service funds, and \$2,202,441,764 for operations, are hereby appropriated subject to the conditions hereinafter set forth for the use of departments, and designated funds of the City government, and for the purposes hereinafter mentioned, as set forth in the Annual Operating Budget, which is hereby incorporated by reference, for the fiscal year beginning July 1, 2020~~1~~ and ending June 30, 2021~~2~~ (hereinafter, the "Fiscal Year"), a summary of which is attached to this ordinance as "Attachment A – Appropriations." The City Council elects to fund the Virginia Beach City Public Schools by lump sum appropriation.

Sec. 2. ~~That~~ In accordance with Section 5.04 of the City Charter, Estimated Revenue in Support of Appropriations is set forth in said Annual Operating Budget, with a summary of Estimated Revenue in Support of Appropriations attached to this ordinance as "Attachment B – Revenues."

Sec. 3. With the exception of the funds under the control of the School Board, specifically the funds numbered ~~104, 107, 108, 109, 112, 114, 115, 116, 117, 119, 614, and 615-115, 135, 201, 202, 203, 204, 210, 211, 212, 213, 214, 215, 650, 651, 652, 750, 751, and 752~~ (hereinafter referred to as "School Board Funds"), the total number of full-time permanent positions shall be the maximum number of positions authorized for the various departments of the City during the Fiscal Year, except for changes or additions authorized by the Council or as hereinafter provided. The City Manager may from time to time increase or decrease the number of part-time or temporary positions provided the aggregate amount expended for such services shall not exceed the respective appropriations made therefore. The City Manager is further authorized to make such rearrangements of positions within and between the departments as may best meet the needs and interests of the City, including changes necessary to implement the employee transition program.

Sec. 4. To improve the effectiveness and efficiencies of the government in service delivery, the City Council hereby authorizes the City Manager or his designee to transfer appropriated funds and existing positions throughout the Fiscal Year as may be necessary to implement organizational adjustments that have been authorized by the City Council. Unless otherwise directed by the City Council, such organizational adjustments shall be implemented on such date or dates as the City Manager determines, in his discretion, to be necessary to guarantee a smooth and orderly transition of existing organizational functions. The City Manager shall make a report each year to the City Council identifying the status and progress of any such organizational adjustments.

Sec. 5. All current and delinquent collections of local taxes shall be credited to the General Fund, Special Service District Funds, Tax Increment Financing Fund or any fund to which City Council has, by ordinance, dedicated a tax levy.

Sec. 6. All balances of the appropriations payable out of each fund of the City Treasury at the close of the Fiscal Year, unless otherwise provided for, are hereby declared to be lapsed into the fund balance of the respective funds, except all appropriations to School Board Funds derived from local public sources, which shall lapse and revert to the ~~General Fund Balance~~ Fund Balance of the General Fund, and may be used for the payment of the appropriations that may be made in the appropriation ordinance for the fiscal year beginning July 1, 2020~~1~~. Prior to the expenditure of any sums that have lapsed to the fund balance of any fund, an appropriation by the City Council shall be required.

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

52 **Sec. 7.** All balances of appropriations in each fund which support authorized obligations or are encumbered at the
53 close of the business for the Fiscal Year, are hereby declared to be re-appropriated into the fiscal year beginning July
54 1, 20201, and estimated revenues adjusted accordingly.
55

56 **Sec. 8.** All balances of appropriations and position authorizations attributable to grants or other similar funding
57 mechanism from state or federal sources and trust or gift funds, whose period of expenditure extends beyond the
58 fiscal year ending on June 30, 20201, are hereby declared to be re-appropriated and re-authorized into the Fiscal
59 Year, and estimated revenues adjusted accordingly. The close-out of any grant or similar funding mechanism shall
60 account for all expenditures in such grant, and provided there is any remaining balance in the grant, the portion of
61 the balance attributable to local sources shall revert to the General Fund, special revenue fund, or enterprise fund
62 that provided the local contribution.
63

64 **Sec. 9.** No department or agency for which appropriations are made under the provisions of this ordinance shall
65 exceed the amount of such appropriations except with the consent and approval of the City Council first being
66 obtained. It is expressly provided that the restrictions with respect to the expenditure of the funds appropriated
67 shall apply only to the totals for each Appropriation Unit included in this ordinance and does not apply to Inter-fund
68 Transfers.
69

70 **Sec. 10.** The City Manager or the Director of Budget and Management Services is hereby authorized to approve
71 transfers of appropriations in an amount up to \$100,000 between any Appropriation Units included in this ordinance
72 through the accrual period. The City Manager shall make a monthly report to the City Council of all transfers between
73 \$25,000 and \$100,000. In addition, the City Manager may transfer, in amounts necessary, appropriations from all
74 Reserves for Contingencies except Reserve for Contingencies – Regular, within the intent of the Reserve as approved
75 by City Council.
76

77 **Sec. 11.** The City Manager or the Director of Budget and Management Services is hereby authorized to establish and
78 administer budgeting within Appropriation Units consistent with best management practices, reporting
79 requirements, and the programs and services adopted by the City Council. Consistent with best management
80 practices, the City utilizes a modified accrual system of accounting. Revenues are considered available when
81 collectible either during the current period or after the end of the current period, but in time to pay year-end
82 liabilities. Expenditures are recognized when a transaction or event is expected to draw upon current spendable
83 resources rather than future resources. In practical effect, the modified accrual system allows a window of 45 days
84 wherein the City may accrue back to the immediately preceding fiscal year revenues and expenditures. The City
85 Manager or the Director of Budget and Management Services is further authorized to establish administrative
86 directives to provide additional management oversight and control to ensure the integrity of the City's budget.
87

88 **Sec. 12.** The City Manager or the Director of Budget and Management Services is hereby authorized to change the
89 Estimated Revenues included in this ordinance to reflect expected collections. If the Estimated Revenue in support
90 of an Operating Appropriation Unit declines, the City Manager or the Director of Budget and Management Services
91 is hereby authorized to reduce, subject to any other provision of law, those appropriations to equal the decline in
92 Estimated Revenue. The City Manager shall give prior notice to the City Council of any reduction to total
93 appropriations exceeding \$100,000. The notice to City Council shall identify the basis and amount of the
94 appropriation reduction and the Appropriation Units affected. The accounting records of the City will be maintained
95 in a manner that the total of Estimated Revenue is equal to the total of the Appropriation Units for each of the City's
96 funds. The City Manager or the Director of Budget and Management Services is hereby authorized to transfer any
97 excess appropriations to the Reserve for Contingencies after all anticipated expenditures for which those funds were
98 appropriated have been incurred. Nothing in this section shall be construed as authorizing any reduction to be made
99 in the amount appropriated in this ordinance for the payment of interest or principal on the bonded debt of the City
100 Government.
101

102 **Sec. 13.** The Department of Economic Development is hereby authorized to pay an amount up to \$1,000,000 from
103 their FY 20201-242 Operating Budget to the City of Virginia Beach Development Authority, for the purpose of

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

104 pursuing, implementing, and furthering initiatives recommended by the Bio-medical Task Force. The Department of
105 Economic Development is hereby authorized to pay an amount up to \$100,000 from their FY 2020~~1~~-21~~2~~ Operating
106 Budget to the City of Virginia Beach Economic Development Authority, for the purpose of implementing a District
107 Improvement Plan (DIP).

108
109 **Sec. 14.** Allowances made from the appropriations made in this ordinance by any or all of the City departments,
110 bureaus, or agencies, to any of their officers and employees for expenses on account of the use by such officers and
111 employees of their personal automobiles in the discharge of their official duties shall follow the Internal Revenue
112 Service standard mileage rates used to calculate the deductible costs of operating an automobile for business,
113 charitable, medical or moving purposes.

114
115 **Sec. 15.** In the event of an emergency and under emergency circumstances wherein the City Council cannot
116 reasonably hold a meeting, the City Manager is authorized to transfer and expend appropriated sums from any
117 budget account to ensure that the emergency is handled as efficiently and expeditiously as possible. Immediately
118 following the expenditure of funds under this provision, and as soon as the City Council can reasonably meet under
119 the existing circumstances, the City Manager shall notify the City Council of the reason for such action, how funds
120 were expended, and present to the City Council for adoption an emergency appropriations ordinance that sets forth
121 what measures are required to ensure that funds are forthwith restored to the appropriate accounts and that the
122 budget is balanced at the end of the fiscal year in which the emergency expenditures occurred.

123
124 An emergency is defined for the purposes of this provision as an event that could not have been reasonably foreseen
125 at the time of the adoption of the budget, and in which (i) an immediate threat to the public health, safety or welfare
126 is involved, such as clean-up after a hurricane, and/or (ii) immediate action is required to protect or preserve public
127 properties.

128
129 **Sec. 16.** All travel expense accounts shall be submitted on forms approved by the Director of Finance and according
130 to regulations approved by the City Council. Each account shall show the dates expenses were incurred or paid;
131 number of miles traveled; method of travel; hotel expenses; meals; and incidental expenses. The Director of Finance
132 is specifically directed to withhold the issuance of checks in the event expense accounts are submitted for “lump-
133 sum” amounts.

134
135 **Sec. 17.** If the aggregate amount expended by a department on part-time or temporary positions exceeds the
136 appropriations made without changes in the hours worked due to increased costs related to Chapters 1204 and 1242
137 of the Virginia Acts of Assembly, 2020, the City Manager or the Director of Budget and Management Services is
138 authorized to transfer such sufficient funds within the limits set forth in Section 10 of this ordinance as necessary to
139 maintain the existing number of positions.

140
141 **Sec. 18.** A salary increase of 3% on the pay date containing July 1, 2021 for part-time City employees and part-time
142 employees of the Constitutional Officers is hereby provided. For any part-time employee covered by this section
143 that receives a salary adjustment in accordance with the provisions of Chapters 1204 and 1242 of the Virginia Acts
144 of Assembly, 2020, no salary increase shall occur on July 1, 2021, except in such cases that the adjustment made on
145 May 1, 2021 is in an amount less than the 3% increase would convey. Part-time employees in this circumstance shall,
146 on July 1, 2021, receive the difference of the 3% raise and the adjustment made on May 1, 2021.

147
148 **Sec. 19.** A salary increase of 3% on the pay date containing July 1, 2021 for the five Constitutional Officers is hereby
149 provided.

150
151 **Sec. 20.** All City pay ranges shall be increased, effective July 1, 2021. This increase shall occur at both the minimum
152 and maximum of each City pay range. The amount of this increase shall be calculated against the mid-point of each
153 pay range. Accordingly, the minimum of each City pay range shall be increased by the equivalent of 1% of the mid-
154 point and maximum of each City pay range shall be increased by the equivalent of 3% of the mid-point.

155

REQUESTED BY COUNCILMEMBER MOSS ALTERNATIVE 1

156 A 3% merit pay increase is hereby authorized for full-time City employees with a performance feedback completed
157 from July 1, 2020 to June 30, 2021 that indicates overall performance meets expectations. All merit pay increases
158 authorized by this section shall be calculated against the mid-point of each pay range.

159
160 For newly hired probationary employees whose salary is at the pay range minimum, a salary increase equivalent to
161 1%, calculated against the mid-point of their pay range, shall be given on July 1, 2021. An additional 2% merit pay
162 increase will be provided on the anniversary date of each newly hired probationary employee, provided that a
163 performance feedback completed from July 1, 2021 to June 30, 2022 indicates overall performance meets
164 expectations.

165
166 Notwithstanding policy or administrative directive addressing bonus providing otherwise, for employees who are at
167 or above the July 1, 2021 maximum of the pay range for their position classification with a meets expectations
168 performance feedback completed from July 1, 2020 to June 30, 2021, a lump sum bonus equal to 3% of the midpoint
169 for their position classification is provided in lieu of the merit increase to be paid on the pay date containing July 1,
170 2021.

171
172 For employees, who as a result of all, or a portion, of the 3% merit increase authorized above, will exceed the
173 maximum of the pay range for their classification, they shall receive the portion of the merit pay equal to the
174 difference between the July 1, 2021 maximum of the pay range and their current salary. Any amount in excess of
175 the difference between the 3% merit and the maximum of the position classification shall be paid in the form of a
176 lump sum bonus, to be paid on the pay date containing July 1, 2021.

177
178 Notwithstanding the timing provisions provided by City Code §§ 2-109 and 2-116, the merit pay increase authorized
179 by this section shall be provided effective July 1, 2021 or a subsequent date for newly hired employees, who between
180 July 1, 2021 and June 30, 2022 successfully completed their probation period. The other requirements provided by
181 City Code §§ 2-109 and 2-116 apply.

182
183 To ensure accountability, the failure of a supervisor responsible for preparing the performance feedback, to
184 complete the same prior to July 1, 2021 shall result in the supervisor and employee(s) merit pay increase being
185 delayed until such time as the performance feedback is completed. In those cases, the merit pay increase will be
186 retroactive upon completion of the performance feedback for both the supervisor responsible for completing the
187 performance feedback and the employee(s). This section shall also apply to the full-time employees of the
188 Constitutional Officers. Any additional stipends, special pay, or executive entitlement pay to employees appointed
189 by the City Council and subject to City Code § 2-89 or Constitutional Officers must be approved by a separate action
190 of the City Council.

191
192 **Sec. 21.** The rate provided in the real estate levy is one and eighty-eight hundredths of a cent (\$0.0188) less than
193 the City Manager's Proposed Budget. This reduces revenues by \$11.7 million. These reductions are to be split in
194 accordance with the City Schools Revenue Sharing Policy. The City's share of \$6.2 million will be provided in Section
195 22, below. The Schools' share of \$5.5 million will be reflected in a reduced appropriation to the Schools, and the
196 School Board is requested to send a resolution back to the City Council reflecting this reduction.

197
198 **Sec. 22.** The City shall apply a vacancy rate of two percent to each funded full-time equivalent position. This vacancy
199 rate results in a savings of \$8.1 million. Approximately 1.55%, resulting in \$6.2 million, shall be used for the City's
200 share of the real estate revenue reduction from the City Manager's Proposed Budget. Approximately 0.45%,
201 resulting in \$1.9 million is to be provided in the following section.

202
203 **Sec. 23.** An amount of \$4 million of funds that the City Manager's Proposed Budget provided as Capital Improvement
204 Program Pay-go is to be made available for Police initiatives. This \$4 million is to be combined with the \$1.9 million
205 in the preceding section for a total of \$5.9 million for Police initiatives. The City Council requests the Police Chief
206 provide to a plan for use of these funds to include compensation, other benefits, readiness and staffing initiatives,
207 equipment needs, and capital needs.

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

208
209 **Sec. 17 24.** To ensure proper allocation of health insurance, the City Manager is hereby authorized to transfer health
210 insurance between departments, in any amount notwithstanding other budgetary controls outlined in the ordinance
211 up to the total amount budgeted for health insurance, to ensure health insurance cost align with actual expenditure.
212

213 **Sec. 18.** ~~The City Council hereby increases the appropriation from the Town Center Special Service District, for~~
214 ~~entertainment events within the SSD, to \$250,000 and authorizes the amendment of the agreement, previously~~
215 ~~approved by the Council, between the City and the Central Business District Association to reflect this increase.~~
216

217 **Sec. 19.** ~~Any fund identified by number herein may be reassigned a new or alternative number as part of the City's~~
218 ~~Enterprise Resource Planning (ERP) System implementation. In furtherance of such implementation, the number~~
219 ~~stated in this ordinance shall mean any successor fund as assigned in the new ERP. The City Manager shall provide~~
220 ~~the City Council with a crosswalk of fund number changes within 30 days of completion of the ERP~~
221 ~~implementation.~~
222

223 **Sec. 25.** In Fiscal Year 2021-22, to further improve the effectiveness and efficiency of the government in service
224 delivery, the City Council hereby authorizes the City Manager to implement any organizational adjustments not
225 otherwise set out within this budget document that may be necessary to carry out the following initiatives:

- 226 a. The City's Human Resources Department to implement the recommendations previously provided to the
227 City by Hillard Heintze;
228 b. The City's Purchasing Division to review internal processes and procedures in the acquisition of goods and
229 services;
230 c. The City's Automotive Services Division of the Department of Public Works to review the provision of
231 storeroom services, including but not limited to, parts and supplies for the City's fleet assets. This may
232 include the sale or conveyance of City inventory and assets.
233

234 Adjustments in furtherance of this Section 22 may include the transfer of appropriated funds and existing positions,
235 notwithstanding the departmental or appropriation unit placement of such appropriations and positions within this
236 document. Any adjustments made for these purposes shall not be subject to the limits set forth in Section 10 of this
237 ordinance. The City Manager shall make a report within ten days of any adjustments that are made as a result of the
238 authority granted by this section.
239

240 **Sec. 206.** Violation of this ordinance may result in disciplinary action by the City Manager against the person or
241 persons responsible for the management of the Appropriation Unit in which the violation occurred.
242

243 **Sec. 217.** This ordinance shall be effective on July 1, 2020~~1~~.
244

245 **Sec. 228.** If any part of this ordinance is for any reason declared to be unconstitutional or invalid, such decision shall
246 not affect the validity of the remaining parts of this ordinance.
247

248
249 *Requires an affirmative vote by a majority of all of the members of City Council.*
250

251 Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day of May, 2021.

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ALTERNATIVE 1**

**AN ORDINANCE ESTABLISHING THE TAX LEVY ON REAL ESTATE FOR
FISCAL YEAR 2022**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

Sec. 1. Amount of Levy on Real Estate.

There shall be levied and collected for fiscal year 2021~~2~~ taxes for general purposes on all real estate, including all separate classifications of real estate set forth in the Code of Virginia, not exempt from taxation and not otherwise provided for in this ordinance, at the rate of ~~one dollar and one and seventy-five hundredths of a cent (\$1.0175)~~ ninety-eight cents and eighty-seven hundredths of a cent (\$0.9887) on each one hundred dollars (\$100) of assessed valuation thereof. The real property tax rate that has been prescribed in this section shall be applied on the basis of one hundred percentum of the fair market value of such real property, except for public service real property, which shall be on the basis as provided in Section 58.1-2604 of the Code of Virginia

Sec. 2. Amount of Levy on "Certified Storm Water Management Developments and Property," "Certified Solar Energy Recycling Equipment, Facilities or Devices" Classified as Real Estate, and "Environmental Restoration Sites," Real Estate Improved by Erosion Controls, and Certain Wetlands and Riparian Buffers.

In accordance with Sections 58.1-3660 (A), 58.1-3660.1, 58.1-3661, 58.1-3664, 58.1-3665 and 58.1-3666 of the Code of Virginia, there shall be levied and collected for general purposes for fiscal year 2021~~2~~, taxes on all real estate (a) certified by the Department of Environmental Quality as "Certified Storm Water Management Developments and Property," (b) certified as provided by ~~Code of Virginia~~ Section 58.1-3661 of the Code of Virginia as "Certified Solar Energy Equipment, Facilities or Devices," or "Certified Recycling Equipment, Facilities or Devices," (c) defined by ~~Code of Virginia~~ Section 58.1-3664 of the Code of Virginia as an "Environmental Restoration Site," (d) improved to control erosion as defined by ~~Code of Virginia~~ § 58.1-3665 of the Code of Virginia, or (e) qualifying as wetlands and riparian buffers as described by ~~Code of Virginia~~ § 58.1-3666 of the Code of Virginia, not exempt from taxation, at a rate of ~~one dollar and one and seventy-five hundredths of a cent (\$1.0175)~~ ninety-eight cents and eighty-seven hundredths of a cent (\$0.9887) on each one hundred dollars of assessed valuation thereof. The real property tax rates imposed in this section shall be applied on the basis of one hundred percentum of fair market value of such real property except for public service property, which shall be on the basis as provided in Section 58.1-2604 of the Code of Virginia.

Sec. 3. Amount of Levy on Real Estate Within the Sandbridge Special Service District.

There shall be levied and collected for fiscal year 2021~~2~~, taxes for the special purpose of providing beach and shoreline restoration and management at Sandbridge on all real estate within the Sandbridge Special Service District, not exempt from taxation, at the rate of four cents (\$0.04) on each one hundred dollars (\$100) of assessed value thereof. This real estate tax rate shall be in addition to the real estate tax rate set forth in Section 1 of this ordinance. For real property that qualifies for Land Use Assessment, pursuant to Division 2 of Chapter 35 of the City Code, or Exemption, or Freeze for Elderly and Disabled Persons, pursuant to Division 3 of Chapter 35 of the City Code, this real estate tax rate shall be applied in the same manner as the real estate tax rate set forth in Section 1 of this ordinance. The real estate tax rate imposed herein shall be applied on the basis of one hundred percentum of the fair market value of such real property except for public service real property, which shall be on the basis as provided in Section 58.1-2604 of the Code of Virginia.

Sec. 4. Amount of Levy on Real Estate Within the Town Center Special Service District.

For the special purpose of operating and maintaining the parking garage and providing enhanced services for the plaza and public spaces within the boundaries of the service district at the Town Center, as well as other additional services authorized by ~~Virginia Code~~ § 15.2-2403 of the Code of Virginia, there shall be levied and collected for fiscal year 2021~~2~~, taxes on all real estate within the Town Center Special Service District, not exempt from taxation, at the rate of forty-five cents (\$0.45) on each one hundred dollars (\$100) of assessed value thereof. This real estate tax rate shall be in addition to the real estate tax set forth in Section 1 of this ordinance. For real property that qualifies for Land Use Assessment, pursuant to Division 2 of Chapter 35 of the City Code, or Exemption or Freeze for Elderly and Disabled Persons, pursuant to Division 3 of Chapter 35 of the City Code, this real estate tax rate shall be applied in the same manner as the real estate tax rate set forth in Section 1 of this ordinance. The real estate tax

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

rate imposed herein shall be applied on the basis of one hundred percentum of the fair market value of such real property, except for public service real property, which shall be on the basis as provided in Section 58.1-2604 of the Code of Virginia.

Sec. 5. Amount of Levy on “Energy-Efficient Buildings”.

In accordance with Section 58.1-3221.2 of the Code of Virginia and any relevant section of the City Code, there shall be levied and collected for general purposes for the fiscal year 2024~~2~~, taxes on all real estate that has been classified as an energy efficient building, not exempt from taxation, at a rate of ~~eighty-six and seventy-five hundredths of a cent (\$0.8675)~~ eighty-three and eighty-seven hundredths of a cent (\$0.8387) on each one hundred dollars of assessed valuation thereof. The real property tax rate imposed in this section shall be applied on the basis of one hundred percentum of fair market value of such real property except for public service property, which shall be on the basis as provided in Section 58.1-2604 of the Code of Virginia.

Sec. 6. Amount of Levy on Properties Listed in the Virginia Landmarks Register.

In accordance with Section 58.1-3221.5 of the Code of Virginia and any relevant section of the City Code, there shall be levied and collected for general purposes for the fiscal year 2024~~2~~, taxes on buildings that are individually listed on the Virginia Landmarks Register, not including the real estate or land on which the building is located, so long as the building is maintained in a condition such that it retains the characteristics for which it was listed on the Virginia Landmarks Register at a rate of ~~fifty-four and seventy-five hundredths of a cent (\$0.5475)~~ fifty-two and eighty-seven hundredths of a cent (\$0.5287) on each one hundred dollars of assessed valuation thereof. The real property tax rate imposed in this section shall be applied on the basis of one hundred percentum of fair market value of such real property except for public service property, which shall be on the basis as provided by Section 58.1-2604 of the Code of Virginia.

Sec. 7. Amount of Levy on Real Estate Within the Various Dredging Special Service Districts.

There shall be levied and collected for fiscal year 2024~~2~~, taxes for the special purpose of providing neighborhood channel dredging of creeks and rivers to maintain existing uses on all real estate within each special service district listed below:

- a. Old Donation Special Service District, not exempt from taxation, at the rate of eighteen and four-tenths cents (\$0.184) on each one hundred dollars (\$100) of assessed value thereof.
- b. Bayville Creek Special Service District, not exempt from taxation, at the rate of forty seven and two-tenths cents (\$0.472) on each one hundred dollars (\$100) of assessed value thereof.
- c. Shadowlawn Special Service District, not exempt from taxation, at the rate of fifteen and ninety-four hundredths cents (\$0.1594) on each one hundred dollars (\$100) of assessed value thereof.
- d. Chesopeian Special Service District, not exempt from taxation, at the rate of twenty nine and thirteen hundredths cents (\$0.2913) on each one hundred dollars (\$100) of assessed value thereof.
- e. Harbour Point Special Service District, not exempt from taxation, at the rate of twelve cents (\$0.12) on each one hundred dollars (\$100) of assessed value thereof.
- f. Gills Cove Special Service District, not exempt from taxation, at the rate of six and three-tenths cents (\$0.063) on each one hundred dollars (\$100) of assessed value thereof.
- g. Hurd’s Cove Special Service District, not exempt from taxation, at the rate of forty-three and eight-tenths cents (\$0.438) on each one hundred dollars (\$100) of assessed value thereof.
- h. Schilling’s Point Special Service District, not exempt from taxation, at the rate of forty and four-tenths cents (\$0.404) on each one hundred dollars (\$100) of assessed value thereof.

This real estate tax rate shall be in addition to the real estate tax rate set forth in Section 1 of this ordinance. Except as provided explicitly in Chapter 35.3 of the Code of the City of Virginia Beach, this tax rate shall apply without reduction to any properties subject to ad valorem taxes including those properties enrolled in the Exemption or Freeze for Elderly and Disabled Persons, City Code §§ 35-61, et seq. As set forth in ~~Code of Virginia~~, section 15.2-2403(6) of the Code of Virginia, written consent is required to apply this tax rate to the full assessed value of properties subject to special use value assessment. The real estate tax rate imposed herein shall be applied on the basis of one hundred percentum (100%) of the fair market value of such real property except for public service real property, which shall be on the basis as provided in Section 58.1-2604 of the Code of Virginia.

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

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Sec. 8 Severability.

If any portion of this ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 9 Effective Date.

The effective date of this ordinance shall be July 1, 2020~~1~~.

Requires an affirmative vote by a majority of all of the members of City Council.

Adopted by the City Council of the City of Virginia Beach, Virginia, on the ____ day of May, 2021.

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

**AN ORDINANCE ESTABLISHING THE TAX LEVY ON PERSONAL
PROPERTY AND MACHINERY AND TOOLS FOR THE CALENDAR
YEAR 2022**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

Sec. 1. Amount of Levy on the General Classification of Tangible Personal Property.

In accordance with Chapter 35 of Title 58.1 of the Code of Virginia, taxes shall be levied and collected for general purposes for the calendar year 2021~~2~~ on all tangible personal property, including all separate classifications of personal property set forth in the Code of Virginia, not exempt from taxation and not otherwise provided for in this ordinance, at the rate of four dollars (\$4.00) on each one hundred dollars (\$100) assessed valuation thereof.

Sec. 2. Personal Property Tax Relief.

As required by § 58.1-3523 of the Code of Virginia, qualifying vehicles (as defined by § 58.1-3523), not otherwise exempted from taxation in this ordinance or by law, shall be subject to the following:

1. Any qualifying vehicle with a total assessed value of \$1,000 or less will be levied no tax, reflecting a reimbursement of 100% Personal Property Tax Relief Act.

2. Any qualifying vehicle with an assessed value of between \$1,001 and \$20,000 will be levied ~~53.2%~~ 54.5% of the computed tax based on the total assessed value of the vehicle. Reimbursement is expected from the Commonwealth under the Personal Property Tax Relief Act equal to the remaining ~~46.8%~~ 45.5% of the computed tax on the first \$20,000 of assessed value.

3. Any qualifying vehicle with an assessed value of over \$20,000 will be levied ~~53.2%~~ 54.5% of the computed tax based on the first \$20,000 of assessed value and 100% of the computed tax based on the assessed value in excess of \$20,000. Reimbursement is expected from the Commonwealth under the Personal Property Tax Relief Act equal to the remaining ~~46.8%~~ 45.5% of the computed tax on the first \$20,000 of assessed value.

Sec. 3. Amount of Levy on Certain Classifications of Tangible Personal Property

In accordance with Chapter 35 of Title 58.1 of the Code of Virginia, taxes shall be levied and collected for general purposes for the calendar year 2021~~2~~ on the certain classifications of tangible personal property set forth below at the rate of four dollars (\$4.00) on each one hundred dollars (\$100) assessed valuation thereof.

- a. heavy construction equipment as described in ~~Code of Virginia § 58.1-3506 (A) (8)~~ of the Code of Virginia;
- b. computer equipment as described in ~~Code of Virginia § 58.1-3506 (A) (11)~~ of the Code of Virginia;
- c. tangible personal property as described in (a) ~~Code of Virginia § 58.1-3506~~ of the Code of Virginia as “certified pollution control equipment and facilities” and (b) ~~Code of Virginia § 58.1-3661~~ of the Code of Virginia as “certified solar equipment, facilities or devices and certified recycling equipment, facilities or devices”;
- d. furniture, office, and maintenance equipment as described in ~~Code of Virginia § 58.1-3506 (A) (24)~~ of the Code of Virginia;
- e. all tangible personal property employed in a trade or business other than described in subdivisions A 1 through A 18, except for subdivision A 17, of § 58.1-3503 as described in ~~Code of Virginia § 58.1-3506 (A) (26)~~ of the Code of Virginia;
- f. programmable computer equipment and peripherals employed in a trade or business ad described in ~~Code of Virginia § 58.1-3506 (A) (27)~~ of the Code of Virginia;
- g. tangible personal property used in the provision of internet service as described in ~~Code of Virginia § 58-1-3506 (A) (31)~~ of the Code of Virginia;
- h. forest harvesting and silvicultural activity as described in ~~Code of Virginia § 58-1-3506 (A) (33)~~ of the Code of Virginia;
- i. equipment used primarily for research, development, production or provision of biotechnology as described in ~~Code of Virginia § 58-1-3506 (A) (34)~~ of the Code of Virginia;
- j. tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband internet service as described in ~~Code of Virginia § 58-1-3506 (A) (37)~~ of the Code of Virginia.

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

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Sec. 4. Amount of Levy on Manufactured Homes.

There shall be levied and collected for general purposes for the calendar year 2021~~2~~ taxes on all vehicles without motive power, used or designated to be used as manufactured homes, as defined by Section 36-85.3 of the Code of Virginia, at the rate of ~~one dollar and one and seventy-five hundredths of a cent (\$1.0175)~~ ninety-eight cents and eighty-seven hundredths of a cent (\$0.9887) on each one hundred dollars (\$100) of assessed valuation thereof. Such property declared a separate class of tangible personal property in Section 58.1-3506 (A) (10).

Sec. 5. Amount of Levy on All Boats or Watercraft Used for Business Purposes Only.

There shall be levied and collected for general purposes for the calendar year 2021~~2~~ taxes on all boats or watercraft used for business purposes (both boats weighing less than five (5) tons and boats weighing five (5) tons or more), except as provided for in Section 8 of this ordinance, at the rate of one dollar and fifty cents (\$1.50) on each one hundred dollars (\$100) of assessed valuation thereof. Such property declared a separate class of tangible personal property in Sections 58.1-3506 (A) (35) and (A) (36).

Sec. 6. Amount of Levy on All Boats or Watercraft Not Used Solely for Business Purposes.

There shall be levied and collected for general purposes for the calendar year 2021~~2~~ taxes on all boats or watercraft not used solely for business purposes weighing less than five (5) tons, and weighing five (5) tons or more, except as provided for in Section 8 of this ordinance, at the rate of one dollar and fifty cents (\$1.50) on each one hundred dollars (\$100) of assessed valuation thereof. Such property declared a separate class of tangible personal property in Sections 58.1-3506 (A) (1) (a) and (A) (1) (b) of the Code of Virginia.

Sec. 7. Amount of Levy on Machinery and Tools.

In accordance with Section 58.1-3507 of the Code of Virginia, there shall be levied and collected for general purposes for the calendar year 2021~~2~~ taxes on machinery and tools, including machinery and tools used directly in the harvesting of forest products or semiconductor manufacturing, not exempt from taxation, at the rate of one millionth of one cent (\$.000001) on each one hundred dollars (\$100) of assessed valuation thereof. As provided by ~~Code of Virginia § 58.1-3506 (B) of the Code of Virginia~~, the following personal property shall also be taxed at the rate of machinery and tools:

- a. all tangible personal property used in research and development businesses, as described in ~~Code of Virginia § 58.1-3506 (A) (7) of the Code of Virginia~~;
- b. generating or cogenerating equipment, as described in ~~Code of Virginia § 58.1-3506 (A) (9) of the Code of Virginia~~; and
- c. all motor vehicles, trailers and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property or passengers for hire by a motor carrier engaged in interstate commerce, as described in ~~Code of Virginia § 58.1-3506 (A) (25) of the Code of Virginia~~.

Sec. 8. Amount of Levy on Privately Owned Pleasure Boats and Watercraft Used for Recreational Purposes Only.

There shall be levied and collected for general purposes for the calendar year 2021~~2~~ taxes on all privately owned pleasure boats and watercraft used for recreational purposes only, at the rate of one millionth of one cent (\$.000001) on each one hundred dollars (\$100) of assessed valuation thereof. Such property declared a separate class of tangible personal property in Sections 58.1-3506 (A) (12), (A) (28), and (A) (29) of the Code of Virginia.

Sec. 9. Amount of Levy on Privately Owned Camping Trailers, Privately Owned Travel Trailers, and Motor Homes Used for Recreational Purposes Only, and Privately Owned Horse Trailers.

There shall be levied and collected for general purposes for the calendar year 2021~~2~~ taxes at the rate of one dollar and fifty cents (\$1.50) on each one hundred dollars (\$100) of assessed valuation thereof on the following property: (a) all privately owned camping trailers and motor homes as defined in Section 46.2-100 of the Code of Virginia and privately owned travel trailers as defined in ~~Code of Virginia § 46.2-1900 of the Code of Virginia~~, that are used for recreational purposes only; and (b) privately owned trailers as defined in § 46.2-100 of the Code of Virginia that are designed and used for the transportation of horses, except those trailers described in subdivision (A) (11) of § 58.1-3505 of the Code of Virginia. Such property declared a separate class of tangible personal property in Sections 58.1-3506 (A) (18) and (A) (30) of the Code of Virginia.

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

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Sec. 10. Amount of Levy on One Motor Vehicle Owned and Regularly Used by a Disabled Veteran.

There shall be a reduced tax, levied and collected for general purposes for the calendar year 2024~~2~~ at the rate of one dollar and fifty cents (\$1.50) on each one hundred dollars (\$100) of assessed valuation, on one (1) motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind, or who is permanently and totally disabled as certified by the Department of Veterans' Affairs. Any motor vehicles in addition to the one (1) so taxed shall not qualify for the taxation at the rate established herein, and shall be taxed at the rate or rates applicable to that class of property. To qualify, the veteran shall provide a written statement to the Commissioner of the Revenue from the Department of Veterans' Affairs that the veteran has been so designated or classified by the Department of Veterans' Affairs as to meet the requirements of Section 58.1-3506 (A) (19) of the Code of Virginia, and that his or her disability is service connected. Such property is declared a separate class of tangible personal property in Section 58.1-3506 (A) (19) of the Code of Virginia.

Sec.11. Amount of Levy on a Motor Vehicle Owned and Used Primarily by or for Someone at Least Sixty-Five Years of Age or Anyone Found to be Permanently and Totally Disabled.

a. In accordance with Sections 58.1-3506.1 et seq. of the Code of Virginia, there shall be a reduced tax, levied and collected for general purposes for calendar year 2024~~2~~, at the rate of three dollars (\$3.00) on each one hundred dollars (\$100.00) of assessed valuation, on one (1) automobile or pickup truck owned and used primarily by or for anyone at least sixty-five years of age or anyone found to be permanently and totally disabled, as defined in Section 58.1-3506.3 of the Code of Virginia, subject to the following conditions:

1. The total combined income received, excluding the first \$7,500 of income, from all sources during calendar year 2019~~20~~ by the owner of the motor vehicle shall not exceed twenty-two thousand dollars (\$22,000).

2. The owner's net financial worth, including the present value of all equitable interests, as of December 31 of calendar year 2019~~20~~, excluding the value of the principal residence and the land, not exceeding one (1) acre, upon which it is situated, shall not exceed seventy thousand dollars (\$70,000).

3. All income and net worth limitations shall be computed by aggregating the income and assets, as the case may be, of ~~a husband and wife~~ married individuals who reside in the same dwelling and shall be applied to any owner of the motor vehicle who seeks the benefit of the preferential tax rate permitted under this ordinance, irrespective of how such motor vehicle may be titled.

b. Any such motor vehicle owned by ~~a husband and wife~~ married individuals may qualify if either spouse is sixty-five or over or if either spouse is permanently and totally disabled, and the conditions set forth in subsection (a) have been satisfied.

Sec. 12. Amount of Levy on Computer Equipment and Peripherals Used in a Data Center.

There shall be levied and collected for general purposes for the calendar year 2024~~2~~ taxes on all computer equipment and peripherals used in a data center as authorized in § 58.1-3506(A)(43) of the Code of Virginia at the rate of forty cents (\$0.40) on each one hundred dollars (\$100) of assessed valuation thereof.

Sec. 13. Amount of Levy on EMS Volunteer Motor Vehicles.

There shall be levied and collected for general purposes for the calendar year 2024~~2~~ taxes on motor vehicles that meet the ownership and tax burden requirements as set forth in § 58.1-3506(A)(15) of the Code of Virginia at the rate of one millionth of one cent (\$0.000001) on each one hundred dollars (\$100) of assessed valuation thereof. Such property declared a separate class of tangible personal property in § 58.1-3506(A)(15) of the Code of Virginia and is limited to one motor vehicle per member. The member is required to regularly respond to emergency calls and the Council believes such designation may be obtained if the member has completed at least 80% of their hourly duty commitment. Such property shall be subject to the certification of the applicable chief of the volunteer emergency medical services agency or volunteer fire department, and if the owner or lessee discontinues active volunteer participation in the activities of such volunteer emergency medical services agency or volunteer fire department, the applicable chief shall forthwith provide the Commissioner of the Revenue of such change in status, which shall result in the Commissioner of the Revenue issuing a prorated tax assessment in accordance with the taxation of motor vehicles.

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

162 **Sec. 14. Assessed Value Determination.**

163 In accordance with Section 58.1-3103 of the Code of Virginia, personal property mentioned in the above
164 sections shall be assessed at actual fair market value, to be determined by the Commissioner of the Revenue for the
165 City of Virginia Beach.

166

167 **Sec. 15. Severability.**

168 If any portion of this ordinance is for any reason declared to be unconstitutional or invalid, such decision
169 shall not affect the validity of the remaining portions of this ordinance.

170

171 **Sec. 16. Effective Date.**

172 This ordinance shall be effective January 1, 2021±2.

173

174 *Requires an affirmative vote by a majority of all of the members of City Council.*

175

176 Adopted by the City Council of the City of Virginia Beach, Virginia, on the ___ day of May, 2021.

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

1 **AN ORDINANCE TO ADOPT THE FY 2022 - FY 2027 CAPITAL**
2 **IMPROVEMENT PROGRAM AND TO APPROPRIATE FUNDS FOR THE FY**
3 **2021-22 CAPITAL BUDGET SUBJECT TO FUNDS BEING PROVIDED FROM**
4 **VARIOUS SOURCES SET FORTH HEREIN**

5 WHEREAS, the City Manager, on March 23, 2021, presented to City Council the Capital Improvement Program for Fiscal
6 Years 2021-22 through 2026-27;

7
8 WHEREAS, the City Council held public hearings on the program to provide for public comment;

9
10 WHEREAS, based on public comment, the City Council has determined the need for certain projects in the Capital
11 Improvement Program; and

12
13 WHEREAS, it is necessary to appropriate funds for both existing projects and projects beginning in Fiscal Year 2021-22,
14 as set forth in said Capital Improvement Program.

15
16 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA THAT:

17
18 **Section 1.** ~~That~~ The Capital Improvement Program, as modified, for the construction of, or addition to, capital facilities
19 identified for Fiscal Years 2021-22 through 2026-27 is hereby adopted, and the projects listed therein are hereby approved
20 as capital projects.

21
22 **Section 2.** ~~That~~ The projects shall be financed from funds to be appropriated periodically by City Council, and until
23 funds are so provided, the projects are for planning purposes only and may be deleted, altered, or rescheduled in any manner
24 at any time by City Council.

25
26 **Section 3.** ~~That~~ Funds in the amounts aggregating \$419,111,001 for capital projects in the Capital Budget for Fiscal
27 Year the 2021-22 fiscal year, as set forth in said Capital Improvement Program, are hereby appropriated, by project and
28 subject to the conditions set forth herein. The amount of funding for individual projects is set forth in "Attachment A – Capital
29 Budget Appropriations," a copy of which is attached hereto.

30
31 **Section 4.** ~~That~~ In accordance with Section 2-196 of the City Code, financing sources in support of the Capital Budget
32 for Fiscal Year the 2021-22 fiscal year as set forth in said Capital Improvement Program is attached to this ordinance as
33 "Attachment B – Financing Sources."

34
35 **Section 5.** ~~That~~ eCapital project funds appropriated in prior fiscal years are to be adjusted in accordance with said
36 Capital Improvement Program and reallocated as identified in "Attachment C – Transfers," a copy of which is attached hereto.

37
38 **Section 6.** ~~That~~ reductions in financing sources in support of the Capital Budget for Fiscal Year the 2021-22 fiscal year
39 as set forth in said Capital Improvement Program are attached to this ordinance as "Attachment D – Changes in Financing
40 Sources."

41
42 **Section 7.** ~~That~~ aAdditional appropriations, the addition of capital projects, and changes in project scope shall not be
43 initiated except with the consent and approval of the City Council first being obtained. An appropriation for a project in the
44 Capital Improvement Program shall continue in force and, to the extent required by law, re-appropriated for use in ~~FY 2020-~~
45 ~~21~~ Fiscal Year 2021-22 until the purpose for which it was made has been accomplished or abandoned.

46
47 **Section 8.** ~~That notwithstanding Sec. 2-154 of the City Code and although this Capital Improvement Program includes~~
48 ~~funding for such purpose, the City Manager or his designee shall not authorize or approve the use of \$21.8 million for the~~
49 ~~following list of 14 projects until such time as the City Council provides, by ordinance or resolution, approval of the use of such~~
50 ~~funding. This limitation shall include the City Manager or designee authorizing such an action on the behalf or at the behest of~~
51 ~~the City by another entity or body, whether state, local, or regional in nature. The list is as follows:~~

- 52 i. ~~CIP # 8-025 "Beach Replenishment II" (\$2,550,000)~~

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

- 53 ii. ~~_____~~ CIP # 3-718 "Police Radio Encryption" (\$3,302,428) Partial ATD
- 54 iii. ~~_____~~ CIP # 2-094 "Bus Stop Infrastructure and Accessibility Improvements" (\$648,969) Partial ATD
- 55 iv. ~~_____~~ CIP # 2-414 "Shipps Corner Road Improvements" (\$2,100,000) ATD
- 56 v. ~~_____~~ CIP # 2-047 "Upton Drive Extended and Dam Neck Stations Imp." (\$1,286,780) ATD
- 57 vi. ~~_____~~ CIP # 3-153 "Various Site Acquisitions III" (\$343,644)
- 58 vii. ~~_____~~ CIP # 3-132 "Heritage Building Maintenance II" (\$575,000)
- 59 viii. ~~_____~~ CIP # 4-300 "Community Recreation Centers Repairs and Renovations III" (\$1,000,000)
- 60 ix. ~~_____~~ CIP # 4-301 "Parks and Special Use Facilities Development/Reno" (\$950,000)
- 61 x. ~~_____~~ CIP # 3-703 "PD-Special Investigations Video Storage" (\$400,000)
- 62 xi. ~~_____~~ CIP # 2-056 "Pleasure House Road Street Imp - Phase I" (\$150,000)
- 63 xii. ~~_____~~ CIP # 2-057 "Pleasure House Road Street Imp - Phase II" (\$357,376)
- 64 xiii. ~~_____~~ CIP # 9-006 "Winston Salem Avenue Improvements" (\$7,565,191) ATD
- 65 xiv. ~~_____~~ CIP # 3-184 "Virginia Aquarium Monument Signs" (\$600,000) ATD

66 Additionally, to preserve liquidity, the CIP #3-174, "Operations Facilities Renovations" appropriation of \$30,000,000 is placed
67 in a reserve until the City Council approves the release of the funds by ordinance or resolution.

68
69 **Section 98.** ~~That a~~All contracts awarded for approved and appropriated capital projects, exclusive of school projects,
70 must be certified as to the availability of funds by the Director of Finance prior to the initiation of work on the contract.

71
72 **Section 109.** ~~That s~~Subject to any applicable restriction of law or of any bonds or bond issue, the City Manager or the
73 Director of Budget and Management Services is authorized to approve transfers of appropriations in an amount up to
74 \$100,000 between capital projects as may best meet the needs of the City. The City Manager shall make a monthly report to
75 the City Council of all transfers between \$25,000 and \$100,000. The City Manager or the Director of Budget and Management
76 Services is hereby authorized to establish and administer the budgeting of capital projects consistent with best management
77 practices, reporting requirements and the Capital Improvement Program adopted by the City Council.

78
79 **Section 110.** ~~That t~~To ensure timely completion of water and sewer projects, appropriations for water and sewer
80 companion projects may be transferred between these projects by the City Manager (or designee). "Companion projects"
81 mean water and sewer projects having the same name or project scope and description with the exception of "water" or
82 "sewer" being in the title and/or project scope and description.

83
84 **Section 121.** ~~That t~~The City Manager or the Director of Budget and Management Services is hereby authorized to
85 change, subject to any applicable restriction of law or of any bonds or bond issue, the financing sources for the various capital
86 projects included in this or previous ordinances to reflect effective utilization of the financing sources and actual collections
87 and/or realized revenues. If the financing sources in support of capital projects decline, the City Manager or the Director of
88 Budget and Management Services is authorized to reduce, subject to any applicable restriction of law or of any bonds or bond
89 issue, those appropriations to equal the changed financing source. The City Manager must give prior notice to the City Council
90 of any reductions to total appropriations exceeding \$100,000. The notice to City Council shall identify the basis and amount
91 of the appropriation reduction and the capital projects affected. The accounting records of the City will be maintained in a
92 manner where the total of financing sources is equal to the total appropriations for each of the City's capital projects funds.

93
94 **Section 13.** ~~That in accordance with adjustments in funding sources from the Virginia Department of Transportation,~~
95 ~~\$567,000 of appropriated state contribution funding for CIP 2-135 "Cleveland Street Phase IV Improvements" is hereby~~
96 ~~modified to \$567,000 in federal contribution.~~

97
98 **Section 14.** ~~That in accordance with adjustments in funding sources from the Virginia Department of Transportation,~~
99 ~~\$240,712 of appropriated federal contribution funding for CIP 2-152 "Elbow Road Extended Phase II B is hereby modified to~~
100 ~~\$240,712 in state contribution.~~

101
102 **Section 15.** ~~That in accordance with adjustments in funding sources from the Virginia Department of Transportation,~~
103 ~~\$37,080 of appropriated federal contribution funding for CIP 2-025 "Witchduck Road Phase II" hereby modified to \$37,080 in~~
104 ~~state contribution.~~

**REQUESTED BY COUNCILMEMBER MOSS
ALTERNATIVE 1**

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~~Section 162. That t~~The Capital Improvement Program debt management policies contained and included in the Resource Management Plan document shall be the policy guidelines of the City, and the City Manager shall annually report on the status of those guidelines and the projected impact of the proposed Capital Improvement Program on those guidelines, such information to be included in the Resource Management Plan submittal. The City Manager may propose modifications to those policies and guidelines through the Resource Management Plan.

~~Section 173. That s~~Subject to the appropriation of sufficient funds within a capital project, the acquisition of real property necessary for the project is authorized by means of voluntary negotiation with willing sellers.

~~Section 184. That~~ Attachment B of this Ordinance includes \$96,395,004 of funding using Public Facility Revenue Bonds ("PFRB Financing"). "Attachment E – Projects Utilizing Public Facility Revenue Bonds," attached hereto and incorporated, provides a list of projects that include PFRB Funding and the amount of PFRB Funding for Fiscal Year 2021-22. Without changing the amount of total PFRB Funding authorized by this Ordinance, the Director of Finance is authorized to adjust the allocations and/or amounts among the projects to ensure that the tax-exempt status for any resulting bonds is retained.

Section 15. The following adjustments to the proposed City Manager’s CIP are hereby made:

- a. A reduction of \$4,000,000 to the General Fund Pay-go for FY2022 and each of the planning years. The City Manager shall forthwith provide the City Council with the identification of the Projects that will be reduced to accomplish this reduction.
- b. A reduction of the Public Facility Revenue Bonds in the amount of \$69,000,000 for the Schools Section of the Capital Budget, and this bonding capacity is to be reserved for future flood mitigation needs.

~~Section 196. That v~~Violation of this ordinance shall result in the City Manager taking disciplinary action against the person or persons responsible for the capital project in which the violation occurred.

~~Section 2017. That i~~f any portion of this ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

~~Section 2118. That t~~This ordinance shall be in effect from the date of its adoption; however, appropriations for the FY 2021-22 Capital Budget shall be effective on July 1, 20201.

Requires an affirmative vote of the majority of the members of City Council

Adopted by the Council of the City of Virginia Beach, Virginia, on the ____ day of May, 2021.