PRELIMINARY MEETING OF THE BOARD

Thursday, February 21, 2013
1:15 - 2:00 p.m.
Auditorium of The Harrison Institute/
Small Special Collections Library

OPEN SESSION

A. Pledge of Allegiance (Mr. Atkinson)

B. Appointment of the Non-Voting Student Member for 2013-2014 (The Rector)

C. Approval of the Full Board Minutes for November 8-9, 2012 Meetings of the Board of Visitors and December 7, 2012 Meeting in Wise, Virginia (The Rector)

D. Resolution for Addition(s) to the Agenda (The Rector)

E. Approval of Addendum #2 to January 20, 1984 Agreement Among the University, the City Of Charlottesville, and the County Of Albemarle, Regarding Funding of the Joint Emergency Communications Center (The Rector)

F. Remarks by the Rector

G. Report by the Student BOV Member

H. Report by the President
RESOLUTION TO APPROVE ADDITIONAL AGENDA ITEMS

RESOLVED, the Board of Visitors approves the consideration of addenda to the published Agenda.

APPROVAL OF ADDENDUM #2 TO JANUARY 20, 1984 AGREEMENT AMONG THE UNIVERSITY, THE CITY OF CHARLOTTESVILLE, AND THE COUNTY OF ALBEMARLE, REGARDING FUNDING OF THE JOINT EMERGENCY COMMUNICATIONS CENTER

WHEREAS, by an Agreement dated January 20th, 1984 (as amended, the "Agreement"), the Rector and Visitors of the University of Virginia, the City of Charlottesville, Virginia, and the County of Albemarle, Virginia, entered into a joint exercise of power for the establishment of a centralized dispatching facility (the "Emergency Communications Center" or "ECC") for their respective law enforcement agencies and other emergency services operating in the Charlottesville and Albemarle County community, and for the provision of a "911" emergency telephone system; and

WHEREAS, the Agreement provided that the funding of the ECC be apportioned among the participants in accordance with a formula based on the participants' populations, number of calls for service and crime index figures; and

WHEREAS, at the meeting of the Emergency Communications Center Management Board held on September 12, 2012, the Management Board recommended a proposed amendment to the Agreement changing the funding formula so that it is based on actual calls for service received by the ECC, with each of the participants in the Agreement responsible for operating and capital costs of the ECC in direct proportion to their respective percentage of the actual calls for service, which the Management Board believes will be a more equitable and simpler funding formula for the operating costs of the ECC; and

WHEREAS, the Management Board also recommended that the Agreement be amended to implement a separate funding formula for operating and capital costs of the ECC's 800 MHz communications system, with such costs to be allocated among the participants on the basis of the number of radios used by the participants and certain third party users; and
WHEREAS, the Management Board finally recommended that the Agreement be amended to include a fund balance provision so that the ECC may retain a year-end fund balance not to exceed twenty-five percent (25%) of the ECC’s total annual operating budget; and

WHEREAS, the Management Board has submitted an Addendum #2 to the Agreement, which Addendum sets forth the Management Board’s recommended amendments to the Agreement; and

RESOLVED, the Board of Visitors approves the attached Addendum #2 to Agreement dated January 20, 1984, by and among the County of Albemarle, Virginia, the City of Charlottesville, Virginia, and the Rector and Visitors of the University of Virginia for funding of the joint Emergency Communications Center, and authorizes the President, or Executive Vice President and Chief Operating Officer, to execute such Addendum #2 on behalf of the University.
ADDENDUM #2 TO AGREEMENT DATED JANUARY 20, 1984
BY AND AMONG THE COUNTY OF ALBEMARLE, VIRGINIA,
THE CITY OF CHARLOTTESVILLE, VIRGINIA, AND
THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA

This Addendum #2, dated January 1, 2013, to the Agreement dated January 20, 1984, and first amended October 10, 2002, by and among the COUNTY OF ALBEMARLE, VIRGINIA, the CITY OF CHARLOTTESVILLE, VIRGINIA, and the RECTOR and VISITORS OF THE UNIVERSITY OF VIRGINIA (collectively referred to as the “Participants”).

The Participants agree to the following modifications to the Agreement:

1. Section IV (“Allocation of Costs”) is deleted and replaced with the following paragraphs:
   
   a. **Operating Costs.** Beginning with the fiscal year commencing July 1, 2013, the Management Board shall submit the annual budget request for the Center to each Participant by January 15th of each year in a format generally in accordance with the Uniform Financial Reporting System of the Auditor of Public Accounts for the Commonwealth of Virginia. Operating costs will be allocated among the Participants in direct proportion to their respective shares of the percentage of the numbers of calls for service received by the Center. In preparing for the budget for each year, the Management Board shall obtain the actual number of calls received by the Center for the immediately preceding 12 month period of October 1 through September 30. The Management Board shall use such actual call numbers to recompute the allocation formula for each next ensuing fiscal year. The recomputation shall be made as soon after January 1 as possible to make accurate figures available to the Participants for their annual budget. A hypothetical example of the Funding Formula calculated under this section if it had applied to fiscal year 2012-2013 is attached hereto as Exhibit A. The budget shares for the Participants under the formula calculated under this section are set forth on Exhibit B attached hereto.
   
   b. **Capital Improvements Costs.** Non-recurring capital items for the Center shall be submitted to each Participant as part of its Capital Improvement Plan (CIP). Capital items include (i) land acquisition, and construction of new facilities; (ii) renovations or additions to existing facilities; (iii) major studies such as facility or systems assessments, engineering or feasibility studies related to facility or system needs; and (iv) equipment requirements. Funding for capital items shall be subject to approval by the Participants. The cost for capital items for the Center shall be allocated among the Participants according to their percentage of actual calls to the Center as determined in section IV(a) above for the fiscal year such capital items are approved by a Participant; provided, however, that each Participant’s percentage of cost for a capital item shall not be recomputed each year, but shall remain constant for such capital item. By way of example, the Computer Aided Dispatch System (CADS) is a capital item. The cost allocation of the CADS project is based on the cost allocation among the Participants in effect at the time that project was approved by the Participants and shall remain constant throughout such project, notwithstanding the recalculation of allocations for operating costs pursuant to section IV(a) above.
   
   c. **800 MHz System.** Notwithstanding paragraphs a and b above, the capital and operational cost allocation of the 800 MHz Public Safety Project (the 800 MHz System) was established by an Agreement dated June 27, 2003 among the Participants, with the cost allocation based on the number of radios used in the 800 MHz System by the Participants and certain third party users. The capital cost allocation of the 800 MHz System shall remain fixed pursuant to the terms of the Agreement dated June 27, 2003. The operational cost of the 800 MHz System shall continue to be recomputed each year allocating the cost to the Participants equal to the percentage of the number of radios used by each Participant in the 800 MHz System. Unless otherwise agreed to, the capital and operational cost for any communications system
which replaces the 800 MHz System will also be allocated among the Participants equal to the percentage of the number of radios used by each Participant in such replacement system.

d. **Fund Balance.** The Center may retain a year-end fund balance not to exceed twenty-five percent (25%) of the Center’s total annual operating budget. The Management Board will, after each fiscal year audit, return to each Participant its share of any carryover funds in excess of those amounts necessary to fund the reserve fund. The return of such funds to each Participant will be prorated using the allocation formula calculated pursuant to section IV(a) above for such fiscal year. In lieu of returning such funds, the Management Board may formally request alternative uses for such carryover funds, subject to the approval of the Participants.

2. Except as amended hereby, the Agreement remains in full force and effect and the Participants hereby ratify and confirm the provisions, terms and conditions set forth in the Agreement and any amendments or addenda thereto.

**WITNESS** the following signatures.

**COUNTY OF ALBEMARLE**

Thomas C. Foley, County Executive

Date

Approved as to form:

____________________________

County Attorney
CITY OF CHARLOTTESVILLE

Maurice Jones, City Manager

Approved as to form:

City Attorney
RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA

__________________________________________  ____________________________

Date

Approved as to form:

__________________________________________

University Counsel
## Proposed Funding Formula

<table>
<thead>
<tr>
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<th>County</th>
<th>City</th>
<th>UVA</th>
<th>Totals</th>
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<td>53,008</td>
<td>21,296</td>
<td>144,130</td>
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<td>36.78%</td>
<td>14.77%</td>
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<tr>
<td>Totals</td>
<td>69,826</td>
<td>53,008</td>
<td>21,296</td>
<td>144,130</td>
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**FY 13 Budget**

- $5,326,614
- Minus Internal 800 MHz Public Safety* $500,863
- Minus 800 MHz Outside Agencies** $271,011

**Total**

$4,554,740

**Total multiplied by % above**

- County $2,206,772
- City $1,675,233
- UVA $672,735

**Total Owed per locality**

- $2,254,690
- $1,615,739
- $689,428

* Internal public safety agencies include:
  - Albemarle County Public Safety (37.33%) $288,107
  - City of Charlottesville Public Safety (15.91%) $122,841
  - University of Virginia Public Safety (11.65%) $89,915

**Total**

$500,863

* Outside agencies include (billed individually):
  - Albemarle County Schools (11.03%) $85,166
  - City of Charlottesville Public Works (3.98%) $30,710
  - City of Charlottesville Schools (2.09%) $16,147
  - City of Charlottesville Transit (2.30%) $17,730
  - UVA Transit (2.91%) $22,479
  - Charlottesville-Albemarle Regional Airport (2.13%) $16,463
  - Albemarle -Charlottesville Regional Jail (6.23%) $48,123
  - Rivanna Water & Sewer Authority (2.30%) $17,730
  - Alcohol, Tobacco & Firearms (0.17%) $1,266
  - Albemarle County Service Authority (1.97%) $15,197

**Total**

$271,011

**These would be billed separately as part of the 800 MHz infrastructure budget**

The public safety agencies for each jurisdiction would be included in the localities portion of the regular budget.
**CHARLOTTESVILLE-UVA-ALBEMARLE COUNTY**  
**EMERGENCY COMMUNICATIONS CENTER**  
**BUDGET SHARES**

**FISCAL YEAR 2012-2013**

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<th>Cost Center</th>
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<th>UVA</th>
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<td><strong>Total Budget Share</strong></td>
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<td><strong>Revenues</strong></td>
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<td><strong>Total Due</strong></td>
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<td><strong>$1,615,739</strong></td>
<td><strong>$689,428</strong></td>
<td><strong>$271,011</strong></td>
<td><strong>$4,830,868</strong></td>
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**Other Outside Revenues**

29,000 (Interest)  
10,500 (OES Grant)  
453,600 (Wireless Fund)  
2,646 (FBI)

**$495,746.00 Total Other Outside Revenues**

**Total Shares Due FY- 2012-2013**

Albemarle County - $2,254,690  
City of Charlottesville - $1,615,739  
University of Virginia - $689,428  
800 MHz Infrastructure Others - $271,011