

**REPORT OF THE
COMMISSION ON CITY-COUNTY RELATIONSHIPS**

**REPORTED TO
THE GOVERNOR
AND
GENERAL ASSEMBLY OF VIRGINIA**



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TABLE OF CONTENTS

<u>Part</u>	<u>Page</u>
I. INTRODUCTION	1
II. THE COMMISSION AND ITS CHARGE	7
Current Status of City-County Relations in Virginia	8
An Approach to the Problem	9
III. RECOMMENDATIONS OF THE COMMISSION	14
Immunity from Annexation and City Incorporation for Qualifying Counties	14
Modifications of the Annexation Statutes	15
Independent City Status	18
A. The Evolution of Towns to Cities	18
B. Unilateral Incorporation of Counties as Cities	20
C. The Consolidation of Governmental Units into New Cities	21
Voluntary Boundary Adjustment	23
State Assistance to Local Government	23
IV. DISCUSSION OF RECOMMENDATIONS	25
The Propriety of Annexation	25
Immunity from Annexation and City Incorporation for Qualifying Counties	29
1. The Grant of Immunity	29
2. The Criteria for Immunity	31
3. The Procedure for Obtaining Immunity	32
The Judicial System for Annexation	33
Modifications of the Annexation Statutes	36
1. The Availability of Independent Expert Advice	36
2. A Trial on the Merits	37
3. The Division of Annexation Cases	38
4. Time Limit for Intervenor	40
5. Composition of the Court	40
6. Factors in Annexation Proceedings	41
7. Declination of Annexation Award	46
8. Protection of Interests of the Annexed Area	47
Independent City Status	48
A. The Evolution of Towns to Cities	50
1. Criteria for the Evolution of Towns to Cities	50
2. Procedure for Town Incorporation as a City	53
B. Unilateral Incorporation of Counties as Cities	56
1. Criteria for Unilateral County Incorporation as a City	57
2. Procedure for Unilateral County Incorporation as a City	58

C. The Consolidation of Governmental Units into New Cities	62
1. Criteria for Cities Created by Governmental Consolidation	63
2. Procedure for the Consolidation of Governmental Units into New Cities	64
Voluntary Boundary Adjustment	66
1. Adjustment by Agreement of Governing Bodies	67
2. Adjustment by Voluntary Referral to the Court	67
State Assistance to Local Government	68
1. Housing and Public Transportation	68
2. Promotion of Equity	69
3. Encouragement of Interlocal Cooperation	71
 V. CONCLUDING REMARKS	 73

APPENDICES

A. Survey of Costs of Annexation Proceedings	76
B. Characteristics: Virginia Counties 25,000 Population or More 1970	79
C. Standard Metropolitan Statistical Areas (SMSAs) in Virginia	85
D. Incorporation of Virginia Towns	86
E. Incorporation of Virginia Cities	87
F. Mergers in Virginia	88
G. Annexation Proceedings by Virginia Cities, 1904 to Present	89
H. Statistical Profiles of Selected Metropolitan Areas in Virginia	90
I. Population, Area, and Density of Towns 3,500 and over, 1970	133
J. Selected Characteristics of Virginia Cities	134
K. Map of Virginia with Political Subdivisions	136

Report
of the
Commission on City-County Relationships

Richmond, Virginia

January, 1975

To: Honorable Mills E. Godwin, Jr., Governor of Virginia

and

The General Assembly of Virginia

PART I

INTRODUCTION

By the terms of Chapter 234 of the 1971 Acts of Assembly, the City-County Relationships Commission was created to consider and report on matters involving city-county relationships, including studies on annexation, the incorporation of certain counties, the independent city system and other matters in connection therewith. The Commission was continued by Chapter 539 of the 1974 Acts of Assembly which reads as follows:

CHAPTER 539

An Act to amend and reenact Chapter 234 of the Acts of Assembly of 1971, relating to the creation of a commission to study city-county relationships and appropriating funds.

Be it enacted by the General Assembly of Virginia:

1. That Chapter 234 of the Acts of Assembly of 1971 is amended and reenacted as follows:

§ 1. The General Assembly finds and declares that the economic, social and political welfare, and the ability to provide services on a planned and continuing basis, are essential to the well-being of the counties and cities of this Commonwealth. Such political subdivisions must not only take actions which are designed to further their interests but must also give due consideration to the implications of such actions upon the Commonwealth as a whole.

The General Assembly further finds and declares that the situation currently confronting the Commonwealth involving the counties of Henrico and Chesterfield and the city of Richmond, in particular, and other political subdivisions in general, has grave underlying implications which far transcend the local interests involved. In this instance, action must now be avoided which would have irreversible, and possibly adverse, effects upon the development of the localities of Virginia. To avoid that result is one objective of this legislation.

§ 2. There is hereby created a commission on city-county relations. The Commission shall be composed of thirteen persons of whom six shall be appointed by the speaker of the House of Delegates, including not less than two from the membership of the House Committee on Counties, Cities and Towns, three shall be appointed by the President of the Senate, including

not less than two from the membership of the Senate Committee on Counties, Cities and Towns, and four shall be appointed by the Governor from the State at large. The Commission shall elect its own Chairman. The membership of the Commission as it exists on the effective date of this act shall continue insofar as practicable. In the event any member is unable to serve, the successor shall be chosen as in the original appointment of such member. The Commission shall make an interim report to the Governor and General Assembly no later than December one, nineteen hundred seventy-one, and shall conclude its study and make its final report to the Governor and General Assembly, upon the matters hereinafter set out, not later than December one, nineteen hundred seventy-four.

§ 3. Among other matters, the Commission shall consider the following;

(a) Whether annexation is the appropriate technique to use for the addition of territory to cities and towns, and, if not, what techniques are available and might be employed;

(b) What changes in the annexation statutes should be made and with what purpose in mind;

(c) Whether counties should be given the right to become incorporated as cities as they attain certain characteristics, and by what method and criteria such characteristics should be evaluated and determined;

(d) Whether the system of independent cities which exists in this Commonwealth should be modified or abolished and, if so, how such could be accomplished.

In all of the foregoing, the Commission shall give particular consideration to the complexities and essential implications of the Henrico-Chesterfield-Richmond county-city problems and it shall consider how its

findings might apply in other political subdivisions of the State, in particular, the metropolitan areas of Northern Virginia, Roanoke Valley and Hampton Roads.

§ 4. All agencies of the State shall assist the Commission upon request and the several colleges and universities supported by the State are requested to make available staff and services to it in order that the Commission will be well supplied with information and proposed solutions to the problems which it must consider.

§ 5. The members of the Commission shall receive a per diem allowance of thirty-five dollars for each day or any part thereof devoted to their duties as members of the Commission and, in addition, shall be reimbursed for their expenses incurred in the discharge of their duties.

2. Beginning February one, nineteen hundred seventy-one and terminating January one, nineteen hundred seventy six, no city charter shall be granted or come into force in any county which adjoins a city of more than one hundred twenty-five thousand population, and for and during such time, no annexation suit shall be instituted against such county; an annexation suit against such county instituted during such time shall be stayed; provided, however, that an annexation suit against such county instituted and pending prior to February one, nineteen hundred seventy-one, shall not be stayed and such proceedings may continue in any such suit; provided, however, that the foregoing shall not prohibit the institution of an annexation proceeding for the purpose of implementing annexation involving such county, the extent, terms and conditions of which have been agreed upon by such county and a city or by such county and a town.

3. In order to provide funds for the purposes of this act, there is hereby appropriated from the General Fund of the State treasury the sum of fifty thousand dollars to be expended for the purposes set forth herein. The Commission is authorized to employ and compensate therefrom such professional, expert and secretarial services as it may require.

4. An emergency exists and this act is in force from its passage.

Pursuant to the terms of the study directive, thirteen members were appointed to the Commission. The members appointed by the Governor to serve on the Commission were Wiley F. Mitchell, Jr., Alexandria; Millard B. Rice, Phenix; Wendell P. Russell, Petersburg; and Ronald R. Workman, Lynchburg. Dr. Wendell P. Russell resigned during the course of the deliberations of the Commission. Mr. Edward L. Felton, Suffolk, was appointed to serve on the Commission and fill the vacancy. The Speaker of the House of Delegates appointed Delegates Willis M. Anderson, Roanoke; Robert B. Ball, Sr., Richmond; C. Russell Burnette, Rustburg; L. Cleaves Manning, Portsmouth; Thomas J. Michie, Charlottesville; and G. R. C. Stuart, Abingdon. Messrs. Anderson, Burnette and Stuart did not return to the House of Delegates during the course of the study but continued to participate in the deliberations of the Commission. The President of the Senate appointed Senators Peter K. Babalas, Norfolk; William A. Truban, Woodstock; and George M. Warren, Bristol. Senator Babalas resigned during the course of the study and Senator Russell I. Townsend, Chesapeake was appointed to fill the vacancy.

Mr. G. R. C. Stuart was elected to serve as Chairman of the Commission, and Senator George M. Warren, Jr., served as Vice-Chairman of the Commission.

From the outset, members of the Commission were aware that the complexity of the matters designated by the Act of Assembly creating the Commission and the impact of the Commission's study were of such magnitude and importance that a full-time staff should be employed to assist the Commission in its study. This full-time staffing was provided by Dr. Clifton McCleskey, Director, Institute of Government of the University of Virginia; Michaux H. Wilkinson, Research Assistant, Institute of Government; and G. Gregory Raab, Research Assistant, Institute of Government.

G. William White, Jr., C. M. Conner, Jr. and Cheryl C. Booker of the Division of Legislative Services were assigned to provide additional assistance to the Commission in carrying out its directives.

PART II

THE COMMISSION AND ITS CHARGE

By act of the General Assembly in 1971 this Commission was established to consider again the status of relations between Virginia's cities and counties. It is not surprising that since 1950 the Commonwealth has repeatedly studied the status of interlocal relations in the state, for the rapidity of social, political, and technological change in this era has constantly demanded a reassessment of our governmental institutions.¹ The continuous attention devoted by Virginia to the study of its local governments attests to the state's recognition of their vital role in contemporary society and to the state's determination to facilitate their adaptation to current needs.

This Commission was directed by the General Assembly to consider principally four questions:

1. whether annexation is the appropriate technique to use for the addition of territory to cities and towns, and if not, what techniques are available and might be employed;
2. what changes in the annexation statutes should be made and with what purpose in mind;
3. whether counties should be given the right to become incorporated as cities as they attain certain characteristics, and by what method and criteria such characteristics should be evaluated and determined; and
4. whether the system of independent cities which exists in this Commonwealth should be modified or abolished and, if so, how such could be accomplished.²

¹Since 1950 the General Assembly has created a number of study groups to consider the question of boundary change and interlocal relations in Virginia. Four of those study groups were: the Commission to Study Urban Growth (1950), the Virginia Advisory Legislative Council study of annexation statutes (1962), the Virginia Metropolitan Areas Study Commission (1966), and the Commission to Study Problems of the Expansion of the Boundaries of Richmond (1969).

²Va. Acts, 1971, ch. 234, pp. 466-67.

While the Commission was requested to give particular consideration "to the complexities and essential implications of the Henrico-Chesterfield-Richmond county-city problems," it was also asked to consider how its proposals for that area might apply throughout the state in general. To provide an environment conducive to the Commission's study, the General Assembly prohibited city-initiated annexations and the granting of city charters to counties contiguous to cities until January 1, 1976.³

Although this Commission was authorized by the General Assembly in 1971, a delay in the selection of the governor's appointees resulted in the postponement of its actual establishment for a full year. Due to this delay and to the magnitude of its responsibilities, the Commission requested in its interim report, submitted to the preceding session of the General Assembly, an extension of its final reporting date until December 1, 1974. The extension was granted and, accordingly, this report is now submitted.⁴

Current Status of City-County Relations in Virginia

For two years this Commission has heard testimony from public officials, professionals involved in many aspects of interlocal relations in Virginia, noted authorities on local government from other states, and other interested parties. While the Commission members themselves have had long and varied involvement in the public affairs of the Commonwealth, the deliberations of this body have afforded them an increased awareness of the complexities and political realities of interlocal relations in Virginia. The Commission wishes

³The 1971 act provided a moratorium on annexation and the granting of city charters to counties only in those areas where counties adjoined cities having a population of more than 125,000. A 1972 enactment extended the moratorium to cover all counties and cities with the exception of those localities with annexation suits in progress (Acts, 1972, ch. 712).

⁴Acts, 1974, ch. 539.

to acknowledge its debt to the many public officials and citizens who have shared their concerns and perspectives with it.

The Commission well understands the immensity of its charge, for there are few aspects of local government and public policy that are not affected by the questions it has been asked to consider. The continuance of the independent city system, the propriety of annexation as a method of boundary change, the suitability of the judicial process for evaluating proposed annexations, and the appropriateness of the incorporation of counties as cities are issues of considerable magnitude. These issues have demanded and have received careful analysis by this Commission.

The general problems and conditions which currently impinge upon interlocal relations in Virginia, and which gave rise to this Commission, were reviewed in our interim report. However, it may be appropriate to note again here some of these conditions. The adaptation of county government and its acquired capacity to provide urban services, the social and economic problems confronting a number of Virginia localities, the protracted and costly nature of some recent annexation suits, the increased suspicion regarding the purpose of boundary change, and the continuing emergence of new problems requiring regional consideration and interlocal cooperation all made it apparent to the General Assembly that it was necessary to examine again the status of interlocal relations in the Commonwealth. In sum, this Commission has been asked to consider how our institutions and political processes might be beneficially adapted in response to these contemporary conditions.

An Approach to the Problem

The recommendations of this Commission, presented in the pages which follow, are founded upon several premises. It is important

that these premises be explicitly stated in this report so that the fundamental principles which have guided this Commission's inquiry are made known to the citizens of the Commonwealth. The Commission feels that these premises provide sound direction to the state for addressing the problems of interlocal relations in Virginia.

First, the Commission believes that the social and economic well-being of Virginia localities cannot be left solely to local capacity and initiative. The state, having the ultimate constitutional responsibility for local government, is obligated to guide and assist the development of its political subdivisions. It is evident to this Commission that, as expressed in the act authorizing this body, problems confronting localities may well have "grave underlying implications which far transcend the local interests involved." The state should not, and indeed cannot, remain aloof from the problems of its localities.

The state must exercise its recognized constitutional authority and responsibility to assure that all of its local governments have the capacity to meet the needs of their residents. To the extent that a locality cannot adequately house and provide for the basic social welfare needs of its populace, neighboring jurisdictions and the state generally are adversely affected. To the extent that a locality fails to offer all its citizens an environment conducive to the higher human aspirations, the welfare of that region and the Commonwealth suffers. Further, where regional problems go unmet due to insufficient interlocal cooperation or inadequate local resources, the consequences often extend far beyond the immediate localities. This Commission's endorsement of the premise of state responsibility for local government does not suggest a radical new departure for state policy, since Virginia has long recognized and accepted such responsibility for its localities. The

assertion of this premise here is intended only to acknowledge and to reaffirm that state responsibility.

Second, this Commission holds that the state must deal equitably with its local governments. While this principle, too, has long been endorsed in Virginia, its continued application may require adjustments in various state policies and programs. Equity requires more than the equal, identical treatment of localities; it necessitates allowances for their unique needs and circumstances. Thus, the state should be attentive to the significant changes which have taken place in some Virginia localities. First, the state must recognize that the distinction in the characteristics, services provided, and responsibilities borne by cities and certain urban counties in Virginia is now quite limited. There is little justification for discriminating between such counties and cities with respect to the legal authority they are granted or the services and aid they receive from the state. Second, the state must recognize the inordinate social welfare burdens of some Virginia localities resulting from the concentration of the poor and the elderly within their boundaries. Equity suggests that the state continue to pursue policies designed to discourage such concentrations. Further, programs for state assistance and financial aid to local governments should generally include consideration of local need, effort, and ability. This Commission believes that state attention to the inequities which have developed in the treatment of local governments can both reduce the friction associated with boundary change and improve interlocal relations in general.

Third, this Commission believes that there are appropriate population levels for the provision of various governmental services and that state policy toward boundary change and interlocal relations should be guided accordingly. Numerous studies suggest that various public services may be more efficiently and effectively provided by jurisdictions of different

population size.⁵ When governments attempt to provide services for which they are either too large or too small, inefficiency and ineffectiveness can result. The state should endeavor to facilitate the provision of public services by jurisdictions of appropriate size. Where services can be more efficiently and effectively provided in larger geographic areas or for larger populations, state policy should encourage functional cooperation and consolidation. Conversely, this Commission believes that local governments may become too large in population to administer properly public services and to meet the needs of their residents. Thus, Virginia policy toward boundary change should seek to avoid the limitless growth of localities. Finally, the state, recognizing the growing demands on local government and the ever increasing cost of the services it must provide, should require careful consideration of proposals for the creation of new units of government. The state should discourage creating new governments and avoid rendering existing ones incapable of adequately providing the essential public services entrusted to them. Proposed new units of government must be critically appraised with respect to their capacity to perform essential services and with respect to the impact they will have on the fiscal ability of existing governments.

In summary, this Commission holds that the state should continue to exercise its constitutional responsibility for local government, it should strive to maintain the equity of state policies and programs with respect to its localities, and it should recognize the varying competence of local

⁵ See Advisory Commission Intergovernmental Relations, Governmental Functions and Processes: Local and Area-wide, Vol. IV, Substate Regionalism and the Federal System (Washington: U.S. Government Printing Office, 1974), particularly Chapter IV, "Conceptual Considerations in the Assignment of Functions." See also Robert L. Bish and Vincent Ostrom, Understanding Urban Government: Metropolitan Reform Reconsidered (Washington: American Enterprise Institute for Public Policy Research, 1973).

governments to provide public services. The Commission believes that these premises provide appropriate guidance for addressing the current problems confronting interlocal relations in Virginia. The specific recommendations which follow are founded on these premises.

PART III

RECOMMENDATIONS OF THE COMMISSION

The recommendations of the Commission on City-County Relations are presented below. A discussion of each recommendation follows in Part III of this report.

Immunity from Annexation and City Incorporation for Qualifying Counties

1. The Grant of Immunity

Qualifying counties should be granted:

- a. immunity from involuntary city annexation, except that this immunity will not preclude annexation by means of Section 15.1-1034 of the Code (i.e., by petition of 51 percent of the qualified voters of an area);
- b. immunity from the incorporation of new cities;
- c. the authority, notwithstanding Section 15.1-967(6) of the Code, to permit a community of 10,000 persons or more, with the approval of the county governing body, to petition the court for town status in accordance with the existing provisions of law.

2. The Criteria for Immunity

The criteria for county immunity should be:

- a. a population exceeding 25,000 persons and an average density of at least 200 persons per square mile, based on the latest United States Census or on a special census conducted under court supervision;
- b. a determination that the urban areas of the county are currently being provided with urban services of a quality comparable to those offered by cities in that geographic region of the state;
- c. a determination that the county will be able to meet efficiently and effectively the anticipated public service needs of its urban residents;
- d. a determination that the interests of the state in the area are served in granting a county the immunity previously defined.

3. The Procedure for Obtaining Immunity

County immunity should be granted in the following manner:

- a. any county may enter a plea of immunity in any judicial proceeding for annexation or new city incorporation. If, in the opinion of the court, the county meets the criteria established for such immunity, the proceeding against it should be dismissed. The plea of immunity should be heard and decided by the court before any other evidence is presented.
- b. any county may initiate a procedure to establish immunity by the adoption of an ordinance petitioning the circuit court of that jurisdiction. The plea of immunity should be decided by a court comprised of three judges from remote judicial circuits as herein-after proposed for annexation cases; however, in cases which are not contested by any other political subdivision or by any intervenor, the question of county immunity should be decided by the local circuit court judge. The procedure, including the adoption of the ordinance petitioning the court for immunity, the publication and service of notice, the rules for the introduction of evidence, the utilization by the court of the expertise of state agencies, and the provisions for additional parties and appeal, should be similar to that provided in annexation cases. However, in a proceeding for county immunity the requirement as to service of notice should apply to all contiguous cities and all towns within or contiguous to the county; the requirement as to publication of notice and ordinance should apply only within the petitioning county.
- c. a county once granted this immunity should thereafter retain such immunity.

Modifications of the Annexation Statutes

1. The Availability of Independent Expert Advice

The annexation court should be given the authority to direct appropriate state agencies to compile data, to present evidence and exhibits, and otherwise to assist the court in considering a proposed annexation.

2. A Trial on the Merits

- a. Section 15.1-1046 of the Code should be amended to provide that no proceeding shall fail because of a defect, imperfection, or omission in the annexation ordinance or in the pleadings which does not affect the substantial rights of the parties, or any other technical or procedural defect, imperfection, or error. The court should at any time allow amendment of the annexation ordinance, the pleadings, or make any other order necessary to ensure the hearing of the case on its merits.

b. Section 15.1-1055 of the Code should be amended so that the time limitations placed on annexation proceedings by its provisions cannot be invoked by reason of the dismissal of any suit for lack of jurisdiction or where any suit otherwise fails to receive a hearing on its merits; provided, however, that a municipally-initiated annexation suit which is dismissed on the motion of that municipality should invoke the time limitations established therein to run from the date of order of dismissal.

3. The Division of Annexation Cases

The annexation court should be permitted, in its discretion, to receive evidence only as to the issue of necessity and expediency and render a decision on this issue before receiving evidence on any other pertinent issue. If the court determines to follow this procedure, it should notify the parties at the pretrial conference. If the court elects to try first the issue of necessity and expediency, and a majority of the court finds for the moving party, it would then receive evidence on all other issues. If not, the case would be dismissed. If the court finds for the moving party on the issue of necessity and expediency, it should be permitted, after a review of all the evidence presented in the case, to alter or reverse its initial decision on this issue as the equities of the case dictate.

4. Time Limit for Intervenors

Annexation courts should be directed to fix a time when any person desiring to intervene must file his pleading, and no person should be permitted to intervene after that time except for good cause. A copy of the notice establishing the time by which an intervenor must file his pleading should be published at least once a week for for two successive weeks in some newspaper of general circulation in the annexing municipality and in the county whose territory is affected.

5. Composition of the Court

The present provision governing the composition of annexation courts should be modified so that all three judges come from remote judicial circuits; provided, however, that in uncontested cases the court may be comprised solely of the judge of the circuit court of the county within which the territory proposed for annexation lies.

6. Factors in Annexation Proceedings

a. general state interests

Section 15.1-1041 of the Code should be amended to provide that the court shall determine the necessity for and expediency of annexation, considering the best interests of the state, the county, the city or town, and the best interests, services to be rendered, and the needs of the area proposed to be annexed, and the best interests of the remaining portion of the county.

b. public services and general state interests

In considering the interests of the parties in an annexation proceeding, the court should be directed to consider:

- (i) the need in the area proposed for annexation for, but not limited to, the following urban services:

sewage treatment
water
solid waste collection and disposal
public planning
subdivision regulation and zoning
crime prevention and detection
fire prevention and protection
public recreational facilities
library facilities
curbs, gutters, sidewalks, storm drains
street lighting;

- (ii) the level of such urban services generally associated with areas of similar density in municipalities in close proximity;
- (iii) the current relative level of services provided by the county and the city or town;
- (iv) the efforts by the county and the city or town to comply with applicable state policies with respect to environmental protection, public planning, education, public transportation, housing or other state policies declared by the General Assembly.

c. community of interests

The annexation court should consider the "community of interests" which may or may not exist among the affected areas. Community of interests should be understood to include consideration of natural neighborhoods, natural and man-made boundaries, the similarity of service needs and life-styles, and the degree of political, social, and economic integration of the areas involved.

d. cooperative agreements and joint activities

Cooperative agreements and joint activities undertaken by localities should not be deemed a factor in any annexation proceeding; however, annexation courts should be authorized to weigh the refusal by any locality to pursue cooperative agreements in good faith. Interlocal cooperative agreements should be viewed as a proper provision of governmental services in an economical and efficient way and should not prejudice the case of any party in an annexation proceeding.

7. Declination of Annexation Award

Sections 15.1-1044 and 15.1-1049 of the Code should be amended to permit the council of a city or town, subject to the approval of the court, by ordinance or resolution, to decline to accept an annexation award resulting from a proceeding which it has initiated at any time within twenty-one days after final adjudication of the case. In any case where the court approves a municipality's declination of an annexation award, it should enter an order dismissing the motion to annex and should direct the payment of the entire cost of the proceedings by the municipality, including reimbursement to the county for the costs incurred by it in presenting its case.

8. Protection of Interests of the Annexed Area

An annexation court reconvened in accordance with section 15.1-1047 of the Code should be authorized to award attorneys' fees and other costs, in its discretion, for the representation of the interests of an annexed area.

Independent City Status

A. The Evolution of Towns to Cities

1. Criteria for the Evolution of Towns to Cities

The criteria for the evolution of towns to independent city status should require that:

- a. the proposed new independent city must possess a minimum population of 25,000 persons and an average density of at least 200 persons per square mile, based on the latest United States Census or on a special census conducted under court supervision;
- b. the proposed new independent city must have the fiscal capacity to function as an independent city and to provide appropriate services;
- c. the creation of the proposed new independent city must not substantially impair the county's ability to meet the service needs of its remaining population unless provision is made to offset such;
- d. in determining the eligibility of a town for city status, the court, hereinafter provided, should consider the best interests of the parties and the interest of the state in promoting strong and viable units of government in the area.

2. Procedure for Town Incorporation as a City

a. public hearing

A town desiring to be granted city status should hold a public hearing with respect thereto, at which citizens should have an opportunity to be heard to determine if the citizens of the town desire that the town become a city. Notice of the time and place of such hearing should be published in a newspaper of general circulation in the town at least once a week for two successive weeks. The hearing should not be held sooner than thirty days subsequent to the first publication of notice. Such public hearing may be adjourned from time to time, and upon the completion thereof, the town may by ordinance passed by a recorded affirmative vote of a majority of all the members elected to the town council petition the circuit court of the county in which the town lies for city status.

b. incorporation court

- (i) The question of town incorporation as a city should be decided by a court comprised of three judges from remote judicial circuits as proposed for annexation cases; however, in cases which are not contested by the county or by any intervenor, the question of town incorporation as a city should be decided by the local circuit court judge. The procedure, including the adoption of the ordinance petitioning the court for city status, the introduction of evidence, and the provisions for additional parties and for appeal, should be similar to that provided in annexation cases.
- (ii) In any judicial proceeding for the creation of an independent city, the county or counties wherein the town is located should be made a party or parties to the proceeding.
- (iii) The court, in any proceeding for the creation of an independent city, should have the authority to direct appropriate state agencies to compile data, to present evidence and exhibits, and otherwise to assist the court in considering the proposed incorporation.

c. town refusal of city status

In any proceeding instituted by a town to become a city, the town council may by ordinance or resolution decline to accept city status on the terms and conditions imposed by the court at any time within twenty-one days after final adjudication establishing city status. In any such case the court should enter an order dismissing the petition for city status and should direct the payment of the entire costs of the proceedings by the town, including reimbursement to the county for the costs incurred by it in presenting its case.

d. effective date of city incorporation

The order granting the petition should set forth in detail all such terms and conditions upon which the petition is granted. Every order establishing a new independent city should be effective at midnight on December thirty-one of the year in which issued; or in the discretion of the court, at midnight on December thirty-one of the year following the year in which issued.

B. Unilateral Incorporation of Counties as Cities

1. Criteria for Unilateral County Incorporation as a City

The criteria for unilateral county incorporation as a city should require that:

- a. the county must possess a minimum population of 25,000 persons and an average density of 200 persons per square mile, based on the latest United States Census or on a special census conducted under court supervision;
- b. the county must have the fiscal capacity to function as an independent city and to provide appropriate services;
- c. in determining the eligibility of the county for city status, the court, hereinafter provided, should consider the best interests of the parties and the interest of the state in promoting strong and viable units of government in the area.

2. Procedure for Unilateral County Incorporation as a City

a. incorporation court

- (i) A county should be authorized to petition the circuit court of that county by ordinance for the convening of a special incorporation court for consideration of its eligibility for city status. The special incorporation court should be comprised of three judges from remote judicial circuits as proposed for annexation cases; the procedure, including the adoption of the ordinance petitioning the court for city status, the publication and service of notice, the rules for the introduction of evidence, the utilization by the court of the expertise of state agencies, and the provisions for additional parties and appeal, should be similar to that provided in annexation cases. However, in an incorporation proceeding the requirement as to service of notice should apply to all contiguous cities and counties; the requirement as to publication of notice and ordinance should apply only within the boundaries of the proposed new independent city.
- (ii) The incorporation court established to consider the creation of a new independent city by means of unilateral county incorporation should be limited in its decision to granting or denying eligibility for city status and should have no authority to impose conditions or terms with respect to the proposed incorporation; provided, however, that where the court denies eligibility for city status, it should indicate in a written opinion its reasons for the denial.

- (iii) If the court is satisfied that the criteria for city incorporation are met, it should order an election on the proposed incorporation as provided for in section 24.1-165 of the Code. In establishing a date for the election the court should allow sufficient time for the county to prepare a charter, in the manner provided hereinafter, prior to the election. If a majority of the qualified voters voting at the election vote in favor of city status, the court should enter an order recording this fact. The county should then proceed to seek enactment of its charter by the General Assembly.

b. city charter

- (i) The county governing body should be authorized to appoint a charter advisory committee composed of seven persons to assist it in the preparation of a proposed city charter. When the proposed new charter has been prepared by the governing body and the advisory committee, a public hearing should be held at which citizens should have an opportunity to be heard with respect to the proposed charter. Notice of the time and place of such hearing should be published in a newspaper of general circulation in the county at least once a week for two successive weeks. The hearing should not be held sooner than thirty days subsequent to the first publication of notice. Such public hearing may be adjourned from time to time prior to its termination. The hearing and the preparation of the charter should be completed by the county prior to the vote by county residents on the question of city status.
- (ii) The governing body of the county may pay the members of the charter advisory committee reasonable compensation approved by the circuit court of the county.

c. implementation

- (i) The terms of all county and town officers should continue as provided by the Constitution of Virginia or state law and all county and town ordinances should remain in effect subsequent to the election provided for county incorporation until the day that the city charter becomes effective. The city charter should make all necessary provisions for the transition of the county to city status.
- (ii) The unilateral incorporation of a county as a city should serve to revoke the charter of any town existing within the boundaries of the former county.

C. The Consolidation of Governmental Units into New Cities

1. Criteria for Cities Created by Governmental Consolidation

Article 4 of Chapter 26 of Title 15.1 should be modified to provide that:

- a. a county may incorporate as a city by means of consolidation with all its towns, or by means of consolidation with another county or counties, where the proposed new city will have a population of 25,000 persons and an average density of 200 persons per square mile, based on the latest United States Census or on a special census conducted under court supervision;
- b. a new city may be formed by consolidation of a county or town with an existing adjoining or adjacent city with no requirements as to population and density; provided, however, the creation of a new independent city by means of the consolidation of a town and an adjoining or adjacent city must not substantially impair the ability of the county from which the town is separated to meet the service needs of its remaining population unless provision is made to offset such;
- c. two or more towns may consolidate to form a new town but may not consolidate with each other to create a new independent city, except where such consolidations include the parent counties and meet the population and density requirements provided above;
- d. any proposed new city must have the fiscal capacity to function as an independent city and to provide appropriate services;
- e. in determining the eligibility for city status, the court, hereinafter recommended, should consider the best interests of the parties and the interest of the state in promoting strong and viable units of government in the area.

2. Procedure for the Consolidation of Governmental Units into Cities

Article 4 of Chapter 26 of Title 15.1 should be modified to provide that:

- a. any county or town wishing to be incorporated as a city by means of consolidation with other units of government may by ordinance petition the circuit court of that county for the convening of a special incorporation court, hereinafter recommended, to consider the creation of the proposed new city. If the court is satisfied that the criteria for incorporation are met, the consolidation proceedings may continue in accordance with the provisions of Article 4.
- b. the question of the incorporation of a new independent city by governmental consolidation as provided in Article 4 should be considered by a court comprised of three judges from remote judicial circuits as proposed for annexation cases; the procedure, including the adoption of the ordinance petitioning the court for city status, the publication and service of notice, the rules for the introduction of evidence, the utilization by the court of the expertise of state agencies, and the provisions for additional parties and appeal, should be similar to that provided in annexation cases. However, in an incorporation proceeding the requirement as to service of notice should apply to all contiguous cities and counties; the requirement as to publication of notice and ordinance should apply only within the boundaries of the proposed new independent city.

- c. the incorporation court established to consider the creation of a new independent city by means of governmental consolidation should be limited in its decision to granting or denying eligibility for city status and should have no authority to impose conditions or terms with respect to the proposed incorporation, except in instances of city-town consolidation; the court should be authorized to make eligibility for city status in instances of city-town consolidation contingent upon provisions ensuring the ability of the county to meet the service needs of its remaining population. In any case where the court denies eligibility for city status, it should indicate in a written opinion its reasons for the denial.

Voluntary Boundary Adjustment

1. Adjustment by Agreement of Governing Bodies

Any city, town, or county should be authorized to enter into negotiations with any contiguous political subdivision for the adjustment of a mutual boundary. Upon an agreement reached by political subdivisions to adjust a mutual boundary, each governing body should set forth by ordinance the boundary line as agreed to, and, as provided in the ordinance, such line should become the recognized boundary upon approval by the General Assembly.

2. Adjustment by Voluntary Referral to the Court

Any two contiguous political subdivisions should be authorized to petition jointly, by ordinance, the circuit court having jurisdiction over either locality for the adjustment of a mutual boundary in the interest of the effective and efficient administration of government. The ordinance petitioning the court should set forth that portion of the mutual boundary where adjustment is desired. The court, after hearing evidence on the boundary line to be relocated, should enter an order establishing the true boundary line and providing for the time and terms for the transfer of territory. However, boundary adjustments determined by the court in accordance with this procedure should be limited to the transfer of not more than 100 acres of territory from one jurisdiction to another.

State Assistance to Local Government

1. Housing and Public Transportation

The state should pursue policies with respect to housing and transportation designed to reduce and discourage undue residential concentrations of the poor and disadvantaged.

2. Promotion of Equity

Where cities, counties, and towns are engaged in comparable services, state aid formulas and direct state functional expenditures should not discriminate on the basis of the type of local government. The provision of state aid and services to local governments should include assignment of weight to need, local effort, and local ability with the objective of achieving equity.

3. Encouragement of Interlocal Cooperation

There are public concerns which can be dealt with more effectively on a regional basis. The state should adopt financial, programmatic, and procedural policies to encourage cooperative efforts by units of government of less than optimum size.

PART IV

DISCUSSION OF RECOMMENDATIONS

The specific recommendations made by this Commission are the product of more than two years of deliberation. These recommendations do not totally reflect the views and analysis of any one Commission member; rather, they represent a collective judgment which has emerged from the Commission's lengthy study. Further, the recommendations presented in this report should be considered as a whole, for the justification of some elements is dependent upon the acceptance of others.

Some of the proposals placed before the Commission by interested citizens and public officials are not directly addressed in this report. While the Commission has carefully considered every proposal made to it, the interest of brevity precludes an evaluation of each in this report. Also, it should be noted that the recommendations contained in this report are not offered as the definitive answer for interlocal problems in Virginia, for definitive answers to complex social concerns are not to be expected. It is the Commission's belief, though, that the recommendations presented herein effectively address the most immediate interlocal problems in the Commonwealth.

The Propriety of Annexation

It has been common practice for state legislatures to prescribe formal procedures for the creation of municipalities and the expansion of municipal boundaries. Their purpose in doing so was to provide urban areas with governmental forms which were appropriate to their proper functioning. Historically, these practices have been based upon the belief that urban

areas should be governed by cities and that rural areas should be governed by counties. As this country has urbanized and as urban settlements have grown, so also have the corporate limits of cities. As new urban concentrations were formed within counties, they have become incorporated as municipalities.

Annexation has been widely used to keep pace with population growth and the spread of urbanization beyond city boundaries.⁶ It is the method most cities have used to reach their present dimensions. However, in the middle decades of this century the wholesale appearance of the automobile and the availability of modern roads spurred urban development to such an extent that cities failed to keep abreast of the spreading urbanization. Counties which experienced this surge of development began to adjust to their urbanizing condition.⁷ This fact has often adversely affected interlocal

⁶The process of annexation varies from state to state. However, five basic methods for municipal annexation can be distinguished. They are: (1) legislative determination-annexation through special act of the state legislature; (2) popular determination-annexation contingent upon one or more forms of popular participation and/or approval; (3) municipal determination-annexation through unilateral municipal action; (4) judicial determination-annexation based upon court decisions; and (5) quasi-legislative determination-annexation decided by an independent administrative body. In most cases, state annexation laws consist of a combination of two or more of these procedures. See Frank S. Sengstock, Annexation: A Solution to the Metropolitan Area Problem, Michigan Legal Publications (Ann Arbor Legislative Research Center, University of Michigan Law School, 1960); see also National League of Cities, Adjusting Municipal Boundaries: Law and Practice (Washington: The League, 1966).

⁷It must be noted that the adaptation of county government to the needs and the demands of their urban residents has not precluded the utilization of municipal annexation. The Advisory Commission on Intergovernmental Relations reports that the number of municipalities of 5,000 or more population which add territory through annexation is increasing annually. From 1935-39, the annual average was 49; for the decade 1948-57, the annual average was 410; and for the period 1958-67, the annual average

relations in Virginia, particularly with respect to municipal boundary expansion. Though the process of annexation seems well suited for small and moderate sized cities of the state where the expansion of boundaries can be judged on the basis of service provision and the traditional considerations of "necessity and expediency," the propriety of such boundary changes involving the state's highly urbanized counties, which provide a full array of urban services, is problematical at best.

The delivery of urban services by county governments in these areas has undercut much of the rationale and, more importantly, the popular support for city annexation. While cities can argue that they alone provide a full range of urban amenities for their citizens, counties may counter with arguments that all the essential service needs of their residents are being met. Cities buttress their case for annexation with the assertion that county residents--especially those who live in the suburban fringe areas around cities--are dependent upon the city for social, cultural, and occupational opportunities. City representatives assert that a "community of interest" exists between the residents of the suburban county and the central city. In addition, it is often maintained that expansion of city

was 691. Further, the Bureau of the Census has compiled data which show that for the years 1970 and 1971 a total of 9,622 annexations took place which involved 523,000 people residing on 1,517 square miles. While the average size of annexations is small, averaging less than one square mile, the process of annexation is an often used and viable method of adjusting the municipal boundaries of small and medium-sized cities. See Advisory Commission on Intergovernmental Relations, The Challenge of Local Governmental Reorganization, Vol III, Substate Regionalism and the Federal System (Washington: U.S. Government Printing Office, February, 1974), pp. 82, 84; see also U.S. Bureau of the Census, 1972 Boundary and Annexation Survey (Washington: U.S. Government Printing Office, 1973), p. 3.

boundaries is necessary in order to provide ample land for the city to develop and grow. In short, as counties have become vehicles for the delivery of urban services, city arguments in favor of boundary expansion have tended to shift from service provision to the maintenance of the political, economic, and social viability of the city itself. Annexation, instead of serving as a means to distribute city benefits to once-rural areas, has become a means of extending to suburban residents their share of the operating costs and social responsibilities of a city upon which they ultimately depend. While the Commission on City-County Relations has seen virtue in the arguments favoring the territorial growth of cities, it has also recognized the cost and the disruption caused by city expansion in certain areas of the state.

Annexation in the more urbanized areas of the state carries with it extreme costs.⁸ Legal expenses, consultants' fees, administrative disruption, interlocal hostility, and popular discontent all combine to challenge the benefits that are derived from the annexation of heavily urbanized counties.⁹ If inequities in resources exist between cities and counties in metropolitan areas, it is the state's role to provide fiscal remedies that will sufficiently ensure the existence and the continuance of strong and viable local governments.

⁸ During the course of its study, the Commission on City-County Relations surveyed the costs of recent town and city annexations in Virginia. The results of this survey appear in Appendix A.

⁹ If an annexation court finds in favor of a city, the annexation statutes in Virginia call for the city to compensate the county for the revenue capacity and the public improvements in the area annexed (Code, sec. 15.1-1042 to 15.1-1043). These financial settlements may be quite

In summary, the Commission believes that due to the variety of local conditions within Virginia, no single solution regarding local government relations, especially with respect to annexation, is adequate. There are areas of the state where the traditional involuntary annexation process is no longer an appropriate method for the adjustment of municipal boundaries.

Immunity from Annexation and City Incorporation for Qualifying Counties

1. The Grant of Immunity

Qualifying counties should be granted:

- a. immunity from involuntary city annexation, except that this immunity will not preclude annexation by means of Section 15.1-1034 of the Code (i.e., by petition of 51 percent of the qualified voters of an area);
- b. immunity from the incorporation of new cities;
- c. the authority, notwithstanding Section 15.1-967(6) of the Code, to permit a community of 10,000 persons or more, with the approval of the county governing body, to petition the court for town status in accordance with the existing provisions of law.

The Commission recognizes that certain counties in the state govern predominantly urban populations and provide for the delivery of a full array of urban services. Establishing a means whereby these counties can secure immunity from involuntary city annexation and new city incorporation should promote the proper functioning of urban governments in these areas. Immunity from unwanted city annexation is intended to relieve much of the animosity that has come to characterize the relations between cities and their surrounding urban counties. The prohibition against new city

large in highly developed urban counties. Such a settlement was one of the reasons which caused the City of Richmond in 1964 to turn down a portion of Henrico County which it was awarded after a prolonged annexation struggle.

incorporations is meant to prevent governmental fragmentation in metropolitan areas and to focus full responsibility for the delivery of urban services upon the county. Empowering the county's governing body to authorize petitions for the formation of new towns provides a means for the orderly decentralization of large urban units of government, as well as for promoting meaningful citizen participation in public affairs.

The Commission does not recommend that the immunity given to eligible counties be permitted to preclude town annexations. With protection given these counties against the incorporation of new cities, town annexations will not threaten the territorial integrity of the parent county, and they may facilitate the provisions of public services. Further, the Commission does not recommend that the immunity given qualifying urban counties prohibit city annexations initiated by petition of county residents. Continuing the authorization for this type of annexation in immune counties will allow a recourse for county residents adjacent to cities should the county default in service provision. Also, the territorial immunity recommended for eligible counties is not intended to preclude voluntary boundary changes which may be appropriate for the effective and efficient administration of government. In a subsequent section of this report, the Commission recommends the establishment by general law of a process to permit such boundary changes.

2. The Criteria for Immunity

The criteria for county immunity should be:

- a. a population exceeding 25,000 persons and an average density of at least 200 persons per square mile, based on the latest United States Census or on a special census conducted under court supervision;
- b. a determination that the urban areas of the county are currently being provided with urban services of a quality comparable to those offered by cities in that geographic region of the state;
- c. a determination that the county will be able to meet efficiently and effectively the anticipated public service needs of its urban residents;
- d. a determination that the interests of the state in the area are served in granting a county the immunity previously defined.

The Commission has carefully considered the criteria which should be established by the state to identify those counties in Virginia which merit consideration for territorial immunity. Those counties should possess populations of sufficient size and overall density to justify and support the county's development of a service capability adequate to provide a full range of urban services. The Commission recognizes the problems inherent in establishing definite criteria for granting this immunity. Specific figures may often appear arbitrary to many people. However, after studying the demographic characteristics and the fiscal capability of Virginia's localities, and after examining their performance records to date, the Commission feels that the population and density figures listed above adequately delineate those counties in the Commonwealth which are sufficiently urban in nature to merit consideration for immunity.¹⁰ It should be stressed that the Commission does not recommend that immunity be extended automatically to those counties meeting the density and population criteria. Rather, it is

¹⁰ See Appendix B for statistical information on Virginia counties.

proposed that counties meeting those criteria be permitted to seek immunity on the basis of their present and future service delivery capability and the interests of the state in the area.

3. The Procedure for Obtaining Immunity

County immunity should be granted in the following manner:

- a. any county may enter a plea of immunity in any judicial proceeding for annexation or new city incorporation. If, in the opinion of the court, the county meets the criteria established for such immunity, the proceeding against it should be dismissed. The plea of immunity should be heard and decided by the court before any other evidence is presented.
- b. any county may initiate a procedure to establish immunity by the adoption of an ordinance petitioning the circuit court of that jurisdiction. The plea of immunity should be decided by a court comprised of three judges from remote judicial circuits as hereinafter proposed for annexation cases; however, in cases which are not contested by any other political subdivision or by any intervenor, the question of county immunity should be decided by the local circuit court judge. The procedure, including the adoption of the ordinance petitioning the court for immunity, the publication and service of notice, the rules for the introduction of evidence, the utilization by the court of the expertise of state agencies, and the provisions for additional parties and appeal, should be similar to that provided in annexation cases. However, in a proceeding for county immunity the requirement as to service of notice should apply to all contiguous cities and all towns within or contiguous to the county; the requirement as to publication of notice and ordinance should apply only within the petitioning county.
- c. a county once granted this immunity should thereafter retain such immunity.

The Commission recommends that the question of a county's immunity from involuntary city annexation and from city incorporation be decided either during suits initiated by a municipality for those purposes or by a petition instituted by a county solely to establish such immunity. In the municipally-initiated suits, the county should be permitted to enter a plea of immunity and have that issue decided before proceeding to the determination of other issues. The Commission recognizes that counties may wish to

establish their immunity without waiting to be made a defendant in a municipality's suit. Thus, it is recommended that counties be permitted to seek the immunity on their own initiative.

The Judicial System for Annexation

There are inherent problems associated with boundary change, and no system is likely to be devised which can totally remove them. Granting the fact that local boundary changes may be essential for the orderly growth of localities and for the proper provision of public services, the task confronting the state is one of devising a system for boundary change which is best adapted for the nature of the decisions which must be made. It is apparent to this Commission, as it has been to the previous state study groups which have examined this issue, that annexation questions are complex, technical, and have ramifications which affect more than local interests. Given these characteristics of annexation questions, it is important that the mechanism devised for evaluating them be competent to deal with complex issues and capable of considering the interests which extend beyond the immediate localities. This Commission believes that the judicial process has the capacity for resolving the complexities of annexation proposals, as well as the capability of considering the interests which extend beyond the immediate localities.

Many of the American states have in recent years devoted extensive attention to the question of local boundary change and to the problems resulting from the proliferation and fragmentation of local government. A number of states have established administrative bodies to review proposals

for changes in local jurisdictional boundaries.¹¹ A variety of proposals were presented to this Commission for the creation of such a body in Virginia. The impetus behind these proposals, and behind this movement throughout the United States in general, has been the belief that local boundary change is a matter of state concern, that greater rationality must be introduced into the process, and that changes in jurisdictional lines should be made objectively. It is the opinion of this Commission that the judicial process for annexation in Virginia is also capable of meeting these considerations.

Proposals for Virginia's establishment of an administrative body, frequently identified as a Commission on Local Government, to review boundary changes were intended to bring needed experience, expertise, and consistency to the resolution of boundary issues. This Commission's study of the administrative bodies utilized in other states leads it to believe that the beneficial attributes of those bodies are or can be made a part of the Virginia system of judicial evaluation. The Commission believes that the judicial process, with the modifications hereinafter proposed, is the appropriate mechanism for the resolution of local boundary issues.

This Commission has also given considerable attention to proposals for adding various referenda requirements to annexation proceedings. After extensive analysis, the Commission has concluded that determining annexation questions by judicial procedure alone is appropriate in view of the nature of those issues and the state interests involved. Permitting annexation decisions to be made on the basis of referenda would tend to remove many factors from

¹¹At least nine states have adopted various types of administrative bodies for review and analysis of proposed boundary changes since 1959. These states are Alaska, California, Michigan, Minnesota, Nevada, New Mexico, North Dakota, Oregon, and Washington.

consideration in the resolution of those issues and would constitute a relinquishment of state responsibility for local boundary change. Through the judicial process, the state can require the consideration of certain factors in annexation controversies and thereby guide the development of its political subdivisions. Requirements for referenda on annexation proposals in other states have created inflexibility in governmental structure, have made boundary change less responsive to state and areawide concerns, and have contributed to major urban problems. This Commission, while respecting the use of local referenda where presently authorized under Virginia law, does not support its extension into the annexation process.

The Commission endorses the following view expressed in a 1964 report made by the Virginia Advisory Legislative Council subsequent to a study of the state's annexation and consolidation procedures:

The interest of the Commonwealth in general, the orderly growth of urban areas, and the stability of counties are best served by the long standing procedure of annexation based on judicial decision. Instead of depending on purely political consideration, annexation in Virginia depends on judicial determination of necessity and expediency after full consideration of the best interests of the relevant localities.¹²

While the Commission believes that the judicial system of annexation currently utilized by the Commonwealth is fundamentally sound, it also believes that certain modifications in that process should be made. Where annexation is appropriate in Virginia, a properly modified judicial process will continue to be the proper way to resolve that issue.

¹²Virginia General Assembly, "Annexation and Consolidation," Report of the VALC to the Governor and the General Assembly of Virginia, House Document No. 16, p. 9.

Modifications of the Annexation Statutes

1. The Availability of Independent Expert Advice

The annexation court should be given the authority to direct appropriate state agencies to compile data, to present evidence and exhibits, and otherwise to assist the court in considering a proposed annexation.

One of the criticisms made of the annexation process in Virginia is that the courts are limited in the data they receive to that introduced by the parties. It is also contended that since annexation courts are ad hoc bodies which are specially constituted for each case, they are unable to acquire the experience necessary to interpret properly some of the technical data they are asked to consider.¹³ Both these concerns might be alleviated if annexation courts were authorized to utilize fully the technical competence of existing state agencies. Annexation courts should be given the authority to direct state agencies to prepare independently any data within their competence and to present evidence or exhibits which could aid in the resolution of an annexation question. In addition, the courts should be enabled to call upon such agencies for other technical assistance which they deem appropriate. In this manner the objective analysis afforded by the courts can be supplemented by the technical competence of the state agencies.

¹³The Commission has considered the possibility of recommending a permanent panel of judges to hear annexation cases. However, data studied by the Commission indicate that there is insufficient annexation litigation to warrant a full-time permanent panel of annexation judges.

2. A Trial on the Merits

- a. Section 15.1-1046 of the Code should be amended to provide that no proceeding shall fail because of a defect, imperfection, or omission in the annexation ordinance or in the pleadings which does not affect the substantial rights of the parties, or any other technical or procedural defect, imperfection, or error. The court should at any time allow amendment of the annexation ordinance, the pleadings, or make any other order necessary to ensure the hearing of the case on its merits.
- b. Section 15.1-1055 of the Code should be amended so that the time limitations placed on annexation proceedings by its provisions cannot be invoked by reason of the dismissal of any suit for lack of jurisdiction or where any suit otherwise fails to receive a hearing on its merits; provided, however, that a municipally-initiated annexation suit which is dismissed on the motion of that municipality should invoke the time limitations established therein to run from the date of order of dismissal.

The Supreme Court has held that section 15.1-1046 of the Code as presently drawn does not permit a city to correct a defect in the annexation ordinance and proceed with its suit. Where an annexation proceeding has been dismissed due to a defect in the annexation ordinance, the Supreme Court has determined that under the provisions of section 15.1-1055 a city cannot initiate a second proceeding for a minimum of five years. The Commission believes that the fundamental intent of the annexation statutes is to decide the propriety of each annexation issue on the merits of the case and that a delay of five years in the resolution of these issues is contrary to the best interest of the state. It is unlikely that better relations between a city and a county will be promoted with an unresolved annexation suit pending for five years. Further, the postponement of the proceeding for such an extended period of time will require that each party bear the additional expense of preparing essentially new cases for presentation. Thus, the Commission recommends that section 15.1-1046 be amended to permit the correction of defects in annexation ordinances as well as deficiencies in the notice, pleading, and trial so that a prompt hearing is assured on the merits of each case.

The Commission also recommends that section 15.1-1055 be amended so that the time limitations established by its provisions are not applicable to suits dismissed for lack of jurisdiction or to suits which otherwise are not heard on the merits. However, the Commission does recommend that in instances where a municipality seeks and obtains dismissal of an annexation suit which it has initiated, the order of dismissal should serve to invoke the time limitations provided by this section. Therefore, with the exception of municipally-initiated annexation suits which are dismissed on the motion of those municipalities, this Commission recommends that only those suits which receive a hearing on their merits should affect the eligibility of future annexation proceedings.

3. The Division of Annexation Cases

The annexation court should be permitted, in its discretion, to receive evidence only as to the issue of necessity and expediency and render a decision on this issue before receiving evidence on any other pertinent issue. If the court determines to follow this procedure, it should notify the parties at the pretrial conference. If the court elects to try first the issue of necessity and expediency, and a majority of the court finds for the moving party, it would then receive evidence on all other issues. If not, the case would be dismissed. If the court finds for the moving party on the issue of necessity and expediency, it should be permitted, after a review of all the evidence presented in the case, to alter or reverse its initial decision on this issue as the equities of the case dictate.

This recommendation was originally placed before the General Assembly as part of a report by the Virginia Advisory Legislative Council in 1964. The proposal would add to the flexibility of the annexation process and could serve significantly to simplify some proceedings. Testimony given this Commission suggests that in some instances annexation cases could be more expeditiously handled if they were divided into two parts. Such a division of an annexation case would permit the court to determine first the question of the necessity and expediency of a proposed annexation and,

subsequently, to consider the remaining aspects of the case. Where the court finds against the necessity and expediency of the proposed annexation, it would be unnecessary to hear additional evidence. Where the court finds in favor of the necessity and expediency of an annexation, it could then indicate to the parties the new boundary line which it conditionally accepted. The parties would thus have available a defined area with specific characteristics as a basis for considering the financial and other settlement aspects of the case.

As indicated in the previously mentioned Virginia Advisory Legislative Council report of 1964, annexation courts are often required to hear much information which is irrelevant to the disposition of a case. The court may become satisfied that only a portion of the territory sought by a municipality should be annexed on the basis of necessity and expediency. However, lacking the authority to place a limit on the amount of territory for which it wishes to receive information, the court is unable to restrict the parties in their presentation of evidence. Enabling the court to decide first the necessity and expediency of an annexation could focus and circumscribe the evidence subsequently presented by the parties. Since it is possible that the evidence presented in the second phase of an annexation case could alter the court's initial finding, the court should be free to reverse or modify its previous ruling as required by the total evidence.

The Commission recognizes that there may well be annexation cases for which it would be inexpedient to divide the proceedings. Therefore, it is recommended that the division of an annexation case into two parts be at the discretion of the court, with the court advising the parties at the pretrial conference of its decision in this regard.

4. Time Limit for Intervenors

Annexation courts should be directed to fix a time when any person desiring to intervene must file his pleading, and no person should be permitted to intervene after that time except for good cause. A copy of the notice establishing the time by which an intervenor must file his pleading should be published at least once a week for two successive weeks in some newspaper of general circulation in the annexing municipality and in the county whose territory is affected.

There is presently no statutory requirement that courts establish a time limit for intervention in annexation cases. While some annexation courts have imposed time limits for intervention, others have not. The absence of such a deadline in some annexation cases has resulted in considerable delay and increased costs. If time limits for intervention were uniformly imposed by the courts, this source of unscheduled interruption could be removed from annexation proceedings. Further, it would appear desirable to provide an explicit statutory basis for the intervention deadlines currently established in some annexation cases. It is essential that any citizen having an interest in an annexation proceeding be permitted to present his position to the court; however, this Commission feels that with provisions for proper notice to the public, a time limit for intervention would not substantially affect the rights of any citizen. The interest of the parties and the state in expediting annexation proceedings merits the establishment of a time limit for intervenors. The Commission recognizes that there may be unique instances when the time limit for intervention should be relaxed. Thus, it is recommended that the court be authorized to waive the time limit for intervention when in its judgment there has been a showing of good cause.

5. Composition of the Court

The present provision governing the composition of annexation courts should be modified so that all three judges come from remote judicial circuits; provided, however, that in uncontested cases the court may be comprised solely of the judge of the circuit court of the county within which the territory proposed for annexation lies.

At the present time annexation courts are comprised of a judge of the circuit court of the county whose territory is sought for annexation and two judges from remote judicial circuits, all designated by the Chief Justice of the Supreme Court. While this court composition has been defended on the grounds that the availability of a local judge assures the tribunal of a member familiar with local conditions, this Commission has been apprised of the difficulties engendered by it. The presence of a local judge on annexation courts can, and has, led to charges of bias and conflict of interests. In addition, annexation cases can produce such general antagonisms that the judicial effectiveness of a judge in his local circuit may be impaired. These accusations and concerns could easily be obviated if all judges in contested cases were designated from remote judicial circuits.

6. Factors in Annexation Proceedings

This Commission has heard much testimony regarding the desirability of more precise standards for the determination of annexation proposals. If more precise standards could be established, the issues before the litigants and the court could be refined, with the length and cost of annexation proceedings being reduced. While the Commission is convinced that annexation records are too lengthy, it is reluctant to recommend the establishment by statute of more detailed standards for annexation. In the absence of a more compelling case for specific, circumscribed standards, this Commission recommends that the courts continue to exercise the latitude afforded by a judgment of "the necessity for and expediency of" each annexation proposal. Although this Commission does not wish to recommend any new standards for the determination of annexation issues, it does propose the establishment by law of several factors for court consideration

in annexation proceedings.¹⁴ Most of these proposed factors already receive attention in annexation cases; however, the establishment and refinement of these factors by law can bring needed structure and consistency to the boundary change process.

a. general state interests

Section 15.1-1041 of the Code should be amended to provide that the court shall determine the necessity for and expediency of annexation, considering the best interests of the state, the county, the city or town, and the best interests, services to be rendered, and the needs of the area proposed to be annexed, and the best interests of the remaining portion of the county.

The annexation statutes as presently drawn do not require a consideration of the broader interests which may be affected by proposed boundary changes. While consideration is given to the interests of the municipality, the county, and separately to the area proposed for annexation, there is no explicit requirement that the broader interests of statewide concern be considered. Yet boundary changes can affect many state programs and policies. A locality's effort, or lack of effort, in areas such as environmental protection can have an impact far beyond the immediate jurisdictions involved. This Commission recommends that annexation courts be explicitly authorized to consider in annexation cases the relative efforts by each locality to protect and promote the general interests of the state's citizens and to evaluate how a proposed boundary change will affect state programs and policies.

¹⁴Standards are distinct from factors in annexation terminology in that the former are rigid criteria which must be met for any proposed boundary change while the latter are merely elements which are mandated for consideration. For a discussion of these terms and their application in annexation law throughout the United States see M. G. Woodroof, III, "Systems and Standards of Municipal Annexation Review: A Comparative Analysis," 58 The Georgetown Law Review 743-75 (March-May 1970).

b. public services and general state interests

In considering the interest of the parties in an annexation proceeding, the court should be directed to consider:

- (i) the need in the area proposed for annexation for, but not limited to, the following urban services:
 - sewage treatment
 - water
 - solid waste collection and disposal
 - public planning
 - subdivision regulation and zoning
 - crime prevention and detection
 - fire prevention and protection
 - public recreational facilities
 - library facilities
 - curbs, gutters, sidewalks, storm drains
 - street lighting;
- (ii) the level of such urban services generally associated with areas of similar density in municipalities in close proximity;
- (iii) the current relative level of services provided by the county and the city or town;
- (iv) the efforts by the county and the city or town to comply with applicable state policies with respect to environmental protection, public planning, education, public transportation, housing, or other state policies declared by the General Assembly.

The Commission recommends that the annexation statutes specify a number of local public services and functions of general statewide interest to be considered by the courts in annexation proceedings. Even though annexation courts have always considered the service needs of the area proposed for annexation, the General Assembly has made no effort to define those services to be considered. In evaluating the service needs in the area proposed for annexation, the courts should consider the level of such services generally supplied by neighboring municipalities to areas of similar density. In addition, the courts should examine the relative level of services being provided by the county and the municipality which has petitioned for annexation. Thus, these statutory provisions would identify

a number of local public services for consideration and would establish a scale for their measurement.

The Commission also recommends that the principal state interests, referred to in the previous proposal, be specified by law for court consideration. Annexation courts should be empowered to consider what efforts the counties and municipalities which are parties before them have made to comply, throughout their jurisdictions generally, with state policies concerning environmental protection, public planning, the development of housing for citizens of all economic levels, the promotion of public transportation, and education. Where a locality has not endeavored to comply with state policies applicable to its jurisdiction, its position in any annexation case would be adversely affected. Statutory specification of the local services and general state interests to be considered by annexation courts would convey to all localities the General Assembly's concern for those public functions, would mandate their review by the courts, and would promote a more consistent analysis in annexation proceedings throughout the state.

c. community of interests

The annexation court should consider the "community of interests" which may or may not exist among the affected areas. Community of interests should be understood to include consideration of natural neighborhoods, natural and man-made boundaries, the similarity of service needs and life-styles, and the degree of political, social, and economic integration of the areas involved.

While annexation courts have long considered the community of interests which may or may not exist between an area proposed for annexation and the annexing municipality, the Commission believes that this factor should be recognized by law and properly defined. The Commission recommends that "community of interests" be defined in a way which permits avoiding the disruption of natural neighborhoods; recognizing natural and man-made

boundaries; considering the similarity of service needs and life-styles; and, in general, noting the extent of the political, social, and economic integration of the communities involved. Boundary changes involve many technical considerations and must be essentially based on them; however, this Commission recommends that annexation courts be explicitly authorized to temper those considerations by recognizing the degree of compatibility existing between the affected areas.

d. cooperative agreements and joint activities

Cooperative agreements and joint activities undertaken by localities should not be deemed a factor in any annexation proceeding; however, annexation courts should be authorized to weigh the refusal by any locality to pursue cooperative agreements in good faith. Inter-local cooperative agreements should be viewed as a proper provision of governmental services in an economical and efficient way and should not prejudice the case of any party in an annexation proceeding.

At the present time contiguous cities and counties are most reluctant to enter into cooperative agreements and joint activities with one another for fear that such programs will adversely affect their cases in future annexation proceedings. Since the courts in annexation cases consider community of interests, now a factor based solely on judicial precedent, counties fear that joint programs with cities will be construed to indicate that such a community of interests exists. The existence of a community of interests between areas involved in an annexation issue has traditionally served to strengthen the case of the annexing municipality. Likewise, cities, too, have sometimes been hesitant to enter into agreements with counties for the provision or the receipt of urban services. Cities fear that their provision of services to counties will undermine their future annexation cases since those cases are expected to rest, at least in part, on the need for services in the area to be annexed. Acceptance by the city of county services may also be opposed for similar reasons. Thus, the possibility of annexation can create barriers to interlocal cooperation.

The Commission believes that these barriers should and can be reduced. Therefore, the Commission recommends that cooperative agreements and joint activities be explicitly removed from consideration in annexation cases, except where localities fail to pursue collaborative efforts in good faith. Annexation courts should be empowered to consider either an arbitrary refusal by a locality to consider cooperative ventures or negotiations which are not pursued in good faith. If a city refuses to negotiate in good faith with a county for the provision of a public service, the city should not be allowed to cite in support of its plea for annexation the county's deficiency in that particular service. On the other hand, if counties refuse to negotiate with cities in good faith for meeting local or interlocal public needs, the courts should be authorized to consider such in annexation proceedings. The Commission believes that this recommendation to exclude cooperative agreements and joint activities from consideration in annexation cases, except where they are impeded by an absence of good faith, can promote greater interlocal cooperation.

7. Declination of Annexation Award

Sections 15.1-1044 and 15.1-1049 of the Code should be amended to permit the council of a city or town, subject to the approval of the court, by ordinance or resolution, to decline to accept an annexation award resulting from a proceeding which it has initiated at any time within twenty-one days after final adjudication of the case. In any case where the court approves a municipality's declination of an annexation award, it should enter an order dismissing the motion to annex and should direct the payment of the entire costs of the proceedings by the municipality, including reimbursement to the county for the costs incurred by it in presenting its case.

The Commission recommends that present law which permits a municipality to decline to accept annexation awards resulting from proceedings which it has initiated be amended to allow a city or town to decline an award at any time within twenty-one days after the final adjudication of the case.

The Commission believes that the right to decline an award should be available, with the approval of the court, after the trial court's decision or after a final determination of the case by the Supreme Court. Further, the Commission recommends that the city or town council be permitted the flexibility of initiating action to decline an award by either resolution or ordinance. In any case where a municipality is granted permission to decline an award, the court should direct payment of the entire costs of the proceedings by the municipality, including payment to the county for the costs incurred by it in presenting its case.

8. Protection of Interests of the Annexed Area

An annexation court reconvened in accordance with section 15.1-1047 of the Code should be authorized to award attorneys' fees and other costs, in its discretion, for the representation of the interest of an annexed area.

The Commission has been apprised that county residents annexed by municipalities sometimes feel that they have received little in the way of additional or improved services to compensate them for the increase in taxes which often accompanies annexation. The Commission believes that existing statutory provisions provide an adequate foundation for assuring that annexed areas are supplied with needed services. It should be noted that section 15.1-1033 of the Code requires that the annexing municipality set forth in its ordinance for annexation "the provisions planned for the future improvement of the annexed territory, including the provision of public utilities and services therein." Section 15.1-1042 specifies that "the court shall require of the city the provision of any capital improvements which in its judgment are essential to meet the needs of the annexed area and to bring the same up to a standard equal to that of the remainder of the city." In order to assure equality of treatment to the annexed area, section 15.1-1042

authorizes the court to require as a condition of annexation "the provision of capital improvements in addition to those specified in the annexation ordinance" when such is deemed necessary. Finally, section 15.1-1047 permits the annexation court to be reconvened at any time up to five years after the issuance of the annexation order "to enforce the performance of the terms and conditions under which annexation was granted." The court may be reconvened on its own motion, or by motion of the governing body of either the county or the municipality, or by petition of fifty free-holders in the area annexed.

The Commission believes that the provisions reviewed above provide a suitable statutory framework to assure to annexed citizens the same quality of services as that delivered to other city residents. However, the Commission feels that the cost for citizens in the annexed area to institute legal proceedings on their own motion could be an impediment to the proper functioning of those statutory safeguards. Thus, it is recommended that a reconvened annexation court be explicitly authorized to award attorneys' fees and other costs, in its discretion, for the representation of the interests of the annexed area.

Independent City Status

Virginia is unique among the states in having a statewide system of city-county separation. Other states have provided for the independence of particular cities, but not on a statewide basis.¹⁵ All cities in Virginia are totally independent political entities; no county authority or taxing power extends within a city boundary. While indistinct in origin

¹⁵ Baltimore, Denver, St. Louis, and San Francisco are examples of special instances of municipal independence.

and long based solely on an implicit legal foundation, the independence of Virginia cities was specifically recognized in Article VII of the 1971 Constitution, which defines a city as an "independent incorporated community."

In states where cities are legally a part of the encompassing county, city incorporation and annexation do not constrict the parent county. However, the independent status of Virginia cities has a significant impact on city-county relations because territorial gains by cities are made at the expense of counties. Whenever new cities are incorporated or existing cities expand through annexation, counties are reduced in size, population, and tax base.

In studying the independence of Virginia cities, the Commission has noted the objections to this system as well as its advantages. If city-county separation does cause some degree of interlocal disruption on the occasion of boundary change, it also prevents overlapping jurisdictions and duplication of effort by cities and counties. If annexation by independent cities arouses opposition from county residents in Virginia, annexation is no less opposed by those citizens in other states. The governmental simplicity, the ability to focus responsibility, and the capacity for local initiative that mark the Virginia system speak well for the continuance of city-county separation. Besides the definite positive features of city-county separation, the Commission has been mindful of the immense legal, political, and administrative problems which would result from ending the system of separation. Issues of the redistribution of general governmental powers and responsibilities, voting rights, taxing authority, and debt restriction would raise enormous difficulty upon the termination of city-county separation.

It is the opinion of the Commission that the present Virginia system of independent cities should be preserved. However, the Commission's endorsement of the system of independent cities in Virginia does not imply that no modifications are needed. Indeed, the Commission sees persuasive reasons for tightening the criteria by which a unit of government is able to achieve this independent status. Accordingly, the following sections propose new criteria and procedures for the creation of independent cities by means of the evolution of towns, the unilateral incorporation of counties, and the merger of governmental units.

A. The Evolution of Towns to Cities

Throughout its deliberations, the Commission on City-County Relations has been cognizant of the important functions performed by Virginia's local governments. Each year these functions become more complex and more expensive. Since the state has a duty to guarantee to its citizens strong and viable units of local government that are capable of performing their functions in an efficient and effective manner, this Commission has studied the existing provisions for the evolution of towns to independent city status. It is the Commission's belief that they require modification.

1. Criteria for the Evolution of Towns to Cities

The criteria for the evolution of towns to independent city status should require that:

- a. the proposed new independent city must possess a minimum population of 25,000 persons and an average density of at least 200 persons per square mile, based on the latest United States Census or on a special census conducted under court supervision;
- b. the proposed new independent city must have the fiscal capacity to function as an independent city and to provide appropriate services;
- c. the creation of the proposed new independent city must not substantially impair the county's ability to meet the service needs of its remaining population unless provision is made to offset such;

- d. in determining the eligibility of a town for city status, the court, hereinafter provided, should consider the best interests of the parties and the interest of the state in promoting strong and viable units of government in the area.

Under the present law, a town need only apply to the circuit court of the county in which it is situated, or the judge thereof in vacation, to have a legal enumeration of its population in order to determine its eligibility for city status. If the community has a population of five thousand or more, the court enters an order declaring this fact to exist; the community then becomes an independent city on and after the first day of the month following the entry of the order.¹⁶

The Commission feels that, given the responsibilities facing independent units of local government today, new criteria are needed which better assure responsive and responsible city government. The requirement for a higher population minimum, the inclusion of a population density factor, and the evaluation of a proposed city's fiscal capacity are meant to assure that whenever new independent cities are created, they are competent to perform their responsibilities.

Further, the Commission believes that counties should not be reduced in population, tax base, or other resources to the extent that their own strength and viability become doubtful. Therefore, the proposed criteria require consideration of the effect of independent city status upon the county from which the city is formed. By requiring that a proposed city incorporation be examined to determine its effect on the county, the Commission feels that the county's ability to provide a satisfactory level of services to its remaining citizens will be ensured and the state's interest in preserving the viability of its local governments in the area will be served.

¹⁶ See Code, sec. 15.1-978 to 15.1-1010 for the details of the procedure whereby towns may obtain city status.

The question of an appropriate minimum size for Virginia's cities has been a topic of continuing concern. Since the late 1940s, a higher population threshold for independent city status has been recommended by at least four state-sponsored study commissions: the Commission on State and Local Revenues and Expenditures (1949); the Commission to Study Urban Growth (1951); the Report of the Virginia Advisory Legislative Council (1955); and the Commission on Constitutional Revision (1969). All of these state study commissions have stressed the need for cities large enough in population to meet their service delivery responsibilities efficiently. For example, the Commission on Constitutional Revision stated in 1969 that

...the incorporation of a new city not only hinders county government, it also permits, under present population minima, the creation of a new unit of government which is too small to function efficiently. When a town becomes a city it must provide its own constitutional officers and its own school system. The Commission believes that a unit of government with a population base of less than 25,000 has greater difficulties in operating efficiently, thereby burdening the taxpayer.¹⁷

In addition, other significant studies also support raising the minimum population needed for city status to 25,000 or beyond.¹⁸ The Commission believes that both these studies and the previously cited state commissions have correctly assessed the need for a higher population minimum for cities. With the passage of time and the increased responsibilities placed on local governments, the argument for a higher minimum population requirement for independent city status is now all the more persuasive.

¹⁷ "The Constitution of Virginia," Report of the Commission on Constitutional Revision (January 1, 1969), pp. 220-221.

¹⁸ See, for example, the following studies: Council of State Governments, State-Local Relations, Report of the Committee on State-Local Relations (Chicago: The Council, 1946); Committee for Economic Development, Modernizing Local Government, A Statement on National Policy by the Research and Policy Committee (New York: The Committee, 1966); Charles F. Faber, "The Size of a School District," Phi Delta Kappan 33-35 (September 1966).

2. Procedure for Town Incorporation as a City

a. public hearing

A town desiring to be granted city status should hold a public hearing with respect thereto, at which citizens should have an opportunity to be heard to determine if the citizens of the town desire that the town become a city. Notice of the time and place of such hearing should be published in a newspaper of general circulation in the town at least once a week for two successive weeks. The hearing should not be held sooner than thirty days subsequent to the first publication of notice. Such public hearing may be adjourned from time to time, and upon the completion thereof, the town may by ordinance passed by a recorded affirmative vote of a majority of all the members elected to the town council petition the circuit court of the county in which the town lies for city status.

City status carries with it significant responsibilities as well as powers. The Commission believes that the desirability of assuming such responsibilities and powers should be given full public consideration by both the town's governing body and its residents before the initiation of efforts to become a city. Therefore, the Commission recommends that a public hearing on the town's evolution to an independent city be held before any formal proceedings are undertaken. This public hearing would provide a suitable context in which town leaders could present the case for city status and town residents could make their views known.

b. incorporation court

- (i) The question of town incorporation as a city should be decided by a court comprised of three judges from remote judicial circuits as proposed for annexation cases; however, in cases which are not contested by the county or by any intervenor, the question of town incorporation as a city should be decided by the local circuit court judge. The procedure, including the adoption of the ordinance petitioning the court for city status, the introduction of evidence, and the provisions for additional parties and for appeal, should be similar to that provided in annexation cases.
- (ii) In any judicial proceeding for the creation of an independent city, the county or counties wherein the town is located should be made a party or parties to the proceeding.

- (iii) The court, in any proceeding for the creation of an independent city, should have the authority to direct appropriate state agencies to compile data, to present evidence and exhibits, and otherwise to assist the court in considering the proposed incorporation.

If there should be more rigorous criteria for the incorporation of new independent cities, a procedure must be instituted whereby these criteria can be properly applied. This Commission feels that the qualifications of localities seeking city status can best be determined by a judicial proceeding. Accordingly, the Commission recommends that all proposed incorporations which are contested be decided by a court comprised of three judges from remote judicial circuits, as recommended for annexation cases. The specific provisions of the incorporation process should be similar to those provided for annexation cases. Because a successful city incorporation would mean the loss to a county of population, territory, and tax base, it is felt that the county in which the town is located should be made a party to the proceeding. Also, in order that the incorporation court might have available independent technical and expert advice to assist in making its determination, the Commission believes that the court should have the authority to draw upon the resources of appropriate state agencies.

c. town refusal of city status

In any proceeding instituted by a town to become a city, the town council may by ordinance or resolution decline to accept city status on the terms and conditions imposed by the court at any time within twenty-one days after final adjudication establishing city status. In any such case the court should enter an order dismissing the petition for city status and should direct the payment of the entire costs of the proceedings by the town, including reimbursement to the county for the costs incurred by it in presenting its case.

The Commission has previously recommended that the evolution of a town to city status not be permitted to substantially impair a county's ability

to meet the service needs of its remaining population unless provision is made to offset the impairment. The Commission recognizes that the cost of this settlement, as determined by the court, may be such that the town may decide against city status. Therefore, it is recommended that towns be given the option of declining a grant of city status at any time within twenty-one days after final adjudication of the case. Towns should be permitted to exercise the option of declining a grant of city status after the trial court's decision or after a final determination of the case by the Supreme Court. It should be noted that the Commission does not recommend that a town's declination of city status be made dependent upon the court's approval. The Commission believes that, unlike annexation awards, the refusal by a town to accept city status is a matter of peculiar concern to the citizens of that locality.

The Commission also recommends that a town council be permitted to decline a grant of city status either by resolution or ordinance. As with the declination of annexation awards, it is recommended that where towns decline a grant of city status, they be directed to pay the entire cost of the proceedings, including payment to the county for its costs incurred in presenting its case.

d. effective date of city incorporation

The order granting the petition should set forth in detail all such terms and conditions upon which the petition is granted. Every order establishing a new independent city should be effective at midnight on December thirty-one of the year in which issued; or in the discretion of the court, at midnight on December thirty-one of the year following the year in which issued.

The Commission recognizes the procedural and organization difficulties inherent in separating a new city from its parent county. In order to ensure sufficient time for an orderly governmental transition, the Commission

recommends that the order establishing a new independent city not take effect immediately but be made effective at the beginning of the next calendar year or, in the court's discretion, at the beginning of the subsequent year. In this way, the separation of a city from a county may proceed in a more deliberate and orderly fashion. Further, such a procedure, if adopted, would be consistent with the provisions governing annexation awards.

B. Unilateral Incorporation of Counties as Cities

Throughout the course of its study, the Commission has been of the opinion that no single approach to the problems of boundary change can be applied uniformly throughout Virginia. Rather, each part of the state is viewed as possessing unique characteristics which should guide state-local and interlocal relations, with attention given to the varying circumstances, governmental capacity, and service needs of localities. This rationale has led to the Commission's recommendations that certain counties be given the option of obtaining immunity from municipal annexation, that the judicial process of annexation in Virginia be retained with certain modifications, and that the criteria and the process of new city incorporation be revised and strengthened. Consistent with this view, the Commission also believes that general law should provide for the incorporation of counties as cities with eligibility based on the criteria established for the creation of new independent cities in Virginia. However, because incorporation of a county as a city will have an impact on all contiguous units of government, provision must be made to consider this effect.

The Commission believes that the question of county incorporation as a city should be judicially reviewed in a manner similar to that provided both for annexation issues and for the evolution of towns to cities. Once a proposed county incorporation has been judicially sanctioned on the basis

of established criteria, the question of city status should then be resolved by vote of county residents. The requirement that county residents vote on the issue of incorporation as a city is consistent with existing law requiring a referendum within a county on proposed major changes in the county's governmental form.

1. Criteria for Unilateral County Incorporation as a City

The criteria for unilateral county incorporation as a city should require that:

- a. the county must possess a minimum population of 25,000 persons and an average density of 200 persons per square mile, based on the latest United States Census or on a special census conducted under court supervision;
- b. the county must have the fiscal capacity to function as an independent city and to provide appropriate services;
- c. in determining the eligibility of the county for city status, the court, hereinafter provided, should consider the best interests of the parties and the interest of the state in promoting strong and viable units of government in the area.

Logic requires that counties be eligible to seek city status whenever they meet those criteria previously provided for the evolution of towns to cities. If such criteria denote towns which are capable of independent city status, they equally denote those counties with a similar capacity. It is important, though, that the incorporation of counties as cities not confine and perpetuate contiguous units of government which lack the capacity for continued independence and self-sufficiency. Therefore, proposals for the incorporation of counties as cities should be denied if they are detrimental to the proper political development of an area. Incorporation courts, as hereinafter provided, should be empowered to prevent proposed incorporations which will distort the political growth of an area and which will likely render other governments inefficient and unduly dependent upon external resources.

2. Procedure for Unilateral County Incorporation as a City

a. incorporation court

- (i) A county should be authorized to petition the circuit court of that county by ordinance for the convening of a special incorporation court for consideration of its eligibility for city status. The special incorporation court should be comprised of three judges from remote judicial circuits as proposed for annexation cases; the procedure, including the adoption of the ordinance petitioning the court for city status, the publication and service of notice, the rules for the introduction of evidence, the utilization by the court of the expertise of state agencies, and the provisions for additional parties and appeal, should be similar to that provided in annexation cases. However, in an incorporation proceeding the requirement as to service of notice should apply to all contiguous cities and counties; the requirement as to publication of notice and ordinance should apply only within the boundaries of the proposed new independent city.

The Commission recommends that a county be permitted to initiate proceedings for incorporation as a city by the adoption of an ordinance petitioning the circuit court for a review of its eligibility for city status. Upon petition to the circuit court, a special incorporation court should be convened to determine the question of eligibility. The procedure established for a judicial review of a county's eligibility for city status should parallel that provided in annexation cases, as modified by this report's recommendations. However, because a county's incorporation as a city will to some extent affect surrounding jurisdictions, the requirement for service of notice should apply to each contiguous city and county.

- (ii) The incorporation court established to consider the creation of a new independent city by means of unilateral county incorporation should be limited in its decision to granting or denying eligibility for city status and should have no authority to impose conditions or terms with respect to the proposed incorporation; provided, however, that where the court denies eligibility for city status, it should indicate in a written opinion its reasons for the denial.

It is recommended that the incorporation courts established to consider proposals for unilateral county incorporation be restricted in their review to a determination of a county's eligibility for city status. Such eligibility should not be made contingent upon any conditions or financial settlement. Thus, this recommendation would make the courts reviewing proposals for unilateral county incorporation more restricted in their authority than those courts constituted to decide a town's application for city status. (It was previously proposed that the latter courts be authorized to make provisions for offsetting the substantial impairment of a county's ability to meet its remaining population's service needs.)

The Commission also recommends that an incorporation court be required to state in a written opinion its reasons for the denial of any county's eligibility for city status. The opinion of the court should present to all parties involved an analysis of the evidence introduced with respect to the capacity of the county for independent city status, the interrelation of the surrounding localities, and projections regarding future political development of the area.

- (iii) If the court is satisfied that the criteria for city incorporation are met, it should order an election on the proposed incorporation as provided for in section 24.1-165 of the Code. In establishing a date for the election the court should allow sufficient time for the county to prepare a charter, in the manner provided hereinafter, prior to the election. If a majority of the qualified voters voting at the election vote in favor of city status, the court should enter an order recording this fact. The county should then proceed to seek enactment of its charter by the General Assembly.

If the incorporation court is satisfied that the county is eligible for city status, it should order a vote to be taken on the question by the county's eligible voters in accordance with the provisions of section 24.1-165 of the Code. The court should allow the county sufficient time

prior to the election to draft its charter in the manner proposed in the following section. If the election results indicate that a majority of those who voted in the election favor the county's incorporation as a city, the county should proceed to obtain enactment of its charter by the General Assembly. It should be noted that the proposed requirement for a referendum within a county on the question of incorporation as a city is consistent with existing Code provisions which require a vote by county residents on proposals for substantial changes in governmental form.

b. city charter

- (i) The county governing body should be authorized to appoint a charter advisory committee composed of seven persons to assist it in the preparation of a proposed city charter. When the proposed new charter has been prepared by the governing body and the advisory committee, a public hearing should be held at which citizens should have an opportunity to be heard with respect to the proposed charter. Notice of the time and place of such hearing should be published in a newspaper of general circulation in the county at least once a week for two successive weeks. The hearing should not be held sooner than thirty days subsequent to the first publication of notice. Such public hearing may be adjourned from time to time prior to its termination. The hearing and the preparation of the charter should be completed by the county prior to the vote by county residents on the question of city status.

The Commission recommends that the county governing body be authorized to appoint a charter advisory committee to assist in the drafting of a proposed city charter. After the charter has been drafted by the governing body and the advisory committee, a public hearing, which has been adequately publicized should be required so that all citizens will have an opportunity to express their views on the proposed plan of government. After the public hearing has been concluded an election on the question of city status should be held in the county. The requirements for both a county referendum on the question of city status and a public hearing on the proposed charter should sufficiently ensure that the new city government and its structure are in accordance with the desires of the local citizens.

- (ii) The governing body of the county may pay the members of the charter advisory committee reasonable compensation approved by the circuit court of the county.

Existing consolidation statutes provide for compensation to members of advisory bodies which assist in the drafting of a consolidation agreement. The Commission believes that compensation should be available, in a similar fashion, to those citizens who assist in drafting a city charter for a county. The requirement for judicial review of the compensation offered is consistent with the procedure provided in the present consolidation statutes.

c. implementation

- (i) The terms of all county and town officers should continue as provided by the Constitution of Virginia or state law and all county and town ordinances should remain in effect subsequent to the election provided for county incorporation until the day that the city charter becomes effective. The city charter should make all necessary provisions for the transition of the county to city status.

The Commission recommends that the new charter adopted by the county governing body include provisions for the transition of the county to city status. The terms of all county and town officers should continue, as provided by law and the state Constitution, until the day the city charter becomes effective. Likewise, all county and town ordinances should remain in effect until the city charter becomes legally operative. The new city charter should make provision for whatever transition of public offices and ordinances, consistent with the Constitution and laws of the Commonwealth, may be required in establishing the new city government.

- (ii) The unilateral incorporation of a county as a city should serve to revoke the charter of any town existing within the boundaries of the former county.

The Commission believes that, whenever a county has the characteristics and capacity to be eligible for city status, separate and independent action by the towns within the county should not be required to sanction the change in government. Therefore, it is recommended that whenever a county incorporates as a city unilaterally, the charter of any town existing within the county's boundaries be revoked automatically.

It should be noted that existing law permits a county to merge with its towns, on the basis of separate referenda in each jurisdiction, to form a new independent city. The Commission recommends that, with the modifications proposed in the subsequent section, this optional route to city status remain available to those counties desiring to utilize it.

C. The Consolidation of Governmental Units Into New Cities

The Code of Virginia allows contiguous units of local government to obtain independent city status by consolidating with one another. The Commission looks favorably upon governmental consolidations as a means of reducing jurisdictional fragmentation; however, it also feels that city charters should be granted only to economically viable governmental units which are capable of meeting their residents' service needs. Further, the creation of new or enlarged cities by means of consolidation must be examined for the impact on surrounding jurisdictions. For these reasons, the Commission believes that those sections of the consolidation statutes permitting counties and towns to merge into new consolidated cities should be modified in accord with the previous proposals for the establishment of new independent cities.¹⁹

¹⁹ The consolidation statutes are found in Chapter 26 of Title 15.1 of the Code. Article 1 provides for the consolidation of counties into a single county, Article 2 authorizes the consolidation of towns into a single town, Article 3 permits the consolidation of cities into a single city, and Article 4 allows the merger of combinations of towns, counties,

1. Criteria for Cities Created by Governmental Consolidation

Article 4 of Chapter 26 of Title 15.1 should be modified to provide that:

- a. a county may incorporate as a city by means of consolidation with all its towns, or by means of consolidation with another county or counties, where the proposed new city will have a population of 25,000 persons and an average density of 200 persons per square mile, based on the latest United States Census or on a special census conducted under court supervision;
- b. a new city may be formed by consolidation of a county or town with an existing adjoining or adjacent city with no requirements as to population and density; provided, however, the creation of a new independent city by means of the consolidation of a town and an adjoining or adjacent city must not substantially impair the ability of the county from which the town is separated to meet the service needs of its remaining population unless provision is made to offset such;
- c. two or more towns may consolidate to form a new town but may not consolidate with each other to create a new independent city, except where such consolidations include the parent counties and meet the population and density requirements provided above;
- d. any proposed new city must have the fiscal capacity to function as an independent city and to provide appropriate services;
- e. in determining the eligibility for city status, the court, hereinafter recommended, should consider the best interests of the parties and the interest of the state in promoting strong and viable units of government in the area.

The intention of these recommended changes in the consolidation statutes is to ensure that proposals for creating new independent cities by the merger of governmental units are subject to the same criteria and analysis

and cities into new consolidated cities and counties. Section 15.1-1130 of Article 4 provides that "any one or more adjoining or adjacent counties or any one or more adjoining or adjacent cities or towns, or any of such counties, cities or towns where such counties, cities or towns, as the case may be, adjoin or are adjacent to each other or any county and all incorporated towns located entirely therein may consolidate into a single county or city, or into a single city and one or more counties, " The Commission's recommendations affect only Article 4.

proposed for the establishment of new independent cities by any other method. This means that proposed consolidated cities should be expected to meet the same population standards and to possess the fiscal capacity required for other proposed new independent cities. Whenever the creation of a new independent city involves merger with an existing city, the Commission recommends that the population and density standards be waived. All proposals for the creation of a new independent city under the provisions of Article 4, including those involving an existing city, should be reviewed for their potential impact on contiguous units of government. The creation of new consolidated cities resulting from the merger of a city and an adjacent town should not be permitted to substantially impair the capacity of the county to provide needed services to its remaining population. Proposals for the creation of new cities by city-town mergers which threaten the viability of a county should not be sanctioned unless provisions are made to assure the ability of the county to meet the service needs of its remaining population.

The Commission also recommends that two or more adjacent towns not be allowed to merge directly into a new city unless such a merger also includes the parent counties. This proposed restriction, however, would not preclude the merger of towns into enlarged towns. Any consolidated town could then seek city status through the procedure established for the evolution of towns to cities.

2. Procedure for the Consolidation of Governmental Units into Cities

Article 4 of Chapter 26 of Title 15.1 should be modified to provide that:

- a. any county or town wishing to be incorporated as a city by means of consolidation with other units of government may by ordinance petition the circuit court of that county for the convening of a special incorporation court, hereinafter recommended, to consider the creation of the proposed new city. If the court is satisfied that the criteria for incorporation are met, the consolidation proceedings may continue in accordance with the provisions of Article 4.

- b. the question of the incorporation of a new independent city by governmental consolidation as provided in Article 4 should be considered by a court comprised of three judges from remote judicial circuits as proposed for annexation cases; the procedure, including the adoption of the ordinance petitioning the court for city status, the publication and service of notice, the rules for the introduction of evidence, the utilization by the court of the expertise of state agencies, and the provisions for additional parties and appeal, should be similar to that provided in annexation cases. However, in an incorporation proceeding the requirement as to service of notice should apply to all contiguous cities and counties; the requirement as to publication of notice and ordinance should apply only within the boundaries of the proposed new independent city.
- c. the incorporation court established to consider the creation of a new independent city by means of governmental consolidation should be limited in its decision to granting or denying eligibility for city status and should have no authority to impose conditions or terms with respect to the proposed incorporation, except in instances of city-town consolidation; the court should be authorized to make eligibility for city status in instances of city-town consolidation contingent upon provisions ensuring the ability of the county to meet the service needs of its remaining population. In any case where the court denies eligibility for city status, it should indicate in a written opinion its reasons for the denial.

The Commission recommends that proposals for the incorporation of new cities by means of governmental consolidation, as provided by Article 4, be reviewed by a judicial process identical to that recommended for unilateral county incorporation. In both instances, the new judicial review would be based upon the annexation process, as modified by the previous recommendations of this report. Thus, a judicial review of proposals for creating new cities under the provisions of Article 4 would be initiated by an ordinance, adopted by the governing bodies of the localities proposing the merger, petitioning for the convening of a special incorporation court. This court would hear evidence on the population, density, and fiscal capacity of the proposed new city and also evaluate the impact of the proposed consolidation on contiguous cities and counties. Except in instances of city-town consolidation, the court would be limited in its decision to determining eligibility for city status and would not be empowered to make eligibility contingent upon any terms. In proposed city-town consolidations the court

would be authorized to impose conditions to ensure that the county from which the town is to be separated will be able to meet the service needs of its remaining population.

If, in the court's opinion, a proposed new consolidated city would distort the area's political development by prematurely terminating the political growth of adjacent units of government, thereby rendering those governments inefficient and unduly dependent upon external resources, the court would be authorized to deny eligibility for city status. If eligibility for city status is denied, the court should indicate in a written opinion its reasons for the denial. Where a court grants eligibility for city status, the consolidation proceeding would continue, with referenda ultimately being held in accordance with the existing provisions of Article 4.

Voluntary Boundary Adjustment

City, town, or county boundary lines can on occasion create unnecessary physical difficulties in the delivery of public services. Due to the accidents of history, to the development of man-made barriers, or to the natural contours of an area, unusual, eccentric and unnatural boundaries sometimes exist which result in excessive costs for the provision of public services. Where local boundary adjustments are mutually beneficial and desired, the state should provide a mechanism to facilitate their implementation. Thus, the Commission recommends that the following procedures be established by general law, available to all localities in the state, whereby voluntary boundary adjustments which will substantially alleviate problems of public service delivery can be made.

1. Adjustment by Agreement of Governing Bodies

Any city, town or county should be authorized to enter into negotiations with any contiguous political subdivision for the adjustment of a mutual boundary. Upon an agreement reached by political subdivisions to adjust a mutual boundary, each governing body should set forth by ordinance the boundary line as agreed to, and, as provided in the ordinance, such line should become the recognized boundary upon approval by the General Assembly.

The Commission believes that general law should authorize the governing bodies of any contiguous political subdivisions to enter into negotiations for the adjustment of a mutual boundary. When an agreement is reached to adjust a mutual boundary, the governing bodies of the localities involved should set forth by ordinance the new boundary line as agreed to and provide therein for the time and terms of the transfer of territory. Upon approval by the General Assembly, the boundary adjustment should become effective as provided in the ordinance.

2. Adjustment by Voluntary Referral to the Court

Any two contiguous political subdivisions should be authorized to petition jointly, by ordinance, the circuit court having jurisdiction over either locality for the adjustment of a mutual boundary in the interest of the effective and efficient administration of government. The ordinance petitioning the court should set forth that portion of the mutual boundary where adjustment is desired. The court, after hearing evidence on the boundary line to be relocated, should enter an order establishing the true boundary line and providing for the time and terms for the transfer of territory. However, boundary adjustments determined by the court in accordance with this procedure should be limited to the transfer of not more than 100 acres of territory from one jurisdiction to another.

The Commission recognizes that occasions may arise where two contiguous political subdivisions may desire the adjustment of a mutual boundary but, for a variety of reasons, be unable to define and conclude the adjustment desired. In these instances the Commission recommends that the localities be authorized to petition jointly a local circuit court for resolution of the boundary adjustment issue. The court should be empowered, after

hearing evidence with respect to the requested boundary adjustment, to enter an order establishing a new boundary and the time and terms for the transfer of territory. Where boundary adjustment issues are referred to a court, in accordance with this recommendation, it is proposed that adjustments be limited to the transfer of not more than 100 acres from any one jurisdiction to another.

State Assistance to Local Government

In addition to the recommendations presented above, this Commission believes that the state should take further positive steps to improve relations among its localities. The constraints imposed by time, the immensity of its charge, and deference to other state study groups have prevented this Commission from developing detailed recommendations to address the concerns reviewed below. However, it is apparent to this Commission that state programs which effectively address these concerns can alleviate many of those conditions which are sources of difficulty in interlocal relations in Virginia. It should be added that adoption by the state of the Commission's recommendations for granting certain counties immunity from annexation and for permitting the incorporation of counties as cities by general law makes the following recommendations all the more vital. For still other cities of the state, the opportunity for further annexation will be removed by those recommendations.

1. Housing and Public Transportation

The state should pursue policies with respect to housing and transportation designed to reduce and discourage undue residential concentrations of the poor and disadvantaged.

Many units of local government in Virginia have major social and fiscal problems. These problems are to a great extent induced by

concentrations of poor and elderly residents within the localities' boundaries. The service costs for such residents are high; and wherever these concentrations exist, public expenditures for health care, crime prevention, education, and other social welfare programs constitute significant fiscal burdens. This Commission recommends that the state pursue more active policies in the areas of housing and public transportation in order to facilitate a broader geographic distribution of Virginia's poor and old. Increasing these citizens' residential opportunities in all localities of the state would permit a more equitable spread of the social welfare costs of local government.²⁰ The state should encourage, in each area of the Commonwealth, where such is feasible, both the development of housing for all economic levels and the provision of public transportation, thereby better enabling all localities to share equitably in their area's social welfare burden. It is recommended that the General Assembly provide for the further consideration of these proposals and the development of such programs by appropriate state bodies.

2. Promotion of Equity

Where cities, counties, and towns are engaged in comparable services, state aid formulas and direct state functional expenditures should not discriminate on the basis of the type of local government. The provision of state aid and services to local governments should include assignment of weight to need, local effort, and local ability with the objective of achieving equity.

²⁰One of the proposals presented to this Commission would provide through general law a mechanism by which cities could relinquish their charter and revert to the county or counties of origin. This proposal was intended, at least in part, to permit cities confronted with major social and fiscal problems to share those burdens with a broader constituency. Such a proposal would permit the unification of a city with a county without a vote by county residents. The Commission believes, however, that the Commonwealth should attempt to address the problems of its cities directly, as recommended in this report, and that any merger of governmental units be accomplished through existing consolidation procedures.

The Commission believes that the state should critically examine every distinction in its aid programs and in its direct functional expenditures for local government to assure that variations in state assistance do not represent discrimination. Where the localities of Virginia are engaged in comparable services, state assistance should be equitably provided regardless of the type of local government. Further, the Commission believes that programs of state assistance generally should be based upon a consideration of the need, effort, and ability of each locality.

The Commission, during the course of its study, has noted two specific areas in which it believes adjustment is in order. First, it is recommended that Virginia cities be permitted to benefit from the bank stock tax to the same extent as counties and towns. Under existing law, the Commonwealth taxes the shares of all banks and trust companies at the rate of \$1 per \$100 of stock value adjusted for tax purposes. While counties and towns are permitted to tax those institutions within their boundaries at 80 percent of the state rate, cities are authorized to obtain only 40 percent of the state rate from the same revenue source.²¹ The Department of Taxation has calculated that, based on 1972-73 revenue data, raising the authorized percentage of the bank stock tax for cities to that provided for counties and towns would yield an additional \$1.5 million in annual revenue for Virginia cities.²² This Commission believes that the present

²¹Code, Chapter 10, Title 58. Locally collected bank stock taxes are credited against state assessments.

²²Calculations presented to the Commission on City-County Relations by the Virginia Department of Taxation; 1974.

provisions governing the bank stock tax constitute a discrimination which should be corrected.

Second, the Commission recommends that the state review the assistance given to localities in the area of law enforcement. Currently, all counties in Virginia profit from the routine patrolling performed in their jurisdictions by the State Police. Further, counties and cities receive from the state two-thirds of the operating expenses for their sheriff's (or city sergeant's) office up to certain maxima. These law enforcement services are adequate for many counties, and, thus, the state is providing a significant portion of their law enforcement costs. However, the greater law enforcement needs of cities and urban counties can only be met by the establishment of police departments; therefore, these localities are forced to meet a greater part of their law enforcement needs with local expenditures. State assistance in this functional area could help to offset these disproportionate local costs.

3. Encouragement of Interlocal Cooperation

There are public concerns which can be dealt with more effectively on a regional basis. The state should adopt financial, programmatic, and procedural policies to encourage cooperative efforts by units of government of less than optimum size.

A number of public services can be effectively and economically provided only when localities act in concert. Realization of this fact led to the enactment in 1968 of the Virginia Area Development Act authorizing the division of the state into planning districts.²³ The Act also provided for the evolution of these planning units into service districts, which were meant to provide services on a regional basis. Despite the accomplishments

²³Code, secs. 15.1-1401 to 15.1-1452.

of the planning districts, there is yet to appear any movement toward a general acceptance of service districts in the state. The principal obstacles to the formation of service districts appear to be the requirements that these districts be established by referenda, that member cities yield their rights of annexation, and that a majority of the service district commissions' membership be popularly elected. Localities seem particularly concerned that the latter requirement removes the service district from the control of the local governments comprising it. Even though service districts have not yet evolved, the regional problems which they were intended to address remain.

Therefore, this Commission recommends that the General Assembly endeavor to promote optional routes to regional service delivery. The state should adopt additional financial, programmatic, and procedural policies to encourage cooperative efforts for regional service delivery. The Commission believes that the continued viability of local governments requires them to develop a spirit and a capacity for cooperation such that public concerns of a regional nature can be properly addressed.

PART V

This Commission was established by the General Assembly to reexamine the method of adjusting municipal boundaries in Virginia and to consider generally the current status of relations between Virginia's cities and counties. In response to the principal questions posed to it, the Commission has concluded:

1. that annexation remains an appropriate method for the addition of territory to municipalities, with the exception that the state's densely populated and urbanized counties should be eligible for immunity from city-initiated annexation as well as from new city incorporation;
2. that the judicial system provides a proper means for the determination of annexation proposals, but that specific modifications should be made in the procedure utilized in Virginia;
3. that Virginia should retain its system of independent cities, but new criteria and procedures should be established for their formation to ensure that all new independent cities are fiscally competent political entities and that their creation is consistent with the general interests of the state; and
4. that counties should be eligible for incorporation as cities when they meet the criteria generally established for independent city status.

The principal questions submitted to this Commission could not be considered apart from other issues affecting interlocal relations in Virginia. Paramount among these issues have been the significant social and fiscal problems confronting certain Virginia localities and the urgent need for greater interlocal cooperation. Therefore, the Commission has recommended several general approaches by which the General Assembly might address these growing concerns. Given the primacy of boundary issues in this Commission's charge, the full development of these general approaches has been left for other state bodies. This Commission wishes to emphasize,

though, its belief that positive state programs are essential to alleviate the substantial problems confronting some Virginia localities and to promote greater interlocal cooperation.

As previously stated in this report, the Commission's recommendations do not purport to be the definitive answer to interlocal problems in Virginia. However, the Commission believes that its recommendations, if implemented, would be an effective response to those problems which prompted the creation of this body. Further, the Commission also believes that its recommendations, while addressing immediate concerns of the Commonwealth, will not unduly hinder future adaptations of local government which, with the passage of time, may well be required.

In conclusion, the Commission requests a continuance of this body for one year so that it may be available to the General Assembly for the presentation and analysis of the recommendations hereby submitted.

Respectfully submitted,

G.R.C. Stuart, Chairman

George M. Warren, Jr., Vice-chairman

Willis M. Anderson

Robert B. Ball, Sr.

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APPENDICES

Appendix A

Survey of Costs of Annexation Proceedings

The following survey of the costs of municipal annexation was undertaken by the Commission on City-County Relations in the Spring of 1974. Since the Commission wished to investigate the annexation expenditures of various sized municipalities from several geographic areas of the state, four town annexation suits and eight city annexation suits were examined.

The cost data have been grouped into three categories: "consultants' fees," "legal fees," and "other costs." The category, "other costs," includes items ranging from the administrative time devoted to the annexation suit to expenditures for postage, printing, and advertising. The figures presented below are based on tabulated data and estimates by the localities. Certain localities have not been able to estimate fully their expenses regarding internal administrative time devoted to case preparation. In these instances, notation has been made in the tables. In addition, the figures presented do not include the projected future costs of pending litigation related to some of the annexation suits. Therefore, some figures do not represent the full costs of entire annexation proceedings incurred by some of the Virginia localities that have been surveyed.

The statistics that are presented below indicate that the twelve annexation suits which have been surveyed resulted in public expenditures by the involved localities of approximately \$7 million.

Survey of Costs of Annexation Proceedings

Locality	Time Involved		Area Contested/Awarded			Expenditures on Annexation Suit			Total Expended by Localities Involved
	Began Preparation	Date Suit Decided	Land (sq. mi.)	Population (thousands)	Consultants Fees	Legal Fees	Other Costs	Total Expended by Locality	
<u>Town Annexation Suits</u>									
Blacksburg (town)	5/65	1970	15	10.4	59,799.20	68,985.72	25,756.20	154,541.12	264,177.34
Montgomery Co.	8/68	(granted)			38,021.74	71,573.48	41.00 ^a	109,636.22	
Farmville (town)	—				17,918.87	11,373.43	2,556.78 ^a	31,849.08	47,041.02
Prince Edward Co.	1/68	1969	4.8 5.4	1.5 2.0	—	2,535.70	500.00	3,035.70	
Cumberland Co.	1/68	(granted)	.6	.5	800.00	7,356.24	4,000.00	12,156.24	
Manassas (town)	10/67	1969	5.7	1.2	16,000.59	2,038.00	2,200.00	20,238.59	67,976.36
Prince William Co.	—	(granted)			21,480.15	23,535.95	2,721.67 ^a	47,737.77	
Wytheville (town)	11/68	1971	2.16	.3	15,553.00	6,545.00	3,000.00	25,098.00	27,638.50
Wythe Co.	—	(granted)			1,500.00	1,040.50	— ^a	2,540.50	
<u>City Annexation Suits</u>									
Franklin (city)	summer/'66				47,583.00	59,051.00	15,000.00	121,634.00	288,040.29
Isle of Wight Co.	4/68	1970	2.55 8.39		40,496.31	28,432.90	12,477.08	81,406.29	
Southampton Co.	1/70	(denied)	5.84		35,000.00	45,000.00	5,000.00	85,000.00	
Bristol (city)		1972	6.9	5.0	121,307.93	47,412.78	36,175.19	204,895.90	388,372.51
Washington Co.	1/72	(granted)			112,294.60	62,238.53	8,943.48	183,476.61	

^aThis figure does not include the cost of internal administrative time devoted to the preparation of the locality's annexation case.

Survey of Costs of Annexation Proceedings

Locality	Time Involved		Area Contested/Awarded		Expenditures on Annexation Suit				Total Expended by Localities Involved
	Began Preparation	Date Suit Decided	Land (sq. mi.)	Population (thousands)	Consultants' Fees	Legal Fees	Other Costs	Total Expended by Locality	
City Annexation Suits									
Winchester (city) Frederick Co.	2/65 5/67	1970 (granted)	5.9	4.9	84,416.52 32,227.55	62,199.08 43,095.66	35,000.00 20,000.00	181,615.60 95,323.21	276,938.81
Petersburg (city) Prince George Co. Dinwiddie Co.	10/66 11/64 7/65	1970 (granted)	9.0 } 5.0 } 14.00	5.4 } 3.7 } 9.1	97,251.01 73,693.99 46,533.60	101,107.33 33,786.45 46,288.09	50,000.00 4,327.62 ^a 20,000.00	248,358.34 111,808.06 112,821.69	472,988.09
Alexandria (city) Fairfax Co.	summer/67 9/68	1969 (denied)	8.31	33.0	72,000.00 70,000.00	116,000.00 220,000.00	65,000.00 100,000.00	253,000.00 390,000.00	643,000.00
Lynchburg (city) ^b Campbell Co. ^b Amherst Co. Bedford Co. ^b	5/71 12/71 1/72 1/72	1974 (granted)	18.0 } 7.07 } 25.07	12.4 } 1.6 } 13.9	342,405.00 163,877.00 97,184.00 59,030.45	151,165.00 102,240.00 50,698.45 39,401.67	108,512.00 117,144.00 31,117.70 ^a 7,500.00	602,082.00 383,261.00 179,000.15 105,932.12	1,270,275.27
Roanoke (city) ^c Salem (city) ^c Roanoke Co. ^c	3/65 11/69 8/65	1974 (granted)	16.0 ^d	17.0 ^d	196,344.36 50,537.26 218,413.14	165,205.00 21,475.77 148,955.19	324,945.22 28,037.50 120,383.86	686,494.58 100,050.53 487,752.19	1,274,297.30
Richmond (city) Chesterfield Co.	FY 1966-67 1960	1969 (granted)	23.0	47.0	214,000.00 237,662.00	214,000.00 300,000.00	453,000.00 400,000.00	881,000.00 937,662.00	1,818,662.00

^aThis figure does not include the cost of internal administrative time devoted to the preparation of the locality's annexation case.

^bThe figures presented do not include the costs of the current appeal to the Supreme Court of Virginia.

^cThe figures presented do not include the entire costs of retrial commencing in 1974.

^dThese figures represent the total population and land area awarded to the City of Roanoke as a result of the original trial and subsequent proceedings.

Appendix B

Characteristics: Virginia Counties 25,000 Population or More 1970

Column	1			5			7	
	Total Population			Urbanization ^a				Area
	(thousands)			(% pop. urban)				
	1971	1980	1990	1970	1980	1990	1970	
1) Fairfax	486	636	848	90	95	100	399	
2) Arlington	172	188	205	100	100	100	24	
3) Henrico	159	203	253	84	92	94	232	
4) Prince William	122	182	245	66	80	95	345	
5) Chesterfield	82	115	146	54	65	75	437	
6) Roanoke	71	94	121	63	72	80	263	
7) Pittsylvania	58	60	62	0	4	5	1012	
8) Henry	52	62	75	18	19	21	384	
9) Rockingham	49	55	63	6	7	8	868	
10) Montgomery	49	65	84	37	40	44	395	
11) Augusta	45	51	59	0	0	0	986	
12) Campbell ^b	45	55	68	26	32	36	524	
13) Washington ^c	41	45	50	12	10	11	579	
14) Tazewell	39	36	34	36	45	52	522	
15) Albemarle	39	49	62	0	5	7	735	
16) Hanover	39	56	78	22	35	45	466	
17) Loudoun	39	66	114	35	50	65	517	
18) Wise	35	30	28	20	21	23	411	
19) York	35	50	72	24	40	60	122	
20) Buchanan	31	29	26	0	0	0	508	
21) Smyth	31	32	33	33	31	30	435	
22) Halifax	29	29	28	0	0	0	797	
23) Pulaski	30	33	36	35	31	35	327	

^aThe "urban" population of counties has been determined on the basis of a rather involved United States Department of Commerce definition. Under this definition the principal elements comprising "urban" population are: (1) incorporated places of 2,500 or more inhabitants; (2) incorporated places with fewer than 2,500 inhabitants, provided that each has a closely settled nucleus of 100 or more housing units; (3) unincorporated areas of 2,500 inhabitants or more which are closely settled and have a definite nucleus; and (4) other unincorporated settlements which are urban in nature and are adjacent to "urban" incorporated places. For a fuller definition see U.S. Bureau of the Census, Census of Population: 1970, Number of Inhabitants: Virginia (Washington: U.S. Government Printing Office, 1971), pp. lv-vii.

^bAll figures and projections are based on pre-annexation data. Campbell County lost 12.4 thousand people and 18 square miles by an annexation decided in January, 1974. The annexation is currently being appealed.

^cAll figures and projections are based on pre-annexation data. Washington County lost 5.2 thousand people and 6.9 square miles by an annexation effective December 31, 1973.

CHARACTERISTICS: COUNTIES 25,000 POPULATION OR MORE 1970

	8	9	10	11	12	13
	Density (pop./sq. mi.)			Fiscal Capacity		
	1970	1980	1990	1971 True (full) & Pub. Ser. Corp. (total-millions)	Value. Real Est (per capita)	1971 Per Capita Personal Income (% of state av., \$3,918)
1)	1140	1594	2125	\$5,925	\$12,191	133
2)	7262	7833	8541	2,456	14,279	162
3)	665	875	1091	1,284	8,075	127
4)	322	528	710	1,246	10,213	97
5)	176	263	334	869	10,598	121
6)	256	357	460	607	8,549	109
7)	58	59	61	345	5,948	64
8)	133	162	195	317	6,096	88
9)	55	63	73	352	7,184	85
10)	119	165	213	300	6,122	76
11)	45	52	60	378	8,400	79
12)	83	105	130	330	7,333	92
13)	71	78	86	218	5,317	75
14)	76	69	65	207	5,308	76
15)	51	67	84	475	12,179	95
16)	80	120	167	381	9,769	109
17)	72	128	220	737	18,897	113
18)	87	73	68	128	3,657	71
19)	272	410	590	308	8,800	98
20)	63	57	51	250	8,065	65
21)	72	74	76	167	5,387	60
22)	38	36	35	177	6,103	60
23)	90	101	110	190	6,333	77

14 Fiscal Effort		15	16 Selected Characteristics		17
1970-71 Total Expend	1971 True Re.Est.		No. Incorp.		Form
(per capita)	Tax Rate		Towns		of Govt.
1) \$521	\$1.41		3		Urb. Co. Ex.
2) 498	1.32		0		Co. Mgr. (Special)
3) 366	1.00		0		Co. Mgr.
4) 436	1.16		6		Co. Ex.
5) 475	.86		0		Trad./Co. Admr.
6) 358	.90		1		Trad./Ex. Off.
7) 184	.73		3		Trad./Co. Admr.
8) 188	.56		1		Trad./Co. Admr.
9) 164	.47		7		Trad./Co. Admr.
10) 174	.57		2		Trad./Co. Off.
11) 218	.67		1		Trad./Co. Admr.
12) 196	.51		2		Trad./Co. Admr.
13) 221	.68		4		Trad./Co. Admr.
14) 220	.71		5		Trad./Co. Admr.
15) 257	.72		1		Co. Ex.
16) 198	.59		1		Trad./Co. Admr.
17) 390	.73		7		Trad./Co. Admr.
18) 209	.87		6		Trad./Co. Admr.
19) 248	.75 ^d		1		Trad./Co. Admr.
20) 271	.52		1		Trad./Co. Admr.
21) 188	.49		3		Trad./Co. Admr.
22) 227	.44		4		Trad./Co. Admr.
23) 164	.56		2		Trad./Co. Admr.

^dApplies only to real estate outside the Town of Poquoson.

Column	1 2 3			4 5 6			7
	Total Population			Urbanization ^a			Area
	(thousands)			(% pop. urban)			(sq. mi.)
	1971	1980	1990	1970	1980	1990	1970
24) Accomack	29	28	28	0	0	0	470
25) Frederick ^e	25	29	33	0	0	0	433
26) Mecklenburg	29	29	29	23	24	25	626
27) Prince George ^f	29	27	35	43	48	50	278
28) Bedford ^g	27	28	30	2	4	7	763
29) Franklin	28	30	31	14	15	16	718
30) Amherst	26	30	34	30	34	36	467
31) Fauquier	26	31	37	15	20	25	660
32) Dinwiddie ^h	25	23	26	38	34	35	507
33) Russell	24	23	21	0	0	12	483
34) Stafford	26	33	44	0	9	9	271

^eAll figures and projections are based on post-annexation data except for columns 4, 7, and 8. Frederick County lost 4.8 thousand people and 5.9 square miles by an annexation effective January 1, 1971.

^fColumns 1, 4, 7, 8, and 13 are based on pre-annexation data. Columns 2, 3, 5, 6, 9, 10, 11, and 14 are adjusted to reflect the annexation. Column 12 is computed on the basis of columns 11 and 1. Prince George lost 5.4 thousand people and 9 square miles effective July 1, 1972.

^gAll figures and projections based on pre-annexation data. Bedford County lost 1.6 thousand people and 7 square miles by an annexation decided January, 1974. The annexation is now being appealed.

^hColumns 1, 4, 7, 8, and 13 are based on pre-annexation data. Columns 2, 3, 5, 6, 9, 10, 11, and 14 are adjusted to reflect the annexation. Column 12 is computed on the basis of columns 11 and 1. Dinwiddie County lost 3.7 thousand people and 5 square miles effective January 1, 1972.

CHARACTERISTICS: COUNTIES 25,000 POPULATION OR MORE 1970 (cont'd)

8	9			11		12	13
	Density (pop./sq. mi.)			1971 True (full) & Pub. Ser. Corp. (total millions)	Value Real Est. (per capita)	Fiscal Capacity 1971 Per Capita Personal Income (% of state av., \$3,918)	
	1970	1980	1990				
24)	62	60	60	192	6,620		86
25)	67	68	77	212	8,480		77
26)	47	43	46	197	6,793		74
27)	105	100	130	98	3,379		109
28)	35	37	39	240	8,889		79
29)	37	42	43	175	6,250		70
30)	56	64	73	152	5,846		69
31)	40	47	56	459	17,654		94
32)	49	46	52	115	4,600		60
33)	51	48	44	199	8,292		65
34)	91	122	162	223	8,577		85

SOURCES

- Columns 1, 2, and 3. Division of State Planning and Community Affairs, Population Projections to 1980, 1990, 2000, 2010, and 2020 for Virginia Counties, Cities, and Planning Districts. Statistical Information Series No. 72-2 (Richmond, 1972).
- Columns 4, 5, and 6. Division of State Planning and Community Affairs, "Rural-Urban Population Make Up of Virginia's Counties, Cities, and Planning Districts" (unpublished tables, Richmond, no date).
- Column 7. Auditor of Public Accounts, Comparative Cost of County Government, Year Ended June 30, 1971 (Richmond, 1973).
- Columns 8, 9, and 10. Calculated on basis of Columns 1, 2, 3, and 7.
- Column 11. Department of Taxation, "Estimated True (Full) Value of Locally Taxed Property in Virginia Counties, Cities, and Towns Constituting Special School Districts - 1971" (mimeographed, Richmond, 1973).
- Column 12. Calculated from columns 1 and 11.
- Column 13. Tayloe Murphy Institute, Personal Income Estimates for Virginia Cities & Counties, 1971 (Charlottesville, 1973).

14 Fiscal Effort		15	16 Selected Characteristics		17
1970-71 Total Expend	(per capita)	1971 True Re.Est.	Tax Rate	No. Incorp. Towns	Form of Govt.
24)	221		.55	14	Trad./Co. Admr.
25)	233		.57	2	Trad./Co. Admr.
26)	182		.45	5	Trad./Co. Admr.
27)	178		.70	0	Trad./Co. Admr.
28)	275		.47	0	Trad.
29)	193		.47	2	Trad./Co. Admr.
30)	154		.38	1	Trad./Co. Admr.
31)	245		.42	3	Trad./Co. Admr.
32)	175		.59	1	Trad./Co. Admr.
33)	240		.61	3	Co. Bal./Co. Admr.
34)	235		.87	0	Trad./Co. Admr.

SOURCES (cont'd)

- Column 14. Auditor, Comparative Cost of County Government, Year Ended June 30, 1971.
- Column 15. State Tax Commissioner, "Real Estate Assessment Ratios and Average Effective True Tax Rates in Virginia Counties and Cities - 1970 and 1971" (mimeographed, Richmond, 1973).
- Column 16. Secretary of the Commonwealth, Report of the Secretary of the Commonwealth to the Governor and General Assembly of Virginia, report for year ending June 30, 1972 (Richmond, 1972).
- Column 17. Virginia Association of Counties, "Virginia Counties and Their Forms of County Organization" (mimeographed).

Appendix C

Standard Metropolitan Statistical Areas (SMSAs)
in Virginia

I. SMSAs with 200,000 Population or More

Newport News - Hampton

Hampton
Newport News
Williamsburg
Gloucester County
James City County
York County

Roanoke

Roanoke
Salem
Botetourt County
Craig County
Roanoke County

Norfolk - Virginia Beach - Portsmouth^a

Chesapeake
Norfolk
Portsmouth
Virginia Beach

Northern Virginia^b

Alexandria
Fairfax
Falls Church
Arlington County
Fairfax County
Loudoun County
Prince William County

Richmond

Richmond
Charles City County
Chesterfield County
Goochland County
Hanover County
Henrico County
Powhatan County

II. SMSAs with Population Below 200,000

Lynchburg

Lynchburg
Amherst County
Appomattox County
Campbell County

Petersburg - Colonial Heights -
Hopewell

Colonial Heights
Hopewell
Petersburg
Dinwiddie County
Prince George County

^aThis SMSA also includes Currituck County, N. C.

^bThis SMSA also includes the District of Columbia and three Maryland counties.

SOURCE: U. S. Bureau of the Census, Statistical Abstract of the United States:
1973, 94th edition (Washington, D. C., 1973).

Appendix D

Incorporation of Virginia Towns

Period of Incorporation	Incorporated by the Legislature		Incorporated by Circuit Courts	
1908 - 19	Brodnax Cedar Bluff Christiansburg Dillwyn Dungannon Farmville Gretna	Monterey Pearisburg South Norfolk Stanley Tappahannock The Plains Victoria	Altavista Amherst Boyce Chilhowie Honaker Ivor New Castle	Rural Retreat St. Charles St. Paul Stony Creek Tangier
1920 - 29	Boones Mill Grundy	Strasburg	Alberta Appomattox Capron Colonial Heights Draper Glen Lyn	McKenny Quantico Scottsburg Stanardsville Surry Toms Brook
1930 - 39	Haysi Independence		Jarratt Kilwamock	Madison Phenix
1940 - 49	Clinchport		Accomac Cleveland Montross Newsoms Pembroke	Portlock Pound Rich Creek Warsaw
1950 - 59	Exmore Onley Poquoson	Weber City Whaleyville	Bloxom Cheriton Hallwood Irvington Keller Manassas Park	Melfa Nassawadox Painter Saxis Troutville Whitestone
1960 - present	Hurt		Craigsville	

SOURCE: Chester W. Bain, "A Body Incorporate": The Evolution of City-County Separation in Virginia (Charlottesville: Published for the Institute of Government, University of Virginia, by the University Press of Virginia, 1967), p. 119.

Appendix E

Incorporation of Virginia Cities

Period of Incorporation	City
prior to 1800	Richmond Williamsburg
prior to 1900	Alexandria Newport News
	Bristol Norfolk
	Buena Vista Petersburg
	Charlottesville Portsmouth
	Danville Radford
	Fredericksburg Roanoke
	Lynchburg Staunton
	Manchester* Winchester
1900 - 09	Clifton Forge Hampton
1910 - 19	Harrisonburg Suffolk
	Hopewell
1920 - 29	Martinsville South Norfolk*
1930 - 39	(none)
1940 - 49	Colonial Heights Waynesboro
	Falls Church
1950 - 59	Covington Virginia Beach
	Galax Warwick*
	Norton
1960 - 69	Bedford Franklin
	Chesapeake Lexington
	Emporia Salem
	Fairfax South Boston
1970 - present	Nansemond*

*These cities were merged into other cities. Manchester consolidated with the City of Richmond, South Norfolk consolidated with Norfolk County as the City of Chesapeake, Warwick consolidated with the City of Newport News, and Nansemond consolidated with the City of Suffolk.

SOURCES: Chester W. Bain, "A Body Incorporate": The Evolution of City-County Separation in Virginia (Charlottesville: Published for the Institute of Government, University of Virginia, by the University Press of Virginia, 1967), pp. 117-118; Files on city incorporation, Institute of Government, University of Virginia.

Appendix F

Mergers in Virginia

I. Approved Mergers

Units of Government Involved	Name of Merged Government	Merger Effective Date
Richmond (city) - Manchester (city)	Richmond (city)	1910
Waynesboro (town) - Basic City (town)	Waynesboro (town)	1923
Hampton (city) - Phoebus (town) - Elizabeth City (county)	Hampton (city)	1952
Newport News (city) - Warwick (city)	Newport News (city)	1958
Virginia Beach (city) - Princess Anne (county)	Virginia Beach (city)	1963
South Norfolk (city) - Norfolk (county)	Chesapeake (city)	1963
Tazewell (town) - North Tazewell (town)	Tazewell (town)	1963
Christiansburg (town) - Cambria (town)	Christiansburg (town)	1964
Nansemond (county) - Holland (town)- Whaleyville (town)	Nansemond (city)	1972
Suffolk (city) - Nansemond (city)	Suffolk (city)	1974

II. Defeated Mergers

Units of Government Involved	Year of Rejection
Richmond (city) - Henrico (county)	1961
Winchester (city) - Frederick (county)	1969
Roanoke (city) - Roanoke (county)	1969
Charlottesville (city) - Albemarle (county)	1970
Bristol (city) - Washington (county)	1971

SOURCE: Edward L. Morton and Weldon Cooper, "Local Government Mergers Resume in Virginia," Virginia Town & City, 23-24 (July 1973).

Appendix G

Annexation Proceedings by Virginia Cities
1904 to Present

Time Period	Annexations Granted	Annexations Denied
1904-09	7	2
1910-14	3	
1915-19	6	
1920-24	8	
1925-29	6	
1930-34	2	
1935-39	7	
1940-44	8	
1945-49	5	
1950-54	10	2
1955-59	11	1
1960-64	18*	3
1965-69	10	5
1970-	6**	2***

* Includes awards declined by Bristol (1962) and by Richmond (1964).

** Includes Lynchburg award (1974) now being appealed.

*** Does not include second Charlottesville dismissal upheld by the Virginia Supreme Court (1973) on the basis of the time limitations imposed by Code section 15.1-1055.

The compilations are based on the date of decision of the trial court. Where trial court denials of annexation petitions are subsequently reversed by the Supreme Court and remanded for retrial, the original denial is not tallied. Dismissals of petitions by trial courts have been counted as "denials."

SOURCES: Chester W. Bain, Annexation in Virginia: The Use of the Judicial Process for Readjusting City-County Boundaries (Charlottesville: Published for the Institute of Government, University of Virginia, by the University Press of Virginia, 1966); Edward L. Morton, "Municipal Annexation in Virginia, 1960-70," University of Virginia News Letter (Charlottesville: Institute of Government, University of Virginia), May 15, 1972; Virginia Municipal League, "Virginia Annexation Survey, 1962-1972 " (Richmond: The League, 1972), mimeographed.

Appendix H

Statistical Profiles of Selected
Metropolitan Areas in Virginia

1. Franklin, Southampton County, Isle of Wight County
2. Lynchburg Metropolitan Area
3. Martinsville, Henry County
4. Northern Virginia
5. Norton, Wise County
6. Richmond Metropolitan Area
7. Roanoke Metropolitan Area
8. Staunton, Waynesboro, Augusta County
9. Winchester, Frederick County
10. City, County, and State Totals

Franklin, Southampton County, Isle of Wight County

Item	Southampton Co.	Isle of Wight Co.	Franklin
<u>General Population Characteristics</u>			
1. 1970 total population (thousands)	18.6	18.3	6.9
2. 1980 (est.) total population (thousands)	18.0	20.0	6.6
3. % change, 1970-1980	-3.1	9.4	-4.1
4. 1970 % nonwhite	54.3	49.7	58.9
5. 1980 (est.) % nonwhite	45.3	44.5	45.5
6. 1970 % elderly (65 and over)	9.0	8.2	8.6
7. 1980 (est.) % elderly (65 and over)	10.8	9.6	11.6
8. 1970 % school age (19 and under)	42.5	41.2	38.4
9. 1980 (est.) % school age (19 and under)	36.7	36.5	32.7
<u>Economic Characteristics</u>			
10. 1969 median family income (thousands)	\$5.9	\$7.7	\$7.8
11. 1971 per cap. personal income (est.) (thousands)	\$2.3	\$3.7	\$4.0
12. 1971 per cap. personal income as % of state avg.	60	95	104
13. 1969 % families below poverty level	27.3	19.9	18.1
14. 1969 % families with income above \$15,000	7.0	7.8	17.6
15. 1969 % civilian unemployment	4.3	3.1	3.4

Franklin, Southampton County, Isle of Wight County

Item	Southampton Co.	Isle of Wight Co.	Franklin
<u>Indices of Local Fiscal Capacity</u>			
16. 1970 true property value per capita (thousands)	\$7.6	\$8.3	\$5.7
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$31.7	\$34.8	\$18.3
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	0.69	1.02	0.95
19. 1974 per pupil ADM* index	0.61	0.97	0.85
20. 1971 property tax true assessment ratio (%)	14.0	16.0	46.4
21. 1971 property tax effective true tax rate (per \$100)	\$0.63	\$0.48	\$1.07
<u>Sources of Local Government General Revenue</u>			
22. 1969 local funds - % of total	41.0	45.9	57.1
23. 1971 local funds - % of total	35.6	44.8	54.2
24. 1969 state funds - % of total	56.9	50.3	39.9
25. 1971 state funds - % of total	60.0	46.9	38.3
26. 1969 federal funds - % of total	2.1	3.9	3.0
27. 1971 federal funds - % of total	4.4	8.3	7.5

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

Franklin, Southampton County, Isle of Wight County

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Southampton Co.</u>					
a. property tax rcpts.	\$1,037.6	82.4	\$1,254.1	82.3	20.9
b. sales tax rcpts.	80.9	6.4	91.6	6.0	13.2
c. other rcpts.	140.2	11.1	178.1	11.7	27.0
d. total rcpts.	1,258.7	99.9	1,523.8	100.0	21.1
<u>Isle of Wight Co.</u>					
a. property tax rcpts.	1,262.2	82.8	1,404.3	80.4	11.3
b. sales tax rcpts.	132.4	8.7	163.3	9.3	23.3
c. other rcpts.	130.5	8.6	180.1	10.3	38.0
d. total rcpts.	1,525.1	100.1	1,747.7	100.0	14.6
<u>Franklin</u>					
a. property tax rcpts.	594.5	50.9	550.4	39.6	-7.4
b. sales tax rcpts.	154.0	13.2	179.5	12.9	16.6
c. other rcpts.	420.6	36.0	658.5	47.4	56.6
d. total rcpts.	1,169.1	100.1	1,388.4	99.9	18.8

Franklin, Southampton County, Isle of Wight County

Item	Southampton Co.	Isle of Wight Co.	Franklin
<u>Total Expenditures</u>			
33. 1969 total expenditures (millions)	\$2.7	\$2.8	\$1.9
34. 1971 total expenditures (millions)	\$3.7	\$3.5	\$2.6
35. % change, 1969-1971	41.0	22.1	34.2
<u>Expenditures by Function, 1971</u>			
36. Education			
a. per capita	\$157.15	\$146.07	\$215.65
b. % of total	77.9	77.2	57.6
c. per pupil ADM*	\$666.70	\$581.75	\$677.48
37. Welfare			
a. per capita	\$27.28	\$22.18	\$41.33
b. % of total	13.5	11.7	11.0
38. Police and Fire Protection			
a. per capita	\$3.58	\$3.71	\$28.45
b. % of total	1.8	2.0	7.6
39. Public Works			
a. Roads			
(i) per capita	\$0.00	\$0.00	\$13.89
(ii) % of total	0.0	0.0	3.7
b. Other			
(i) per capita	\$0.97	\$0.80	\$14.31
(ii) % of total	0.5	0.4	3.8
40. Other Expenditures			
a. per capita	\$12.73	\$16.49	\$60.94
b. % of total	6.3	8.7	16.3
41. Total Expenditures			
a. per capita	\$201.71	\$189.24	\$374.57
b. % of total	100.0	100.0	100.0

*ADM - Average Daily Membership.

Lynchburg Metropolitan Area

Item	Lynchburg	Campbell Co.	Bedford Co.	Amherst Co.
<u>General Population Characteristics*</u>				
1. 1970 total population (thousands)	54.0	43.3	26.7	26.0
2. 1980 (est.) total population (thousands)	53.5	55.0	28.0	29.5
3. % change, 1970-1980	-1.1	27.0	4.8	13.1
4. 1970 % nonwhite	23.4	15.9	16.7	22.0
5. 1980 (est.) % nonwhite	26.7	12.0	14.1	19.8
6. 1970 % elderly (65 and over)	12.3	7.2	10.6	8.8
7. 1980 (est.) % elderly (65 and over)	14.2	7.7	12.2	9.6
8. 1970 % school age (19 and under)	34.9	39.1	38.3	38.2
9. 1980 (est.) % school age (19 and under)	32.1	35.3	34.3	35.3
<u>Economic Characteristics</u>				
10. 1969 median family income (thousands)	\$8.9	\$9.0	\$7.6	\$8.4
11. 1971 per cap. personal income (est.) (thousands)	\$4.1	\$3.6	\$3.0	\$2.7
12. 1971 per cap. personal income as % of state avg.	106	92	79	69
13. 1969 % families below poverty level	11.3	9.7	14.6	12.0
14. 1969 % families with income above \$15,000	17.9	12.2	6.6	10.9
15. 1969 % civilian unemployment	2.5	1.8	2.2	2.4

*Lynchburg annexed 14,000 people and 25 square miles from Campbell and Bedford counties, effective January 1, 1975. Population projections are based on pre-annexation figures.

Lynchburg Metropolitan Area

Item	Lynchburg	Campbell Co.	Bedford Co.	Amherst Co.
<u>Indices of Local Fiscal Capacity</u>				
16. 1970 true property value per capita (thousands)	\$6.6	\$5.7	\$6.9***	\$4.8
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$33.6	\$22.1	\$28.7***	\$23.9
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	1.04	0.86	0.85	0.66
19. 1974 per pupil ADM* index	1.13	0.84	0.79	0.76
20. 1971 property tax true assessment ratio (%)	41.6	15.1	11.0	11.9
21. 1971 property tax effective true tax rate (per \$100)	\$1.25	\$0.51	\$0.47	\$0.38
<u>Sources of Local Government General Revenue</u>				
22. 1969 local funds - % of total	68.2	38.6	47.9	43.9
23. 1971 local funds - % of total	66.3	41.3	47.5	40.2
24. 1969 state funds - % of total	29.1	55.1	47.2	51.5
25. 1971 state funds - % of total	30.0	52.3	47.1	52.3
26. 1969 federal funds - % of total	2.7	6.3	4.9	4.6
27. 1971 federal funds - % of total	3.7	6.4	5.4	7.6

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

***The figures given include the City of Bedford.

Lynchburg Metropolitan Area

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Lynchburg</u>					
a. property tax rcpts.	\$5,529.4	49.5	\$6,265.2	49.5	13.3
b. sales tax rcpts.	1,556.2	13.9	1,777.8	14.0	14.2
c. other rcpts.	4,090.0	36.6	4,610.4	36.4	12.7
d. total rcpts.	11,175.6	100.0	12,653.4	99.9	13.2
<u>Campbell Co.</u>					
a. property tax rcpts.	1,982.7	79.3	2,389.8	71.8	20.5
b. sales tax rcpts.	304.6	12.2	410.2	12.3	34.7
c. other rcpts.	214.0	8.6	527.0	15.8	146.3
d. total rcpts.	2,501.3	100.1	3,327.0	99.9	33.0
<u>Bedford Co.</u>					
a. property tax rcpts.	1,716.4	68.7	1,641.5	55.7	-4.4
b. sales tax rcpts.	131.3	5.3	124.4	4.2	-5.3
c. other rcpts.	650.5	26.0	1,181.2	40.1	81.6
d. total rcpts.	2,498.2	100.0	2,947.1	100.0	18.0
<u>Amherst Co.</u>					
a. property tax rcpts.	721.8	52.3	775.8	51.5	7.5
b. sales tax rcpts.	162.9	11.8	195.4	13.0	20.0
c. other rcpts.	496.2	35.9	535.1	35.5	7.8
d. total rcpts.	1,380.9	100.0	1,506.3	100.0	9.1

Lynchburg Metropolitan Area

Item	Lynchburg	Campbell Co.	Bedford Co.	Amherst Co.
<u>Total Expenditures</u>				
33. 1969 total expenditures (millions)	\$13.7	\$5.5	\$4.4	\$2.7
34. 1971 total expenditures (millions)	\$16.9	\$7.2	\$5.5	\$3.4
35. % change, 1969-1971	23.5	31.1	24.5	25.6
<u>Expenditures by Function, 1971</u>				
36. Education				
a. per capita	\$166.56	\$132.71	\$163.71	\$104.10
b. % of total	53.2	79.5	79.0	79.6
c. per pupil ADM*	\$784.12	\$553.46	\$552.14	\$522.84
37. Welfare				
a. per capita	\$42.65	\$17.10	\$26.02	\$6.94
b. % of total	13.6	10.2	12.6	5.3
38. Police and Fire Protection				
a. per capita	\$39.14	\$2.91	\$4.50	\$2.86
b. % of total	12.5	1.7	2.2	2.2
39. Public Works				
a. Roads				
(i) per capita	\$8.26	\$0.00	\$0.00	\$0.00
(ii) % of total	2.6	0.0	0.0	0.0
b. Other				
(i) per capita	\$17.20	\$0.00	\$0.00	\$6.00
(ii) % of total	5.5	0.0	0.0	4.6
40. Other Expenditures				
a. per capita	\$39.42	\$14.25	\$12.92	\$10.96
b. % of total	12.6	8.5	6.2	8.4
41. Total Expenditures				
a. per capita	\$313.23	\$166.96	\$207.16	\$130.85
b. % of total	100.0	99.9	100.00	100.1

*ADM - Average Daily Membership.

Martinsville, Henry County

Item	Henry Co.	Martinsville
<u>General Population Characteristics</u>		
1. 1970 total population (thousands)	50.9	19.7
2. 1980 (est.) total population (thousands)	62.0	21.0
3. % change, 1970-1980	21.8	6.9
4. 1970 % nonwhite	21.8	28.7
5. 1980 (est.) % nonwhite	21.2	25.8
6. 1970 % elderly (65 and over)	5.8	7.9
7. 1980 (est.) % elderly (65 and over)	7.2	11.2
8. 1970 % school-age (19 and under)	40.5	37.2
9. 1980 (est.) % school-age (19 and under)	36.1	33.3
<u>Economic Characteristics</u>		
10. 1969 median family income (thousands)	\$8.5	\$9.1
11. 1971 per cap. personal income (est.) (thousands)	\$3.4	\$4.6
12. 1971 per cap. personal income as % of state avg.	88	118
13. 1969 % families below poverty level	9.6	9.4
14. 1969 % families with income above \$15,000	9.7	17.0
15. 1969 % civilian unemployment	2.1	2.8

Martinsville, Henry County

Item	Henry Co.	Martinsville
<u>Indices of Local Fiscal Capacity</u>		
16. 1970 true property value per capita (thousands)	\$5.1	\$7.7
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$19.8	\$35.7
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	0.77	1.16
19. 1974 per pupil ADM* index	0.70	1.14
20. 1971 property tax true assessment ratio (%)	13.1	52.1
21. 1971 property tax effective true tax rate (per \$100)	\$0.56	\$0.99
<u>Sources of Local Government General Revenue</u>		
22. 1969 local funds - % of total	37.1	63.2
23. 1971 local funds - % of total	39.0	60.4
24. 1969 state funds - % of total	57.1	34.6
25. 1971 state funds - % of total	56.0	35.7
26. 1969 federal funds - % of total	5.8	2.2
27. 1971 federal funds - % of total	5.0	3.9

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

Martinsville, Henry County

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Henry Co.</u>					
a. property tax rcpts.	\$1,831.2	66.5	\$2,417.8	69.1	32.0
b. sales tax rcpts.	464.1	16.9	577.4	16.5	24.4
c. other rcpts.	457.0	16.6	504.7	14.4	10.4
d. total rcpts.	2,752.3	100.0	3,499.9	100.0	27.2
<u>Martinsville</u>					
a. property tax rcpts.	1,465.7	45.4	1,732.0	50.0	18.2
b. sales tax rcpts.	545.0	16.9	590.7	17.1	8.4
c. other rcpts.	1,217.0	37.7	1,138.2	32.9	-6.5
d. total rcpts.	3,227.7	100.0	3,460.9	100.0	7.2

Martinsville, Henry County

Item	Henry Co.	Martinsville
<u>Total Expenditures</u>		
33. 1969 total expenditures (millions)	\$6.3	\$4.8
34. 1971 total expenditures (millions)	\$7.6	\$5.8
35. % change, 1969-1971	21.5	21.3
<u>Expenditures by Function, 1971</u>		
36. Education		
a. per capita	\$127.29	\$166.41
b. % of total	84.4	56.8
c. per pupil ADM*	\$504.30	\$736.76
37. Welfare		
a. per capita	\$13.39	\$25.56
b. % of total	8.9	8.7
38. Police and Fire Protection		
a. per capita	\$3.46	\$30.64
b. % of total	2.3	10.5
39. Public Works		
a. Roads		
(i) per capita	\$0.00	\$12.80
(ii) % of total	0.0	4.4
b. Other		
(i) per capita	\$0.20	\$18.81
(ii) % of total	0.1	6.4
40. Other Expenditures		
a. per capita	\$5.78	\$39.01
b. % of total	3.9	13.3
41. Total Expenditures		
a. per capita	\$150.11	\$293.22
b. % of total	100.0	100.1

*ADM - Average Daily Membership.

Item	Fairfax Co.	Arlington Co.	Prince Wm. Co.	Alexandria	Loudoun Co.	Fairfax	Falls Church
<u>General Population Characteristics</u>							
1. 1970 total population (thousands)	455.0	174.3	111.1	110.9	37.1	22.0	10.8
2. 1980 (est.) total population (thousands)	636.0	188.0	182.0	132.0	66.0	30.0	11.5
3. % change, 1970-1980	39.8	7.9	63.8	19.0	77.7	36.5	6.8
4. 1970 % nonwhite	4.2	7.4	6.0	15.1	12.7	2.1	2.2
5. 1980 (est.) % nonwhite	4.3	9.5	5.5	19.0	7.5	1.6	2.6
6. 1970 % elderly (65 and over)	3.0	7.8	2.5	6.6	7.6	3.4	7.7
7. 1980 (est.) % elderly (65 and over)	4.2	10.6	2.4	7.7	5.8	4.4	13.2
8. 1970 % school age (19 and under)	42.2	27.0	47.0	30.8	41.7	43.6	34.3
9. 1980 (est.) % school age (19 and under)	37.1	24.8	44.2	28.8	41.3	37.9	30.0
<u>Economic Characteristics</u>							
10. 1969 median family income (thousands)	\$15.7	\$13.7	\$11.2	\$11.5	\$10.6	\$14.5	\$14.0
11. 1971 per cap. personal income (est.) (thousands)	\$5.2	\$6.3	\$3.8	\$5.4	\$4.4	\$4.5	\$7.3
12. 1971 per cap. personal income as % of state avg.	133	162	97	138	113	115	187
13. 1969 % families below poverty level	3.5	3.7	5.6	6.4	9.6	3.2	3.2
14. 1969 % families with income above \$15,000	52.7	44.1	24.7	33.0	24.1	47.4	44.6
15. 1969 % civilian unemployment	2.1	2.3	2.3	2.0	2.1	3.0	1.6

Northern Virginia

Item	Fairfax Co.	Arlington Co.	Prince Wm. Co.	Alexandria	Loudoun Co.	Fairfax	Falls Church
<u>Indices of Local Fiscal Capacity</u>							
16. 1970 true property value per capita (thousands)	\$10.7	\$12.9	\$8.3	\$10.7	\$16.0	\$10.7	\$13.7
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$35.7	\$103.2	\$26.9	\$77.2	\$54.5	\$42.6	\$80.6
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	1.37	1.59	1.09	1.38	1.67	1.43	1.96
19. 1974 per pupil ADM* index	1.13	2.55	0.95	1.97	1.48	1.21	2.43
20. 1971 property tax true assessment ratio (%)	32.6	34.4	29.5	42.8	27.6	40.1	46.3
21. 1971 property tax effective true tax rate (per \$100)	\$1.41	\$1.32	\$1.16	\$1.73	\$0.73	\$1.60	\$1.32
<u>Sources of Local Government General Revenue</u>							
22. 1969 local funds - % of total	67.2	79.2	61.6	79.9	62.5	71.2	75.9
23. 1971 local funds - % of total	70.6	82.5	64.5	80.2	64.5	77.0	78.7
24. 1969 state funds - % of total	21.9	15.9	29.9	15.6	29.8	21.6	13.6
25. 1971 state funds - % of total	20.7	14.0	27.6	15.0	30.1	18.4	14.8
26. 1969 federal funds - % of total	11.0	4.9	8.5	4.6	7.8	7.2	10.5
27. 1971 federal funds - % of total	8.7	3.5	7.9	4.8	5.4	4.6	6.5

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

Northern Virginia

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Fairfax Co.</u>					
a. property tax rcpts.	\$62,385.9	61.4	584,095.1	59.8	34.8
b. sales tax rcpts.	5,535.6	5.5	7,256.5	5.2	31.1
c. other rcpts.	33,651.7	33.1	49,329.1	35.1	46.6
d. total rcpts.	101,573.2	100.0	140,680.7	100.1	38.5
<u>Arlington Co.</u>					
a. property tax rcpts.	28,038.0	58.1	48,368.8	70.1	72.5
b. sales tax rcpts.	3,090.0	6.4	3,715.5	5.4	20.2
c. other rcpts.	17,170.8	35.6	16,887.3	24.5	-1.7
d. total rcpts.	48,298.8	100.1	68,971.6	100.0	42.8
<u>Prince William Co.</u>					
a. property tax rcpts.	11,498.2	70.7	15,964.4	62.4	38.8
b. sales tax rcpts.	926.3	5.7	1,474.6	5.8	59.2
c. other rcpts.	3,831.1	23.6	8,139.8	31.8	112.5
d. total rcpts.	16,255.6	100.0	25,578.8	100.0	57.4
<u>Alexandria</u>					
a. property tax rcpts.	18,479.5	66.9	23,672.6	67.0	28.1
b. sales tax rcpts.	2,590.0	9.4	2,889.4	8.2	11.6
c. other rcpts.	6,537.5	23.7	8,788.6	24.9	34.4
d. total rcpts.	27,607.0	100.0	35,350.6	100.1	28.1
<u>Loudoun</u>					
a. property tax rcpts.	3,585.7	75.4	4,782.1	76.0	33.4
b. sales tax rcpts.	449.1	9.4	553.3	8.8	23.2
c. other rcpts.	720.8	15.2	955.1	15.2	32.5
d. total rcpts.	4,755.6	100.0	6,290.5	100.0	32.3
<u>Fairfax</u>					
a. property tax rcpts.	3,882.6	71.9	4,604.5	63.0	18.6
b. sales tax rcpts.	723.0	13.4	955.9	13.1	32.2
c. other rcpts.	794.8	14.7	1,744.5	23.9	119.5
d. total rcpts.	5,400.4	100.0	7,304.9	100.0	35.3
<u>Falls Church</u>					
a. property tax rcpts.	2,046.1	58.5	2,233.0	57.9	9.1
b. sales tax rcpts.	629.9	18.0	686.6	17.8	9.0
c. other rcpts.	820.1	23.5	939.4	24.3	14.6
d. total rcpts.	3,496.1	100.0	3,859.0	100.0	10.4

Northern Virginia

Item	Fairfax Co.	Arlington Co.	Prince Wm. Co.	Alexandria	Loudoun Co.	Fairfax	Falls Church
<u>Total Expenditures</u>							
33. 1969 total expenditures (millions)	\$115.7	\$51.3	\$19.0	\$28.1	\$6.2	\$6.8	\$3.6
34. 1971 total expenditures (millions)	\$164.7	\$63.3	\$30.8	\$35.7	\$9.0	\$8.1	\$4.5
35. % change, 1969-1971	42.3	23.3	62.3	27.0	45.1	19.5	24.9
<u>Expenditures by Function, 1971</u>							
36. Education							
a. per capita	\$260.26	\$185.02	\$209.88	\$168.79	\$192.87	\$249.07	\$240.66
b. % of total	71.9	50.1	75.7	52.4	79.4	67.2	57.5
c. per pupil ADM*	\$889.94	\$1,318.34	\$757.85	\$1,084.03	\$733.55	\$987.37**	\$1,331.47
37. Welfare							
a. per capita	\$14.08	\$30.37	\$15.41	\$18.10	\$16.35	\$2.83	\$9.22
b. % of total	3.9	8.4	5.6	5.6	6.7	0.8	2.2
38. Police and Fire Protection							
a. per capita	\$22.52	\$43.77	\$11.32	\$64.04	\$7.16	\$42.47	\$53.92
b. % of total	6.2	12.1	4.1	19.9	3.0	11.5	12.9
39. Public Works							
a. Roads							
(i) per capita	\$0.00	\$2.73	\$0.00	\$9.66	\$0.00	\$14.13	\$14.88
(ii) % of total	0.00	0.8	0.0	3.0	0.0	3.8	3.6
b. Other							
(i) per capita	\$12.81	\$52.08	\$15.98	\$16.91	\$8.32	\$20.99	\$23.82
(ii) % of total	3.5	14.4	5.8	5.3	3.4	5.7	5.7
40. Other Expenditures							
a. per capita	\$52.30	\$48.99	\$24.83	\$44.61	\$18.21	\$41.34	\$75.81
b. % of total	14.5	14.2	8.9	13.8	7.5	11.2	18.2
41. Total Expenditures							
a. per capita	\$361.98	\$362.96	\$277.42	\$322.11	\$242.91	\$370.83	\$418.31
b. % of total	100.0	100.0	100.1	100.0	100.0	100.2	100.1

*ADM - Average Daily Membership.

**ADM figures are not available; ADA (Average Daily Attendance) figures have been used.

Item	Wise Co.	Norton
<u>General Population Characteristics</u>		
1. 1970 total population (thousands)	35.9	4.0
2. 1980 (est.) total population (thousands)	30.4	3.6
3. % change, 1970-1980	-15.4	-13.7
4. 1970 % nonwhite	2.5	6.0
5. 1980 (est.) % nonwhite	2.0	4.5
6. 1970 % elderly (65 and over)	10.4	11.6
7. 1980 (est.) % elderly (65 and over)	13.3	15.1
8. 1970 % school age (19 and under)	39.5	36.0
9. 1980 (est.) % school age (19 and under)	33.6	30.5
<u>Economic Characteristics</u>		
10. 1969 median family income (thousands)	\$5.9	\$7.2
11. 1971 per cap. personal income (est.) (thousands)	\$2.8	\$3.7
12. 1971 per cap. personal income as % of state avg.	71	95
13. 1969 % families below poverty level	27.1	19.4
14. 1969 % families with income above \$15,000	5.4	12.5
15. 1969 % civilian unemployment	4.4	3.0

Norton, Wise County

Item	Wise Co.	Norton
<u>Indices of Local Fiscal Capacity</u>		
16. 1970 true property value per capita (thousands)	\$3.9	\$5.4
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$15.1	\$18.3
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	0.56	0.96
19. 1974 per pupil ADM* index	0.51	0.73
20. 1971 property tax true assessment ratio (%)	20.5	22.1
21. 1971 property tax effective true tax rate (per \$100)	\$0.87	\$0.99
<u>Sources of Local Government General Revenue</u>		
22. 1969 local funds - % of total	27.6	46.1
23. 1971 local funds - % of total	29.9	43.6
24. 1969 state funds - % of total	58.0	48.4
25. 1971 state funds - % of total	54.4	43.3
26. 1969 federal funds - % of total	14.4	5.5
27. 1971 federal funds - % of total	15.8	13.1

*ADM - Average Daily Membership

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Norton, Wise County

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Wise Co.</u>					
a. property tax rcpts.	\$1,204.6	62.3	\$1,421.9	58.8	18.0
b. sales tax rcpts.	305.0	15.8	401.1	16.6	31.5
c. other rcpts.	423.9	21.9	594.1	24.6	40.2
d. total rcpts.	1,933.5	100.0	2,417.1	100.0	25.0
<u>Norton</u>					
a. property tax rcpts.	263.7	41.7	269.1	36.4	2.1
b. sales tax rcpts.	116.5	18.4	154.8	21.0	32.9
c. other rcpts.	251.6	39.8	315.1	42.6	25.2
d. total rcpts.	631.8	99.9	739.0	100.0	17.0

Norton, Wise County

Item	Wise Co.	Norton
<u>Total Expenditures</u>		
33. 1969 total expenditures (millions)	\$5.8	\$1.1
34. 1971 total expenditures (millions)	\$7.0	\$1.3
35. % change, 1969-1971	20.2	21.0
<u>Expenditures by Function, 1971</u>		
36. Education		
a. per capita	\$156.49	\$195.49
b. % of total	80.1	58.8
c. per pupil ADM*	\$605.74	\$631.29
37. Welfare		
a. per capita	\$20.71	\$38.61
b. % of total	10.6	11.6
38. Police and Fire Protection		
a. per capita	\$2.15	\$23.42
b. % of total	1.1	7.1
39. Public Works		
a. Roads		
(i) per capita	\$0.00	\$31.67
(ii) % of total	0.0	9.5
b. Other		
(i) per capita	\$0.00	\$8.55
(ii) % of total	0.0	2.6
40. Other Expenditures		
a. per capita	\$16.03	\$34.56
b. % of total	8.2	10.4
41. Total Expenditures		
a. per capita	\$195.38	\$332.33
b. % of total	100.0	100.0

*ADM - Average Daily Membership.

Richmond Metropolitan Area

Item	Richmond	Henrico Co.	Chesterfield Co.	Hanover Co.	Goocland Co.
<u>General Population Characteristics</u>					
1. 1970 total population (thousands)	249.6	154.4	76.9	37.4	10.0
2. 1980 (est.) total population (thousands)	240.0	203.0	115.0	56.0	15.0
3. % change, 1970-1980	-3.8	31.5	49.3	49.4	49.0
4. 1970 % nonwhite	42.4	6.8	11.5	18.1	43.6
5. 1980 (est.) % nonwhite	49.6	7.7	8.6	11.4	28.7
6. 1970 % elderly (65 and over)	11.3	6.8	4.4	7.7	8.9
7. 1980 (est.) % elderly (65 and over)	12.1	8.2	4.7	7.8	7.9
8. 1970 % school age (19 and under)	34.4	36.7	41.2	39.7	39.7
9. 1980 (est.) % school age (19 and under)	33.1	32.8	37.5	36.0	38.0
<u>Economic Characteristics</u>					
10. 1969 median family income (thousands)	\$8.7	\$11.2	\$11.2	\$10.0	\$7.3
11. 1971 per cap. personal income (est.) (thousands)	\$4.5	\$5.0	\$4.8	\$4.3	\$4.0
12. 1971 per cap. personal income as % of state avg.	115	127	121	109	103
13. 1969 % families below poverty level	13.3	4.0	5.8	8.3	18.8
14. 1969 % families with income above \$15,000	17.4	25.2	25.0	19.8	12.6
15. 1969 % civilian unemployment	2.8	1.6	1.6	1.2	0.7

Richmond Metropolitan Area

Item	Richmond	Henrico Co.	Chesterfield Co.	Hanover Co.	Goochland Co.
<u>Indices of Local Fiscal Capacity</u>					
16. 1970 true property value per capita (thousands)	\$7.4	\$7.6	\$9.9	\$8.5	\$11.0
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$43.2	\$35.8	\$32.8	\$32.1	\$44.5
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	1.10	1.12	1.15	1.06	1.19
19. 1974 per pupil ADM* index	1.29	1.18	0.88	1.02	1.11
20. 1971 property tax true assessment ratio (%)	87.7	33.7	27.9	20.2	17.3
21. 1971 property tax effective true tax rate (per \$100)	\$1.76	\$1.00	\$0.86	\$0.59	\$0.60
<u>Sources of Local Government General Revenue</u>					
22. 1969 local funds - % of total	65.6	66.8	66.0	46.4	51.1
23. 1971 local funds - % of total	66.2	67.9	69.6	50.2	49.8
24. 1969 state funds - % of total	26.5	32.4	29.4	49.1	41.0
25. 1971 state funds - % of total	30.1	29.5	25.5	45.4	39.4
26. 1969 federal funds - % of total	7.8	0.9	4.6	4.5	8.0
27. 1971 federal funds - % of total	3.7	2.6	5.0	4.4	10.8

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

Richmond Metropolitan Area

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Richmond</u>					
a. property tax rcpts.	\$25,828.3	46.2	\$42,282.8	51.4	63.7
b. sales tax rcpts.	5,568.6	10.0	7,226.2	8.8	29.8
c. other rcpts.	24,519.8	43.9	32,762.7	39.8	33.6
d. total rcpts.	55,916.7	100.1	82,271.7	100.0	47.1
<u>Henrico Co.</u>					
a. property tax rcpts.	12,344.5	49.5	15,238.7	46.6	23.5
b. sales tax rcpts.	2,784.5	11.2	3,553.2	10.9	27.6
c. other rcpts.	9,801.8	39.3	13,920.1	42.6	42.0
d. total rcpts.	24,930.8	100.0	32,712.0	100.1	31.2
<u>Chesterfield Co.</u>					
a. property tax rcpts.	10,182.7	55.0	8,920.1	44.4	-12.4
b. sales tax rcpts.	1,122.3	6.1	589.6	2.9	-47.5
c. other rcpts.	7,226.4	39.0	10,601.5	52.7	46.7
d. total rcpts.	18,531.4	100.1	20,111.2	100.0	8.5
<u>Hanover Co.</u>					
a. property tax rcpts.	1,749.8	69.1	2,462.1	70.8	40.7
b. sales tax rcpts.	292.2	11.5	362.5	10.4	24.1
c. other rcpts.	490.2	19.4	655.5	18.8	33.7
d. total rcpts.	2,532.2	100.0	3,480.1	100.0	37.4
<u>Goochland Co.</u>					
a. property tax rcpts.	704.3	79.0	842.8	75.0	19.7
b. sales tax rcpts.	60.2	6.8	71.8	6.4	19.3
c. other rcpts.	126.6	14.2	209.3	18.6	65.3
d. total rcpts.	891.1	100.0	1,123.9	100.0	26.1

Richmond Metropolitan Area

Item	Richmond	Henrico Co.	Chesterfield Co.	Hanover Co.	Goochland Co.
<u>Total Expenditures</u>					
33. 1969 total expenditures (millions)	\$78.6	\$29.3	\$19.3	\$4.8	\$1.5
34. 1971 total expenditures (millions)	\$111.8	\$36.6	\$21.9	\$5.8	\$2.1
35. % change, 1969-1971	42.2	24.6	13.2	22.1	42.3
<u>Expenditures by Function, 1971</u>					
36. Education					
a. per capita	\$172.69	\$157.79	\$214.25	\$126.28	\$161.89
b. % of total	38.6	66.6	75.2	81.4	77.4
c. per pupil ADM*	\$912.54	\$715.13	\$684.59	\$512.88	\$665.08
37. Welfare					
a. per capita	\$112.44	\$6.24	\$18.87	\$8.51	\$23.54
b. % of total	25.1	2.6	6.6	5.5	11.3
38. Police and Fire Protection					
a. per capita	\$54.68	\$19.18	\$14.92	\$4.67	\$7.37
b. % of total	12.2	8.1	5.2	3.0	3.5
39. Public Works					
a. Roads					
(i) per capita	\$10.72	\$14.95	\$0.26	\$0.00	\$0.00
(ii) % of total	2.4	6.3	0.1	0.0	0.0
b. Other					
(i) per capita	\$27.36	\$15.41	\$15.62	\$0.70	\$1.33
(ii) % of total	6.1	6.5	5.5	0.5	0.6
40. Other Expenditures					
a. per capita	\$69.89	\$23.27	\$21.09	\$15.03	\$15.11
b. % of total	15.6	10.0	7.4	9.7	7.2
41. Total Expenditures					
a. per capita	\$447.78	\$236.84	\$285.00	\$155.19	\$209.24
b. % of total	100.0	100.0	100.0	100.1	100.0

*ADM - Average Daily Membership.

Roanoke Metropolitan Area

Item	Roanoke	Roanoke Co.	Salem
<u>General Population Characteristics</u>			
1. 1970 total population (thousands)	92.1	67.3	22.0
2. 1980 (est.) total population (thousands)	89.0	93.8	24.4
3. % change, 1970-1980	-3.4	39.3	11.0
4. 1970 % nonwhite	19.5	2.8	5.6
5. 1980 (est.) % nonwhite	21.7	1.7	4.5
6. 1970 % elderly (65 and over)	13.6	6.9	9.6
7. 1980 (est.) % elderly (65 and over)	15.4	7.3	9.4
8. 1970 % school age (19 and under)	33.0	38.4	34.0
9. 1980 (est.) % school age (19 and under)	30.3	34.1	32.2
<u>Economic Characteristics</u>			
10. 1969 median family income (thousands)	\$8.2	\$10.5	\$9.2
11. 1971 per cap. personal income (est.) (thousands)	\$4.1	\$4.3	\$4.0
12. 1971 per cap. personal income as % of state avg.	104	109	102
13. 1969 % families below poverty level	10.9	6.2	5.6
14. 1969 % families with income above \$15,000	12.8	21.6	15.2
15. 1969 % civilian unemployment	2.6	1.9	2.6

Roanoke Metropolitan Area

Item	Roanoke	Roanoke Co.	Salem
<u>Indices of Local Fiscal Capacity</u>			
16. 1970 true property value per capita (thousands)	\$6.2	\$7.3	(with Roanoke Co.)
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$32.8	\$27.3	(with Roanoke Co.)
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	0.97	1.04	1.05
19. 1974 per pupil ADM* index	1.07	0.97	1.13
20. 1971 property tax true assessment ratio (%)	40.0	30.6	34.7
21. 1971 property tax effective true tax rate (per \$100)	\$1.38	\$0.90	1.13
<u>Sources of Local Government General Revenue</u>			
22. 1969 local funds - % of total	68.7	47.6	81.2
23. 1971 local funds - % of total	65.1	52.3	83.9
24. 1969 state funds - % of total	26.1	47.4	18.8
25. 1971 state funds - % of total	31.1	43.9	15.9
26. 1969 federal funds - % of total	5.2	5.1	0.0
27. 1971 federal funds - % of total	3.8	3.8	0.2

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

Roanoke Metropolitan Area

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Roanoke</u>					
a. property tax rcpts.	\$10,437.9	46.5	\$9,667.0	41.0	-7.4
b. sales tax rcpts.	2,697.9	12.0	2,977.4	12.6	10.4
c. other rcpts.	9,325.2	41.5	10,936.2	46.4	17.3
d. total rcpts.	22,461.0	100.0	23,580.6	100.0	5.0
<u>Roanoke Co.</u>					
a. property tax rcpts.	3,439.0	50.9	4,871.1	48.6	41.6
b. sales rcpts.	589.4	8.7	826.2	8.3	40.2
c. other rcpts.	2,726.0	40.4	4,318.7	43.1	58.4
d. total rcpts.	6,754.4	100.0	10,016.0	100.0	48.3
<u>Salem</u>					
a. property tax rcpts.	1,677.5	65.0	2,388.7	66.6	42.4
b. sales rcpts.	476.8	18.5	561.2	15.6	17.7
c. other rcpts.	427.7	16.6	637.5	17.8	49.1
d. total rcpts.	2,582.0	100.1	3,587.4	100.0	38.9

Roanoke Metropolitan Area

Item	Roanoke	Roanoke Co.	Salem
<u>Total Expenditures</u>			
33. 1969 total expenditures (millions)	\$25.9	\$12.5	\$2.6
34. 1971 total expenditures (millions)	\$34.6	\$17.2	\$4.5
35. % change, 1969-1971	33.5	38.1	72.2
<u>Expenditures by Function, 1971</u>			
36. Education			
a. per capita	\$169.89	\$196.78	\$111.27
b. % of total	45.3	77.0	53.9
c. per pupil ADM*	\$828.29	\$616.32	(with Roanoke Co.)
37. Welfare			
a. per capita	\$66.49	\$21.15	\$3.39
b. % of total	17.7	8.3	1.6
38. Police and Fire Protection			
a. per capita	\$36.16	\$5.83	\$23.40
b. % of total	9.6	2.3	11.3
39. Public Works			
a. Roads			
(i) per capita	\$8.04	\$0.00	\$12.98
(ii) % of total	2.1	0.0	6.3
b. Other			
(i) per capita	\$34.34	\$11.35	\$21.73
(ii) % of total	9.2	4.4	10.5
40. Other Expenditures			
a. per capita	\$60.53	\$20.53	\$33.80
b. % of total	16.1	8.0	16.4
41. Total Expenditures			
a. per capita	\$375.46	\$255.64	\$206.57
b. % of total	100.0	100.0	100.0

*ADM - Average Daily Membership.

Staunton, Waynesboro, Augusta County

Item	Augusta Co.	Staunton	Waynesboro
<u>General Population Characteristics</u>			
1. 1970 total population (thousands)	44.2	24.5	16.7
2. 1980 (est.) total population (thousands)	51.0	27.0	17.5
3. % change, 1970-1980	15.3	10.2	4.7
4. 1970 % nonwhite	4.5	10.6	6.8
5. 1980 (est.) % nonwhite	4.6	10.8	7.4
6. 1970 % elderly (65 and over)	9.0	12.5	7.6
7. 1980 (est.) % elderly (65 and over)	10.4	13.1	10.3
8. 1970 % school age (19 and under)	37.2	33.4	37.3
9. 1980 (est.) % school age (19 and under)	34.1	30.6	32.9
<u>Economic Characteristics</u>			
10. 1969 median family income (thousands)	\$8.2	\$9.0	\$9.7
11. 1971 per cap. personal income (est.) (thousands)	\$3.1	\$4.0	\$4.4
12. 1971 per cap. personal income as % of state avg.	79	101	111
13. 1969 % families below poverty level	12.3	7.8	5.7
14. 1969 % families with income above \$15,000	11.0	15.9	18.5
15. 1969 % civilian unemployment	1.9	2.3	3.1

Staunton, Waynesboro, Augusta County

Item	Augusta Co.	Staunton	Waynesboro
<u>Indices of Local Fiscal Capacity</u>			
16. 1970 true property value per capita (thousands)	\$6.9	\$6.0	\$8.0
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$28.7	\$33.4	\$32.1
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	0.85	0.96	1.11
19. 1974 per pupil ADM* index	0.86	1.18	1.03
20. 1971 property tax true assessment ratio (%)	25.6	26.0	20.3
21. 1971 property tax effective true tax rate (per \$100)	\$0.67	\$0.83	\$1.02
<u>Sources of Local Government General Revenue</u>			
22. 1969 local funds - % of total	53.1	63.5	76.9
23. 1971 local funds - % of total	52.6	62.6	69.2
24. 1969 state funds - % of total	41.7	35.2	21.7
25. 1971 state funds - % of total	42.4	35.2	28.8
26. 1969 federal funds - % of total	5.3	1.2	1.4
27. 1971 federal funds - % of total	5.0	2.2	2.0

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

Staunton, Waynesboro, Augusta County

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Augusta Co.</u>					
a. property tax rcpts.	\$2,467.0	56.6	\$2,682.4	54.8	8.7
b. sales rcpts.	339.3	7.8	474.5	9.7	39.9
c. other rcpts.	1,554.1	35.6	1,737.4	35.5	11.8
d. total rcpts.	4,360.4	100.0	4,894.3	100.0	12.2
<u>Staunton</u>					
a. property tax rcpts.	1,586.7	48.6	1,722.3	45.3	8.6
b. sales rcpts.	486.2	14.9	547.9	14.4	12.7
c. other rcpts.	1,189.1	36.5	1,533.3	40.3	29.0
d. total rcpts.	3,262.0	100.0	3,803.5	100.0	16.6
<u>Waynesboro</u>					
a. property tax rcpts.	1,843.8	40.5	2,141.1	55.7	16.1
b. sales rcpts.	376.2	8.3	407.3	10.6	8.3
c. other rcpts.	2,333.2	51.2	1,299.2	33.8	-44.3
d. total rcpts.	4,553.2	100.0	3,847.6	100.1	-15.5

Stanton, Waynesboro, Augusta County

Item	Augusta Co.	Stanton	Waynesboro
<u>Total Expenditures</u>			
33. 1969 total expenditures (millions)	\$5.9	\$4.8	\$3.8
34. 1971 total expenditures (millions)	\$7.4	\$5.6	\$4.5
35. % change, 1969-1971	24.3	16.9	19.1
<u>Expenditures by Function, 1971</u>			
36. Education			
a. per capita	\$132.03	\$130.74	\$172.01
b. % of total	79.4	57.5	64.2
c. per pupil ADM*	\$565.60	\$713.81	\$706.27
37. Welfare			
a. per capita	\$15.15	\$21.52	\$15.65
b. % of total	9.1	9.5	5.8
38. Police and Fire Protection			
a. per capita	\$4.13	\$22.27	\$26.99
b. % of total	2.5	9.8	10.1
39. Public Works			
a. Roads			
(i) per capita	\$0.00	\$9.44	\$17.69
(ii) % of total	0.0	4.2	6.6
b. Other			
(i) per capita	\$2.15	\$16.29	\$8.05
(ii) % of total	1.3	7.2	3.0
40. Other Expenditures			
a. per capita	\$12.80	\$27.27	\$26.64
b. % of total	7.7	12.0	10.3
41. Total Expenditures			
a. per capita	\$166.25	\$227.52	\$268.04
b. % of total	100.0	100.0	100.0

*ADM - Average Daily Membership.

Winchester, Frederick County

Item	Winchester	Frederick Co.
<u>General Population Characteristics*</u>		
1. 1970 total population (thousands)	14.6	28.9
2. 1980 (est.) total population (thousands)	22.5	28.7
3. % change, 1970-1980	15.8	19.1
4. 1970 % nonwhite	9.1	1.7
5. 1980 (est.) % nonwhite	7.2	1.2
6. 1970 % elderly (65 and over)	14.2	7.8
7. 1980 (est.) % elderly (65 and over)	13.2	8.4
8. 1970 % school age (19 and under)	32.7	39.8
9. 1980 (est.) % school age (19 and under)	32.6	36.0
<u>Economic Characteristics</u>		
10. 1969 median family income (thousands)	\$8.3	\$8.3
11. 1971 per cap. personal income (est.) (thousands)	\$4.2	\$3.0
12. 1971 per cap. personal income as % of state avg.	108	77
13. 1969 % families below poverty level	12.2	11.3
14. 1969 % families with income above \$15,000	15.4	10.8
15. 1969 % civilian unemployment	2.8	3.3

*Winchester annexed approximately 4,800 people and 5.9 square miles from Frederick County, effective January 1, 1971. Population projections are based on post-annexation figures.

Winchester, Frederick County

Item	Winchester	Frederick Co.
<u>Indices of Local Fiscal Capacity</u>		
16. 1970 true property value per capita (thousands)	\$12.3	\$7.1
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$49.5	\$30.6
18. 1974-75 per capita local capacity index (state avg. = 1.00)**	1.24	0.85
19. 1974 per pupil ADM* index	1.45	0.80
20. 1971 property tax true assessment ratio (%)	39.2	16.7
21. 1971 property tax effective true tax rate (per \$100)	\$1.06	\$0.57
<u>Sources of Local Government General Revenue</u>		
22. 1969 local funds - % of total	68.5	46.1
23. 1971 local funds - % of total	69.3	52.1
24. 1969 state funds - % of total	29.0	49.7
25. 1971 state funds - % of total	28.3	44.3
26. 1969 federal funds - % of total	2.4	4.2
27. 1971 federal funds - % of total	2.3	3.6

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

Winchester, Frederick County

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>Winchester</u>					
a. property tax rcpts.	\$1,139.8	49.2	\$1,294.5	43.2	13.6
b. sales tax rcpts.	485.7	21.0	643.2	21.5	32.4
c. other rcpts.	690.9	29.8	1,060.6	35.4	53.5
d. total rcpts.	2,316.4	100.0	2,998.3	100.1	29.4
<u>Frederick Co.</u>					
a. property tax rcpts.	1,379.0	71.7	1,886.2	65.7	36.8
b. sales tax rcpts.	345.3	18.0	374.0	13.0	8.3
c. other rcpts.	199.7	10.4	610.0	21.3	205.5
d. total rcpts.	1,924.0	100.1	2,870.2	100.0	49.2

Winchester, Frederick County

Item	Winchester	Frederick Co.
<u>Total Expenditures</u>		
33. 1969 total expenditures (millions)	\$2.9	\$3.5
34. 1971 total expenditures (millions)	\$3.9	\$4.7
35. % change, 1969-1971	35.1	36.6
<u>Expenditures by Function, 1971</u>		
36. Education		
a. per capita	\$151.34	\$161.46
b. % of total	56.5	82.3
c. per pupil ADM*	\$797.42	\$536.61
37. Welfare		
a. per capita	\$31.39	\$12.13
b. % of total	11.7	7.4
38. Police and Fire Protection		
a. per capita	\$25.67	\$3.05
b. % of total	9.6	1.9
39. Public Works		
a. Roads		
(i) per capita	\$8.63	\$0.00
(ii) % of total	3.2	0.0
b. Other		
(i) per capita	\$9.93	\$0.00
(ii) % of total	3.7	0.0
40. Other Expenditures		
a. per capita	\$40.89	\$13.76
b. % of total	15.3	8.4
41. Total Expenditures		
a. per capita	\$267.85	\$163.40
b. % of total	100.0	100.0

*ADM - Average Daily Membership.

City, County, and State Totals

Item*	All Cities	All Counties	State
<u>General Population Characteristics</u>			
1. 1970 total population (thousands)	1,880.7	2,767.8	4,648.5
2. 1980 (est.) total population (thousands)			5,415.0
3. % change, 1970-1980			16.4
4. 1970 % nonwhite			19.1
5. 1980 (est.) % nonwhite			17.7
6. 1970 % elderly (65 and over)			7.9
7. 1980 (est.) % elderly (65 and over)			8.5
8. 1970 % school age (19 and under)			38.0
9. 1980 (est.) % school age (19 and under)			34.8
<u>Economic Characteristics</u>			
10. 1969 median family income (thousands)			\$9.0
11. 1971 per cap. personal income (est.) (thousands)			\$3.9
12. 1971 per cap. personal income as % of state avg.			100
13. 1969 % families below poverty level			12.3
14. 1969 % families with income above \$15,000			19.8
15. 1969 % civilian unemployment			3.0

*Aggregate city and county figures are not available for Items 2 through 15.

City, County, and State Totals

Item***	All Cities	All Counties	State
<u>Indices of Local Fiscal Capacity</u>			
16. 1970 true property value per capita (thousands)	\$6.8	\$8.0	\$7.6
17. 1970 true property value per pupil ADM* 1972-73 (thousands)	\$32.9	\$33.0	\$33.0
18. 1974-75 per capita local capacity index (state avg. = 1.00)**			1.00
19. 1974 per pupil ADM* index			1.00
20. 1971 property tax true assessment ratio (%)	50.3	23.9	33.0
21. 1971 property tax effective true tax rate (per \$100)	\$1.36	\$0.90	\$1.06
<u>Sources of Local Government General Revenue</u>			
22. 1969 local funds - % of total	62.2	54.4	58.0
23. 1971 local funds - % of total	61.8	57.2	59.3
24. 1969 state funds - % of total	31.4	36.9	34.4
25. 1971 state funds - % of total	33.1	34.4	33.8
26. 1969 federal funds - % of total	6.4	8.7	7.6
27. 1971 federal funds - % of total	5.1	8.4	6.9

*ADM - Average Daily Membership

**Composite Index used in the distribution of basic educational aid for the School Year 1974-75. See Reports of the Governor's Task Force on Educational Finance, December, 1972, and July, 1973.

***City and County figures are not available for Items 18 and 19.

City, County, and State Totals

Item Number	28	29	30	31	32
Local Sources of General Revenue by Locality	1969		1970		Percent Change 1969-1971
	Amount (thousands)	% of Total	Amount (thousands)	% of Total	
<u>All Cities</u>					
a. property tax rcpts.	\$163,470.7	51.0	\$213,609.1	52.3	30.7
b. sales tax rcpts.*	36,273.9	11.3	43,025.5	10.5	18.6
c. other rcpts.*	121,101.2	37.7	151,729.6	37.2	25.3
d. total rcpts.	320,845.8	100.0	408,364.2	100.0	27.3
<u>All Counties</u>					
a. property tax rcpts.	210,967.7	63.6	278,746.7	62.8	32.1
b. sales tax rcpts.*	26,655.8	8.0	33,458.4	7.5	25.5
c. other rcpts.*	94,117.9	28.4	131,505.5	29.6	39.7
d. total rcpts.	331,741.4	100.0	443,710.6	99.9	33.8
<u>State</u>					
a. property tax rcpts.	374,438.4	57.4	492,355.8	57.8	31.5
b. sales tax rcpts.*	65,008.2	10.0	78,311.8	9.2	20.5
c. other rcpts.*	213,140.6	32.7	281,407.2	33.0	32.0
d. total rcpts.	652,587.2	100.1	852,074.8	100.0	30.6

* City and County totals for these categories do not equal state totals due to discrepancies in data reporting.

City, County, and State Totals

Item	All Cities	All Counties	State
<u>Total Expenditures</u>			
33. 1969 total expenditures (millions)	\$448.2	\$493.7	\$941.9
34. 1971 total expenditures (millions)	\$597.2	\$646.6	\$1,243.6
35. % change, 1969-1971	33.2	31.0	32.0
<u>Expenditures by Function, 1971</u>			
36. Education			
a. per capita	\$155.60	\$171.20	\$164.89
b. % of total	49.0	73.3	61.6
c. per pupil ADM*	\$751.50	\$703.91	
37. Welfare			
a. per capita	\$52.34	\$19.32	\$32.68
b. % of total	16.5	8.3	12.2
38. Police and Fire Protection			
a. per capita	\$35.49	\$10.80	\$20.79
b. % of total	11.2	4.6	7.8
39. Public Works			
a. Roads			
(i) per capita	\$9.79	\$1.01	\$4.56
(ii) % of total	3.1	0.4	1.7
b. Other			
(i) per capita	\$18.30	\$8.50	\$12.46
(ii) % of total	5.8	3.6	4.7
40. Other Expenditures			
a. per capita	\$45.90	\$22.80	\$32.15
b. % of total	14.5	9.8	12.0
41. Total Expenditures			
a. per capita	\$317.43	\$233.63	\$267.53
b. % of total	100.1	100.0	100.0

*ADM - Average Daily Membership.

SOURCES

- Item 1 U.S. Bureau of the Census, Census of Population: 1970, General Population Characteristics. Final Report PC(1)-B48 Virginia (Washington: U.S. Government Printing Office, 1971), Table 16.
- Item 2 Virginia Division of State Planning and Community Affairs, "Projected Population by Age, Color, and Sex—April 1, 1980," (Richmond: The Division). (Mimeographed.)
- Item 3 Ibid.
- Item 4 U.S. Bureau of the Census, General Population Characteristics, Table 16.
- Item 5 Virginia Division of State Planning and Community Affairs, "Projected Population by Age, Color, and Sex—April 1, 1980"
- Item 6 U.S. Bureau of the Census, General Population Characteristics, Table 16.
- Item 7 Virginia Division of State Planning and Community Affairs, "Projected Population by Age, Color, and Sex—April 1, 1980"
- Item 8 U.S. Bureau of the Census, General Population Characteristics, computed from Table 35.
- Item 9 Virginia Division of State Planning and Community Affairs, "Projected Population by Age, Color, and Sex—April 1, 1980" (computed).
- Item 10 U.S. Bureau of the Census, Census of Population: 1970, General Social and Economic Characteristics. Final Report PC (1)-C48 Virginia (Washington: U.S. Government Printing Office, 1972), Table 124.
- Item 11 John L. Knapp and David C. Hodge, Personal Income Estimates for Virginia Cities and Counties, 1971 (Charlottesville: Tayloe Murphy Institute, 1973), Table 1.
- Item 12 Ibid.
- Item 13 U.S. Bureau of the Census, General Social and Economic Characteristics, Table 124.
- Item 14 Ibid., Table 44.
- Item 15 Ibid.
- Item 16 Virginia Department of Education, Facing Up 8: Statistical Data on Virginia's Public Schools (Richmond: The Department, February 1974), Table 8 (per capita data have been computed from true property values using 1970 population data from Column 1 above).

- Item 17 Ibid., (computed).
- Item 18 Virginia Division of State Planning and Community Affairs, unpublished data on local fiscal capacity indexes.
- Item 19 Ibid.
- Item 20 Virginia Department of Taxation, "Real Estate Taxes in Virginia, 1970 and 1971: Real Estate Assessment Ratios and Average Effective True Tax Rates in Virginia Counties and Cities--1970 and 1971" (Richmond: The Department). (Mimeographed.)
- Item 21 Ibid.
- Item 22 thru 41 Auditor of Public Accounts, Commonwealth of Virginia, Comparative Cost of City Government and Comparative Cost of County Government (Richmond: Auditor of Public Accounts), (selected years). The sales tax receipts for cities utilized in Columns 22-26 are drawn from Virginia Department of Taxation, Report of the Virginia Department of Taxation (Richmond: The Department), (selected years). The Auditor's Reports do not list separately the sales tax receipts for cities. Per pupil ADM expenditures listed in Item 36 (c) are drawn from Virginia Superintendent of Public Instruction, 101st Annual Report: 1970-1971 (Richmond: State Board of Education, 1971), Table 56.

Appendix I

Population, Area, and Density of Towns 3,500 and over, 1970

Town	County	Population (1970)	Area (sq. mi.)	Density (pop./sq. mi.)
Abingdon	Washington	4,376	2.53	1,730
Big Stone Gap	Wise	4,153	4.00	1,038
Blacksburg*	Montgomery	30,000	18.74	1,601
Blackstone	Nottoway	3,562	2.12	1,680
Bluefield	Tazewell	5,286	4.07	1,299
Christiansburg	Montgomery	7,857	4.93	1,594
Culpeper	Culpeper	6,056	6.74	899
Farmville	Prince Edward	4,331	4.53	956
Front Royal	Warren	8,211	4.41	1,862
Herndon	Fairfax	4,301	4.00	1,075
Leesburg	Loudoun	4,821	3.16	1,526
Luray	Page	3,612	2.77	1,304
Manassas	Prince William	14,000	8.06	1,737
Manassas Park	Prince William	6,844	.80	8,555
Marion	Smyth	8,158	3.74	2,181
Poquoson	York	5,441	15.60	348
Pulaski	Pulaski	10,279	4.39	2,341
Richlands	Tazewell	4,843	2.60	1,863
Rocky Mount	Franklin	4,002	4.50	889
South Hill	Mecklenburg	3,858	6.04	639
Tazewell	Tazewell	4,168	3.83	1,088
Vienna	Fairfax	17,800	4.45	4,000
Vinton	Roanoke	6,347	3.20	1,983
Warrenton	Fauquier	4,027	3.32	1,213
Wytheville	Wythe	6,069	4.14	1,466

*Data includes 15.40 square miles and 10.4 thousand people annexed on January 1, 1973.

SOURCES: Tayloe Murphy Institute, University of Virginia; town estimates of population for Blacksburg, Blackstone, Manassas, and Vienna obtained by the staff of the Commission on City-County Relations, 1974; town area figures drawn from the Virginia Department of Highways and Transportation county maps, 1973.

Appendix J
Selected Characteristics of Virginia Cities

(1) City	(2)			(3)	(4)	(5)	(6)	(7)
	Population			Area (sq. mi.)	Density		True Tax Rate (1971)	
	1970 (thousands)	1980 (thousands)	1970-80 (% change)		1970 (pop./sq. mi.)	1980 (pop./sq. mi.)		
Alexandria	110.9	132.0	19.0	15	7393	8860	\$1.73	
Danford	6.0	6.1	1.5	7	857	871	.69	
Bristol ^a	14.9	14.0	-5.8	4	3725	1761	1.33	
Buena Vista	6.4	6.6	2.7	3	2133	2200	1.16	
Charlottesville	38.9	43.0	10.6	10	3890	4300	1.07	
Chesapeake	89.6	107.5	20.0	320	280	336	1.56	
Clifton Forge	5.5	5.5	0	2	2750	2750	1.27	
Colonial Heights	15.1	20.0	32.5	8	1888	2500	1.13	
Covington	10.1	9.5	-5.6	4	2525	2375	1.05	
Danville	46.4	46.5	.2	14	3314	3321	.90	
Emporia	5.3	5.1	-3.8	3	1767	1700	.75	
Fairfax	22.0	30.0	36.5	6	3667	5000	1.60	
Falls Church	10.8	11.5	6.8	2	5400	5750	1.32	
Franklin	6.9	6.6	-4.1	4	1725	1650	1.07	
Fredericksburg	14.5	15.2	5.2	6	2417	2533	1.12	
Galax	6.3	6.0	-4.4	3	2100	2000	.82	
Hampton	120.8	150.0	24.2	57	2119	2632	1.34	
Harrisonburg	14.6	16.8	15.0	3	4867	5600	.85	
Hopewell	23.5	26.5	12.9	10	2350	2650	1.11	
Lexington ^b	7.6	7.8	2.7	3	2533	2600	.93	
Lynchburg ^b	54.1	53.5	-1.1	23	2352	1406	1.25	
Martinsville	19.7	21.0	6.9	10	1970	2100	.99	
Newport News	138.2	166.0	20.1	75	1843	2213	1.75	
Norfolk	308.0	305.0	-1.0	50	6160	6100	1.37	
Norton	4.2	3.6	-13.7	3	1400	1200	.99	
Petersburg ^c	36.1	50.0	38.5	22	4513	2273	1.62	
Portsmouth	111.0	109.0	-1.8	42	2643	2595	1.40	
Radford	11.6	12.5	7.8	5	2320	2500	1.02	
Richmond	249.6	240.0	-3.8	60	4160	4000	1.76	
Roanoke	92.1	89.0	-3.4	26	3542	3423	1.38	
Salem	22.0	24.4	11.0	14	1571	1743	1.13	
South Boston	6.9	6.9	.2	5	1380	1380	1.06	
Staunton	24.5	27.0	10.2	9	2722	3000	.83	
Suffolk ^d	9.9	49.0	395.0	404	4950	121	1.58	
Virginia Beach	172.1	256.0	48.7	255	675	1004	.86	
Waynesboro	16.7	17.5	4.7	7	2386	2500	1.02	
Williamsburg	9.1	10.0	10.3	5	1820	2000	.75	
Winchester ^e	14.6	22.5	54.1	9	4867	2500	1.06	

^a Bristol annexed 5.2 thousand people and 6.9 square miles effective January 1, 1974. Columns 1-5 are based on pre-annexation data. Column 6 is based on post-annexation data but does not include a 1980 projection for the population in the annexed area.

^b Lynchburg annexed 14 thousand people and 25 square miles effective January 1, 1975. Columns 1-5 are based on pre-annexation data. Column 6 is based on post-annexation data but does not include a 1980 projection for the population in the annexed area.

^c Petersburg annexed 9.1 thousand people and 14 square miles effective January 1, 1972. Columns 2, 3, 4, and 6 are based on post-annexation data. Columns 1 and 5 are based on pre-annexation data.

^d The City of Suffolk merged with the City of Nansemond effective January 1, 1974. The City of Nansemond had an area of 402 square miles, a 1970 population of 35,166, and a projected 1980 population of 40,000. The City of Suffolk had a pre-merger area of 2 square miles, a 1970 population of 9,858, and a projected pre-merger population of 9,000. Columns 2, 3, 4, and 6 are based on post-merger data. Columns 1 and 5 are based on pre-merger data.

^e Winchester annexed 4.8 thousand people and 5.9 square miles effective January 1, 1971. Columns 2, 3, 4, and 6 are based on post-annexation data. Columns 1 and 5 are based on pre-annexation data.

SOURCES

Column 1. U.S. Census 1970

Column 2. Division of State Planning and Community Affairs, Population Projections to 1980, 1990, 2000, 2010, and 2020 for Virginia Counties, Cities, and Planning Districts. Statistical Information Series No. 72-2 (Richmond, 1972).

Column 3. Calculated from Columns 1 and 2.

Column 4. Auditor of Public Accounts, Comparative Cost of County Government, Year Ended June 30, 1971 and Comparative Cost of City Government, Year Ended June 30, 1971 (Richmond, 1973).

Column 5. Calculated from Columns 1 and 4.

Column 6. Calculated from Columns 2 and 4.

Column 7. Virginia Department of Taxation. Real Estate Taxes in Virginia - 1970 and 1971 (Richmond, 1973).

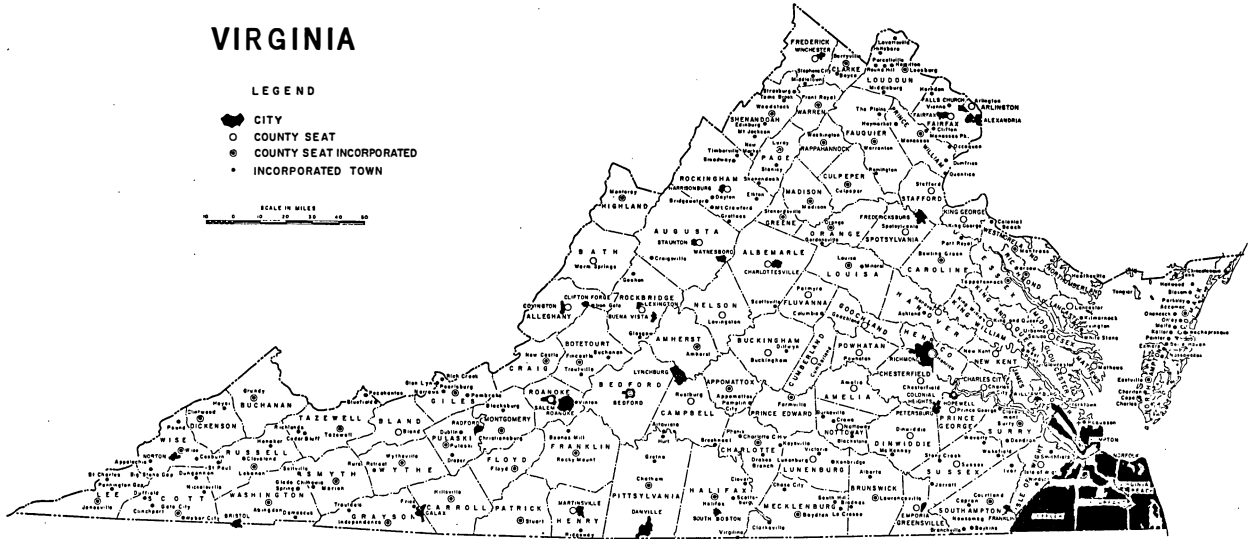
Appendix K
Map of Virginia With Political Subdivisions

VIRGINIA

LEGEND

- CITY
- COUNTY SEAT
- ⊙ COUNTY SEAT INCORPORATED
- INCORPORATED TOWN

SCALE IN MILES
0 10 20 30 40



OFFICE OF THE GOVERNOR
DIVISION OF STATE PLANNING AND COMMUNITY AFFAIRS
1975

1 Five hundred thirty-three D 1/5/75 GWW T 1/8/75 mag

2 A BILL to amend and reenact the second enactment of Chapter
3 234, as amended, of the Acts of Assembly of 1971, the
4 amended portion of the act relating to a moratorium on
5 the granting of certain city charters and the
6 institution of suits for annexation.

7

8 Be it enacted by the General Assembly of Virginia:

9 1. That the second enactment of Chapter 234, as amended, of
10 the Acts of Assembly of 1971 is amended and reenacted as
11 follows:

12 2. Beginning-~~February~~ March one, nineteen hundred
13 ~~seventy-one~~ ~~seventy-two~~ ~~and~~ terminating-~~January~~ July one,
14 nineteen hundred seventy-six, no city charter shall be
15 granted or come into force in any county which adjoins a
16 ~~city of more than one hundred twenty five thousand~~
17 ~~population~~, and, for and during such time, no annexation
18 suit shall be instituted by a city against ~~such any county~~;
19 an annexation suit by a city against ~~such any county~~
20 instituted during such time shall be stayed; provided,
21 however, that an annexation suit against ~~such any county~~
22 instituted and pending prior to-~~February~~ March one,
23 nineteen hundred ~~seventy-one~~ ~~seventy-two~~, shall not be
24 stayed and such proceedings may continue in any such suit;
25 provided, however, that the foregoing shall not prohibit the
26 institution of an annexation proceeding for the purpose of
27 implementing annexation involving such county, the extent,

1 terms and conditions of which have been agreed upon by such
2 county and a city or by such county and a town i. provided
3 further, that the foregoing shall not prohibit annexation
4 proceedings under § 15.1-1034 of the Code of Virginia; and
5 provided further, that the foregoing shall not prohibit the
6 consolidation into a city of any county and all the towns
7 located therein if the consolidation procedure has been
8 initiated and the referendum held prior to January one,
9 nineteen hundred seventy-two .

10 3. That an emergency exists and this act is in force from
11 its passage.

12 #

1 Five hundred thirty-three D 1/5/75 GWW T 1/8/75 rp

2 A BILL to amend and reenact § 15.1-978 of the Code of
3 Virginia, relating to transition of town to city
4 status.

5

6 Be it enacted by the General Assembly of Virginia:

7 1. That § 15.1-978 of the Code of Virginia is amended and
8 reenacted as follows:

9 § 15.1-978. Proceeding for enumeration of population
10 of town.--Any town in the State claiming to have a
11 population of five thousand or more and wishing to be
12 incorporated as a city may, through its mayor and council,
13 apply to the circuit court of the county in which it is
14 situated, or to the judge thereof in vacation, to have a
15 legal enumeration of its population i provided that no such
16 application shall be made nor any pending applications
17 implemented until and after July one, nineteen hundred
18 seventy-six . When such application is made it shall be the
19 duty of the court, or the judge thereof in vacation,
20 forthwith to divide such town into four districts, with
21 well-defined boundaries, numbered one, two, three and four,
22 and to appoint for each of such districts two enumerators,
23 one of whom shall be a resident of the county in which the
24 town is situated, outside of the town, and the other a
25 resident of the town. Before entering on their duties such
26 appointees shall take an oath before some notary public or

1 other officer qualified to administer oaths under the laws
2 of this State for the faithful discharge of their duties.
3 2. That an emergency exists and this act is in force from
4 its passage.

5

#

1 Nine hundred ninety-nine D 1/5/75 GWM CC 1/6/75 mag

2 A BILL to amend the Code of Virginia by adding in Chapter 24
3 of Title 15.1 a section numbered 15.1-1031.1, so as to
4 provide how political subdivisions may agree upon a
5 true boundary line.

6

7 Be it enacted by the General Assembly of Virginia:

8 1. That the Code of Virginia is amended by adding in
9 Chapter 24 of Title 15.1 a section numbered 15.1-1031.1 as
10 follows:

11 § 15.1-1031.1. A. Whenever two counties, any two
12 cities or a county and a city have agreed as to their true
13 common boundary line, when the boundary line has changed due
14 to a natural or man-made change of course of a line, or when
15 a minor change should be made so that better and more
16 efficient services may be provided to any resident of the
17 minor area proposed to be changed, the governing bodies of
18 the counties, cities or county and city may petition the
19 circuit courts of their respective jurisdictions for an
20 order establishing the new boundary line, which order, when
21 entered, shall forever settle, determine and establish the
22 true boundary line. Such order shall be recorded in the
23 common-law order book and in the current deed book of the
24 courts and indexed in the name of the counties, cities or
25 county and city.

26 B. Notice of any application as provided in A. hereof
27 shall be served upon the residents, if any, of the area

1 affected by the agreement, and if such residents make
2 objection to such change, they shall be permitted to
3 intervene in the proceedings, and show cause why the
4 boundary should not be changed. In the event such objection
5 shall be made, proceedings shall be held as set out in
6 15.1-1030, and the provisions of that section shall apply
7 mutatis mutandis.

8 2. That an emergency exists and this act is in force from
9 its passage.

10

#

1 Five hundred thirty-three D 1/5/75 GWW T 1/8/75 rp

2 A BILL to amend the Code of Virginia by adding in Chapter 26
3 of Title 15.1 an article numbered 6, containing a
4 section numbered 15.1-1227.1, so as to prohibit the
5 consolidation of governmental units until July one,
6 nineteen hundred seventy-six.

7

8 be it enacted by the General Assembly of Virginia:

9 1. That the Code of Virginia is amended by adding in
10 Chapter 26 of Title 15.1 an article numbered 6, containing a
11 section numbered 15.1-1227.1 as follows:

12 Article 6.

13 Consolidation of Governmental Units: Prohibition.

14 § 15.1-1227.1. No agreement for consolidation of any
15 governmental unit as provided by this chapter shall be
16 undertaken or implemented until and after July one, nineteen
17 hundred seventy-six.

18 2. That an emergency exists, and this act is in force from
19 its passage.

20

#

1 Five hundred. D 01/05/75 GWW T 01/08/75 ss

2 A BILL to amend and reenact §§ 58-476 and 58-476.1, as
3 amended, of the Code of Virginia, relating to city tax
4 on bank stock when bank or branch is located in a city.

5

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 58-476 and 58-476.1, as amended, of the Code of
8 Virginia are amended and reenacted as follows:

9 § 58-476. City tax on stock when bank located in
10 city.--Any city in this State in which is located any bank
11 may, by ordinance, impose a tax not to exceed ~~forty~~ eighty
12 per centum of the State rate of taxation on each one hundred
13 dollars of the taxable value of the shares of stock in such
14 bank so located in such city; but if any such bank has any
15 branch or branches located outside the corporate limits of
16 such city, the tax imposed by such city shall be upon only
17 such proportion of the taxable value of the shares of stock
18 in such bank as the total deposits of such bank, minus
19 deposits through any branch or branches located outside the
20 corporate limits of such city, bear to the total deposits of
21 the bank as of the beginning of the tax year.

22 § 58-476.1. City tax on stock when branch located in
23 city.--Any city in this State in which is located the branch
24 of a bank whose principal office is located outside such
25 city may, by ordinance, impose a tax not to exceed ~~forty~~
26 eighty per centum of the State rate of taxation on such

1 affairs, revenues and expenditures of the several political
2 subdivisions of the State, and of the Commonwealth itself.
3 Such study shall include, but not be limited to, the
4 benefits, and the inequities which might result, to the
5 State as a whole if the recommendations of the Commission on
6 City-County Relations are implemented.

7 The Commission shall complete its study and report to
8 the Governor and the General Assembly no later than November
9 one, nineteen hundred seventy-five.

10

#

1 One hundred sixty-one D 1/5/75 GWW T 1/8/75 js

2 HOUSE JOINT RESOLUTION NO.....

3 Directing the Revenue Resources and Economic Commission to
4 study the impact of the report of the Commission on
5 City-County Relations on the Commonwealth and its
6 political subdivisions.

7

8 WHEREAS, the Commission on City-County Relations has
9 largely completed its task in making its study and report to
10 the Governor and the General Assembly pursuant to its
11 charge; and

12 WHEREAS, many recommendations of that Commission would,
13 if implemented, cause substantial impact to be made upon the
14 fiscal affairs of the several political subdivisions of the
15 State; and

16 WHEREAS, a careful study should be made of the
17 consequences, if any, of the implementation of such report
18 by the General Assembly, upon the fiscal affairs, revenues
19 and expenditures of the several political subdivisions, and
20 the equities and inequities which might flow therefrom; now,
21 therefore, be it

22 RESOLVED by the House of Delegates, the Senate
23 concurring, That the Revenue Resources and Economic
24 Commission is directed to review the report and
25 recommendations of the Commission on City-County Relations
26 and make a study and report on the fiscal impact of such
27 recommendations upon the economy in general, the fiscal

1 affairs, revenues and expenditures of the several political
2 subdivisions of the State, and of the Commonwealth itself.
3 Such study shall include, but not be limited to, the
4 benefits, and the inequities which might result, to the
5 State as a whole if the recommendations of the Commission on
6 City-County Relations are implemented.

7 The Commission shall complete its study and report to
8 the Governor and the General Assembly no later than November
9 one, nineteen hundred seventy-five.

10

#

1 One hundred sixty-one D 1/5/75 GWM T 1/8/75 ss

2 A BILL to continue the Commission on City-County Relations;
3 to allocate funds.

4

5 WHEREAS, the Commission on City-County Relations was
6 created by the General Assembly at its session in 1971; and

7 WHEREAS, this Commission has spent long and hard hours
8 in the formulation of a report to the Governor and the
9 General Assembly, which report has now been made; and

10 WHEREAS, the report, among other things, recommends
11 that it be studied by the General Assembly, the several
12 political subdivisions of the State and the people of the
13 Commonwealth at large; and

14 WHEREAS, the Commission should be kept intact in order
15 that its members, as a group, should be available to work
16 with the Committees of the Senate and the House of Delegates
17 charged with the duty of further studying the legislation
18 which is appended to the report; now, therefore,

19 Be it enacted by the General Assembly of Virginia:

20 1. § 1. That the Commission on City-County Relations,
21 created by Chapter 234 of the Acts of Assembly of 1971, and
22 continued by Chapter 539 of the Acts of Assembly of 1974 is
23 hereby continued. The Commission shall be composed of the
24 membership as is set out in § 2 of Chapter 539 of the Acts
25 of Assembly of 1974, and appointed as specified therein.
26 The membership of the Commission as it exists on the

1 effective date of this act shall continue insofar as is
2 practicable. In the event any member is unable to serve,
3 the successor shall be chosen as in the original appointment
4 of such member. The Commission shall coordinate its work
5 with that of the Senate Committee for Local Government and
6 the House Committee for Counties, Cities and Towns, for the
7 purpose of familiarizing these Committees with the work of
8 the Commission which produced its report and the legislative
9 appendix.

10 § 2. The members of the Commission shall receive a per
11 diem allowance of thirty-five dollars for each day or any
12 part thereof devoted to their duties as members of the
13 Commission and, in addition, shall be reimbursed for their
14 expenses incurred in the discharge of their duties, for
15 which, and for such other professional, expert and
16 secretarial services as it may require, there is hereby
17 allocated the unexpended part of the appropriation made to
18 it in Chapter 539 of the Acts of Assembly of 1974.

19 2. That an emergency exists and this act is in force from
20 its passage.

21

#

1 Nine hundred ninety-nine D 1/7/75 GWM C 1/10/75 ss

2 A BILL to amend and reenact §§ 15.1-1036, 15.1-1038,
 3 15.1-1039, 15.1-1040, 15.1-1041, 15.1-1046, 15.1-1047
 4 and 15.1-1055, as severally amended, of the Code of
 5 Virginia; and to amend the Code of Virginia by adding
 6 sections numbered 15.1-1032.2, 15.1-1032.3,
 7 15.1-1035.1, 15.1-1035.2, 15.1-1040.1 and 15.1-1041.1,
 8 the amended and added sections relating to annexation;
 9 immunity of certain counties therefrom; constitution of
 10 annexation court; duty of State agencies to assist
 11 court; hearing and decision; partial hearing of case;
 12 how proceedings not to fail; court to exist for five
 13 years; finality of proceedings.

14

15 Be it enacted by the General Assembly of Virginia:

16 1. That §§ 15.1-1036, 15.1-1038, 15.1-1039, 15.1-1040,
 17 15.1-1041, 15.1-1046, 15.1-1047 and 15.1-1055, as severally
 18 amended, or the Code of Virginia are amended and reenacted
 19 and that the Code of Virginia is amended by adding sections
 20 numbered 15.1-1032.2, 15.1-1032.3, 15.1-1035.1, 15.1-1035.2,
 21 15.1-1040.1 and 15.1-1041.1 as follows:;

22 § 15.1-1032.2. Immunity from annexation.--A. The
 23 governing body of any county may, by ordinance passed by a
 24 recorded affirmative vote of all the members elected
 25 thereto, petition the circuit court of the county for an
 26 order granting the county immunity from annexation by any
 27 city contiguous to such county. Such ordinance shall allege
 28 in detail:--

29 1. That the county contain a population exceeding
 30 twenty-five thousand and a density of population of two
 31 hundred or more persons per square mile based upon the most

1 recent United States census or on a special census; and

2 2. That the urban areas of the county are being
3 provided with urban services of a quality comparable to
4 those being offered by cities in that geographic region of
5 the State; and

6 3. That the county is able to efficiently and
7 effectively meet the public service needs of the residents
8 of the urban areas of the territory; and

9 4. That the best interests of the State and the
10 geographic area are best served by granting the county the
11 immunity herein set out.

12 5. The county seeking immunity shall give notice to the
13 Commonwealth's Attorney and to each member of the governing
14 body of any city contiguous to the county, that it will, on
15 a given day, not less than thirty days thereafter, move the
16 circuit court of the county to grant the immunity requested
17 in the ordinance, with which notice shall be served a
18 certified copy of the ordinance. A copy of the notice and
19 ordinance or an informative summary thereof shall be
20 published at least once a week for four successive weeks in
21 some newspaper published in such county, and when there is
22 no newspaper published therein, then in a newspaper having
23 general circulation in the city or cities contiguous to the
24 county. The notice and ordinance shall be returned after
25 service to the clerk of the circuit court and when the
26 publication is completed, of which the certificate of the
27 owner, editor or manager of the newspaper publishing it
28 shall be proof, the case shall be docketed for hearing.

1 C. Thereafter, the composition of the court, the procedures
2 therein and appeals therefrom shall be as provided in this
3 chapter for all annexation cases, mutatis mutandis.
4 D. If a majority of the court shall find that the county
5 has met the criteria for immunity from annexation then the
6 court shall grant the order petitioned for.
7 E. The provisions of this section shall not apply in the
8 event a petition is made successfully under the provisions
9 of § 15.1-1034.

10 § 15.1-1032.3. In the event a county shall establish
11 immunity from annexation, no annexation ordinance shall be
12 brought against it by any city, unless the provisions of §
13 15.1-1034 shall apply.

14 § 15.1-1035.1. Immunity from annexation.--It shall be
15 an absolute defense against any petition for annexation if
16 the county from which the territory sought to be annexed
17 shall show:

18 1. That it contains a population exceeding twenty-five
19 thousand and a density of population of two hundred or more
20 persons per square mile based upon the most recent United
21 States census or on a special census. In the event the
22 defense of immunity is pleaded, and the population criteria
23 set out herein is not satisfied by the latest United States
24 census, the court shall order that a special census be made
25 under the supervision of the court. If the result of such
26 special census does not satisfy the criteria for immunity,
27 the county shall be assessed the cost of the census; and

28 2. That the urban areas of the territory sought to be

1 annexed are being provided, prior to the filing of the
2 petition for annexation by a period of at least one year,
3 with urban services of a quality comparable to those being
4 offered by cities in that geographic region of the State;
5 and

6 3. That the territory sought to be annexed will be able
7 to efficiently and effectively meet the public service needs
8 of the residents of the urban areas of the territory; and

9 4. That the best interests of the State and the
10 geographic area are best served by granting such county the
11 immunity herein set out.

12 In the event a defense of immunity is pleaded, the
13 court shall, before considering any other evidence, hear
14 evidence on the plea. If a majority of the court shall find
15 that the criteria for immunity from annexation has been met,
16 then the court shall dismiss the petition. Appeals shall be
17 allowed as provided by law.

18 The provisions of this section shall not apply in the
19 event a petition is made successfully under the provisions
20 of § 15.1-1034.

21 § 15.1-1035.2. In the event any county shall
22 effectively establish the defense of immunity in any
23 petition for annexation, no further petition for annexation
24 shall be brought against it by any political subdivision,
25 unless the provisions of § 15.1-1034 shall apply.

26 § 15.1-1036. Additional parties.--A. In any
27 proceedings hereunder any qualified voters or freeholders in
28 the territory proposed to be annexed or any adjoining city

1 or town may, by petition, become parties to such proceeding,
 2 as provided in B. hereof . Any county whose territory is
 3 affected by the proceedings, or any city, town or persons
 4 affected thereby, may appear and shall be made parties
 5 defendant to the case, and be represented by counsel.
 6 B. The court shall, by order, fix a time within which a
 7 qualified voter or freeholder may become a party to such
 8 proceeding, and thereafter, no such petition shall be
 9 received, except for good cause shown. A copy of the order
 10 fixing such time shall be published at least once a week for
 11 two successive weeks in a newspaper of general circulation
 12 in the city or town seeking the territory and in the
 13 territory sought to be annexed.

14 § 15.1-1036. Constitution of court.--The court, without
 15 a jury, shall be held by three judges--~~as follows--~~The
 16 ~~judge of the circuit court of the county in which the~~
 17 ~~territory sought to be annexed lies or any judge designated~~
 18 ~~as provided by law to sit in his stead thereafter in this~~
 19 ~~article designated as "local judge"; and two judges of~~
 20 circuit courts remote from the territory to be annexed, to
 21 be designated by the Chief Justice of the Supreme Court of
 22 Appeals or by any judge, or committee of judges, of the
 23 court, designated by him for such purpose; ~~provided;~~
 24 ~~nevertheless that if the local judge disqualifies himself, three~~
 25 ~~judges of circuit courts remote from such territory shall be~~
 26 ~~designated to hold such court;~~ provided that when the
 27 governing body of the city or the town and the county by
 28 ordinance or resolution declares that the necessity for an

1 expediency of the annexation of the territory exists and
2 that such annexation should be decreed, and with the consent
3 of all intervenors in such proceedings, such court may be
4 composed of ~~the local~~ a judge of the circuit court of the
5 county in which the territory sought to be annexed lies
6 only.

7 § 15.1-1039. Vacancies occurring during trial.--If a
8 vacancy occurs on such court at any time prior to the final
9 disposition of the case and the completion of all duties
10 required to be performed by it, the court shall not be
11 dissolved and the proceeding shall not fail; but the vacancy
12 shall be filled by designation of another judge, possessing
13 the qualifications prescribed in § 15.1-1038. Such
14 substitute judge shall have all the power and authority of
15 his predecessor and the court shall proceed as so
16 constituted to hear and determine the case and do all things
17 necessary to accomplish its final disposition and the
18 completion of all the duties of the court, including such
19 matters as the certification of evidence and exceptions;
20 provided, that no decision shall be rendered or action taken
21 after such designation with respect to any question
22 previously submitted to but not decided by the court except
23 after a full hearing in open court by the court as
24 reconstituted of all the evidence theretofore introduced
25 before the court and a hearing of all arguments theretofore
26 made with reference to such question. ~~in the event that the~~
27 ~~judge of the circuit court of the county in which the~~
28 ~~territory sought to be annexed dies ceases to be the judge~~

1 of-such-circuit-court, while any such proceeding is pending
2 by reason of the rearrangement of the territorial
3 jurisdiction of the judicial circuit of which such county is
4 a party, such judge shall nevertheless continue to serve on
5 such annexation court until the completion of all the duties
6 of such court in such proceeding and no vacancy shall be
7 deemed to exist on such court with respect to such
8 proceedings;

9 § 15.1-1040. Pre-trial conference; matters
10 considered.--The court shall, prior to hearing any case
11 under this chapter, direct the attorneys for the parties to
12 appear before it, or in its discretion before ~~the local a~~
13 ~~single judge as defined in § 15.1-1038~~ for a conference to
14 consider:

15 (a) The simplification of the issues;

16 (b) Amendment of pleadings and filing of additional
17 pleadings;

18 (c) Stipulations as to facts, documents, records,
19 photographs, plans and like matters, which will dispense
20 with formal proof thereof, including:

21 (1) Assessed values and the ratio of assessed values to
22 true values as determined by the State Department of
23 Taxation in the area sought to be annexed, city or town and
24 county, including real property, personal property,
25 machinery and tools, merchants' capital and public utility
26 assessment for each year of the five years immediately
27 preceding;

28 (2) Tax rate for the five years next preceding in the

1 area sought, including any sanitary district therein, and in
2 the city or town;

3 (3) The school population and school enrollment in the
4 county, in the area sought, and in the city or town, as
5 shown, respectively, by the quinquennial census of school
6 population and by the records in the office of the division
7 superintendent of schools; and the cost of education per
8 pupil in average daily attendance as shown by the last
9 preceding report of the Superintendent of Public
10 Instruction;

11 (4) The estimated population of the county, the area
12 sought and of the city or town;

13 (d) Limitation on the number of expert witnesses, as
14 well as requiring each expert witness who will testify to
15 file a statement of his qualifications;

16 (e) Such other matters as may aid in the disposition of
17 the case.

18 The court, or ~~the~~ judge as the case may be, shall
19 make an appropriate order which will control the subsequent
20 conduct of the case unless modified before or at the trial
21 or hearing to prevent manifest injustice.

22 ~~§ 15.1-1040.1. The court may, in its discretion,~~
23 ~~direct any appropriate State agency to gather and present~~
24 ~~data, to present evidence and exhibits for the guidance of~~
25 ~~the court, and to otherwise assist the court in any manner~~
26 ~~as may aid the disposition of the case.~~

27 § 15.1-1041. Hearing and decision.--(a) The court
28 shall hear the case upon the evidence introduced as evidence

1 is introduced in civil cases.

2 (b) The court shall determine the necessity for and
3 expediency of annexation, considering the best interests of
4 the State, county and the city or town, the best interests,
5 services to be rendered and needs of the area proposed to be
6 annexed, and the best interests of the remaining portion of
7 the county.

8 (b)(1) In considering the best interests, as set out in
9 (b) hereof, the court shall consider:

10 (i) the need in the area proposed for annexation for,
11 but not limited to, the following urban services:

12 (a) sewerage treatment,

13 (b) water,

14 (c) solid waste collection and disposal,

15 (d) public planning,

16 (e) subdivision regulation and zoning,

17 (f) crime prevention and detection,

18 (g) fire prevention and protection,

19 (h) public recreational facilities,

20 (i) library facilities,

21 (j) curbs, gutters, sidewalks, storm drains,

22 (k) street lighting;

23 (ii) the level of such urban services generally

24 associated with areas of the similar density in

25 municipalities in close proximity;

26 (iii) the current relative level of services provided

27 by the county and the city or town;

28 (iv) the efforts by the county and the city or town to

1 comply with applicable State policies with respect to
2 environmental protection, public planning, education, public
3 transportation, housing, or other State policies promulgated
4 by the General Assembly;

5 (v) the community of interest which may exist between
6 the petitioner, the territory sought to be annexed and its
7 citizens. The term "community of interest" may include, but
8 not be limited to, the consideration of natural
9 neighborhoods, natural and man-made boundaries, the
10 similarity of service needs and life-styles of the citizens
11 of both areas, and the degree of political, social and
12 economic integration of the petitioner and the territory
13 sought to be annexed.

14 (b)(2) The court shall not consider any cooperative
15 agreements and joint activities undertaken and implemented
16 by the petitioner and the county sought to be annexed prior
17 to the adoption of the annexation ordinance and the filing
18 of the petition; provided, that the refusal of the governing
19 body of petitioner or that of the governing body of the
20 territory sought to be annexed to enter into or pursue such
21 cooperative or joint agreements as may have been offered, or
22 implemented to any extent, may be considered by the court
23 and given such weight for or against the granting of an
24 annexation order as the court may determine. It is the
25 purpose of this subsection to encourage adjoining political
26 subdivisions to enter into such cooperative agreements
27 voluntarily, and without apprehension of prejudice.

28 (c) If a majority of the court is of opinion that

1 annexation is not necessary or expedient, the petition for
2 annexation shall be dismissed. If a majority of the court
3 is satisfied of the necessity for and expediency of
4 annexation, it shall determine the terms and conditions upon
5 which annexation is to be had, and shall enter an order
6 granting the petition. In all contested cases, the court
7 shall render a written opinion.

8 (d) The order granting the petition shall set forth in
9 detail all such terms and conditions upon which the petition
10 is granted. Every annexation order shall be effective at
11 midnight on December thirty-one of the year in which issued;
12 or, in the discretion of the court, at midnight on December
13 thirty-one of the year following the year in which issued.
14 All taxes assessed in the territory annexed for the year at
15 the end of which annexation becomes effective and for all
16 prior years shall be paid to the county.

17 (e) In any proceedings instituted by a city or town, no
18 annexation shall be decreed unless the court is satisfied
19 that the city or town has substantially complied with the
20 conditions of the last preceding annexation by such city or
21 town, or that compliance therewith was impossible, or that
22 sufficient time for compliance has not elapsed.

23 (f) In the event that the court enters an order
24 granting the petition, a copy of the order shall be
25 certified to the Division of State Planning and Community
26 Affairs.

27 § 15.1-1041.1. A. Notwithstanding the provisions of §
28 15.1-1041, the court may, in its discretion, before hearing

1 all of the evidence in the case, receive evidence relating
2 only to the issue of the necessity for and expedience of
3 annexation, as set out in § 15.1-1041 (b). In the event the
4 court elects to proceed as set out herein, it shall so
5 notify the parties at the pretrial conference provided in §
6 15.1-1040.

7 B. If a majority of the court finds that annexation is not
8 necessary or expedient, then the petition for annexation
9 shall be dismissed, as provided in § 15.1-1041 (b).

10 C. If a majority of the court finds that annexation may be
11 necessary and expedient, it shall so order and proceed with
12 the case upon all the evidence of the case; provided, that
13 if, upon hearing all such evidence, a majority of the court
14 being of the opinion that annexation is not necessary or
15 expedient, it shall dismiss the petition.

16 § 15.1-1046. Proceedings not to fail for technical or
17 procedural defects or errors.—No proceedings brought under
18 this chapter shall fail because of a defect, imperfection or
19 omission in the annexation ordinance or the pleadings which
20 does not affect the substantial rights of the parties or any
21 other technical or procedural defect, imperfection or error,
22 but the court shall at any time allow amendment of the
23 ordinance or the pleadings or make any other order necessary
24 to insure the hearing of the case on its merits.

25 § 15.1-1047. Court granting annexation to exist for
26 five years.—(a) The court created by § 15.1-1038 shall not
27 be dissolved after rendering a decision granting any motion
28 or petition for annexation, but shall remain in existence

1 for a period of five years from the effective date of any
2 annexation order entered, or from the date of any decision
3 of the Supreme Court-~~of-Appeals~~ affirming such an order.
4 Vacancies occurring in the court during such five-year
5 period shall be filled as provided in § 15.1-1039.

6 (b) The court may be reconvened at any time during the
7 five-year period on its own motion, or on motion of the
8 governing body of the county, or of the city or town, or on
9 petition of not less than fifty freeholders in the area
10 annexed.

11 (c) The court shall have power and it shall be its
12 duty, at any time during such period, to enforce the
13 performance of the terms and conditions under which
14 annexation was granted, and to issue appropriate process to
15 compel such performance. The court may, in its discretion,
16 award attorneys' fees, court and other reasonable costs to
17 the party or parties on whose motion the court is
18 reconvened.

19 (d) Any such action of the court shall be subject to
20 review by the Supreme Court-~~of-Appeals~~ in the same manner as
21 is provided with respect to the original decision of the
22 court.

23 § 15.1-1055. Annexation proceedings final for five
24 years; pending proceedings.--No city or town, having
25 instituted proceedings to annex territory of a county, shall
26 again seek to annex territory of such county within the five
27 years next succeeding the entry of the final order in any
28 annexation proceedings under this article or previous acts

1 except by mutual agreement of the governing bodies affected,
2 in which case the city or town moving to dismiss the
3 proceedings before a hearing on its merits may file a new
4 petition five years after the filing of the petition in the
5 prior suit. Nor shall any county be made defendant in any
6 annexation proceeding brought by any city, except by consent
7 of the county governing body, more frequently than once in
8 any five-year period following the conclusion of any
9 annexation proceeding instituted against it by any city;
10 provided, however, that this provision shall not apply to
11 any suits brought by consent of the county governing body-
12 ~~nor shall this provision apply to any annexation proceedings~~
13 ~~pending and undetermined on June twenty-seventh-nineteen~~
14 ~~hundred-and-fifty-eight .~~

15 Notwithstanding the foregoing provisions, a city shall
16 have the right to file and maintain an annexation proceeding
17 against any county against which it has not filed such a
18 proceeding during the preceding eight years.

19 The provisions of this section shall not apply to any
20 petition for annexation brought by a city or town within
21 such five year period, if the previous petition was
22 dismissed due to a procedural defect, lack of jurisdiction,
23 or any defense other than the merits of the case.

24 ~~in any annexation proceeding pending on June~~
25 ~~twenty-eighth, nineteen-hundred-and-fifty-two the party~~
26 ~~seeking annexation may proceed therein in which event the~~
27 ~~proceedings thereafter to be taken shall conform so far as~~
28 ~~practicable to those herein prescribed provided that any~~

1 ~~such proceedings in which there shall not have been a hearing~~
2 ~~on the merits shall, on motion of the city or town or the~~
3 ~~county involved, be dismissed at the cost of the moving~~
4 ~~party, including such reasonable attorneys' fees,~~
5 ~~engineering fees, witness fees, and other costs as the court~~
6 ~~may determine and allow, in which event the party seeking~~
7 ~~annexation may, notwithstanding any other provision of this~~
8 ~~article, institute new proceedings hereunder for the~~
9 ~~annexation of any territory included in the proceeding so~~
10 ~~dismissed.~~

11 This section shall apply to any city which was a town
12 at the time of the filing of such petition.

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