

**Fairfax  
County**

*2008 Virginia General Assembly*



*Legislative  
Program*



*Adopted December 3, 2007*

**Fairfax County Legislative  
Program  
2008 Virginia General Assembly  
Adopted December 3, 2007**

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**FAIRFAX COUNTY LEGISLATIVE PROGRAM  
2008 VIRGINIA GENERAL ASSEMBLY**

**INDEX**

			<u>PAGE</u>
<b><u>SECTION ONE: COUNTY INITIATIVES</u></b>			
1.	Environment	Endocrine Disruptor Compounds	3
2.	Governance	Donations to Prevent Neighborhood Deterioration	4
3.	Human Rights	Sexual Orientation	4
4.	Housing	Code Enforcement	5
		a. Pre-existing Violations and Future Property Owners	5
		b. Service of Violation Notice	5
		c. Appeal Period for Notices of Violation	5
		d. General District Court Order to Abate Violation	5
5.	Public Safety	Dangerous Weapons in Public Facilities	6
6.	Public Safety	Teen Driving	7
 <b><u>SECTION TWO: REGIONAL POSITIONS</u></b>			
1.	Funding	BRAC	9
2.	Funding	Mental Health Services for Children (CSA)	9
3.	Funding	Mental Health Rapid Urgent Care Services	10
4.	Governance	Electronic Meetings During Emergencies	10
5.	Public Safety	Pedestrian Safety	11
6.	Transportation	Funding	11
7.	Transportation	Revenue Sharing	11
8.	Transportation	Secondary Road Devolution	11
9.	Transportation	Transportation Efficiencies	11
 <b><u>SECTION THREE: COUNTY POSITIONS</u></b>			
1.	Education	Education Funding	13
2.	Environment	Global Climate Change	14
3.	Environment	Tree Preservation	15
4.	Environment	Land Conservation	15
5.	Funding	Child Day Care Subsidies for Low-Income Working Families	16
6.	Funding	Compensation for State Court Employees	16
7.	Funding	Investment in Public Education	16
8.	Governance	Revenue Capacity and Core Local Needs	17
9.	Land Use	Adequate Public Facilities Ordinance	18
10.	Land Use	Inflation Adjustment Factor for Cash Proffers	18
11.	Procurement	Environmentally Preferable Products	18
12.	Procurement	Increase in Formal Procurement Threshold	18
13.	Public Safety	Fire Safe Cigarettes	18
14.	Public Safety	Human Trafficking	19
15.	Public Safety	Teen Safety	19
16.	Telecommunications	Authority	20
17.	Taxation	Communications Tax	20
18.	Taxation	Veterans' Tax Exemption	20

**COUNTY INITIATIVES**

1.	Environment	Endocrine Disruptor Compounds	3
2.	Governance	Donations to Prevent Neighborhood Deterioration	4
3.	Human Rights	Sexual Orientation	4
4.	Housing	Code Enforcement	5
		a. Pre-existing Violations and Future Property Owners	5
		b. Service of Violation Notice	5
		c. Appeal Period for Notices of Violation	5
		d. General District Court Order to Abate Violation	5
5.	Public Safety	Dangerous Weapons in Public Facilities	6
6.	Public Safety	Teen Driving	7

**Fairfax County LEGISLATIVE INITIATIVES  
2008 Virginia General Assembly**

**1. ENVIRONMENT – ENDOCRINE DISRUPTOR COMPOUNDS**

***Initiate a joint resolution directing that the Virginia Department of Environmental Quality (DEQ) monitor ongoing federal research and efforts to catalog and assess the impact of Endocrine Disruptor Compounds (EDCs) on the environment and potentially on human health; evaluate the feasibility of implementing a statewide, public-private program to facilitate the collection and proper disposal of unused medicines containing EDCs; examine current state statutes and regulations that may limit or prohibit viable medicinal take-back options at the state or local level; and report the findings to the Governor and the General Assembly.***

EDCs inhibit biological processes related to growth, development, and reproduction. The recent observance of lesions and intersex characteristics in fish in waterways around the world, as well as in some of Virginia's rivers suggests the presence of a harmful level of EDCs. In addition to the likelihood of adverse environmental impacts due to EDCs, there is growing concern that the presence of these harmful micro-constituents in drinking water may have adverse impact on human health. The sources of EDCs are both naturally-occurring and synthetic; synthetic sources include unused medicines.

Studies of the causes and extent of EDCs in the environment and the appropriate treatment of EDCs in waterways currently are underway by national organizations including the USGS, EPA, FDA, and CDC. The state should take a leadership role in compiling and disseminating the information from the federal studies to public and private stakeholders and, in particular, facilitate the proper disposal of unused medicines statewide in the interest of protecting the environment and the health of the people of the Commonwealth.

**Fairfax County LEGISLATIVE INITIATIVES  
2008 Virginia General Assembly**

**2. GOVERNANCE -- DONATIONS TO PREVENT NEIGHBORHOOD DETERIORATION**

***Initiate legislation to amend current law to permit localities to make grants to nonprofit or other associations furnishing services to beautify communities and/or to prevent neighborhood deterioration.***

Current Virginia law allows a locality to make donations of property or money to certain organizations, including charitable institutions, nonprofit or other organizations providing housing for those over 60 years of age, or operating a hospital or nursing home; associations or organizations furnishing volunteer fire-fighting services; nonprofit lifesaving organizations; nonprofit recreational associations or organizations; and nonprofit organizations providing recreational or daycare services to those over 65 years old. A locality may also make gifts and donations to chambers of commerce; industrial development authorities for the purposes of promoting economic development; nonprofit organizations engaged in commemorating historical events; and to state colleges or universities which provide services to the residents of such a locality.

**3. HUMAN RIGHTS -- SEXUAL ORIENTATION**

***Initiate/support legislation to permit the County, as an urban county executive form of government, to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Fairfax County has already taken actions pursuant to existing State enabling legislation in the preceding areas on the basis of race, color, religion, sex, pregnancy, child birth, and disability. (Updates and reaffirms previous initiative).***

Presently, the Fairfax County Human Rights Ordinance does not prohibit discrimination against persons on the basis of sexual orientation. The Human Rights Commission in 2000 studied the need to add sexual orientation protections and issued a report to the Board of Supervisors documenting the need for the added protection and recommending that the Ordinance be amended to include sexual orientation as a protected class. Legislation has been killed in committee since 2001: SB 1147 (2001), HB 750 (2002), HB 880 (2004), and HB 2116 (2005) were all passed by indefinitely; HB 1373 was left in committee in 2006; and HB 2598 was tabled in committee in 2007.

**Fairfax County LEGISLATIVE INITIATIVES  
2008 Virginia General Assembly**

**4. HOUSING -- CODE ENFORCEMENT**

***a. Initiate legislation to bind subsequent property owners to pre-existing zoning ordinance violations related to limiting the number of dwelling units on a lot or the number of people living in a dwelling unit. This proposal would allow a locality that has filed suit in a court of record to enforce such a zoning ordinance to file a legal instrument (similar to a lis pendens) in the land records, which, when recorded, would bind future owners of the property to the outcome of the litigation.***

Such a statute would go into effect following a notice of violation which was either lost on appeal to the Board of Zoning Appeals (BZA) and not remedied within the required timeframe, or was not appealed to the BZA within the 30-day appeal period. This proposal would address the current situation where “flipping” property to a new owner requires a locality to restart the enforcement process at the point of documenting and issuing a notice of violation.

***b. Initiate legislation allowing service of a violation notice to the address on the tax assessment records to constitute sufficient notice to the property owner. The current Code requires that the property owner be sent a notice of violation as a prerequisite to the commencement of any enforcement litigation; under this proposal a written notice of a zoning ordinance violation mailed to or posted at the address on record in the real estate files would constitute sufficient notice.***

This proposal would address situations where the property owner does not live on the property and claims in court not to have received a notice of violation, even when one is mailed to the address of record in the real estate files. Currently, in these situations the court can require the locality to restart the enforcement process.

***c. Initiate legislation to shorten the appeal period for notices of violations of zoning ordinances which limit occupancy.***

Current zoning ordinances may prescribe an appeal period of less than the standard 30 days (though not less than 10 days) for a notice of violation of a zoning ordinance that limits occupancy in a residential dwelling unit in short-term situations (such as temporary or seasonal commercial uses). This proposal would add occupancy violations to this category, in order to speed up the zoning enforcement process and address the issue quickly.

***d. Initiate legislation to amend Va. Code §15.2-2209 to require the general district court, upon a finding of liability, to order the violator to abate or remedy the violation in compliance with the zoning ordinance within a period not to exceed thirty days from the date of assessment of the civil penalty. Where the violator chooses to waive the right to trial, admit liability and pay the civil penalty prior to the court date, the proposal would require as a condition of prepayment that the violator shall have first agreed in writing to abate or remedy the zoning ordinance violation within a specified timeframe.***

This proposal would align the civil penalty procedure for zoning ordinance violations with that of the current statute related to civil penalties for building code violations.

**Fairfax County LEGISLATIVE INITIATIVES  
2008 Virginia General Assembly**

**5. PUBLIC SAFETY -- DANGEROUS WEAPONS IN PUBLIC FACILITIES**

***Initiate legislation to allow the County to adopt an ordinance prohibiting the possession of dangerous weapons in or on any facility or property owned or leased by the County, with certain exceptions, including any person who has been issued a permit to carry a concealed handgun. Violation of such an ordinance would be punishable as a misdemeanor. It is particularly important that the County have such authority for any facility or property owned or leased by the County serving large populations of youth under the age of 18. Current law permits private property owners to decide whether or not to permit dangerous weapons on their property. (Updates and reaffirms previous position. This is also a regional position.)***

***Oppose any state or federal legislation that would make the illegal trafficking of weapons easier. (New regional position.)***

Va. Code §15.2-915 generally prohibits localities from regulating the possession or carrying of firearms, and the Fairfax County Circuit Court has ruled that this statute does not permit Fairfax County to prohibit persons from bringing firearms into buildings that are owned or used by the County government. However, private property owners in Virginia generally are able to decide whether or not to permit dangerous weapons on their own property; private property owners can even prohibit the carrying of a concealed handgun even when the individual has a concealed handgun permit. Virginia law also prohibits firearms and other dangerous weapons in several areas. For example, it generally is illegal to carry a firearm into a place of worship (Va. Code §18.2-283), into a courthouse (Va. Code §18.2-283.1), or onto the property of a public or private school (Va. Code §18.2-308.1).

The General Assembly should enact enabling legislation that would permit Fairfax County and other localities to adopt a similar prohibition on administrative offices, board meeting rooms, mental health facilities, police stations, tax offices, recreation areas (including teen centers and community centers), welfare facilities and other properties. Such enabling legislation should provide exceptions for firearms carried by any law enforcement officer or game warden, any special police officer, any magistrate or judge, and any person who has been issued a permit to carry a concealed handgun pursuant to Va. Code §18.2-308(D).



**Fairfax County LEGISLATIVE INITIATIVES**  
**2008 Virginia General Assembly**

**6. PUBLIC SAFETY -- TEEN DRIVING**

***Initiate legislation to make the ban on use of wireless communication devices while operating a motor vehicle by drivers under the age of 18 a primary offense. (Updates and reaffirms previous position.)***

Motor vehicle crashes are the leading cause of death among 10 to 15 year olds nationwide. As of October 2007, 37 people had lost their lives on Fairfax County roads, and the number of those victims under 21 years of age was an astonishing 10 fatalities, or 27 percent.

The use of a cellular phone while operating a motor vehicle not only causes a physical distraction and diminishes physical capabilities, but also creates a cognitive distraction, reducing reaction time for drivers. The Virginia Department of Motor Vehicles cites distraction as a leading cause of crashes involving teen drivers, as inexperienced young drivers just learning how to operate a motor vehicle need to remain focused on the road. In 2007, the General Assembly passed SB 1039, which prohibits the use of wireless telecommunication devices by holders of provisional driver's licenses, except in an emergency or when the vehicle is parked. However, a violation of this law is currently a secondary offense, not a primary offense.

***REGIONAL POSITIONS***

1.	Funding	BRAC	9
2.	Funding	Mental Health Services for Children (CSA)	9
3.	Funding	Mental Health Rapid Urgent Care Services	10
4.	Governance	Electronic Meetings During Emergencies	10
5.	Public Safety	Pedestrian Safety	11
6.	Transportation	Funding	11
7.	Transportation	Revenue Sharing	11
8.	Transportation	Secondary Road Devolution	11
9.	Transportation	Transportation Efficiencies	11

**Northern Virginia REGIONAL LEGISLATIVE POSITIONS**  
**2008 Virginia General Assembly**

**FUNDING**

1. **BRAC** -- Most Northern Virginia localities are being significantly impacted by the 2005 recommendations of the Base Realignment and Closure Commission. As a result of the those decisions, many Department of Defense (DoD) agencies and commands are being moved into or out of facilities in the area. As a result of these moves, some local governments expect to lose jobs and tenants in leased space. Other local governments will see additional personnel moved into their localities, and face significant shortfalls in the capacity of current infrastructure (especially transportation) to support the increased military and civilian jobs. In the current biennial budget, the State appropriated funds to assist localities impacted by BRAC. Much of it will go to the City of Virginia Beach to assist it with efforts underway to ensure that operations are not transferred from Oceana Naval Base. Given the large numbers of workers moving to and from Northern Virginia localities, additional state funds are needed for all those affected. Northern Virginia local governments request the 2008 General Assembly to appropriate additional State funds to assist them in dealing with BRAC. The funds should be provided to assist with infrastructure costs, support studies needed by localities to prepare for redevelopment and new construction, support retention of military research functions in the region, and attract new tenants to leased space vacated as a result of BRAC. (*Updates and reaffirms previous Board position.*)

2. **Mental Health Services for Children (Comprehensive Services Act)** (*Human Services Priority*)

NVRC and the Northern Virginia local governments support legislation that prioritizes children's mental health services provided through CSBs by increasing state funding for these services to the Department of Mental Health Mental Retardation and Substance Abuse Services. This can be achieved through the Mental Health Initiative, a pool of funding already established for that purpose, which is a companion source of revenue to the Comprehensive Services Act (CSA).

In addressing issues relating to the CSA program, it is essential to note two key items:

- The CSA program has already experienced a broadening of the population eligible for mandated funding under existing state law, at an estimated state and local cost of \$21.2 million, following a March 2007 state policy interpretation.
- SB 1332, passed with a re-enactment clause by the 2007 General Assembly, would further expand mandated funding to children in need of mental health services when such services are necessary to prevent their placement in foster care, again increasing both state and local costs for this program.

Full state funding for CSA, based on accurate and comprehensive cost estimates and local fiscal impacts, must be a critical part of any further CSA expansion.

**Northern Virginia REGIONAL LEGISLATIVE POSITIONS  
2008 Virginia General Assembly**

**3. Mental Health Rapid Urgent Care Services -- (Human Services Priority)**

The recent tragedy at Virginia Tech shed new light on Virginia's mental health system, which has been chronically underfunded for many years. In an effort to improve a system often described as "broken," several state study panels, including the Governor's Virginia Tech Review Panel and the Commission on Mental Health Law Reform, have been meeting to review current statutes and policies and make recommendations for improvements.

- **Immediate Access to Urgent Care/Crisis Stabilization.** Support statutory revisions necessary to improve and clarify the criteria and procedures related to the civil commitment process for persons with mental illness. Support state funding essential to implementing these or other recommendations of the study commissions and related proposals from the Governor, including additional state funding necessary for mental health emergency services (which includes crisis intervention), crisis stabilization services, intensive case management, and intensive residential services and medications. More state funding also will be needed for voluntary and involuntary psychiatric hospitalization.
- **Reduction in Need for Urgent Care.** Support expanded community services that reduce the need for urgent care and often prevent serious crises. Such services must be funded by the state and targeted toward individuals who are at risk of civil mental health detention and/or avoidable incarceration due to serious mental illness/emotional disturbance, severe substance use disorders, and/or co-occurring conditions (mental illness/substance abuse, or mental illness/mental retardation).

Statewide, additional community services are needed, including: crisis stabilization, including placement at a residential crisis care facility and/or intensive in-home services; psychiatric evaluations; medical evaluations, medication monitoring, and affordable and accessible psychotropic medications; partial (day) hospitalization; as well as medical and social detoxification.

While Fairfax County's commitment and local funding effort in mental health is significant, the need continues to be extensive, and the County should not be penalized for a strong local effort. In particular, of priority to Fairfax County would be additional staff to provide the following: walk-in/site-based and mobile crisis intervention/stabilization services; intensive/outreach case management to include linkage to entitlements (e.g., Medicaid, Disability, etc.), medical and dental care, and housing; medical detoxification; and peer support services.

**GOVERNANCE**

- 4. Electronic Meetings During Local Emergencies --** Support legislation authorizing local governments to convene meetings electronically (for example, by video conference or phone) when the governor has declared a local emergency and the purpose of the electronic meeting is to respond to the emergency. This would include the initial meeting where the governing body declares or ratifies the declaration of an emergency. The authority would apply throughout the duration of the emergency.

**Northern Virginia REGIONAL LEGISLATIVE POSITIONS  
2008 Virginia General Assembly**

**PUBLIC SAFETY**

5. **Pedestrian Safety** -- Support revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less. Recent events throughout the region have highlighted a growing concern for the safety of pedestrians attempting to cross streets. Many Northern Virginia jurisdictions are exploring a variety of means to effectively provide for pedestrian safety while avoiding both the potential for serious vehicular accidents and the potential for creating a false sense of security for the pedestrians. *(Reaffirms previous position.)*

**TRANSPORTATION**

6. **Funding** -- Support additional state transportation funding for highway, transit, bicycle and pedestrian improvements. *(Updates and reaffirms previous position.)* Specifically, the Board, along with other Northern Virginia jurisdictions, expresses appreciation to the General Assembly and the Governor for their work on HB 3202 which authorized significant additional transportation funding during the 2007 General Assembly session. However, there are still significant unmet transportation funding needs. As a result, the Board asks the General Assembly to:

- Ensure that any revenue sources included in HB 3202 are replaced in the event of a successful court challenge with a stable, reliable, and permanent source(s) that generates an equal or greater amount of transportation funding.
- Coordinate any changes to the regional funding packages included in HB 3202 that may be proposed with both the Northern Virginia and the Hampton Roads regions. (Northern Virginia is not seeking any changes to the regional funding packages).
- Provide increased transportation funding for all modes from a stable, reliable, and permanent source(s) to address Northern Virginia's and the Commonwealth's transportation needs not covered by the funding authorized in HB 3202.
- Meet the Commonwealth's statutory 95 percent share of transit operating and capital costs (net of fares and federal assistance). This would require approximately \$190 million annually in new funds for the limited transit projects and eligible operating costs included in the CTB's six-year program.

7. **Revenue Sharing** -- Support legislation that caps the state's revenue sharing program at \$50 million; eliminates the priorities for funding approved by the General Assembly in 2006 and clarifies that proffers can be used for the entire local match. *(Reaffirms previous position.)*
8. **Secondary Road Devolution** -- Oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. Also oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. *(Reaffirms previous position.)*
9. **Transportation Efficiencies** -- Support legislation to enact efficiencies in the delivery of transportation projects under the Procurement Act, including increasing the limits on task order or "on-call" contracts to a maximum of \$5 million (from \$1 million) and a maximum of \$1 million per task (from \$200,000) and increasing the limit of construction projects that can be undertaken by local governments from \$400,000 to \$1 million.

## ***COUNTY POSITIONS***

1.	Education	Education Funding	13
2.	Environment	Global Climate Change	14
3.	Environment	Tree Preservation	15
4.	Environment	Land Conservation	15
5.	Funding	Child Day Care Subsidies for Low-Income Working Families	16
6.	Funding	Compensation for State Court Employees	16
7.	Funding	Investment in Public Education	16
8.	Governance	Revenue Capacity and Core Local Needs	17
9.	Land Use	Adequate Public Facilities Ordinance	18
10.	Land Use	Inflation Adjustment Factor for Cash Proffers	18
11.	Procurement	Environmentally Preferable Products	18
12.	Procurement	Increase in Formal Procurement Threshold	18
13.	Public Safety	Fire Safe Cigarettes	18
14.	Public Safety	Human Trafficking	19
15.	Public Safety	Teen Safety	19
16.	Telecommunications	Authority	20
17.	Taxation	Communications Tax	20
18.	Taxation	Veterans' Tax Exemption	20

**Fairfax County LEGISLATIVE POSITIONS**  
**2008 Virginia General Assembly**

**1. EDUCATION FUNDING** *(Joint Position with Fairfax County School Board) (Updates and reaffirms previous position.)*

- a. *The Fairfax County School Board and the Fairfax County Board of Supervisors jointly support continued General Assembly attention to state funding of public education through the Standards of Quality (SOQ) and other programs.*** Critical gaps still remain between SOQ funding and the actual costs of services as faced by localities. The Boards support full funding for the biennial re-benchmark which updates the SOQ funding formulas to reflect increases in operational costs. The Boards oppose changes in the re-benchmarking process which further erode the connection between state funding and actual local costs. Any consideration of “efficiencies and cost savings” within the Standards of Quality must be balanced with a consideration of how state mandates, and the state’s obligation to fund those mandates, affect local budgets.
- b. *The Boards support enhanced revenue capacity for localities to address pressing public education capital costs and other local needs.*** The Boards continue to support completing the equalization of taxing authority, making county taxing authority comparable to existing city authority. Despite recent changes, counties are still overly reliant on local property tax revenues. The Boards oppose any state-mandated restrictions on local property taxes, curtailment of local government authority to raise revenue, or expanded dependency of localities on revenue-sharing mechanisms controlled by the State.
- c. *The Boards support flexibility and additional resources to carry out federal accountability mandates.*** The Boards urge the federal government to grant implementation flexibility to states, such as Virginia, with a demonstrated record in the use of state accountability systems for improving student achievement. The federal government should live up to its commitment to provide adequate resources for all federal mandates, to ensure that the financial burden of these mandates does not continue to fall on local governments.
- d. *The Boards support state provision of high quality early childhood programs, provided that the state furnishes full funding for the implementation of such programs. Responsibility for early childhood program and capital facilities funding should not be shifted to localities or subject to the composite index.***
- e. *The Boards support continued cooperation and enhanced state and federal funding for after-school programs, programs addressing at-risk youth, and regional solutions addressing gang activity and prevention.*** The Boards support evidence-based prevention and intervention that engages and educates parents as well as youth to better address adolescent substance abuse, behavioral issues, and criminal gang involvement. The Boards also support programs providing students with academic enrichment opportunities, community service opportunities, music, art, and sports in a safe environment when school is not in session.

**Fairfax County LEGISLATIVE POSITIONS**  
**2008 Virginia General Assembly**

**ENVIRONMENT**

2. **Global Climate Change** -- Support efforts to reduce greenhouse gas (GHG) emissions through conservation, use of renewable fuels, regulations, and market-based or other incentives. As a signatory to the Cool Counties initiative, the Board supports reducing GHG emissions to 80 percent below current levels by 2050. Avenues by which this goal could be pursued include the following:
- **Support a consistent state funding source to achieve the goals of the recently released Virginia Energy Plan**, including (1) reducing energy consumption 10 percent by 2022; (2) establishing and expanding energy research and development programs; (3) funding renewable-energy grant programs; (4) providing incentives to assist the development and growth of energy-businesses and technologies; (5) broadening the scope of weatherization programs; and (6) educating consumers.
  - **Support legislative or executive action for Virginia to join the Regional Greenhouse Gas Initiative (RGGI)**. The RGGI is a cooperative agreement by Northeast and mid-Atlantic states to implement a regional cap-and-trade program for carbon dioxide (CO<sub>2</sub>) emissions from power plants in the region. In the future, the RGGI may be extended to include other sources of greenhouse gas emissions, and greenhouse gases other than CO<sub>2</sub>. Currently, 10 states are full participants in the RGGI and the District of Columbia, Pennsylvania, the Eastern Canadian Provinces, and New Brunswick are program observers. Joining the RGGI entails signing an agreement to stabilize CO<sub>2</sub> emissions from the region's power plants at current levels from 2009 to the start of 2015, followed by a 10 percent reduction in emissions by 2019. Each state may allocate allowances from its CO<sub>2</sub> emissions budget as it determines appropriate, but all states must agree that 25 percent of their allowances will be allocated for consumer benefit or strategic energy purposes. A letter to this effect has been sent to the Governor and the County's delegation.
  - **Support legislative or regulatory action to guarantee consumer rights, including ensuring that consumers have the opportunity to purchase a percentage of renewable energy through their incumbent electricity provider**. Possible opportunities to pursue this proposal may include the State Corporation Commission's workgroup on reducing electric energy consumption, or the Commission on Electric Utility Restructuring, which was directed to study a voluntary program that would encourage producing electricity from renewable resources by HJ 686 (Plum) in 2007.
  - **Support legislation which would allow a state income tax credit for businesses to defray a portion of the cost of new construction or improvements which save energy and mitigate adverse environmental impacts**. Similar to statutes in other states, such legislation should include such factors as: 1) the amount of credit available for achieving specific design standards, 2) the ability to earn credit for purchasing and installing equipment utilizing renewable sources of energy, and 3) the total amount of credits which may be granted by the state for the tax year. Consideration of tax incentives was included in the recommendations of the Virginia Energy Plan as a means of spurring investment in energy efficiency and conservation in the Commonwealth.



**Fairfax County LEGISLATIVE POSITIONS**  
**2008 Virginia General Assembly**

**ENVIRONMENT** *(continued)*

3. **Tree Preservation** -- Support legislation to allow certain jurisdictions to require the preservation of trees on wooded development sites to meet tree canopy requirements in proportion to the amount of predevelopment canopy. The legislation should: 1) apply to EPA air-quality non-attainment areas; 2) provide a specific exception for agricultural and silvicultural interests based on lot size; 3) ensure no loss of building lots otherwise approvable; 4) provide linkage to cluster subdivision provisions, and 5) include grandfather provisions to preserve existing ordinances. As noted in the Virginia Energy Plan, trees can reduce greenhouse gas pollution by storing carbon that would otherwise remain in the atmosphere. *(Updates and reaffirms previous position.)*
  
4. **Land Conservation** -- Support the preservation of open space to meet the goals of the Chesapeake Bay 2000 Agreement under which signatories pledged the protection of 20% of the watershed by 2010. To meet this goal, Virginia needs to preserve an additional 358,000 acres in the Bay Watershed, or an average of 72,000 acres per year instead of the current 54,000/year, through a significant investment in incentives for the voluntary donations of conservation easements and the purchase of development rights. The state should also pursue initiatives that could expand the funding available for local or regional parkland acquisition, restoration of historic sites, trail expansion, and water supply protection, particularly in densely populated areas such as Northern Virginia.

This position is in line with the Governor's goal for preservation of 400,000 acres statewide during his administration. Since the creation of the Virginia Land Preservation Tax Credit program in 2000, more than 250,000 acres of land have been permanently protected through conservation easements. To provide stability and predictability to the state budget in the face of the popularity of this program, the 2006 General Assembly established a \$100 million annual cap on the program. *(Updates and reaffirms previous position.)*

**Fairfax County LEGISLATIVE POSITIONS**  
**2008 Virginia General Assembly**

**FUNDING**

5. ***Child Day Care Subsidies for Low-Income Working Families -- (Human Services Priority)***  
Support state legislative or budget action to provide additional State General Funds for child care services for low-income working families. Though federal and state funding provides time-limited child care assistance for families at the lowest end of the poverty scale through TANF/VIEW, additional General Funds are needed statewide to defray the cost of child care for economically disadvantaged families not participating in TANF/VIEW, known as "Fee System Child Care." Without full/adequate state funding, prior state and local investments in helping families move off of welfare and into long-term economic stability are undermined. Further, such funding shortfalls jeopardize the progress towards self-sufficiency already made by low-income working families. Last year's elimination of federal pass-through funding available to localities has put many low-income working families at risk of losing childcare, and has caused a dramatic increase in the waiting lists statewide. There are over 9,746 children in over 6,196 families on the waiting list throughout the state and over 3,249 children (in 2,241 families) waiting for subsidies in Fairfax County alone. On average, 253 children per month are being added in Fairfax.

Separate from the issue of Fee System Child Care, Governor Kaine is expected to propose an early childhood education initiative targeting at-risk 4-year-olds. The current Virginia Preschool Initiative (VPI) provides funding to localities through the Composite Index; any expansion is likely to be funded in the same manner. Responsibility for early childhood program and capital facilities funding should not be shifted to localities or subject to the composite index.

6. ***Compensation For State Court Employees --*** Support additional State funding to provide higher levels of compensation for magistrates, district court employees, probation officers/staff, and public defenders/staff. Progress was made in the current biennium budget, which provides a four percent salary increase for judicial employees, including magistrates. When combined with the four percent salary increase all state employees received, magistrates will have received an 8 percent salary increase in this biennium, effective November 2007. However, magistrate salaries remain low, leading to high personnel turnover for these State positions and jeopardizing the consistent provision of vital criminal justice and court-related services. Localities should not have to supplement the funding of State positions in order to ensure the adequate provision of State services and protections to the citizens of the Commonwealth. It is anticipated that legislation again will be proposed to cover the costs of additional salary increases for magistrates though increased court fees, similar to legislation considered during the 2007 General Assembly. *(Reaffirms previous Board position).*
7. ***Investment in Public Education --*** Fairfax County supports the General Assembly providing the resources to meet the educational needs of its residents. The Commonwealth should meet its funding responsibility to rebenchmark the K-12 Standards of Quality and fully reimburse localities for the Commonwealth's fair share, as well as increase access and affordability to students in Virginia's public institutions of higher education by working to more fully fund base budget adequacy guidelines. The General Assembly must make investment in public education a priority in the 2008-2010 biennium.

**Fairfax County LEGISLATIVE POSITIONS**  
**2008 Virginia General Assembly**

**GOVERNANCE**

8. **Revenue Capacity and Core Local Needs** -- *(Updates and reaffirms previous position.)* Despite significant state revenue changes enacted in recent years, the local tax structure has become antiquated, lacking the diversification necessary to fund ever-growing local core services/needs. Fairfax County seeks collaborative solutions that recognize the unique strengths of each level of government. Actions are needed to:
- **Support funding of state and local shared responsibilities.** It is essential that the state live up to its educational responsibilities by increasing funding for school construction, technology and federal/state accountability programs, without neglecting shared responsibilities such as Chesapeake Bay clean-up, local law enforcement (HB 599 program), jail operations and human services needs.
  - **Support diversification of local revenue base.** Though progress has been made, additional local revenue options should be considered including: granting counties equal taxing authority with cities and towns without mandating dedication of those revenues; reducing dependency on property taxes by broadening the revenue base; updating taxes to reflect changes in the economy or in technology; and returning a portion of state individual income tax for unrestricted local use. Moreover, enactment of a local option homestead exemption would provide local governments an additional tool in balancing available revenue options for their residents.
  - **Preserve existing local authority.** Fairfax County opposes efforts to: cap the local real estate tax rate, further eroding the local tax structure's flexibility and capacity and jeopardizing a locality's bond rating; decrease local revenues or revenue opportunities; add state taxes/surcharges on locally-provided services for State responsibilities; or expand the dependency of localities on revenue-sharing mechanisms controlled by the state. Currently, almost 90% of Fairfax County revenues are capped, limited, or controlled by the state, preventing localities from structuring the local tax base to reflect the local economy and the needs of their residents.
  - **Fully fund the costs of mandates placed on local governments.** A true partnership between state and local governments requires a fair and adequate sharing of state revenues. The State has an obligation to fully fund the costs of mandates placed on local governments, particularly when those mandates are prescriptive and allow little flexibility.

**Fairfax County LEGISLATIVE POSITIONS  
2008 Virginia General Assembly**

**LAND USE**

9. ***Adequate Public Facilities Ordinance*** -- Support legislation to give localities authority to adopt an adequate public facilities ordinance. The legislation should: 1) permit localities to adopt provisions in their subdivision ordinances for deferring the approval of subdivision plats or site plans when it is determined that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development; 2) provide that an expressed purpose of zoning ordinances is to protect against an undue rate of development in relation to existing or available public facilities; and 3) not require localities to construct the necessary infrastructure within a timeframe established by the General Assembly. *(Reaffirms previous position.)*
10. ***Inflation Adjustment Factor for Cash Proffers*** -- Support legislation amending Virginia Code §15.2-2303.3 to add the Construction Cost Index (CCI) published by the Engineering News Record to the standardized indices that may be utilized to determine inflationary adjustments to cash proffers. Because the CCI captures broad inflationary trends for labor and material costs, it is a more appropriate tool to determine inflation related to the construction of transportation projects than the Consumer Price Index and the Marshall and Swift Building Cost Index, the two currently acceptable indices. *(Reaffirms previous position.)*

**PROCUREMENT**

11. ***Environmentally Preferable Products*** -- Support legislation to amend the Virginia Public Procurement Act to encourage the purchase of environmentally preferable products by providing a preference for such products similar to that preference now granted for recycled products. Environmentally preferable products protect natural resources and have a reduced effect on human health and the environment when compared with competing products. Such products minimize waste, and conserve energy, raw materials, and water. Additionally, these products preserve landfill space. This proposal is consistent with efforts by the Board to improve recycling and other environmental efforts by County agencies. *(Reaffirms previous position.)*
12. ***Increase in Formal Procurement Threshold*** -- Support legislation to increase the formal procurement threshold and contract modification threshold to \$100,000. The current threshold of \$50,000 for goods and non-professional services was established in 2000. The effect of inflation on the government's purchasing power has, in effect, lowered the threshold and caused an increase in workload, as more goods and services must be purchased through the formal procurement process.

**PUBLIC SAFETY**

13. ***Fire-Safe Cigarettes*** -- Support legislation by the Virginia Association of Fire Chiefs to require that cigarettes sold in the Commonwealth be manufactured with self-extinguishing paper, which snuffs the flame if a lit cigarette is not being smoked. Cigarettes are the leading cause of home fire fatalities in the United States, killing 700-900 people per year. Twenty-one states already require the manufacture of such Reduced Ignition Propensity (RIP) cigarettes, which are wrapped in added bands of less-porous paper that serve as "speed bumps" to slow down and ultimately stop the cigarettes from burning. Self-extinguishing cigarettes sold in Virginia should conform to specifications established by the American Society of Testing and Materials International.

**Fairfax County LEGISLATIVE POSITIONS**  
**2008 Virginia General Assembly**

- 14. Human Trafficking** -- Support funding and legislative efforts to curb human trafficking, provided such measures either enhance penalties for trafficking offenses or do not lessen those penalties imposed under current law for offenses under which trafficking violations now may be prosecuted (for example, the statutes governing abduction and extortion). Human trafficking is both an international issue and a domestic one, encompassing forced agricultural and domestic servitude as well as sexual exploitation. State efforts should include funding for enforcing state laws and judicial training on recognizing trafficking cases and funding for victim services, as well as enhanced penalties for trafficking offenses. The federal Trafficking Victims Protection Act (TVPA), passed in 2000 and reauthorized most recently in 2005, created trafficking as a federal crime and imposed federal responsibilities for the prosecution of traffickers and the protection of victims. (*Reaffirms previous position.*)
- 15. Teen Safety** -- In concert with the Board's initiative to make violation of the ban on cell phone use by underage drivers a primary offense, support the following proposals:
- **Motor Vehicle Safety.** Support legislation to amend current laws for violations of curfew and limits on underage passengers for drivers under the age of 18 by changing such secondary offenses to primary offenses. Secondary offenses now require observation of a primary offense for a law enforcement officer to initiate enforcement action. (During the 2006 General Assembly session, legislation (SB 533) was introduced to make curfew and passenger limitations infractions primary offenses, but this bill failed to pass. A similar bill (SB 1040) was left in committee in 2007.)
  - Support efforts to review and improve the effectiveness of driver education, including efforts to better involve parents in the licensing process and educate parents on Virginia's teen driving laws. (A legislative study on this subject is currently underway.)
  - Support legislation to change the current seat belt infraction from a secondary offense to a primary offense for those at least sixteen years of age. (*Updates and reaffirms previous position.*)
  - **Reducing Adolescent Substance Abuse.** Support legislative restrictions on the sales of "alco-pops" in Virginia. "Alco-pops" are sweet, brightly colored alcoholic beverages; critics charge that these drinks are blatant attempts to market the product to those under the age of 21. In May, Anheuser-Busch withdrew its "Spykes" drinks from the U.S. market after pressure from 29 states' attorneys general and public health groups. "Spykes" contained 12 percent alcohol, nearly double the alcohol concentration of beer, but were fruit-flavored and packaged in bright colors.
  - In addition, support mandatory inhalant education in school systems. Hundreds of household products can be abused by "sniffing" or "huffing" them to achieve a high. The most commonly abused products can be found in the home or local convenience store, making easy access a serious issue. The Partnership for a Drug-Free America reports that 22 percent of children between 6th and 8th grade have tried inhalants. In 2005, they reported an 18 percent increase of inhalant abuse among 8th grade students and a 44 percent increase of inhalant abuse among 6th grade students.

**Fairfax County LEGISLATIVE POSITIONS**  
**2008 Virginia General Assembly**

**TELECOMMUNICATIONS**

16. **Authority** -- (*Reaffirms previous positions.*) Support the following telecommunications positions:

- **Oppose efforts to inhibit local authority in land use decisions.** Fairfax County opposes the preemption or circumvention of local governments' historical control over land use decisions, including any attempt to eliminate local governments' rights to charge, on a non-discriminatory basis, fair and reasonable compensation for use of public property.
- **Oppose reduction or diminution of well-established local government authorities.** It is essential that local governments retain the authority to: address consumer needs; regulate consumer services; and negotiate and enforce cable franchises that include provisions such as redlining prohibitions, franchise fees, public, educational, and governmental channels and financial support, customer service provisions, and technical and construction standards.
- **Restrict the Virginia Department of Transportation's (VDOT's) ability to act unilaterally in creating/altering telecommunications facilities.** Prior approval of the affected locality's land-use and/or zoning authority should be required before VDOT allows the construction of commercial mobile and land-based telecommunications facilities (e.g., monopoles, towers, and related structures).
- **Preserve local control over road and property management.** Fairfax County opposes any reduction, preemption, or circumvention of VDOT or the County's authority to manage and oversee highway rights-of-way or the County's authority to manage its property.

**TAXATION**

17. **Communications Tax** -- (*Revises previous position.*) Support remediation or legislative action, if necessary, to protect the short- and long-term financial interests of local governments based upon implementation of the new telecommunications tax law, which repealed many local taxes and replaced them with a statewide communications tax, effective January 1, 2007. Changes in market area, customers served, and new technologies must be examined as provided in the law, to ensure a modern communications tax system for localities which reflects and reacts to an ever-changing landscape; local governments must be guaranteed, on a locality-by-locality basis, tax revenues equivalent to their FY 2006 percentage share of total statewide telecommunication tax revenues; and the amount of new tax generated for each locality must be equivalent to such telecommunication tax revenue received in FY 2006. Fairfax County's FY 2006 revenue from communications taxes totaled \$85.5 million.

18. **Veterans' Tax Exemption** -- Support a state or federal income tax exclusion or credit for veterans (or widows or widowers of such veterans) with a 100 percent service-connected disability rating. The Commonwealth has typically addressed military-related benefits within the context of a statewide exclusion for Virginia income tax [e.g., Virginia Code §§58.1-322 (C)(11); (C)21; (C)23; (C)26; and (C)31]. Given the concentration of military families in certain areas of the state, providing relief at the state level would be a more equitable method of recognizing the service of members of the Virginia National Guard and active-duty United States military service members.