

THE MANDATE REVIEW

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The County of Fairfax is committed to a policy of nondiscrimination in all County programs, services and activities and will provide reasonable accommodations upon request. To request special accommodations, call 703-324-2391 or TTY 711. Special accommodations/alternative information formats will be provided upon request. Please allow five working days in advance of events in order to make the necessary arrangements.

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Welcome to *The Mandate Review* Newsletter!

Welcome to the first edition of *The Mandate Review* newsletter, a semi-annual publication of federal and state mandates and their effect on Fairfax County Government.

The newsletter is intended to explore the types of mandates Fairfax County is required to comply with, monitor the annual spending on those mandates, and keep local government officials and the public informed of mandates that may, in the near term, directly affect the County.

Features of the newsletter will include a look at a particular federal or state mandate that all agencies are required to comply with. The countywide mandate highlighted in this newsletter is the federal Americans with Disabilities Act. Additionally, when space allows an agency-specific mandate will also be featured, to gain a better understanding of discrete programs and operations that are required of some, but not all agencies.

The newsletter will also provide annual updates of the Fairfax County Federal and State Mandate Report. For many years, there had been studies conducted and questions posed, at the request of the Board of Supervisors, to provide a snapshot of federal and state mandates and their impact on the County. In an effort to create an ongoing program that would monitor County spending for mandates and provide an expenditure context for federal and state legislative requirements, the Department of Management and Budget initiated a program in 2003 to serve as the foundation for analysis and comment on what mandates the County is complying with and how much it is costing the County. This effort has resulted in an annual Federal and State Mandate Report, the most recent of which was published in February 2006.

And finally, a section of the newsletter will be devoted to actions at the federal and state level that may result in additional mandates for Fairfax County.

The Department of Management and Budget is also developing a website dedicated to federal and state mandates, and their impact on Fairfax County. At this site, readers will be able to find the County's annual Federal and State Mandate Report which identifies specific mandates the County is required to meet. Details about the web site address and its availability are coming soon.

Characteristics of Reporting Methodology

As many mandates are subjective in nature, all jurisdictions face the challenge of identifying the mandates they are required to comply with, defining the mandate and quantifying a level of service and method of service provision to meet the mandated requirements. For purposes of the Fairfax County Annual Mandate Report, costs associated with the mandates include all costs associated with compliance without regard to level of service.

Annual Report Information

Annually Fairfax County monitors County spending for federal and state mandates and prepares a summary report based on information provided by agencies and funds. The FY 2006 report was completed in February 2006, using the FY 2006 Adopted Budget Plan as the basis for reporting financial data, and is available at <http://www.fairfaxcounty.gov/dmb/mandates.htm>.

According to information provided by all agencies and funds, the FY 2006 total program expenditure level impacted by federal and state mandates is \$1,193 million, an increase of \$114 million over FY 2005. The County receives Federal/State/User Fee/Other revenue of \$533 million which offsets the expenditures for a net cost to the County for federal and state mandates of \$660 million or 55 percent. The table below shows this data in comparison to the previous two fiscal years.

As seen in the last column, the net cost to the County to comply with federal and state mandates has been increasing steadily over the last two years. And, since FY 1996, the average annual growth rate for mandate costs borne by the County is over 8 percent per year. Clearly, federal and state mandates are costing the County more in expenditures, revenue available to offset those costs is not keeping pace with the growth in expenditures, and the net cost to the County is continuing to rise.

	Estimated Total Expenditures for Mandates	Estimated Total All Revenue for Mandates	Estimated Net Cost to the County to Comply with Mandates	Net Cost as a Percent
FY 2004	\$1,053 million	\$507 million	\$546 million	52%
FY 2005	\$1,079 million	\$497 million	\$582 million	54%
FY 2006	\$1,193 million	\$533 million	\$660 million	55%

Federal Mandates in FY 2006

Fairfax County is required to comply with various federal mandates. Many of these mandates cut across a number of County agencies, and others are very specific to a particular program. Examples of federal mandates include the Head Start program for low-income children, the Americans with Disabilities Act (ADA) and the Health Insurance Portability and Accountability Act (HIPAA).

Compared to all mandated expenditures, federal mandates make up 35 percent of mandated expenditures, or about \$423 million. And of that \$423 million expended in support of federal mandates, the federal government provides funding for approximately one third of the cost of the mandate. As shown in the pie chart on page 3, 26 percent of the cost is recovered through user fee/other revenue, 2 percent

FY 2006 Estimated Expenditures on Federal Mandates	FY 2006 Projected Federal Revenue for Federal Mandates	FY 2006 Projected State Revenue for Federal Mandates	FY 2006 Projected User Fee/Other Revenue for Federal Mandates	FY 2006 Total Net Cost of Federal Mandates
\$422,750,961	\$139,570,466	\$8,244,534	\$110,272,819	\$164,663,142

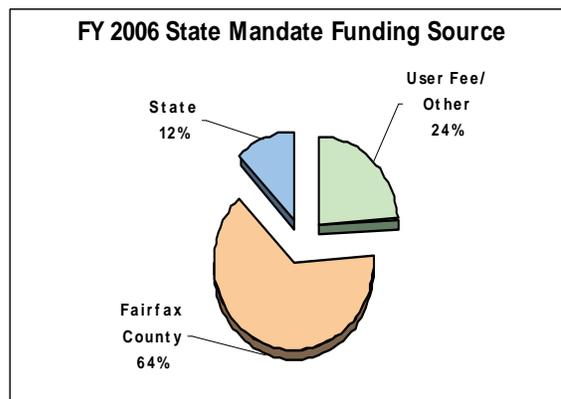
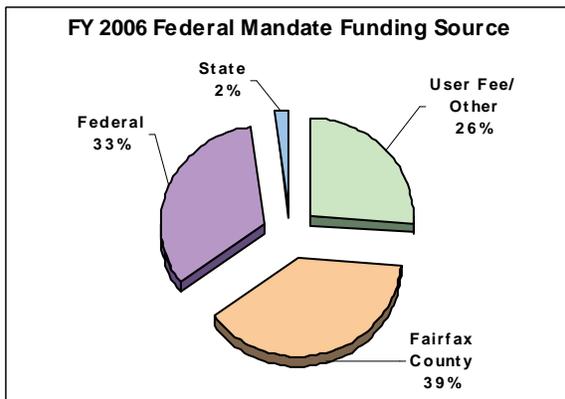
covered with state funding, and the remaining 39 percent of funding supported by Fairfax County.

State Mandates in FY 2006

In contrast to federal mandates, Fairfax County spends approximately \$771 million in support of state mandates, or about 65 percent of all mandated expenditures. As seen on the pie chart on the next page, the state reimburses the County for approximately 12 percent of those expenditures; user fee/other revenue generates support for about 24 percent; and the County must support approximately 64 percent of the remaining state mandates, at a cost of \$496 million.

FY 2006 Estimated Expenditures on State Mandates	FY 2006 Projected Federal Revenue for State Mandates	FY 2006 Projected State Revenue for State Mandates	FY 2006 Projected User Fee/Other Revenue for State Mandates	FY 2006 Total Net Cost of State Mandates
\$770,669,419	\$0	\$87,954,913	\$187,026,413	\$495,688,093

Annual Report Information (Cont'd)



The Corner on Mandates

The County must comply with requirements associated with the Municipal Separate Storm Sewer System (MS4) discharge permit. The MS4 permit is part of the Clean Water Act of 1987 and requires water quality testing, watershed master planning, improvement programs, and development of the Geographic Information System (GIS)-based storm sewer system inventory. The current MS4 discharge permit was issued on January 24, 2002 and is considered a five-year renewal of the National Pollutant Discharge Elimination System (NPDES) permit. The permit will require renewal in January 2007 (FY 2007). By July 2006, the County will be notified of the new permit requirements and potential financial impacts. The funding, expected to be a multi-million dollar requirement, is currently unfunded. Permit activities may also be impacted by other state and federal mandates, including Total Maximum Daily Loads, the Chesapeake 2000 Agreement, and the Virginia Tributary Strategies.

Further information on new mandated requirements for the NPDES permit will be available in summer 2006.

For more information on the 2006 Fairfax County Federal/State Mandate Report, please go to:

www.fairfaxcounty.gov/dmb/mandates.htm

For more information on mandates at the national level, please go to:

Mandate Monitor from the National Conference of State Legislatures at <http://www.ncsl.org/standcomm/scbudg/manmon.htm>

“The mandated requirements placed on Fairfax County by the state and federal governments are continuing to increase, as is the cost of meeting these mandates.”

**- County Executive
Anthony H. Griffin**

Have you ever wondered...



Have you ever wondered why some stores seem to close their doors quickly after announcing a going out of business sale, while others seem to linger, and linger and linger? It all has to do with the provisions made by the Commonwealth of Virginia in their mandate of the Going Out Of Business (GOB) permitting requirement.

Chapter 18.2 of the Virginia Code makes it unlawful to use the words “going out of business” or similar words which might indicate that the business is to be discontinued and the merchandise liquidated, unless a permit is obtained to conduct the sale from the city, town or county where such a sale is to be conducted.

The Fairfax County Department of Cable Communications and Consumer Protection’s Consumer Protection Division (CPD) enforces the GOB state mandated local permitting requirement. Each business seeking such a permit (valid for 60 days and which can only be renewed once) must apply for one at the Licensing Section of the CPD. The County recovers about half of its cost through the permit fees.

For further information about GOB sales you can visit the Fairfax County Department of Cable Communications and Consumer Protection’s Consumer Protection Division (CPD) website at <http://www.fairfaxcounty.gov/consumer/licensing.htm>.

Americans with Disabilities Act (ADA)

When most people hear the letters "ADA" they know exactly what they stand for – the Federal Americans with Disabilities Act. This law was enacted in the early 1990's to eliminate discrimination of persons with disabilities. The law consists of five sections - employment, public services, accommodations, telecommunications, and miscellaneous provisions - that prohibit actions by a public entities and create minimum standards for these entities to meet.

Under the employment section, Fairfax County Government, as well as other employers, are prohibited from discriminating against both qualified job applicants and employees that are disabled. The other section that directly affects Fairfax County requires that all County programs and activities are accessible and barrier free to persons with disabilities.

Annually, Fairfax County spends approximately \$2.5 million in response to ADA requirements and has taken several steps over the years to ensure compliance with ADA. Shortly after the ADA became law, Fairfax County created a multi-agency ADA Implementation Committee tasked with preparing a County Transition Plan and a Self-Evaluation Plan, both required under the new law. The County Transition Plan had two phases. Phase one consisted of identifying County facilities that required structural modifications to meet ADA guidelines, proposed corrective actions in each County building and set priorities for the implementation of those changes. This phase, including all of the identified modifications, was completed in June 2005 for all County government facilities. The Park Authority's Transition Plan is still ongoing.

Phase two of the transition plan consists of updating and modifying curb ramps, sidewalks and trails in the County. This phase began in FY 2001 and is currently ongoing. The Self-Evaluation Plan was intended to review all County services, activities, programs, procedures, regulations and practices to ensure full compliance with the ADA. This Plan called for conducting agency surveys for 204 County programs and services, as well as administrative and employment policies. Based on the survey results, several initiatives and countywide actions were implemented to bring specific areas into compliance. After over 15 years of experience with the ADA, the Office of Equity Programs is conducting another self evaluation process to ensure compliance with the ADA.

All County agencies offer their programs and services in compliance with ADA requirements. The Department of Human Resources ensures that the application and recruitment processes are free of impediments that might hinder a disabled person's accessibility. This might include printing job announcement vacancies in large type font or ensuring that there are multiple formats for accepting resumes.

Like the recruitment process, the County also continues to make its facilities accessible to persons with disabilities. The Park Authority, in FY 2006, will retrofit multiple facilities throughout the County targeted in its own specific Transition Plan for ADA compliance. In recent years, to ensure Park property is readily accessible, funding has been provided for modifications to several facilities, including features such as Huntley Meadows Na-

Fairfax County annually spends approximately \$2.5 million in response to ADA requirements

ture Center, Oak Marr Park, Colvin Run Mill, Great Falls Grange, Audrey Moore RECenter and Dranesville Tavern. In addition, when new facilities are constructed or older facilities are renovated, the Park Authority incorporates accessibility standards to the greatest extent possible. The Park Authority also provides program access accommodations (inclusion services) to approximately 400 plus persons with disabilities annually in camps, classes and activities.

In FY 2006, the Stormwater Management program will continue curb ramp modifications identified throughout the County and make modifications to the trail located along Rolling Road. This trail currently has a dangerously steep portion and requires extensive modifications to correct safety hazards and to enable individuals with disabilities to use the pathway. In recent years, funding has been provided for modifications to the Magarity Road trail. This trail, the most heavily used school walkway in the County, required extensive modifications to correct safety hazards on a 1,000-foot-long section serving a school and business area and to enable individuals with disabilities to utilize the pathway. In addition, extensive modifications began in the Government Center Forum and the Board Auditorium to ensure access for those individuals with disabilities.

Fairfax County transportation programs also comply with the ADA. The Department of Community and Recreation Services operates the FASTRAN paratransit bus service for individuals that cannot use mass transit because of a disability. This service is part of 'Metro/Access' a regional paratransit system established by Metro and its member jurisdictions, including Fairfax County, in compliance with the ADA. In addition, FASTRAN is provided for consumers of mental retardation and mental health services; adult day care participants, and clients of the senior centers and senior residences within the County. Existing FASTRAN buses have been retrofitted to include a wheel chair lift, and new buses are purchased with that feature included.

In addition, a multi-agency Smart Design Task Force was created in 2003 to address accessibility and use issues concerning new and renovated Fairfax County Government buildings. This will ensure that consideration of ADA requirements and universal design principals will be a proactive feature in future building designs, and that the buildings are constructed with the same basic accommodating features. This Task Force is expected to complete its work this year.



For additional information on ADA:

Fairfax County Office of Equity Programs at 703-324-2207, TTY 703-222-5494

U.S. Department of Justice at 800-514-0301, TTY 800-514-0383 or find them on the web at www.ada.gov