FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 16, 2010

AGENDA

9:30	**Done**	Presentations
10:30	**Accepted Report & Referred Recommendations to Staff**	Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report
10:45	**Done**	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:45	**Done**	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	**Approved**	Authorization for Department of Housing and Community Development and Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the U.S. Department of Housing and Urban Development Through the Continuum of Care Homeless Assistance Program, and Authorization for Consolidated Plan Certifications
2	**Approved**	Supplemental Appropriation Resolution AS 11076 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Governor's Opportunity Fund for SAIC, Inc.
3	**Approved**	Supplemental Appropriation Resolution AS 11075 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency
4	**Approved**	Extension of Review Periods for 2232 Review Applications (Braddock, Hunter Mill, Mount Vernon, Providence, Springfield, and Sully Districts)
5	**Approved**	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: State Code, Editorial and Minor Revisions
6	**Approved**	Supplemental Appropriation Resolution AS 11077 for the Health Department to Accept a Department of Health and Human Services Subgrant Award Through the Virginia Department of Health for Public Health Emergency Response

FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 16, 2010

	ADMINISTRATIVE ITEMS (continued)	
7	**Approved**	Authorization to Advertise a Public Hearing to Lease County-Owned Property at 2310 Colts Neck Road to T-Mobile Northeast LLC (Hunter Mill District)
8	**Approved**	Authorization to Advertise a Public Hearing to Convey County-Owned Property to Sully East L.C. and Sully East-Cassel, L.C. (Sully District)
9	**Approved**	Proposed Street Name Change from Beall Drive to Adeline Court (Dranesville District)
10	**Approved**	Streets into the Secondary System (Hunter Mill, Mason, Mount Vernon, and Providence Districts)
11	**Approved**	Installation of “No Parking” Signs on Oriole Avenue (Lee District)
	ACTION ITEMS	
1	**Approved**	Adoption of a Resolution Approving the Issuance by the Fairfax County Economic Development Authority of its Revenue Bonds for the Benefit of BSI, Inc. (Browne Academy)
2	**Approved**	Approval of State Litter Prevention and Recycling Grant Funding Transfer to Clean Fairfax Council, Incorporated
3	**Approved**	Approval of Bond Underwriters for Dulles Rail Phase I Transportation Improvement District Financing
4	**Approved**	Supplemental Appropriation Resolution AS 11078 and Approval of a Project Agreement for the Fairfax County Department of Transportation to Accept Grant Funding from the Virginia Department of Transportation for the Sully Civil War Cycle Tour (Hunter Mill, Springfield and Sully Districts)
5	**Approved**	Endorsement of Interchange Justification Report Concerning Proposed Ingress/Egress for Dulles Airport Access Road Westbound On-Ramp from Southbound Route 123 (Dranesville District)
6	**Approved**	Annual Adjustment to Various Road Fund Contribution Rates

FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 16, 2010

	ACTION ITEMS (continued)	
7	**Approved**	Endorsement of Design Plans to Widen Telegraph Road from South Van Dorn Street to South Kings Highway (Lee District)
8	**Approved**	Approval of Parking Reduction for Brookfield Corporate Center – Phase III (Sully District)
9	**Approved**	Action to Initiate the 2011 Redistricting of the Election Districts of the Board of Supervisors
10	**Approved**	Disclosure Agreement Related to the Issuance of Regional Sewerage System Revenue Bonds, Series of 2010 by the Upper Occoquan Sewage Authority (Sully District)
	CONSIDERATION ITEMS	
1	**Adopted Guidelines**	Adoption of Guidelines to Exclude Certain Audit Documents from Virginia Freedom of Information Act (VFOIA) Requirements as Allowed by State Code
	INFORMATION ITEMS	
1	**Noted**	Planning Commission Action on Application 2232-P09-35, New Cingular Wireless PCS, LLC, T-Mobile Northeast, LLC, Verizon Wireless, Clearwire Wireless Broadband, and Milestone Communications (Providence District)
2	**Noted w/ Correction**	Contract Award – Flatlick Confluence Stream Restoration (Sully District)
3	**Noted**	Service Changes to FAIRFAX CONNECTOR Routes to be Implemented at the end of November 2010
4	**Noted**	Planning Commission Action on Application 2232A-D09-2-1, (Node GFE 12), NewPath Networks, LLC and New Cingular Wireless PCS, LLC (Dranesville District)
11:15	**Done**	Matters Presented by Board Members
12:05	**Done**	Closed Session

FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 16, 2010

	PUBLIC HEARINGS	
3:30	**Approved**	Public Hearing on PRC 86-C-121-03 (Reston Excelsior LLC) (Hunter Mill District)
3:30	**Approved**	Public Hearing on RZ 2010-BR-003 (Christopher Land, LLC) (Braddock District)
3:30	**Approved**	Public Hearing on RZ 2010-LE-005 (Jennings Business Park, LLC) (Lee District)
3:30	**Approved**	Public Hearing on SE 2010-LE-009 (Jennings Business Park, LLC) (Lee District)
3:30	**Approved**	Public Hearing on RZ 2010-SU-004 (James G. Miller, Trustee For The J.G. Miller Revocable Trust) (Sully District)
3:30	**Approved**	Public Hearing on RZ 2010-SU-002 (Steven C. Bryant) (Sully District)
4:00	**Approved**	Public Hearing on Proposed Amendments to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax, Virginia* and the Public Facilities Manual Re: Conservation of Trees During the Land Development Process
4:00	**Approved**	Public Hearing for a Proposed Zoning Ordinance Amendment Re: Zoning Appeal Fee
4:00	**Approved**	Public Hearing on the Proposed Amendments to Chapter 11 of the Fairfax County Code, the Human Rights Ordinance
4:00	**Approved**	Endorsement of the FY 2012 Virginia Department of Transportation's Enhancement Program Project Applications
4:30	**Held**	Public Hearing to Receive Comment on the Proposed Legislative Program to be Presented to the 2011 Virginia General Assembly

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
November 16, 2010

9:30 a.m.

WELCOME AND RECOGNITION

WELCOME and RECOGNITION of the delegation from Ivanovo Power Engineering University, Russia, for its signing of a memorandum of understanding with Northern Virginia Community College.

BEST WORKPLACES FOR COMMUTERS AWARDS

Best Workplaces for Commuters will present certificates to Fairfax County, Booz Allen Hamilton, SAIC, George Mason University, Inova Fairfax Hospital, Orange Business Services, National Wildlife Federation and the AeroSpace Corporation for offering large scale trip reduction programs to employees.

PRESENTATIONS

1. SPORTS/SCHOOLS PRESENTATIONS:

   - RESOLUTION – To recognize Michael Cooper for his induction into the Virginia High School Hall of Fame. Requested by Supervisor Cook.

— more —

Board Agenda Item
November 16, 2010

2. RECOGNITIONS:

- RESOLUTION – To recognize Ed DeSantis for his years of service on the Geotechnical Review Board. Requested by Supervisors McKay and Hyland.

- RESOLUTION – To recognize Henry Latimer for his years of service on the Human Services Council. Requested by Supervisor Hudgins.

- RESOLUTION – To recognize George Lovelace for his years of service to Fairfax County and the Town of Vienna. Requested by Chairman Bulova.

3. DESIGNATIONS:

- PROCLAMATION – To designate December 1, 2010, as AIDS Awareness Day in Fairfax County. Requested by Chairman Bulova.

STAFF:
Merni Fitzgerald, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

Board Agenda Item
November 16, 2010

10:30 a.m.

Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report

ENCLOSED DOCUMENTS:
Environmental Quality Advisory Council Annual Report delivered under separate cover.

PRESENTED BY:
Stella Koch, Chairman, Environmental Quality Advisory Council

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Board Agenda Item
November 16, 2010

10:45 a.m.

Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:
Appointments to be heard November 16, 2010

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

APPOINTMENTS TO BE HEARD NOVEMBER 16, 2010

(ENCOMPASSING VACANCIES PROJECTED THROUGH NOVEMBER 30, 2010)

(Unless otherwise noted, members are eligible for reappointment)

ADVISORY SOCIAL SERVICES BOARD
(4 years – limited to 2 full consecutive terms)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Rebecca Geller; appointed 3/08 by McKay) Term exp. 9/12 *Resigned*	Lee District Representative		McKay	Lee
VACANT (Formerly held by Sarah Wells; appointed 4/07 by Gross) Term exp. 9/10 *Resigned*	Mason District Representative		Gross	Mason

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Mark S. Ingrao (Appointed 1/03 by Mendelsohn; 5/05 by DuBois) Term exp. 5/09	Citizen Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 *Resigned*	Lending Institution Representative		By Any Supervisor	At-Large

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)
(3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Dave Sprague (Appointed 5/07 &10/07 by Smyth) Term exp. 10/10	At-Large #5 Representative		By Any Supervisor	At Large

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS
(1 year – limited to 6 consecutive terms)

[NOTE: In January of 2002 terms were changed to run from October 1 until September 30. An asterisk (*****) beside any of the following names denotes an individual who is NOT eligible for reappointment.]

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kathy Hannon Cope; appointed 9/08&9/09 by Hudgins) Term exp. 9/10 *Resigned*	At-Large #2 Representative		By Any Supervisor	At-Large

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE
(4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Scott Martin; appointed 8/04 &10/07 by McConnell) Term exp. 9/11 *Resigned*	Springfield District Representative	**David Schnare**	Herrity	Springfield

CHILD CARE ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Buckley Kuhn Fricker (Appointed 7/09 by Foust) Term exp. 9/10	Dranesville District Representative	**Ann Aoki**	Foust	Dranesville

COMMISSION FOR WOMEN (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Alotta E. Taylor; appointed 6/98-9/01 by Hanley; 10/04-1/08 by Connolly) Term exp. 10/10 *Resigned*	At-Large Chairman's Representative	**Toni Townes-Whitley**	Bulova	At-Large Chairman's
VACANT (Formerly held by Michele R. Jones; appointed 4/09 & 10/09 by Hudgins) Term exp. 1012 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill

COMMISSION ON AGING (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Lin Wagener; appointed 8/08-5/10 by Hudgins) Term exp. 5/12 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Rosalind Gold; appointed 12/05 by Gross) Term exp. 1/08 *Resigned*	Religious Community Representative		By Any Supervisor	At-Large

COMMUNITY CRIMINAL JUSTICE BOARD (CCJB) (terms - at-pleasure)

Incumbent History	Requirement	Nominee	Supervisor	District

CONFIRMATIONS NEEDED:

- The Honorable Thomas P. Mann as the Chief Judge of the Juvenile and Domestic Relations Court Representative
- Ms. Tracy L. Lavely as the Chief Probation and Parole Officer Representative
- Ms. Cindy L. Sanzotta as the Clerk of the Juvenile and Domestic Relations Court Representative

DOMESTIC VIOLENCE PREVENTION POLICY COORDINATING COUNCIL

CONFIRMATION NEEDED:

- Mr. David P. Bobzien as Chairman of the Council

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
George W. Lamb (Appointed 1/06&10/05 by Connolly) Term exp. 11/10	At-Large #3 Representative		By Any Supervisor	At-Large
Frank Divita (Appointed 9/09 by Cook) Term exp. 11/10	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by David Ouderkirk; appointed 5/09 by Hudgins) Term exp. 1/12 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill
Johna Gagnon (Appointed 8/93&10/95; 10/98-01/08 by Kauffman) Term exp. 11/10	Lee District Supervisor	**Johna Gagnon**	McKay	Lee

FAIRFAX AREA DISABILITY SERVICES BOARD
(3 years- limited to 2 full consecutive terms per MOU, after initial term)
[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

Incumbent History	Requirement	Nominee	Supervisor	District
Chuck Caputo (Appointed 1/10 by Bulova) Term exp. 11/10	At-Large Business Community #1 Representative		Bulova	At-Large Chairman
Thomas Choman (Appointed 5/02 by Hanley; 11/04-1/08 by Connolly) Term exp. 11/10	At-Large Fairfax County Representative		By Any Supervisor	At-Large
Kelly Greenwood (Appointed 4/09 by Hyland) Term exp. 11/10	Mount Vernon District Representative		Hyland	Mt. Vernon
Harriet Epstein (Appointed 5/10 by Smyth) Term exp. 11/10	Providence District Representative	**Harriet Epstein**	Smyth	Providence
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 ***Not eligible for reappointment (need 3 year lapse)***	Sully District Representative		Frey	Sully

FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES
(4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Frank Alston; appointed 7/98 & 7/02 by Hanley; 7/06 by Hudgins) Term exp. 7/10 *Resigned*	At-Large #4 Representative		By Any Supervisor	At-Large

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL
(2 years)

Incumbent History	Requirement	Nominee	Supervisor	District

CONFIRMATION NEEDED:

- Ms. Eileen Duggan as the Commission on Aging Representative
- Ms. Cathleen A. Lewandowski as an Educational Organization Representative
- Ms. Vicki L. Doff as the Constituents/Consumer Representative

GMU FAIRFAX CAMPUS ADVISORY BOARD

Incumbent History	Requirement	Nominee	Supervisor	District
NEW POSITION	Braddock District #1 Representative		Cook	Braddock
NEW POSITION	Braddock District #2 Representative		Cook	Braddock

CONFIRMATION NEEDED:

- Mr. Rob Stalzer as the County Executive's Representative

HEALTH SYSTEMS AGENCY BOARD
(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)

Incumbent History	Requirement	Nominee	Supervisor	District
Sarah A. John (Appointed 6/04&6/07 by Smyth) Term exp. 6/10 ***Not eligible for reappointment (need 1 year lapse)***	Consumer #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Sallie Eissler; appointed 7/02-6/09 by Hyland) Term exp. 6/12 *Resigned*	Provider #2 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Henry Salinas (Appointed 4/08 by Connolly) Term exp. 9/10	At-Large #4 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Henry B. Latimer; appointed 5/97 by Dix; 7/00-9/08 by Hudgins) Term exp. 7/12 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Melissa Smarr; appointed 6/06&1/08 by Smyth) Term exp. 1/10 *Resigned*	Providence District Representative		Smyth	Providence

LIBRARY BOARD
(4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Doreen E. Jagodnik; appointed 9/09 by Hyland) Term exp. 7/13 *Resigned*	Mount Vernon District Representative		Hyland	Mount Vernon

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL
(2 years)

[Note: Committee created 3/21/05 to operate and maintain the Southgate Community Center in conjunction with the Department of Community and Recreation Services.]

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Patrick Kane; appointed 3/07 -3/09 by Hudgins) Term exp. 3/12 *Resigned*	Fairfax County #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Mohamed Mohamedalli; appointed 9/09&3/10 by Hudgins) Term exp. 3/12 *Resigned*	Fairfax County #9 Representative	**Medelyn Ortiz Lopez** (Hudgins)	By Any Supervisor	At-Large

TRAILS AND SIDEWALKS COMMITTEE (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kala Quintana; appointed 10/09-1/10 by Bulova) Term exp. 1/12 *Resigned*	At-Large Chairman's Representative		Bulova	At-Large Chairman's

TREE COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Stacey Evers (Appointed 3/08 by Gross) Term exp. 10/10	Mason District Representative		Gross	Mason
Nicholas Kokales (Appointed 12/09 by Herrity) Term exp. 10/10	Springfield District Representative	**Nicholas Kokales**	Herrity	Springfield

Board Agenda Item
November 16, 2010

10:45 a.m.

Items Presented by the County Executive

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Board Agenda Item
November 16, 2010

ADMINISTRATIVE – 1

Authorization for Department of Housing and Community Development and Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the U.S. Department of Housing and Urban Development Through the Continuum of Care Homeless Assistance Program, and Authorization for Consolidated Plan Certifications

ISSUE:
Board of Supervisors' authorization for and endorsement of multiple grant applications totaling $5,659,050 in funding from the U.S. Department of Housing and Urban Development (HUD) through the Continuum of Care Homeless Assistance Program, with an additional $1,748,629 in other funds, for a total of $7,407,679. The specific actions are as follows:

- Authorization for the Department of Housing and Community Development (HCD), in partnership with Pathway Homes, to apply for and accept funding, if awarded, for five renewal Shelter Plus Care grants.

- Authorization for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept funding, if awarded, for one renewal grant for an existing transitional housing and treatment program for homeless single individuals.

- Endorsement of one new project application and 18 renewal applications by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act.

- In addition, the Department of Family Services (DFS) will apply for and accept funding, if awarded, for two renewal grants for supportive housing programs for families.

Of the $7,407,679 total, $5,659,050 is HUD funding and $1,748,629 is matching funds. The HUD funding being requested consists of $5,352,609 for renewal grants and $306,441 for one new grant proposal. Total matching funds consist of $580,810 in County Local Cash Match, $445,136 in state pass-through funds, and $722,683 in private match. The Board should be aware that all of the renewal applications are for only one year in accordance with HUD guidelines for renewal of existing programs. An appropriation for the CSB award will be included in the FY 2012 budget request and, if necessary, adjusted at a future quarterly review.

Board Agenda Item
November 16, 2010

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve the following:

- Authorize HCD, in partnership with Pathway Homes, to apply for and accept funding, if awarded, for five renewal Shelter Plus Care grants totaling $1,570,056. No Local Cash Match is required for these applications.

- Authorize the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept renewal funding, if awarded, for $334,625, including match, for an existing transitional housing and treatment program for homeless single individuals. Of the total, $254,652 is HUD funding and $79,973 is Local Cash Match.

- Endorse the submission of one new project application by Volunteers of America Chesapeake for $408,895, including $306,441 in HUD funds and $102,454 in private cash match, to provide permanent supportive housing for 14 chronically homeless individuals with mental illness.

- Endorse 18 renewal grant applications totaling $3,708,340, including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of the total, $2,642,975 is HUD funding, $445,136 is state pass-through funds, and $620,229 is private match. Local Cash Match is not required for these applications; however, three applications by Christian Relief Services for a total of $644,241 in HUD funds, one application by Pathway Homes, Inc., for a total of $157,788 in HUD funds, and one application by PRS, Inc., for a total of $168,450 in HUD funds require a combined cash match of $445,136 for a one-year period. This match is supported with state pass-through funds to the CSB. The remaining 13 nonprofit renewal applications totaling $1,672,496 in HUD funds require no Local Cash Match; however, private match of $620,229 is included and committed by the applicants to support these applications.

- In addition, the Department of Family Services will apply for and accept funding, if awarded, for two renewal grants. This funding consists of $520,346, including $67,000 in Local Cash Match, for the RISE Supportive Housing Grant; and $865,417, including $433,837 in Local Cash Match, for the Community Housing Resource Program – Award Three. It should be noted that in August 2010 the RISE program was converted from transitional housing to 20 units of permanent supportive housing for persons with a disabling condition who have children under 18 living in the household.

An appropriation for the CSB award will be included in the FY 2012 budget request and, if necessary, adjusted at a future quarterly review.

TIMING:
Board action is needed on November 16, 2010, since the HUD application deadline is November 18, 2010.

BACKGROUND:
The Fairfax-Falls Church community has been very successful for more than a decade in leveraging County, private, and state funds to secure HUD Continuum of Care funds. These funds have contributed to the development of a core continuum of services to enable homeless families and individuals with disabilities to move toward stable housing. Over the past several years, new projects have been awarded that utilize a housing first approach to provide permanent supportive housing for chronically homeless single individuals.

On September 20, 2010, HUD published a Notice of Funding Availability (NOFA) in the Federal Register for the 2010 Continuum of Care Homeless Assistance Program. Approximately $1.68 billion is available through the national competition for Continuum of Care Homeless Assistance funds. The purpose of these funds is to assist homeless persons to move toward self-sufficiency and into permanent housing. The application process is several months later this year than in most prior years, and is proceeding on an accelerated timeframe.

The community planning process addressed renewal applications for existing homeless assistance grant programs that will expire during the next calendar year (2011), including a review of program performance and site visits. There are 27 Continuum of Care grants that are eligible for renewal in the 2010 application cycle, including 26 projects that were renewed for one year in the 2009 cycle, and one additional Shelter Plus Care project that is eligible to be renewed for the first time. Two existing Shelter Plus Care renewal grants are being merged in this application, however, so a total of 26 renewal projects will be submitted to HUD. All of the renewal projects submitted in 2009 were funded.

There is also one new project application to provide permanent supportive housing for 14 chronically homeless individuals with mental illness. The project will include case management and connection to services through the Bailey's Crossroads Community Shelter. This project meets the criteria for the HUD Permanent Housing bonus project, which, if awarded, will receive additional funding above the amount needed for the renewal projects. Selection of this project was made by the Continuum of Care

Committee of the Governing Board of the Community Partnership to Prevent and End Homelessness (Governing Board) from two proposals that were received in response to a request for proposals to utilize these additional funds.

With the Board's approved Ten-Year Plan to Prevent and End Homelessness now being implemented, Continuum of Care grant providers are beginning to align existing grants with the housing first approach and the strategic objectives in the Ten-Year Plan. The Governing Board has designated the Office to Prevent and End Homelessness (OPEH) as the lead agency for the Continuum of Care grant application process. OPEH worked in concert with homeless service providers and participating programs to form a Continuum of Care Grant Renewal Review Committee to review all of the renewal projects and ensure each meets HUD minimum threshold requirements, as well as to identify best practices to share. All projects met HUD minimum requirements and are included in the overall application. HUD no longer requires that renewal projects be prioritized.

To begin implementing one of the objectives in the Ten-Year Plan – to convert transitional housing to permanent housing for homeless persons – approval was obtained from HUD to convert the RISE transitional housing program to permanent supportive housing for persons with a disabling condition who have children under 18 living in the household. This change was implemented in August 2010, and the RISE grant will be renewed in 2011 as permanent supportive housing for families.

The Governing Board has continued the Continuum of Care Committee (CoC Committee) formed last year with the participation of three members of the Governing Board and key County leadership. The CoC Committee provides high-level policy oversight to the process. Proposals were solicited in September 2010 for a new permanent housing bonus project. The CoC Committee met on October 26, 2010, to hear presentations on two new project proposals, and selected the one to be included as the bonus project for 2010. All 27 applications being prepared for submission to HUD have been endorsed by the CoC Committee.

The attached chart summarizes the grants, with projects that provide permanent supportive housing listed first, followed by transitional housing programs. The Shelter Plus Care renewals are funded from separate sources than other renewals and are listed sequentially at the end of the chart.

HUD regulations require that these projects be certified as consistent with the County's Consolidated Plan, and County policy requires that the Board be informed when such certifications are sent to HUD. Homeless persons, both families and individuals, are a high priority in the County's Five-Year Consolidated Plan for FY 2011-2015, which was approved by the Board on May 11, 2010, and these applications are consistent with that

priority. Upon Board authorization for submission of the applications, the County Executive will sign the certification to be included with the community application, as required by the HUD instructions.

If awarded, the grants will provide the following:

- Funding for one new project to provide supportive housing for 14 chronically homeless single individuals with mental illness;

- One year of continued funding of permanent supportive housing through the Shelter Plus Care program for 114 adults with disabilities;

- One year of continued funding for 24 units of permanent supportive housing for 77 homeless individuals with serious mental illness or dual diagnosis;

- One year of continued funding for a Safe Haven that provides housing and support services for eight vulnerable homeless individuals with serious mental illness;

- One year of continued funding for four units of permanent supportive housing for five families with an adult who has mental illness or cognitive disabilities, and for 20 units of permanent housing for families serving persons with disabilities who have children under age 18;

- One year of continued funding for 107 units of transitional housing serving 107 homeless families, and one year of continued funding for five units of transitional housing serving 11 homeless individuals;

- One year of continued funding for 16 beds of transitional housing and treatment services serving 32 homeless individuals with alcohol and drug treatment and continued supportive service needs.

FISCAL IMPACT:
The total amount of funding for these grants is estimated to be $7,407,679, including $5,659,050 from HUD and total matching funds of $1,748,629. The matching funds include $580,810 in County Local Cash Match, $445,136 in state pass-through funds, and $722,683 in private match. The private match comes from the nonprofit organizations.

For the County Local Cash Match, an amount of $500,837 for two Department of Family Services (DFS) grants will be included in the FY 2012 anticipated table for Fund 102,

Federal/State Grant Fund, under the Office to Prevent and End Homelessness, which manages the grant programs for DFS. The remaining amount of $79,973 for one grant to the CSB will be met by applying existing funds and treatment services to homeless individuals at the directly operated Steps to Recovery program and Crossroads Adult residential treatment program in addition to contracted residential treatment.

Three renewal grant applications for permanent supportive housing for homeless persons with mental illness submitted by Christian Relief Services, one submitted by Pathway Homes, Inc., and one submitted by PRS, Inc., require a combined total match of $445,136 over a one-year period. This amount is from state pass-through funds. State pass-through funding in the amount of $376,011 is currently included in the approved FY 2011 budget within Fund 106, Fairfax-Falls Church Community Services Board (CSB) for match requirements in the current grant period. For the remaining $69,125 of state pass-through funds, the CSB will secure funding through the Regional Discharge Assistance and Diversion program.

There is no HUD requirement that the County continue these programs after the grants expire. HUD does require that any properties that have been purchased through these grants be maintained as affordable housing for homeless persons for 20 years.

CREATION OF POSITIONS:
No new positions are created through these grants. One existing grant position (1/1.0 SYE) is continued in the CSB through the grant funds. The County is not obligated to continue these positions after the grants expire.

ENCLOSED DOCUMENTS:
Attachment I - Chart of HUD 2010 Continuum of Care Applications
Attachment II - Certification of Consistency with the Consolidated Plan

STAFF:
Patricia Harrison, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development
George E. Braunstein, Executive Director, Fairfax-Falls Church Community Services Board
Nannette M. Bowler, Director, Department of Family Services
Dean H. Klein, Director, Office to Prevent and End Homelessness (OPEH)
William Macmillan, Management Analyst, OPEH

HUD 2010 CONTINUUM OF CARE GRANT APPLICATIONS

One or Two Year Grants

	HUD Amount	County	State	Private	TOTAL
1. **Volunteers of America Chesapeake, Bailey's Supportive Housing Care Program – *New Permanent Housing* –** Seven units of permanent housing and support services for 14 chronically homeless individuals with mental illness. *(2 years)*	$306,441			$102,454	$408,895
2. **1994 Christian Relief Services/Pathway Homes/ PRS SHP – *Renewal 07/11-07/12* –** Four units of permanent housing and support services for 14 homeless persons with serious mental illness. *(1 year)*	$216,780		$58,702		$275,482
3. **1995 Christian Relief Services/Pathway Homes/ PRS SHP – *Renewal 02/11-02/12* –** Four units of permanent housing and support services for 14 homeless persons with serious mental illness. *(1 year)*	$291,788		$77,603		$369,391
4. **1991 Christian Relief Services/Pathway Homes SHP - *Renewal 12/11-12/12* –** Three units of permanent housing and support services for 12 homeless persons with serious mental illness. *(1 year)*	$135,673		$111,750		$247,423
5. **1991 Pathway Homes SHP – *Renewal 12/11-12/12* –** Four units of permanent housing and support services for 16 homeless persons with serious mental illness. *(1 year)*	$157,788		$127,956		$285,744
6. **2007 Pathway Homes SHP – *Renewal 10/11-10/12* –** Leasing of seven units and provision of case management and services for seven chronically homeless single individuals. *(1 year)*	$153,657			$14,466	$168,123
7. **PRS, Inc., PRS Intensive Supportive Housing – *Renewal 09/11-09/12* –** Permanent supportive housing with intensive supportive services for six seriously mentally ill or dually diagnosed homeless individuals with a revolving pattern of acute mental illness, homelessness, and re-hospitalization. *(1 year)*	$168,450		$69,125		$237,575
8. **New Hope Housing, Gartlan House – *Renewal 12/11-12/12* –** Permanent supportive housing for eight chronically homeless men in a group living home with on-site case management and access to supportive services. *(1 year)*	$121,850			$33,925	$155,775
9. **New Hope Housing, Max's Place – *Renewal 08/11-08/12*–** Eight beds in a Safe Haven with support services for eight homeless persons with serious mental illness. *(1 year)*	$221,122			$88,905	$310,027
10. **New Hope Housing, Milestones – *Renewal 07/11-07/12* –** Four units of permanent supportive housing serving five families with a disabled head of household. *(1 year)*	$58,850			$15,416	$74,266
11. **DFS, with family shelters, RISE – *Renewal 08/11 - 08/12* –** 20 leased units of permanent housing for families of persons with a disability who have children, and support services through nonprofit partners. *(1 year)* *Note: Program converted from transitional housing.*	$453,346	$67,000			$520,346

	HUD Amount	County	State	Private	TOTAL
12. **DFS, with partners, Community Housing Resource Program (CHRP-III) – *Renewal 11/11-11/12* –** 36 leased units of transitional housing with support services for families through community-based non-profit partners. *(1 year)*	$431,580	$433,837			$865,417
13. **Christian Relief Services "Homes for the Homeless" – Families/Disabled – *Renewal 01/11-01/12* –** Seven units of transitional housing with existing support services serving six families and three disabled individuals. *(1 year)*	$30,943			$17,239	$48,182
14. **Christian Relief Services "Homes for the Homeless" – Families – *Renewal 01/11 -01/12* –** Five units of transitional housing with existing support services for families. *(1 year)*	$24,885			$5,306	$30,191
15. **Christian Relief Services "Homes for the Homeless" – Disabled - *Renewal 01/11 –01/12*** – Five units of transitional housing with existing support services serving seven disabled individuals and one family with a disabled household member. *(1 year)*	$24,885			$18,870	$43,755
16. **Christian Relief Services, STRIDE – *Renewal 01/11 - 01/12*** – Nine units of transitional housing with support services for families, operated in partnership with family shelters. *(1 year)*	$120,676			$33,624	$154,300
17. **Christian Relief Services, with Homestretch, Safe Places – *Renewal 09/11 – 09/12* --** Eight units of transitional housing and support services for families who are victims of domestic violence. *(1 year)*	$76,220			$58,371	$134,591
18. **NOVACO Transitional Housing for Victims of Abuse – *Renewal 12/11 -12/12* –** Seven units of transitional housing with support services for families who are victims of domestic violence. *(1 year)*	$111,492			$176,573	$288,065
19. **United Community Ministries – Journeys – *Renewal 06/11-06/12* –** Nine leased units of transitional housing with support services for families who are victims of domestic violence. *(1 year)*	$138,216			$49,991	$188,207
20. **Homestretch, Inc., Success – *Renewal 09/11 – 09/12* -** Six leased units of transitional housing with support services for large families. *(1 year)*	$150,727			$30,611	$181,338
21. **Kurdish Human Rights Watch, Transitional Housing and Supportive Services for Families – *Renewal 07/11- 07/12*--** 20 leased units of transitional housing and supportive services for homeless families, with ESL, employment, and culturally appropriate services. *(1 year)*	$438,973			$76,932	$515,905
22. **Fairfax-Falls Church Community Services Board-ADS, Self-Sufficiency through Housing & Treatment – *Renewal 07/11-07/12* –** 16 beds of transitional housing with treatment for homeless persons needing substance abuse treatment and support services. *(1 year)*	$254,652	$79,973			$334,625

	HUD Amount	County	State	Private	TOTAL
23. **DHCD/Pathway Homes Shelter Plus Care (Merged SPC 1) – *Renewal 04/11-03/12* -** Rental assistance for 29 units of permanent housing for 34 homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the CSB. (Merged former SPC grants 2, 4, and 5) *(1 year)*	$469,224				$469,224
24. **DHCD/Pathway Homes Shelter Plus Care (Merged SPC 2) – *Renewal 06/11-06/12* –** Rental assistance for 32 units of permanent housing for 40 homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the CSB. (Merged former SPC grants 1, 3, 6, and 7) *(1 year)*	$523,008				$523,008
25. **DHCD/Pathway Homes Shelter Plus Care (Merged SPC 9) – *Renewal 08/11-08/12* –** Rental assistance for 21 units of permanent housing for 24 homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the Community Services Board (CSB). (Merged former SPC grants 8 & 9) *(1 year)*	$338,472				$338,472
26. **2004 DHCD/Pathway Homes Shelter Plus Care (SPC 10) – *Renewal 07/11-07/12* –** Rental assistance for 11 units of permanent housing for 12 chronically homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the Community Services Board (CSB). *(1 year)*	$176,088				$176,088
27. **2005 DHCD/Pathway Homes Shelter Plus Care (SPC 11) – *Renewal 08/11 – 0812* –** Rental assistance for four units of permanent housing for 4 chronically homeless persons with serious mental illness. Required in-kind support services match provided by an existing program of Pathway Homes and the Community Services Board (CSB). *(first renewal, 1 year)*	$ 63,264				$ 63,264
Renewal Subtotals	$5,352,609	$580,810	$445,136	$620,229	$6,998,784
New Proposal Subtotals	$306,441			$102,454	$408,895
GRAND TOTAL	**$5,659,050**	**$580,810**	**$445,136**	**$722,683**	**$7,407,679**

Note: Shelter Plus Care grant renewals are funded non-competitively by HUD each year. HUD requires that the Continuum of Care approve submission of these renewals, and that the projects be listed in the project chart. Final Shelter Plus Care awards are adjusted by HUD for changes in the Fair Market Rent standard, which is used to set the award amounts for this program. Dollars shown above are the current HUD award amounts for these grants.

Certification of Consistency with the Consolidated Plan

U.S. Department of Housing and Urban Development

Attachment 2

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Con solidated Plan.

(Type or clearly print the following information:)

Applicant Name: Fairfax County CoC for Partner Organizations (see attached list)

Project Name: See attached list

Location of the Project: Fairfax County, Virginia (countywide)

Name of the Federal Program to which the applicant is applying: See attached list

Name of Certifying Jurisdiction: Fairfax County, Virginia

Certifying Official of the Jurisdiction Name: Anthony H. Griffin

Title: County Executive

Signature: _____

Date: _____

Attachment to Form HUD-2991
Certification of Consistency with the Consolidated Plan
2010 Fairfax County Continuum of Care (CoC) Grant Process
Applicant and Project Names

FEDERAL PROGRAM: Supportive Housing Program (SHP) *New Project*
Applicant and Project Name:

1. Volunteers of America Chesapeake, Inc.; Bailey's Supportive Housing Care Program

FEDERAL PROGRAM: Supportive Housing Program (SHP) *Renewals*
Applicant and Project Names:

2. Christian Relief Services of Virginia, Inc.; 1994 CRS/Pathway Homes/PRS Supportive Housing Program
3. Christian Relief Services of Virginia, Inc.; 1995 CRS/Pathway Homes/PRS Supportive Housing Program
4. Christian Relief Services Charities, Inc.; 1991 CRS/Pathway Homes Supportive Housing Program
5. Pathway Homes, Inc.; 1991 Pathway Homes Supportive Housing Program
6. Pathway Homes, Inc.; 2007 Pathway Homes Supportive Housing Program
7. PRS, Inc.; Intensive Supportive Housing Program
8. New Hope Housing, Inc.; Gartlan House
9. New Hope Housing, Inc.; Max's Place
10. New Hope Housing, Inc.; Milestones
11. Fairfax County Dept. of Family Services; Reaching Independence through Support and Education (RISE)
12. Fairfax County Dept. of Family Services; Community Housing Resource Program (CHRP III)
13. Christian Relief Services Charities, Inc.; Homes for the Homeless – Families/Disabled
14. Christian Relief Services Charities, Inc.; Homes for the Homeless – Families
15. Christian Relief Services Charities, Inc.; Homes for the Homeless – Disabled
16. Christian Relief Services Charities, Inc.; Homes for the Homeless – STRIDE
17. Christian Relief Services Charities, Inc.; Homes for the Homeless – Safe Places
18. NOVACO, Inc.; Transitional Housing for Victims of Domestic Abuse
19. United Community Ministries, Inc.; Journeys Program
20. Homestretch, Inc.; SUCCESS
21. Kurdish Human Rights Watch, Inc.; Transitional Housing and Supportive Services for Families
22. Fairfax-Falls Church Community Services Board Alcohol and Drug Services; Self-Sufficiency through Housing and Treatment

FEDERAL PROGRAM: Shelter Plus Care Program (SPC) *Renewals*
Applicant and Project Names:

23. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes Shelter Plus Care – SPC Grant # 1
24. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes Shelter Plus Care – SPC Grant # 2
25. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes Shelter Plus Care – SPC Grant # 9 (consolidation of former SPC #8 and SPC #9)
26. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes 2004 Shelter Plus Care – SPC # 10
27. Fairfax County Dept. of Housing and Community Development; DHCD/Pathway Homes 2005 Shelter Plus Care – SPC # 11

Name of Certifying Jurisdiction: Fairfax County, Virginia
Certifying Official Name and Title: Anthony H. Griffin, County Executive

Signature:_____ **Date:** _____

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Board Agenda Item
November 16, 2010

ADMINISTRATIVE - 2

Supplemental Appropriation Resolution AS 11076 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Governor's Opportunity Fund for SAIC, Inc.

ISSUE:
Board approval of Supplemental Appropriation Resolution AS 11076 for the Fairfax County Economic Development Authority (FCEDA) to accept grant funding in the amount of $1,500,000 from the Commonwealth of Virginia as part of the Governor's Opportunity Fund for SAIC, Inc. This grant will assist the County with the headquarters relocation of SAIC, Inc. No Local Cash Match is required. However, Fairfax County must provide road and pedestrian infrastructure improvements in Tysons Corner in the Providence District.

RECOMMENDATION:
The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 11076 for the FCEDA to accept grant funding in the amount of $1,500,000 to convey to SAIC, Inc. as the state portion of this grant. No Local Cash Match will be required. Fairfax County must provide road and pedestrian infrastructure improvements in Tysons Corner in the Providence District.

TIMING:
Board approval is requested on November 16, 2010.

BACKGROUND:
Fairfax County competed with other jurisdictions for the relocation of the corporate headquarters of SAIC, Inc. As part of the negotiations, the Commonwealth of Virginia is supporting the relocation of the corporation to Fairfax County, Virginia with a Governor's Opportunity Fund grant. The grant is a performance grant and a performance agreement has been executed to ensure, on behalf of Fairfax County and the Commonwealth of Virginia, that the projected growth occurs. As part of the Governor's Opportunity Fund grant, Fairfax County must provide road and pedestrian infrastructure improvements relevant to the firm's location. Road and pedestrian infrastructure improvements in Tysons Corner provide the match.

In addition, as stated in the Performance Agreement, the Commonwealth will provide the following incentives. Please note these do not pass through the County nor require a County match.

- Estimated funding of $687,500 from Virginia Jobs Investment Program;
- Estimated funding of $7,000,000 from the Virginia Economic Development Incentive Grant; and
- Estimated funding of $1,100,000 from the Major Business Facilities Job Tax Credit.

FISCAL IMPACT:
Funding in the amount of $1,500,000 has been provided to Fairfax County to be made available to SAIC, Inc. for the costs of on-site extension or capacity development of high-speed or broadband internet access and other information technology needs; road, rail, or other transportation access costs beyond the funding capability of existing governmental programs; grading, drainage, paving, and any other activity required to prepare a site for construction; and training and recruitment costs related to the company's growth at 1710 SAIC Drive, in McLean, Virginia. There is no Local Cash Match required. However, Fairfax County must provide road and pedestrian infrastructure improvements relevant to the firm's location. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2011.

If SAIC, Inc. does not achieve its performance metrics as described in the Performance Agreement executed between Fairfax County and SAIC Inc., then SAIC Inc. is responsible for paying that portion of the grant it did not achieve back to Fairfax County. Fairfax County, in turn, will then refund to the Commonwealth of Virginia the funds received from SAIC, Inc. Fairfax County will not be held responsible for financial shortfalls associated with performance metrics not met. The FCEDA will monitor the performance metrics and will provide to the Office of the County Executive information annually on the number of jobs and capital investment achieved during that time.

CREATION OF NEW POSITIONS:
No positions will be created by this grant.

ENCLOSED DOCUMENTS:
Attachment 1: Supplemental Appropriation Resolution AS 11076
Attachment 2: SAIC, Inc. Performance Agreement
Attachment 3: Notification of award from the Commonwealth of Virginia

STAFF:
Robert A. Stalzer, Deputy County Executive
David J. Molchany, Deputy County Executive
Gerald L. Gordon, President, Fairfax County Economic Development Authority (FCEDA)
Catherine Riley, Vice President, FCEDA
Rodney L. Lusk, National Marketing Director, FCEDA

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 11076

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on November 16, 2010 at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2011, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Agency:	16, Economic Development Authority	$1,500,000
Fund:	102, Federal/State Grant Fund	
Grant:	16004G, Governor's Opportunity Fund Grant	

Reduce Appropriation to:

Agency:	87, Unclassified Administrative Expenses	$1,500,000
Fund:	102, Federal/State Grant Fund	
Grant:	87107G, Unclassified Administrative Expenses	

Source of Funds:	Commonwealth of Virginia, Governor's Opportunity Fund	$1,500,000

A Copy - Teste:

_____

Nancy Vehrs
Clerk to the Board of Supervisors

GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND

PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** made and entered as of the 23 day of August, 2010, by and between the **COUNTY OF FAIRFAX, VIRGINIA** (the "Locality") a political subdivision of the Commonwealth of Virginia (the "Commonwealth"), and **SCIENCE APPLICATIONS INTERNATIONAL CORPORATION** (the "Company"), a Delaware corporation authorized to transact business in the Commonwealth and a wholly-owned subsidiary of SAIC, Inc., a Delaware corporation authorized to transact business in the Commonwealth.

WITNESSETH:

WHEREAS, the Locality has received a grant of and expects to receive $1,500,000 from the Governor's Development Opportunity Fund (a "GOF Grant") through the Virginia Economic Development Partnership Authority ("VEDP") for the purpose of inducing SAIC, Inc. to relocate its corporate headquarters and to improve the Company's complex at and around 1710 SAIC Drive, McLean, Virginia 22102, and further identified by Fairfax County Tax Map No. 0029 15 0004D (owned by Campus Point Realty Corp.) (the "Facility") in the Locality and to expand the Company's operations at the Facility, thereby making a significant Capital Investment and creating a significant number of New Jobs, as such terms are defined below;

WHEREAS, the Locality is willing to provide the funds to the Company as an inducement to the Company to achieve the Targets, as defined below;

WHEREAS, the Locality and the Company desire to set forth their understanding and agreement as to the payout of the GOF Grant, the use of the GOF Grant proceeds, the obligations of the Company regarding Capital Investment and New Job creation, and the repayment by the Company of all or part of the GOF Grant proceeds under certain circumstances;

WHEREAS, the Company's plans to improve and equip the Facility will entail a Capital Investment of at least $25,000,000, including approximately $19,000,000 in building and tenant improvements and approximately $6,000,000 in furniture, fixtures and equipment at the Facility and elsewhere in the Commonwealth;

WHEREAS, the Company's plans to improve and to expand its operations will entail the creation of at least 1,200 New Jobs at the Facility and elsewhere in the Commonwealth; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and New Jobs constitutes a valid public purpose for the expenditure of public funds:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree as follows.

Section 1. Disbursement and Use of GOF Grant.

By no later than August 31, 2010, the Locality will request from VEDP the disbursement to the Locality of the GOF Grant. If not so requested by the Locality by August 31, 2010, this Agreement will terminate. The Locality and the Company will be entitled to reapply for a GOF Grant thereafter, based upon the terms, conditions and availability of funds at that time.

The GOF Grant in the amount of $1,500,000 will be paid to the Locality, upon its request. Within 45 days of its receipt of the GOF Grant proceeds, the Locality will disburse the GOF Grant proceeds to the Company as an inducement to the Company to achieve the Targets.

The Company will use the GOF Grant proceeds to pay the costs of on-site extension or capacity development of high-speed or broadband internet access and other information technology needs; road, rail, or other transportation access costs beyond the funding capability of existing programs; grading, drainage, paving, and any other activity required to prepare a site for construction; and training and recruitment costs related to the Company's growth in the Commonwealth, as permitted by Section 2.2-115(C) of the Code of Virginia of 1950, as amended (the "Virginia Code").

Section 2. Targets; Definitions.

The Company will improve and equip the Facility. The Company will make a Capital Investment of at least $25,000,000 by the Performance Date, as defined below. Further, the Company will create and Maintain, as defined below, at least 1,200 New Jobs at the Facility and elsewhere in the Commonwealth, by and through the Performance Date. The average annual wage, including bonuses or other performance-based compensation, of the New Jobs will be at least $106,290, which is more than 50% greater than the prevailing average wage in the Locality of $70,340.

For the purposes of this Agreement, the following terms shall have the following definitions:

"Capital Investment" means a capital expenditure by or on behalf of the Company at the Facility and elsewhere in the Commonwealth, including improvements made to the Facility by the landlord as a direct result of the Company's activities, in taxable real property, tangible personal property, or both. The Capital Investment must be in addition to the capital improvements at the Facility and elsewhere in the Commonwealth as of August 1, 2009. The Capital Investment Target is $25,000,000.

"Maintain" means that the New Jobs created pursuant to the GOF Grant will be maintained in all material respects, without interruption for any period in excess of ninety (90)

days from the date of creation through the Performance Date, except for temporary reductions in the Company's employment levels in connection with recruitment for open positions or strikes and other work stoppages.

"New Job" means new permanent full-time employment of an indefinite duration at the Facility and elsewhere in the Commonwealth for which the standard fringe benefits are paid by the Company for the employee, and for which the Company pays an average annual wage, including bonuses or other performance-based compensation, of at least $106,290. Each New Job must require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the Company's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. New jobs for contractors or employees of contractors who are located in the Commonwealth and provide dedicated full-time service to the Company may count as New Jobs, even though the Company is not directly paying the wages or providing the fringe benefits, if the other conditions set forth in this paragraph have been satisfied. The New Jobs Target is 1,200 New Jobs. The New Jobs must be in addition to the Company's 11,459 full-time positions at the Facility and elsewhere in the Commonwealth as of August 1, 2009.

"Performance Date" means April 30, 2013. If the Locality, in consultation with VEDP, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets, the Locality may agree to extend the Performance Date by up to 15 months. If the Performance Date is extended, the Locality shall send written notice of the extension to the Company and VEDP and the date to which the Performance Date has been extended shall be the "Performance Date" for the purposes of this Agreement.

"Targets" means the Company's obligations to make or cause to be made Capital Investments at the Facility and elsewhere in the Commonwealth of at least $25,000,000 and to create and Maintain at least 1,200 New Jobs at the Facility and elsewhere in the Commonwealth, all by and through the Performance Date.

Section 3. <u>Break-Even Point</u>.

VEDP has estimated that the Commonwealth will reach its "break-even point" in 2010. The break-even point compares new revenues realized as a result of the Capital Investment and New Jobs with the Commonwealth's expenditures on incentives, including but not limited to the GOF Grant. With regard to the Company, the Commonwealth will provide incentives in the following amounts:

Category of Incentive:	Total Amount
GOF Grant	$1,500,000
Virginia Economic Development Incentive Grant	7,000,000
Virginia Jobs Investment Program (Estimated Grant)	687,500
Major Business Facilities Job Tax Credit (Estimated)	1,100,000

The Locality has committed to provide the following incentive, as matching grant for the GOF Grant:

Category of Incentive:	Total Amount
Road and Pedestrian Access Improvements Related to the Facility, as Determined by the Locality	$1,500,000

By no later than the Performance Date, but subject to appropriation by the Locality's Board of Supervisors, the Locality will expend at least $1,500,000 on road and pedestrian access improvements related to, and necessitated by, the Company's decision to improve and expand its operations at the Facility.

The proceeds of the GOF Grant shall be used for the purposes described in Section 1. The Locality and the Company understand that the proceeds of the Virginia Economic Development Incentive Grant may be used by the Company for any lawful purpose. The Locality and the Company also understand that the proceeds of the Virginia Jobs Investment Program grant shall be used by the Company to pay or reimburse itself for recruitment and training costs, and that the Major Business Facilities Job Tax Credits are an offset to Virginia corporate income taxes that may be owed by the Company.

Section 4. Repayment Obligation.

(a) *If Statutory Minimum Requirements are Not Met:* Section 2.2-115 of the Virginia Code requires that the Company make a Capital Investment of at least $10,000,000 in the Facility and elsewhere in the Commonwealth and create at least 100 New Jobs at the Facility and elsewhere in the Commonwealth in order to be eligible for the GOF Grant. Failure by the Company to meet either of these eligibility requirements by the Performance Date shall constitute a breach of this Agreement and the entire GOF Grant must be repaid by the Company to the Locality.

(b) *If Statutory Minimum Requirements are Met:* For purposes of repayment, the GOF Grant is to be allocated as $750,000 (50%) for the Company's Capital Investment Target commitment and $750,000 (50%) for its New Jobs Target commitment. If the Company has met at least ninety percent (90%) of both of the Targets, then and thereafter the Company is no longer obligated to repay any portion the GOF Grant. If the Company has not met at least ninety percent (90%) of either or both of its Targets, the Company shall repay to the Locality that part of the GOF Grant that is proportional to the Target or Targets for which there is such a shortfall. For example, if at the Performance Date, the Capital Investment is only $20,000,000 and only 720 New Jobs have been created and Maintained, the Company shall repay to the Locality twenty percent (20%) of the GOF Grant proceeds allocated to Capital Investment ($750,000 x 0.2 = $150,000) and forty percent (40%) of the GOF Grant proceeds allocated to New Jobs ($750,000 x 0.4 = $300,000).

(c) *Determination of Inability to Comply:* If the Locality or VEDP shall determine at any time prior to the Performance Date (a "Determination Date") that the Company is unable or

unwilling to meet and maintain its Targets by and through the Performance Date, and if the chief administrative officer of the Locality or VEDP shall have promptly notified the Company of such determination, the Company must repay the entire GOF Grant to the Locality. Such a determination may be caused by events such as a constructive abandonment of the Facility or a filing by or on behalf of the Company under Chapter 7 of the U.S. Bankruptcy Code.

(d) *Repayment Dates:* Any repayment under this Section 4 shall be due from the Company to the Locality within sixty (60) days of the Performance Date or the Determination Date, as applicable. The Locality shall use its best efforts to recover such funds, including legal action for breach of this Agreement. Any moneys repaid by the Company to the Locality shall then be repaid by the Locality to VEDP for redeposit into the Governor's Development Opportunity Fund. The Locality shall have no responsibility for the repayment of any sums hereunder unless said sums have been received by the Locality from the Company.

Section 5. Company Reporting.

The Company shall provide, at the Company's expense, detailed verification reasonably satisfactory to the Locality of the Company's progress on the Targets. Such progress reports will be provided annually on or about July 1, commencing July 1, 2011. The first such report shall provide verification of the progress on the Targets from the execution of this Agreement through April 30, 2011. The following such reports shall provide verification of the progress on the Targets for the prior May 1 to April 30 period. The Locality may request interim reports at such other times as it deems appropriate.

Section 6. Notices.

Any notices required or permitted under this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of certified mail or overnight courier package not accepted by the addressee):

if to the Company, to:

Mr. Walter P. Havenstein
Chief Executive Officer
SAIC, Inc.
1710 SAIC Drive
McLean, Virginia 22102

with a copy to:

Mr. Christopher D. Lloyd
Senior Vice President
McGuireWoods Consulting, LLC
901 East Cary Street
Richmond, Virginia 23219

if to the Locality, to:

Mr. Anthony H. Griffin
County Executive
County of Fairfax, Virginia
12000 Government Center Parkway, Suite 552
Fairfax, Virginia 22035-0066

with a copy to:

David P. Bobzien, Esquire
County Attorney
County of Fairfax, Virginia
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0066

if to VEDP, to:

Mr. Jeffrey M. Anderson
Executive Director
Virginia Economic Development Partnership
901 East Byrd Street, 19th Floor
Richmond, Virginia 23219

Section 7. Miscellaneous.

(a) *Entire Agreement; Amendments*: This Agreement constitutes the entire agreement among the parties hereto as to the GOF Grant and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the Locality and VEDP.

(b) *Governing Law; Venue*: This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the County of Fairfax, and such litigation shall be brought only in such court. In the event of any such litigation, the Locality shall notify the Executive Director of VEDP in writing.

(c) *Counterparts*: This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability*: If any provision of this Agreement is determined to be unenforceable, then the remaining provisions of this Agreement shall, in the discretion of the Locality and VEDP, be voidable or interpreted as in effect as if such unenforceable provisions were not included therein.

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IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

COUNTY OF FAIRFAX, VIRGINIA

By _____
Name: ANTHONY H. GRIFFIN
Title: COUNTY EXECUTIVE
Date: 8/23/10

SCIENCE APPLICATIONS INTERNATIONAL CORPORATION

By _____
Name: Walter P. Havenstein
Title: Chief Executive Officer
Date: _____

IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

COUNTY OF FAIRFAX, VIRGINIA

By _____
Name: _____
Title: _____
Date: _____

SCIENCE APPLICATIONS INTERNATIONAL CORPORATION

By _____
Name: Walter P. Havenstein
Title: Chief Executive Officer
Date: 8-18-10

Virginia
YesVirginia.org
BEST STATE FOR BUSINESS

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP
P.O. Box 798 . 901 East Byrd Street
Richmond, Virginia 23218-0798
804.545.5600 . www.YesVirginia.org

September 24, 2010

Mr. Anthony H. Griffin
County Executive
Fairfax County
12000 Government Center Parkway, Suite 552
Fairfax, Virginia 22035

Dear Mr. Griffin:

Thank you for your efforts in bringing Science Applications International Corporation (SAIC) to Fairfax County. The support of local economic developers, in cooperation with the Virginia Economic Development Partnership, is essential in bringing quality businesses to the Commonwealth.

Please find enclosed the $1,500,000 check from the Governor's Opportunity Fund to be used for SAIC. If we can be of further assistance, please do not hesitate to contact me.

Your economic development team has done an outstanding job on this project. We look forward to working with you again in the near future to bring business to Fairfax and the Commonwealth. Thank you again, and keep up the good work.

Sincerely,

Jeffrey M. Anderson
President and Chief Executive Officer

/kme

Enclosure

Board Agenda Item
November 16, 2010

ADMINISTRATIVE – 3

Supplemental Appropriation Resolution AS 11075 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Awards from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:
Board approval of Supplemental Appropriation Resolution AS 11075 in the amount of $20,694,490 for Fairfax County to accept Department of Homeland Security (DHS) FY 2010 Urban Areas Security Initiative (UASI) subgrant awards from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia, which is serving as the SAA. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant periods for the FY 2010 subgrant awards are retroactive from August 1, 2010 through September 30, 2012. No Local Cash Match is required.

RECOMMENDATION:
The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 11075 in the amount of $20,694,490. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents.

TIMING:
Board approval is requested on November 16, 2010.

BACKGROUND:
The Homeland Security Grant Program (HSGP) provides Urban Areas Security Initiative (UASI) funds from the Department of Homeland Security (DHS) as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or

renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

The UASI funding allocations are determined by a formula based on credible threat, presence of critical infrastructure, vulnerability, population and other relevant criteria. Grant awards are made to the identified urban area authorities through State Administrative Agencies (SAA). The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOG) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESFs, prioritization of proposals by the CAOs and ultimately the development of funding recommendations by the CAOs. The Senior Policy Group (SPG) then renewed and recommended proposals and forwarded selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a subgrant award to handle all of the financial management, audit, procurement and payment provision of the subgrant award and grant program. Several Fairfax County agencies including the Office of Emergency Management, Police Department, Fire and Rescue Department and the Department of Information Technology are expected to act as subgrantees for these funds. A listing of all the subgrant awards being requested for acceptance is attached along with a synopsis for each project. Individual awards are also attached to support requested acceptance. No positions will be created by these grants but some funds will be used for limited term support.

FISCAL IMPACT:
Grant funding in the amount of $20,694,490 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in emergency management, police, fire service, and interoperable communications. The appropriation will be requested in Fund 102, Federal/State Grant Fund as part of the *FY 2011 Third Quarter Review*. Indirect costs are recoverable from some of these awards. No Local Cash Match is required.

CREATION OF NEW POSITIONS:
No positions will be created by these grants.

Board Agenda Item
November 16, 2010

ENCLOSED DOCUMENTS:
Attachment 1 – Grant Award Summary
Attachment 2 – Grant Award Documents
Attachment 3 – Supplemental Appropriation Resolution AS 11075

STAFF:
Robert Stalzer, Deputy County Executive
David McKernan, Coordinator, Office of Emergency Management
Ronald Mastin, Chief, Fire and Rescue Department
David Rohrer, Chief, Police Department
Wanda Gibson, Director, Department of Information Technology

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Department of Homeland Security - FY 2010 Homeland Security Grant Program Applications and Awards
National Capital Region (NCR) Urban Areas Security Initiative (UASI) Funds
Projects to Implemented by Fairfax County

Attachment 1

	Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County Agency	Program Manager	Positions	Begin Date	End Date	Project Synopsis
	FY 2010 UASI AWARDS AND APPLICATIONS										
1	Radio Cache (VA Maintenance)	FY2010	43,300.00	Received	Continuation	Fire and Rescue Department	Lt. John Rogers	0.0 SYE	8/1/2010	9/30/2012	Providing ongoing logistical support to the National Capital Region radio cache housed in Fairfax County and to support training and exercise initiatives, or cache deployment for emergency responses and personnel.
2	Incident Management Team	FY2010	400,000.00	Received	Continuation	Fire and Rescue Department	Mike Defina	0.0 SYE	8/1/2010	9/30/2012	Continued funding to ensure the NCR- Incident Management Team (NCR-IMT) receives adequate position specific training to develop and maintain capability, capacity, and proficiency in all functional areas. The NCR-IMT is comprised of 75 members from fire, emergency medical services (EMS), law enforcement, and public health agencies from the participating Council of Governments (COG) jurisdictions.
3	Structural PPE Replacement	FY2010	2,100,000.00	Received	Continuation	Fire and Rescue Department	BC Rodney Colbert	0.0 SYE	8/1/2010	9/30/2012	Continue funding to provide enhanced response and protection for first responders against chemical, biological, radiological, and nuclear events. Sustainment of first responder personal protective equipment and replacement of equipment which has reached its full life span.
4	Level B PPE Replacement	FY2010	350,320.00	Received	Continuation	Fire and Rescue Department	BC Rodney Colbert	0.0 SYE	8/1/2010	9/30/2012	Continue funding to provide level B Personal Protective Equipment for first responders and to replace equipment which has reached its full life span.
5	Intelligence Analysis (Fire)-VA	FY2010	150,000.00	Received	Continuation	Fire and Rescue Department	Dean Sherick	0.0 SYE	8/1/2010	9/30/2012	Continue funding to for matter experts in fire and emergency medical services to participate in information/intelligence analysis and fusion center activities.
6	EMNet - (Annual Maintenance)	FY2010	17,850.00	Received	Continuation	Office of Emergency	Sulayman Brown	0.0 SYE	8/1/2010	9/30/2012	Payment of the yearly maintenance costs for the National Capital Region jurisdictions network backup systems.
7	NCR Web EOC (Maintenance and License for the NCR)	FY2010	1,790,853.00	Received	Continuation	Office of Emergency Management	Roy Shrout	0.0 SYE	8/1/2010	9/30/2012	Continued funding to further enhance the WebEOC system within the NCR area and increase the interoperability with local and Federal Partners; as well as to expand the common operating picture within the National Capital Region
8	NCR Web EOC Supplement for Maintenance and License for 3 new jurisdictions	FY2008	450,000.00	Received	Continuation	Office of Emergency Management	Roy Shrout	0.0 SYE	9/1/2008	5/31/2011	Expanded project scope to include Prince George's County, WMATA and MWAA
9	NIMS Compliance Officer	FY2010	125,000.00	Received	Continuation	Office of Emergency Management	Joel Hendelman	0.0 SYE	8/1/2010	9/30/2012	Continued funding for a position and supporting equipment/supplies within the Office of Emergency Management for a National Incident Management (NIMS) Compliance Coordinator whose purpose is to evaluate and implement the NIMS within all applicable County agencies and partners.
10	Exercise & Training Officer	FY2010	125,000.00	Received	Continuation	Office of Emergency Management	Aldo Davila	0.0 SYE	8/1/2010	9/30/2012	Continued funding for a position and supporting equipment/supplies within the Office of Emergency Management to support design, development and implementation of a county and regional Department of Homeland Security compliant training and exercise program.
11	Text Alert Notification System (Maintenance)	FY2010	1,722,000.00	Received	Continuation	Office of Emergency Management	Roy Shrout	0.0 SYE	8/1/2010	9/30/2012	Payment of the yearly maintenance costs for the National Capital Region's Roam Secure alerting system, includes EAN and CEAN.
12	Volunteer & Citizen Corps Programs	FY2010	178,500.00	Received	Continuation	Office of Emergency Management	Albernard Bass	0.0 SYE	8/1/2010	9/30/2012	Continuation of efforts to recruit and retain affiliated volunteers in Fairfax County and to expand and integrate the local regional coordination mechanism and capacity to mobilize large numbers of volunteers (spontaneous and affiliated) for response to a catastrophic natural or terrorism event.

(51)

Prepared by OEM

	Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County Agency	Program Manager	Positions	Begin Date	End Date	Project Synopsis
13	Mobile Automated Fingerprint Identification System (Maintenance)	FY2010	3,234,000.00	Received	Continuation	Police Department	Dave Russell	0.0 SYE	8/1/2010	9/30/2012	Continued funding for the National Capital Region's (NCR) automated fingerprint identification systems. The standard warranty contract to be developed will allow for uniform maintenance and conformity through the NCR
14	PPE Cache for Police	FY2010	817,960.00	Received	Continuation	Police Department	Capt. Dan Janickey	0.0 SYE	8/1/2010	9/30/2012	Funding will enhance the National Capitol Region's (NCR's) ability to respond to CBRN incidents. Four locations within the NCR have been identified to host a regional cache of Personal Protective Equipment (PPE); this will make new, advanced PPE available to all Law Enforcement agencies in the NCR. It will also standardize the type of PPE being used in the NCR.
15	Intelligence Analyst VA	FY2010	1,196,667.00	Received	Continuation	Police Department	Capt. Dennis Wilson	0.0 SYE	8/1/2010	9/30/2012	Continued funding for contracted intelligence analysts who support the National Capital Region. These analysts complete detailed reports in a timely manner any time something occurs in the world that may have an impact on the region. This information is provided to our first responders to increase their ability to detect, deter, and disrupt such planning activity to prevent attack.
16	DEH and NCR Net Sustainment	FY2010	5,493,040.00	Received	Continuation	Department of Information Technology	Wanda Gibson, Lynn Hadden, Steve Brundage	0.0 SYE	8/1/2010	9/30/2012	Continued sustainment of the investments in the NCRNet, the NoVA CAD2CAD application and hosting environment, the DC-Prince George's police data exchange, the GIS Data Exchange project for regional GIS interoperability, and the MD GIS viewer application.
17	Cyber Security for Interoperable Communications Infrastructure (ICI)	FY2010	2,500,000.00	Received	Continuation	Department of Information Technology	Wanda Gibson, Lynn Hadden, Mike Dent	0.0 SYE	8/1/2010	9/30/2012	Two initiatives that advance the security posture of NCRnet and the regional applications that run across it : 1) Intrusion detection and intrusion prevention systems and implements logical traffic segmentation using MPLS. 2) A Federated Identity Management pilot to allow applications on NCRnet to query jurisdictional access systems to validate usernames and passwords.
	Total:		**20,694,490.00**					**0.0 SYE**			

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title: Radio Cache - VA (Maintenance)
- Amount: $43,300
- Project ID: 10UASI529-01 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

for MWW

Millicent W. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd Fl., Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title: Incident Management Team (Continuation)
- Amount: $400,000
- Project ID: 10UASI529-02 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title: Structural PPE Replacement
- Amount: $2,100,000
- Project ID: 10UASI529-03 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

for MWW

Millicent W. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd Fl., Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title: Level B PPE Replacement
- Amount: $350,320
- Project ID: 10UASI529-04 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

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Millicent W. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd Fl., Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Fire and Rescue Department has been awarded the following subgrant:

- Project Title: Intelligence Analysis (Fire) - VA
- Amount: $150,000
- Project ID: 10UASI529-05 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title: EmNet (Maintenance)
- Amount: $17,850
- Project ID: 10UASI531-04 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

Millicent W. West
Director

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title: WebEOC (Maintenance)
- Amount: $1,790,853
- Project ID: 10UASI531-06 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

Millicent W. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd fl., Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

Government of the District of Columbia

GRANT ADJUSTMENT NOTICE

District of Columbia
Homeland Security and Emergency Management Agency
2720 Martin Luther King Jr Ave SE, 2nd Floor
Washington, DC 20032

Subgrantee	Fairfax County Office of Emergency Management	**Subgrant Number**	8UASI531-04
Project Title	WebEOC License Maintenance	**Nature of Adjustment**	Award Increase, Extend Period of Performance
Adjustment Number	2	**Effective Date**	10/01/2010

To Subgrantee Please note the following change, amendment, or adjustment in the above grant project and that this adjustment is subject to conditions or limitations as may be set forth below

	Original Award	Adjustment	Revised Award
Total Project Amount	$327,000.00	$450,000.00	$777,000.00

Original Grant Period 09/01/2008 - 08/31/2010

Adjusted Grant Period 09/01/2008 - 05/31/2011

Description

This GAN serves to increase the amount of the sub-grant award by $450,000 and approve and expanded project scope to include Prince George's County, WMATA and MWAA. Period of performance is extended to May 31, 2011.

Approvals

9/29/10

Authorized Official from Grantee Organization **Date**

Authorized Official from Subgrantee Organization **Date**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title: NIMS Compliance Officer - Fairfax County (Continuation)
- Amount: $125,000
- Project ID: 10UASI531-02 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

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for MWW

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title: Exercise & Training Officer - Fairfax County (Continuation)
- Amount: $125,000
- Project ID: 10UASI531-01 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

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Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

for MWW

Millicent W. West
Director

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title: Text Alert Notification System (Maintenance)
- Amount: $1,722,000
- Project ID: 10UASI531-05 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

Millicent W. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd Fl., Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title: Volunteer & Citizen Corps Programs - Fairfax County (Continuation)
- Amount: $178,500
- Project ID: 10UASI531-03 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

Millicent W. West
Director

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Police Department has been awarded the following subgrant:

- Project Title: AFIS Maintenance
- Amount: $3,234,000
- Project ID: 10UASI533-03 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

for MWW

Millicent W. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd fl., Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Police Department has been awarded the following subgrant:

- Project Title: PPE Cache for Police
- Amount: $817,960
- Project ID: 10UASI533-02 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

for MWW

Millicent W. West
Director

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Police Department has been awarded the following subgrant:

- Project Title: Intelligence Analysis - VA (Continuation)
- Amount: $1,196,667
- Project ID: 10UASI533-01 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

for MWW

Millicent W. West
Director

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Department of Information Technology has been awarded the following subgrant:

- Project Title: DEH and NCR Net Sustainment
- Amount: $5,493,040
- Project ID: 10UASI583-01 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

Millicent W. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd Fl, Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Adrian M. Fenty
Mayor

Millicent W. West
Director

September 28, 2010

Mr. Anthony Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY10 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Department of Information Technology has been awarded the following subgrant:

- Project Title: Cyber Security for Interoperable Communications Infrastructure (ICI)
- Amount: $2,500,000
- Project ID: 10UASI583-02 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2010–September 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by October 12, 2010. If you have questions regarding this award, please contact Tim Fitzsimmons at timothyj.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

Millicent W. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd Fl., Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 11075

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on November 16, 2010, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2011, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Agency:	70, Department of Information Technology	$7,993,040
Fund:	102, Federal/State Grant Fund	
Agency:	90, Police Department	$5,248,627
Fund:	102, Federal/State Grant Fund	
Agency:	92, Fire and Rescue Department	$3,043,620
Fund:	102, Federal/State Grant Fund	
Agency:	93, Office of Emergency Management	$4,409,203
Fund:	102, Federal/State Grant Fund	
Grant:	02917G, Urban Areas Security Initiative Grant	

Reduce Appropriation to:

Agency:	87, Unclassified Administrative Expenses	$20,694,490
Fund:	102, Federal/State Grant Fund	
Grant:	87107G, Unclassified Administrative Expenses	

Source of Funds: U.S. Department of Homeland Security, $20,694,490

A Copy - Teste:

_____

Nancy Vehrs
Clerk to the Board of Supervisors

Board Agenda Item
November 16, 2010

ADMINISTRATIVE – 4

Extension of Review Periods for 2232 Review Applications (Braddock, Hunter Mill, Mount Vernon, Providence, Springfield, and Sully Districts)

ISSUE:
Extension of the review periods for specific 2232 Review applications to ensure compliance with the review requirements of *Section* 15.2-2232 of the *Code of Virginia*.

RECOMMENDATION:
The County Executive recommends that the Board extend the review periods for the following applications: applications FS-H10-45, FS-V10-47, FS-Y10-50, and FSA-Y09-99-1 to January 16, 2011; applications 2232-P10-10, FS-H10-46, FS-P10-51, FS-S10-53, FSA-Y02-22-1, and FSA-S09-168-1 to January 17, 2011; application FSA-H09-137-1 to January 20, 2011; and applications 2232-B09-31 and 2232-B10-15 to January 23, 2011.

TIMING:
Board action is required on November 16, 2010, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:
Subsection B of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days."

The Board should extend the review periods for applications 2232-B09-31, 2232-P10-10, 2232-B10-15, FS-H10-45, FS-H10-46, FS-V10-47, FS-Y10-50, FS-P10-51, FS-S10-53, FSA-Y02-22-1, FSA-Y09-99-1, FSA-H09-137-1, and

FSA-S09-168-1, which were accepted for review by the Department of Planning and Zoning between August 19, 2010, and August 26, 2010. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

2232-B09-31	T-Mobile Northeast LLC 130-foot monopole 5797 Burke Centre Parkway Braddock District
2232-P10-10	NewPath Networks, New Cingular Wireless PCS LLC Distributed Antenna System Chain Bridge Road, Hunter Mill Road, Oak Valley Drive, Vale Road Providence District
2232-B10-15	T-Mobile Northeast LLC 120-foot monopole 5405 Port Royal Road Braddock District
FS-H10-45	Clearwire US LLC Rooftop antennas 2817 Jermantown Road Hunter Mill District
FS-H10-46	Clearwire US LLC Rooftop antennas 1850 Centennial Park Drive Hunter Mill District
FS-V10-47	Clearwire US LLC Antenna colocation on existing monopole 8616 Pohick Road Mount Vernon District
FS-Y10-50	New Cingular Wireless PCS LLC Rooftop antennas 4050 Westfax Drive Sully District

FS-P10-51	New Cingular Wireless PCS LLC Rooftop antennas 1430 Spring Hill Road Providence District
FS-S10-53	Clearwire US LLC Antenna colocation on existing monopole 7008 Elkton Drive Springfield District
FSA-Y02-22-1	Verizon Wireless Replacement antennas on existing tower 15717 Lee Highway Sully District
FSA-Y09-99-1	Clearwire US LLC Additional and relocated rooftop antennas 3600 Joseph Siewick Drive Sully District
FSA-H09-137-1	Clearwire US LLC Additional rooftop antennas 11800 Sunrise Valley Drive Hunter Mill District
FSA-S09-168-1	Clearwire US LLC Additional antennas on existing monopole 4641 West Ox Road Springfield District

The need for the full time of these extensions may not be necessary, and is not intended to set a date for final action.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

Board Agenda Item
November 16, 2010

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Acting Director, Department of Planning and Zoning
David B. Marshall, Planning Division, DPZ
David S. Jillson, Planning Division, DPZ

Board Agenda Item
November 16, 2010

Regulatory Review

ADMINISTRATIVE - 5

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: State Code, Editorial and Minor Revisions

ISSUE:
The proposed amendment incorporates a revision required as a result of legislative action by the 2010 Virginia General Assembly, corrects inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments and makes other clarifying and minor revisions.

RECOMMENDATION:
The County Executive recommends the authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:
Board action is requested on November 16, 2010, to provide sufficient time to advertise the proposed Planning Commission public hearing on January 26, 2011, at 8:15 p.m., and the proposed Board of Supervisors public hearing on February 22, 2011, at 4:00 p.m.

BACKGROUND:
The proposed amendment is on the 2010 Priority 1 Zoning Ordinance Amendment Work Program and incorporates a change due to legislative action by the 2010 Virginia General Assembly, corrects inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance amendments and makes other clarifying and minor revisions. Specifically, the amendment:

(1) Clarifies that pipestem lots are permitted in conjunction with special exception approval for waiving minimum lot width requirements.

(2) Requires that the minimum required front yard distance be maintained between the principal structure on the building lot and the street line when there are two or more contiguous outlots located between the building lot and the street.

(3) Permits chain link fencing as an alternative method of telecommunications cabinet screening located under bleachers.

(4) Replaces references to 'inoperable vehicle' with 'inoperative vehicle,' and clarifies the length of time and number of abandoned, wrecked, or inoperative vehicles that may be stored outdoors.

(5) Revises the maximum parking rate to 1.05 for hotel/motel uses within ¼ to ½ mile of a Metro station entrance for the Planned Tysons Corner Urban District.

(6) Corrects the cross-reference for 'DNL' to read 'Day Night Average Sound Level.'

(7) Adds the abbreviation 'FAR' to the definition of 'Floor Area Ratio.'

(8) Revises the 'Group Residential Facility' definition to include up to eight aged, infirm or disabled persons as licensed by the Virginia Department of Social Services in accordance with the State Code.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:
The proposed amendment enhances existing regulations by providing clarification, resolving inconsistencies and updating the Zoning Ordinance for conformity with the Code of Virginia. The editorial and clarifying revisions do not alter any provisions from that intended by the Board in adoption of the original amendment.

FISCAL IMPACT:
The proposed amendment will not require any additional review by staff or cost to the public and, as such, there will be no fiscal impact to applicants or staff.

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – Staff Report – Available online at
http://www.fairfaxcounty.gov/dpz/zoningordinance/proposed/

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred Selden, Acting Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Douglas W. Hansen, Senior Assistant to the Zoning Administrator, DPZ

ATTACHMENT 1

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on November 16, 2010, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, legislative action by the 2010 General Assembly requires the revision of a Zoning Ordinance provision, and

WHEREAS, a few inconsistencies have resulted from the adoption of previous Zoning Ordinance amendments, and

WHEREAS, it is desirable to clarify the original intent and meaning of certain Zoning Ordinance provisions, and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapter 112 (Zoning Ordinance) of the County Code.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

_____

Nancy Vehrs
Clerk to the Board of Supervisors

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Board Agenda Item
November 16, 2010

ADMINISTRATIVE - 6

Supplemental Appropriation Resolution AS 11077 for the Health Department to Accept a Department of Health and Human Services Subgrant Award Through the Virginia Department of Health for Public Health Emergency Response

ISSUE:
Board approval of Supplemental Appropriation Resolution AS 11077 in the amount of $372,557 for the Health Department to accept a Department of Health and Human Services (HHS) time-limited subgrant award from the Centers for Disease Control and Prevention (CDC) through the Virginia Department of Health (VDH). These funds are made available through a Public Health Emergency Response (PHER) grant to support the Health Department's pandemic influenza planning, vaccination and communication capabilities to ensure that the existing plan will enhance access to influenza vaccine in the case of a future pandemic or other relevant emergency. The grant period is July 1, 2009 to July 30, 2011. No Local Cash Match is required.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 11077 for the Health Department to accept a HHS FY 2010 sub grant award through VDH for Public Health Emergency Response in the amount of $372,557. These funds will be used to support the agency's pandemic influenza planning, vaccination and communication campaigns.

TIMING:
Board approval is requested on November 16, 2010.

BACKGROUND:
The VDH Office of Emergency Preparedness reviewed the H1N1 After Action Reports submitted by all 35 local health districts throughout Virginia and determined that pandemic influenza planning needed improvement in the areas of vaccination and locally specific communication, especially to minority and vulnerable populations.

The Health Department will receive a total of $372,557 from HHS through VDH to be used to assure that school age children (K-12) and young adults (18-24 years of age) have access to vaccines during public health emergencies and to significantly increase participation in the Virginia Immunization Information System (VIIS). The additional

resources are also to be used to develop and test the local mass influenza vaccination plan for Fairfax. This grant will provide limited term funding in support of the program. The agency is also awaiting the approval from VDH and CDC for a second round of funding which will be brought to the Board of Supervisors at a later date.

FISCAL IMPACT:
Grant funding in the amount of $372,557 is available from HHS through VDH to enhance these capabilities through a number of initiatives. These funds will be used to support the agency's pandemic influenza vaccination planning and communication efforts. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2011. No Local Cash Match is required. This grant does not allow the recovery of indirect costs.

CREATION OF POSITIONS:
No positions will be created by this grant.

ENCLOSED DOCUMENTS:
Attachment 1 – Letter from the Virginia Department of Health Appropriating PHER Grant Funding to Fairfax County Health Department
Attachment 2 – Supplemental Appropriation Resolution AS 11077

STAFF:
Patricia Harrison, Deputy County Executive
Gloria Addo-Ayensu, MD, MPH, Director of Health, Health Department
Rosalyn Foroobar, Deputy Director of Health Services
Marc Barbiere, MPH, Public Health Emergency Management Coordinator
Scott Patchan, Fiscal Administrator for the Health Department

Michelle

Attachment 1

Subject: FW: PHER allocations and spending plans - Time limited request
Importance: High

Please review the request below regarding extension of PHER grant and due date for submission of spending plan and budget worksheet, Nov. 3, 2010..

From: Template List [mailto:CHSBUS@LISTSERV.COV.VIRGINIA.GOV] **On Behalf Of** Levine, Marissa (VDH)
Sent: Wednesday, October 20, 2010 8:26 AM
To: CHSBUS@LISTSERV.COV.VIRGINIA.GOV
Subject: PHER allocations and spending plans - Time limited request
Importance: High

A message from Jeff and Marissa concerning the PHER extension:

Purpose
This communication is being sent to outline the actions needed related to the extension of the Public Health Emergency Response (PHER) grant. All districts will receive additional PHER funds which must be expended by July 30, 2011.

Background
Based upon the H1N1 After Action items submitted to VDH Office of Emergency Preparedness, all 35 local health districts identified improvements necessary as a result of their review of H1N1 activities. Although improvements were identified in all response pillars, the major areas in which pan flu planning improvements are necessary include:

- Vaccination
- Communication (locally specific)

VDH has submitted a proposal to the CDC to request PHER continuation funding. This proposal included significant support for local health districts to continue their pan flu planning. The VDH proposal, which included input from representative district directors, is focused on 1) assuring that school-age (K-12) children and young adults (18-24 years of age) have access to vaccine during public health emergencies and 2) significantly increasing participation in the Virginia Immunization Information System (VIIS).

If approved (we expect CDC notification by mid November), the proposed plan will provide all districts with funding to support the procurement of a dedicated resource to ensure that their pan flu improvement planning efforts are concluded by the end of the grant extension period (July 2011). The additional resource is expected to work to develop and/or build on relationships with public schools and strengthen relationships between health districts and private and home school populations to ensure plans that enhance access to influenza vaccine in the case of a future influenza pandemic or other relevant emergency. You may also use this funding to test these plans using the seasonal flu vaccine, although the PHER extension is not intended to support a district's entire seasonal flu campaign.

Action Needed:
In order to receive this funding the following actions are needed:

Attachment 1

Districts must submit a ***Spending Plan*** and ***Base Budget Worksheet**** that describes at least one activity consistent with the grant proposal focus noted above. An attached funding chart shows how much base funding will be allocated to your district to support this activity. The chart reflects that each district will receive $100,000 plus a share of $2,000,000 proportionally divided among the districts based upon 2009 census population estimates.

All districts receiving base funding would be accountable for the following deliverables by the end of the grant period:

- Written plan for assuring vaccination of all school aged children in the district regardless of school site (public, private, home schooled)
    - Plan should be participatory and collaborative with evidence of input from key stakeholders
    - Plan must include concrete strategies to significantly increase VIIS enrollment in your district.
    - ***If the above is already met, the deliverable would instead include a written plan for assuring vaccination of all 18-24 year olds***
        - Should include college and non college based individuals
- Written communication plan for messaging to the African-American and/or vulnerable populations using evidence based approaches.
    - Can be specific to one key subgroup
- Must incorporate a component to test and evaluate the plan. The test and evaluation must be completed within the funding period.

Optional Actions:
An additional supplemental allocation is available for those districts that choose to pursue special improvement projects related to pan flu planning either within a district or as part of a regional effort. Special improvement projects must be related to known H1N1 lessons learned or to a district's H1N1 improvement plan. The total pool available for this component is approximately $3.4 million. If you'd like to be considered for supplemental funding, please copy the spending plan template as necessary to describe the additional activities you expect to complete and complete a separate Supplemental Budget Worksheet* listing proposed budget items for these additional activities.

Summary:
In order for a district to receive PHER extension funding:

- Submit a Spending Plan (using the PHER extension funding template) and Budget spreadsheet ***by COB on November 3rd*** to Kim Allan (Kim.Allan@vdh.virginia.gov) and Dick Niedermayer (Richard.Niedermayer@vdh.virginia.gov)
- For supplemental funding: special improvement project activities and corresponding budget information must be submitted on a separate spending plan template with its own budget spreadsheet
- Requests for supplemental funding is not required of all districts
- All projects will be reviewed by a preselected group
- VDH leadership will define the upper limit of any individual award prior to guidance release
- Approval would result in grant allocation
- Specific deliverables are dependent on program components and gap(s) addressed
- Funds must be expended by the end of the grant extension period (July 2011).

Attachment 1

**please use the budget worksheet file names as provided and add only your district cost code number to the beginning of the file name for each budget worksheet submitted.*

Thank you for your efforts to effectively use these additional funds.

Marissa and Jeff

M.J. Levine, MD MPH
Deputy Commissioner for Public Health and Preparedness
Virginia Department of Health
804-864-7026

District	County/City	July 1, 2009	District Pop	% Total Pop	% of $2M	$1M Base + % of $2M
Crater	Sussex County	12,116				
Crater	Colonial Heights city	17,823				
Crater	Emporia city	5,635				
Crater	Hopewell city	23,123				
Crater	Petersburg city	32,986	174,274	2%	44,217	$ 144,217.00
Cumberland Plateau	Buchanan County	22,860				
Cumberland Plateau	Dickenson County	16,087				
Cumberland Plateau	Russell County	29,250				
Cumberland Plateau	Tazewell County	44,907	113,104	1%	28,697	$ 128,697.00
Eastern Shore	Accomack County	38,462				
Eastern Shore	Northampton County	13,492	51,954	1%	13,182	$ 113,182.00
Fairfax	Fairfax County	1,037,605				
Fairfax	Fairfax city	24,665				
Fairfax	Falls Church city	11,957	1,074,227	14%	272,557	$ 372,557.00
Hampton	Hampton city	144,236	144,236	2%	36,596	$ 136,596.00
Henrico	Henrico County	296,415	296,415	4%	75,208	$ 175,208.00
Lenowisco	Lee County	25,166				
Lenowisco	Scott County	22,585				
Lenowisco	Wise County	41,773				
Lenowisco	Norton city	3,713	93,237	1%	23,656	$ 123,656.00
Lord Fairfax	Clarke County	14,588				
Lord Fairfax	Frederick County	74,972				
Lord Fairfax	Page County	24,070				
Lord Fairfax	Shenandoah County	41,036				
Lord Fairfax	Warren County	36,713				
Lord Fairfax	Winchester city	26,322	217,701	3%	55,236	$ 155,236.00
Loudoun	Loudoun County	301,171	301,171	4%	76,414	$ 176,414.00
Mount Rogers	Bland County	6,791				
Mount Rogers	Carroll County	29,034				
Mount Rogers	Grayson County	15,793				
Mount Rogers	Smyth County	31,738				
Mount Rogers	Washington County	53,018				
Mount Rogers	Bristol city	17,690				
Mount Rogers	Galax city	6,880				
Mount Rogers	Wythe County	28,868	189,812	2%	48,160	$ 148,160.00

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 11077

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on November 16, 2010, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2011, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Agency:	71, Health Department	$372,557
Fund:	102, Federal/State Grant Fund	
Grant:	71025G, Public Health Emergency Preparedness and Response for Bioterrorism	

Reduce Appropriation to:

Agency:	87, Unclassified Administrative Expenses	$372,557
Fund:	102, Federal/State Grant Fund	
Grant:	87107G, Unclassified Administrative Expenses	

Source of Funds: Department of Health and Human Services, $372,557

A Copy - Teste:

_____

Nancy Vehrs
Clerk to the Board of Supervisors

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Board Agenda Item
November 16, 2010

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 2310 Colts Neck Road to T-Mobile Northeast LLC (Hunter Mill District)

ISSUE:
Authorization to advertise a public hearing to lease County-Owned property to T-Mobile for the installation of telecommunications equipment for public use at the Reston Community Center.

RECOMMENDATION:
The County Executive recommends that the Board authorize staff to publish the advertisement of a public hearing to be held on December 7, 2010, at 4:00 p.m.

TIMING:
Board action is requested on November 16, 2010, to provide sufficient time to advertise a proposed public hearing to be held on December 7, 2010, at 4:00 p.m.

BACKGROUND:
The Board of Supervisors is the owner of a facility located at 2310 Colts Neck Road and identified as Tax Map Number 0261 07 0003D. T-Mobile proposes to lease a portion of the roof of the building for the installation and operation of a wireless telecommunications facility, including approximately 200 square feet of space for equipment cabinets.

T-Mobile plans to install equipment cabinets in a 200 square foot area on the ground and 9 panel antennas mounted inside the cabinet enclosure on the roof of the Reston Community Center. T-Mobile will install a brick screen wall to obscure their visibility from surrounding properties.

On December 10, 2009, the Planning Commission voted unanimously that the telecommunications facility located at the Reston Community Center, 2310 Colts Neck Road, is in substantial conformance with the recommendations of the Comprehensive Plan and should be considered a “feature shown,” pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

Staff recommends that the Board authorize the County to advertise a public hearing to

lease county property to T-Mobile, which will permit the installation of telecommunications equipment and panel antennas at 2310 Colts Neck Road.

FISCAL IMPACT:
The proposed roof top lease will generate approximately $24,000 in revenue the first year with a three percent (3%) increase each subsequent year. All revenue will be deposited in the Reston Community Center account 141101-0571.

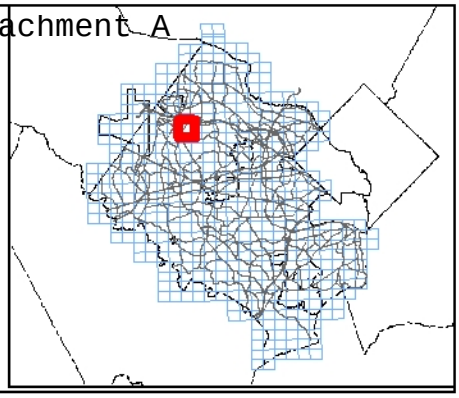
ENCLOSED DOCUMENTS:
Attachment A – Location Map, Tax Map 26-1

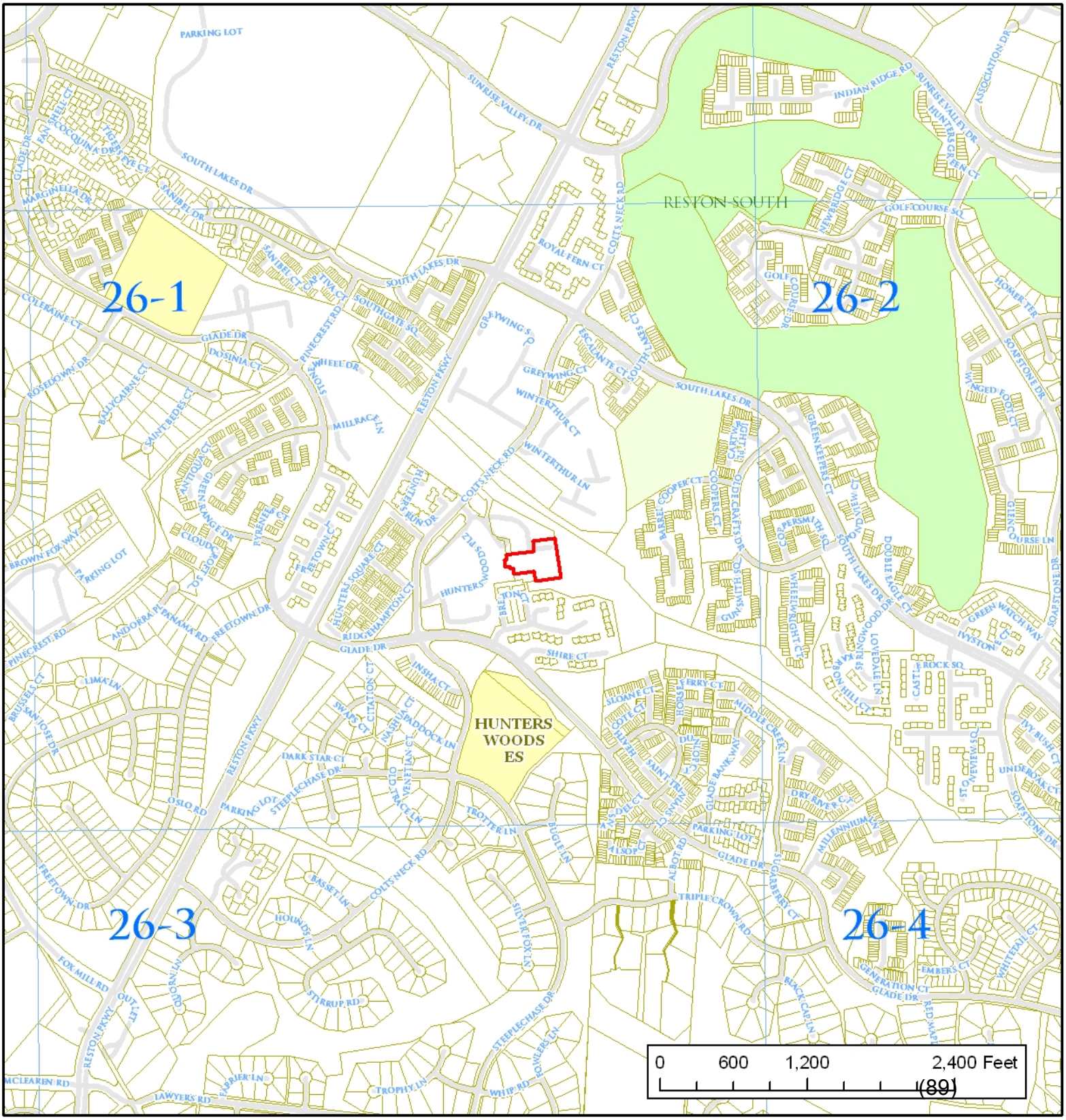
STAFF:
Edward L. Long, Jr., Deputy County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department

Attachment A

Reston Community Center
2310 Colts Neck Road
Reston, VA 20191

0261 07 0003D





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Board Agenda Item
November 16, 2010

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Convey County-Owned Property to Sully East L.C. and Sully East-Cassel, L.C. (Sully District)

ISSUE:
Authorization to advertise a public hearing to convey County-Owned property to Sully East L.C. and Sully East-Cassel, L.C.

RECOMMENDATION:
The County Executive recommends that the Board authorize staff to publish the advertisement of a public hearing to be held on December 7, 2010, at 4:30 p.m.

TIMING:
Board action is requested for November 16, 2010, to provide sufficient time to advertise the proposed public hearing to be held on December 7, 2010, at 4:30 p.m.

BACKGROUND:
Sully East L.C. and Sully East-Cassel, L.C., would like to acquire four portions of the abandoned Barnesfield Road that had been dedicated to the Board of Supervisors at no cost for the Centreville Road project. These parcels are located at the westerly line of Centerville Road near Franklin Farm Road and contain a total of approximately 11,074 square feet.

On January 22, 2007, the Board of Supervisors approved Rezoning Application RZ-2003-SU-035. As part of that rezoning, the majority of Barnesfield Road was proffered to be abandoned/vacated and incorporated into the future development of the site.

Thereafter, the Board of Supervisors approved an Order of Abandonment of the subject parcels on June 8, 2010. Changes to the rezoning were approved by the Board on July 27, 2010, in Rezoning Application RZ-2009-SU-024. To complete the process as proffered, Sully East L.C. is now requesting to acquire parcels 34-2-01-0010D and Sully East-Cassel, L.C., is requesting to acquire parcels 34-2-01-0007B, 7C, and 8A. The County will be compensated $1,100 for the conveyance, which is the current assessed value of these four parcels.

Board Agenda Item
November 16, 2010

FISCAL IMPACT:
The compensation from the conveyance will be deposited in the General Fund.

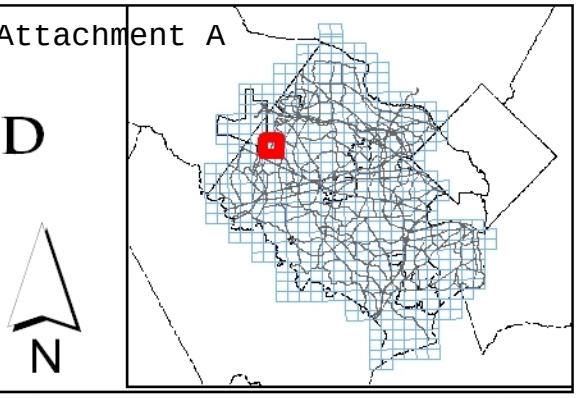
ENCLOSED DOCUMENTS:
Attachment A: Location Map 34-2

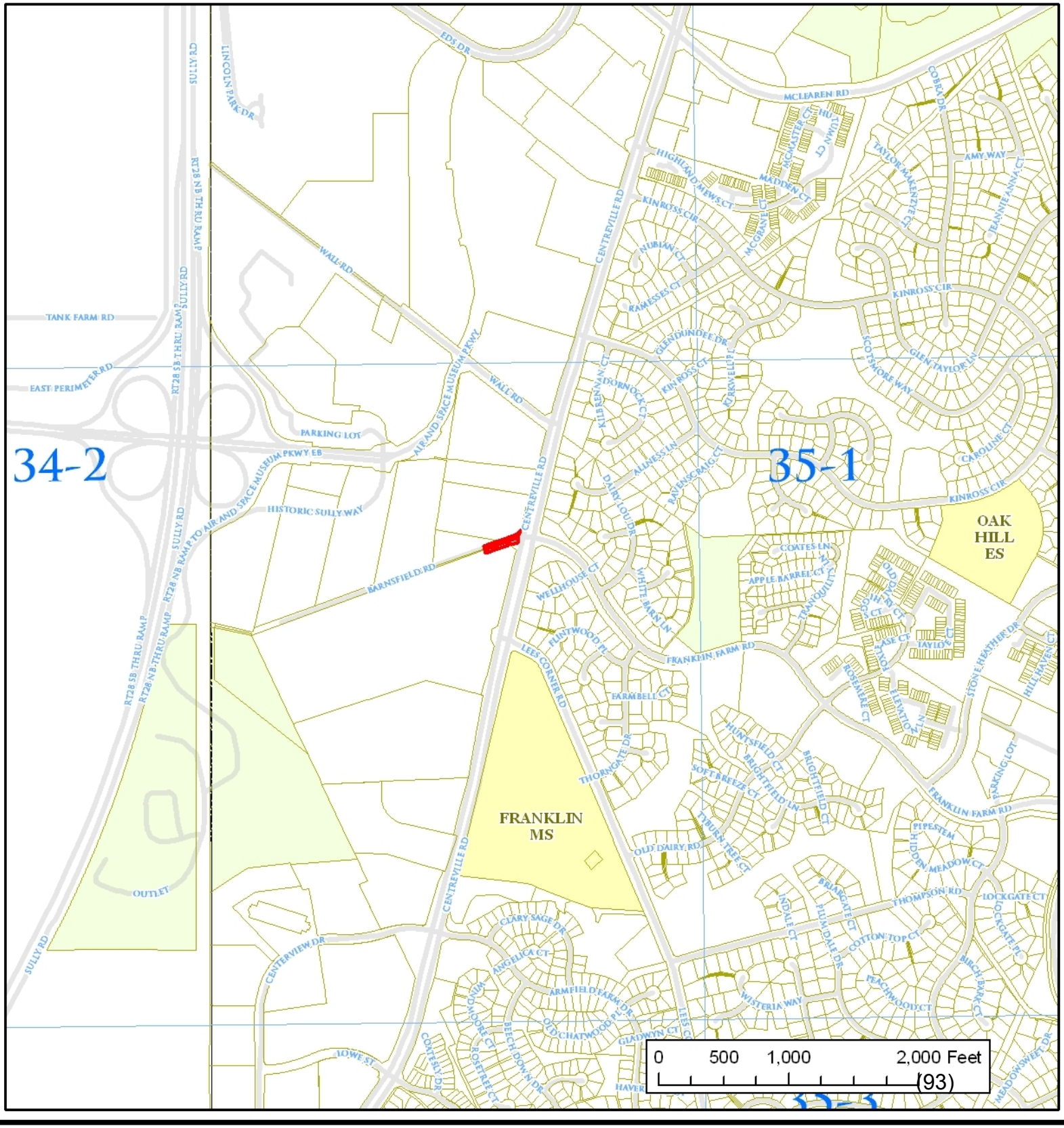
STAFF:
Edward L. Long, Deputy County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department

Attachment A

Lease County-Owned Property to Sully East LC and Sully-Cassel LC

0342 01 0007B, 7C, 8A, 10D





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Board Agenda Item
November 16, 2010

ADMINISTRATIVE – 9

Proposed Street Name Change from Beall Drive to Adeline Court (Dranesville District)

ISSUE:
Board of Supervisors approval of a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository for Beall Drive on Tax Map #031-3.

RECOMMENDATION:
The County Executive recommends that the Board approve the street name change to Adeline Court effective 30 days following Board approval, in accordance with Section 102-1-9 of *The Code of the County of Fairfax, Virginia.*

TIMING:
Routine.

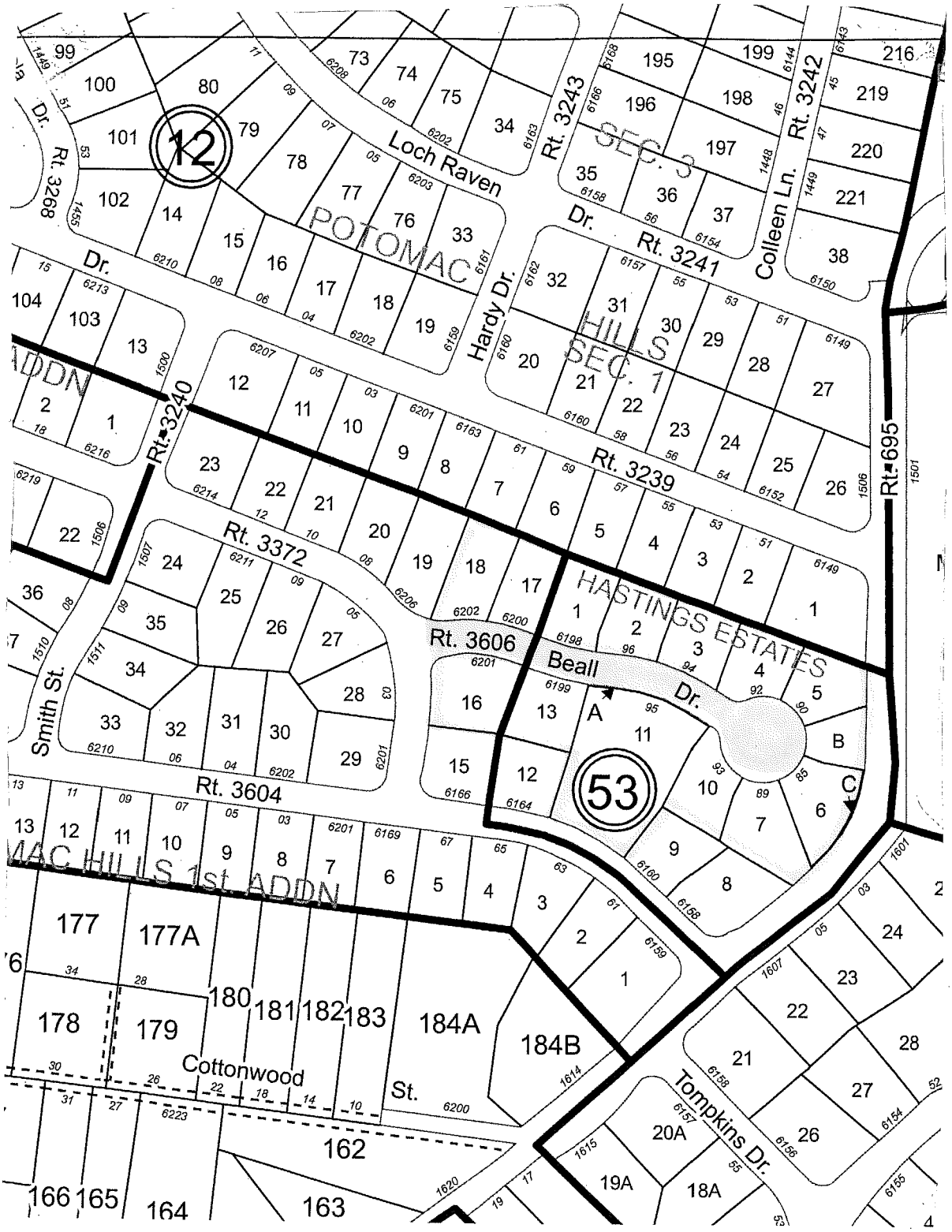
BACKGROUND:
The Site Permits and Addressing Center has received a request from the property owners to change the street name from Beall Drive to Adeline Court. Department of Public Works and Environmental Services policy requires that the owners representing more than 51 percent of the properties addressed on the subject street concur in a request to change the street name. All thirteen property owners have indicated their agreement with the request to change the street name to Adeline Court. This request is in conformance with all county codes and policies. Staff recommends approval of the proposed name change to Adeline Court.

FISCAL IMPACT:
None. The costs will be incurred by Hastings Estates L.C.

ENCLOSED DOCUMENTS:
Attachment I – Vicinity Map

STAFF:
Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Michelle Brickner, Acting Director, Land Development Services, DPWES

Attachment I



PROPERTY MAP

Vicinity Map

031-3

Board Agenda Item
November 16, 2010

ADMINISTRATIVE – 10

Streets into the Secondary System (Hunter Mill, Mason, Mount Vernon, and Providence Districts)

ISSUE:
Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:
The County Executive recommends that the street(s) listed below be added to the State Secondary System.

Subdivision	**District**	**Street**
Francis Young Estates	Hunter Mill	Francis Young Lane
		Mamie Dyer Lane
		Beulah Street – Route 675 (Additional Right-of-Way (ROW) Only)
Capital Baptist Church	Mason	Gallows Road – Route 650 (Additional ROW Only)
Gunston Corner Parcel C (Best Western Hotel)	Mt. Vernon	Silverbrook Road – Route 600 (Additional ROW Only)
		Plaskett Lane – Route 7644 (Additional ROW Only)
Merrifield Metro Center Parcels 1 & 2	Providence	Gallows Road – Route 650 (Additional ROW Only)

TIMING:
Routine.

Board Agenda Item
November 16, 2010

BACKGROUND:
Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Michelle Brickner, Acting Director, Land Development Services, DPWES

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 24701-SD-002

SUBDIVISION PLAT NAME: Francis Young Estates

COUNTY MAGISTERIAL DISTRICT: Hunter Mill

ENGINEERING MANAGER: D.A. Purvis

BY: Nellie Byphonal

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 09/17/2010

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Francis Young Lane	CL Beulah Road, Route 675-281' S. CL Liberty Tree Lane, Route 6485	565' W. to end of cul-de-sac	0.11
Mamie Dyer Lane	CL Francis Young Lane-274' W. CL Beulah Road, Route 675	223' S. to end of cu-de-sac	0.04
Beulah Road, Route 675 (Additional ROW Only)	CL Beulah Road, Route 675-145' S. CL Liberty Tree Lane, Route 6480	444' to end of section	0.00
		TOTALS:	0.15

NOTES:

1) 1051' of 5' sidewalk on both sides of Francis Young Lane to be maintained by VDOT.
2) +/- 400' of 5' sidewalk on both sides of Mamie Dyer Lane to be maintained by VDOT.
3) +/- 700' of 6' asphalt trail on S. side of Beulah Road to be maintained by Fairfax County.

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA **Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.**	VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM. **PLAN NUMBER:** 2565-SP-03 **SUBDIVISION PLAT NAME:** Capital Baptist Church **COUNTY MAGISTERIAL DISTRICT:** Mason District
ENGINEERING MANAGER: D.A. Purvis **BY:** Nidia Alphonse	**FOR OFFICIAL USE ONLY** **DATE OF VDOT INSPECTION APPROVAL:** 09\10\2010

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Gallows Road (Route 650) (Additional Right-of-Way Only)	129' SE CL Executive Avenue (Route 2279)	254' SE to Section Line	0.0
		TOTALS:	0.0

NOTES:

110' of 4' Concrete Sidewalk on South Side to be maintained by VDOT.

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 7713-SP-09-2

SUBDIVISION PLAT NAME: Gunston Corner Parcel C (Best Western Hotel)

COUNTY MAGISTERIAL DISTRICT: Mount Vernon District

ENGINEERING MANAGER: D.A. Purvis

BY: Nelia Raphael

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 09/08/2010

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Silverbrook Road (Rte 600) Additional ROW Only	136' NW CL Lorton Road (Rte. 642)	301'NW to section line	0
Plaskett Lane (Rte 7644) Additional ROW Only	546' S CL Fleenor Lane (Rte. 791)	45' S to section line	0
		TOTALS:	0

NOTES:

286' of 8' asphalt trail to the east side to be maintained by Fairfax County.

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 1427-SP-01

SUBDIVISION PLAT NAME: Merrifield Metro Center Parcels 1 & 2

COUNTY MAGISTERIAL DISTRICT: Providence

ENGINEERING MANAGER: D.A. Purvis

BY: Nadia Alphonsy

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 09/09/2010

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Gallows Road (Route 650) (Additional Right-of-Way Only)	54' S CL Prosperity Avenue (Route 6066)	331' S to Section Line	0.0
		TOTALS:	0.0

NOTES:

Board Agenda Item
November 16, 2010

ADMINISTRATIVE - 11

Installation of "No Parking" Signs on Oriole Avenue (Lee District)

ISSUE:
Board approval for the County installation of "No Parking" signs on both sides of Oriole Avenue from Backlick Road to the eastern boundary of 7002 Oriole Avenue and the eastern boundary of 7003 Oriole Avenue.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution (Attachment I) restricting parking on a portion of the above-referenced street. The County Executive further recommends that staff be directed to install these signs at the earliest possible date.

TIMING:
Routine.

BACKGROUND:
The Lee District Supervisor's Office has requested that "No Parking" signs be placed on both sides of the Oriole Avenue from Backlick Road to the eastern boundary of 7002 Oriole Avenue and the eastern boundary of 7003 Oriole Avenue. Staff has reviewed the area and has determined that the large commercial vehicles that are parked on this portion of the street are hazardous to the safe flow of vehicles and cyclists.

Section 82-5-37 of *The Code of the County of Fairfax, Virginia*, provides that the Board of Supervisors may designate, by resolution, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that any of the following conditions exist:

1. That parking along any secondary road is damaging property/and or landscaping within the right-of-way limits; or

2. That parking along local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or

3. That parking along any secondary road creates a safety hazard for pedestrians,

cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or

4. That statutory parking violations pursuant to Fairfax County Code section 82-5-1 occur with frequency in a particular location and compliance with section 82-5-1 will be facilitated by the installation of “No Parking” signs; or

5. That, in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for non-residential use on which parking is restricted on the residential side of the street pursuant to Fairfax County Code section 82-5-7, the prohibition of parking of commercial vehicles, as defined by section 82-5-7, on the side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety and general welfare of the abutting residential community.

In accordance with subsection (3) referenced above, staff believes that parking along both sides of Oriole Avenue from Backlick Road to the eastern boundary of 7002 Oriole Avenue and the eastern boundary of 7003 Oriole Avenue, should be prohibited everyday, 24 hours a day.

FISCAL IMPACT:
The cost of installing the signs is estimated at $600 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Restricted Parking Resolution

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Section Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, November 16, 2010, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 82-5-37 of *The Code of the County of Fairfax, Virginia*, authorizes the Board of Supervisors to designate restricted parking areas on any portion of the secondary road system under certain conditions, and

WHEREAS, Section 82-5-37 of *The Code of the County of Fairfax, Virginia*, specifies the conditions under which parking restrictions are warranted, and

WHEREAS, parking along both sides of Oriole Avenue from Backlick Road to the eastern boundary of 7002 Oriole Avenue and the eastern boundary of 7003 Oriole Avenue is creating a safety hazard for cyclists and motorists traveling along that road, and has been found to meet the conditions of Section 82-5-37(3) of *The Code of the County of Fairfax, Virginia*, for the reasons set forth herein;

NOW, THEREFORE IT IS HEREBY RESOLVED that upon approval by the State Highway Commissioner, the Board directs the County Executive to place appropriate "No Parking" signs along both sides of Oriole Avenue from Backlick Road to the eastern boundary of 7002 Oriole Avenue and the eastern boundary of 7003 Oriole Avenue to prohibit parking on this portion of road everyday, 24 hours a day.

A Copy Teste:

_____

Nancy Vehrs
Clerk to the Board of Supervisors

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Board Agenda Item
November 16, 2010

ACTION – 1

Adoption of a Resolution Approving the Issuance by the Fairfax County Economic Development Authority of its Revenue Bonds for the Benefit of BSI, Inc. (Browne Academy)

ISSUE:
Board adoption of a resolution for the Fairfax County Economic Development Authority to issue revenue bonds up to $8,300,000 for the benefit of BSI, Inc. (Browne Academy).

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution.

TIMING:
Board action is requested on November 16, 2010

BACKGROUND:
The Fairfax County Economic Development Authority ("Authority") has received a request from BSI, Inc. that the Authority issue up to $8,300,000 of its revenue bonds to assist in the financing of one or more of the following projects, located or to be located at the Applicant's main campus at 5917 Telegraph Road in the County of Fairfax, Virginia: (1) the refunding of debt incurred or reimbursement of expenditures made in connection with the acquisition of land, and the acquisition, construction, equipping and renovation of certain existing facilities of the Applicant; (2) the acquisition, construction and equipping of new facilities for the Applicant, including an Early Childhood Center and certain other capital expenditures of the Applicant; and (3) the funding of certain reserve funds, capitalized interest account and costs of issuance as may be necessary to the proposed issuance of the bonds (collectively, the "Project").

FISCAL IMPACT:
None to the County.

Board Agenda Item
November 16, 2010

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution of the Board of Supervisors
Attachment 2 – Certificate of Public Hearing with supporting documents
Attachment 3 – Fiscal Impact Statement

STAFF:
Anthony H. Griffin, County Executive
Gerald L. Gordon, Director, Fairfax County Economic Development Authority

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF FAIRFAX, VIRGINIA

WHEREAS, the Fairfax County Economic Development Authority (the "Authority"), has considered the application of BSI, Inc., a Virginia nonstock, nonprofit corporation and an organization which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), trading as Browne Academy (the "Borrower"), requesting the Authority to issue up to $8,300,000 of its revenue bonds (the "Bonds") at one time or from time to time to assist in the financing of one or more of the following projects, located or to be located at the Borrower's main campus at 5917 Telegraph Road in the County of Fairfax, Virginia: (1) the refunding of debt incurred or reimbursement of expenditures made in connection with the acquisition of land, and the acquisition, construction, equipping and renovation of certain existing facilities of the Borrower; (2) the acquisition, construction and equipping of new facilities for the Borrower, including an Early Childhood Center and certain other capital expenditures of the Applicant; and (3) the funding of certain reserve funds, capitalized interest accounts and costs of issuance as may be necessary to the proposed issuance of the bonds (collectively, the "Project");

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds;

WHEREAS, the Authority issues its bonds on behalf of the County of Fairfax, Virginia (the "County"), the Project concerns certain improvements located and to be located in the County and the Board of Supervisors of the County (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the Project and the issuance of the Bonds;

WHEREAS, a copy of the Authority's resolution approving the Project and the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing held by the Authority in connection therewith and a Fiscal Impact Statement have been filed with the Board; and

WHEREAS, the issuance of the Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA:

1. The Board approves the Project and the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

2. The approval of the Project and the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower. The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such Bonds. The Authority shall not be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor.

3. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Fairfax, Virginia this ____ day of November, 2010.

_____

Clerk, Board of Supervisors of the County of Fairfax, Virginia

[SEAL]

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies as follows:

1. A meeting of the Authority was duly called and held on October 19, 2010, at 6:00 o'clock p.m. at 8300 Boone Boulevard, Suite 450 in Vienna, Virginia, pursuant to proper notice given to each Commissioner of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of BSI, Inc., a Virginia nonstock, nonprofit corporation, trading as Browne Academy, and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the County of Fairfax, Virginia (the "Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the original hearing date. A certified copy of the Notice has been filed with the minutes of the Authority and is attached as Exhibit A.

3. A summary of the statements made at the public hearing is attached as Exhibit B.

4. Attached as Exhibit C is a true, correct and complete copy of a resolution (the "Resolution") adopted at such meeting of the Authority by a majority of the Commissioners present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 19th day of October, 2010.

Secretary, Fairfax County Economic Development Authority

FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY VIRGINIA

[SEAL]

Exhibits:
A - Copy of Certified Notice
B - Summary of Statements
C - Resolution

The Examiner.
WASHINGTON

PROOF OF PUBLICATION

I, Alicia Willis, of The Washington Examiner, (Virginia Edition) a newspaper in the area of Virginia, published in the English language and located in the Virginia area, and entered in a newspaper of record according to the Laws and Regulations of the United States of America for 52 successive weeks or more prior to the issue of October 12, 2010 certify that the notice of:

BSI, Inc.
For McGuire Woods LLP
Attached hereto has been published on October 5, 12, 2010.

Alicia Willis

12 day of October 2010

ELLA JANE WASHINGTON
COMMONWEALTH OF VIRGINIA
Expires 02-28-14
ID# 7312341
NOTARY PUBLIC

Advertisement #: 700423
End Date: October 12, 2010
Run Dates: October 5, 12, 2010
BSI, Inc.
McGuire Woods LLP

Official Court Document
Retain For Your Records
DO NOT DISCARD

NOTICE OF PUBLIC HEARING ON PROPOSED
REVENUE BOND PLAN OF FINANCING BY
FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Notice is hereby given that the Fairfax County Economic Development Authority (the "Authority") will hold a public hearing on the application of BSI, Inc. (the "Applicant"), a Virginia nonstock, nonprofit corporation and an organization which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, trading as Brownie Academy, whose address and principal place of business is 5917 Telegraph Road, Alexandria, Virginia 22310. The Applicant has requested the Authority to issue up to $8,300,000 of its revenue bonds at one time or from time to time to assist in the financing of one or more of the following projects, located or to be located at the Applicant's main campus at 5917 Telegraph Road in the County of Fairfax, Virginia: (1) the refunding of debt incurred or reimbursement of expenditures made in connection with the acquisition of land, and the acquisition, construction, equipping and renovation of certain existing facilities of the Applicant; (2) the acquisition, construction and equipping of new facilities for the Applicant, including an Early Childhood Center and certain other capital expenditures of the Applicant; and (3) the funding of certain reserve funds, capitalized interest accounts and costs of issuance as may be necessary to the [illegible] (collectively, the "Project").

1015 15th Street NW, Suite 500, Washington, DC 20005 • 6850 Versar Center 3rd floor, Springfield, VA 22151
202.459.4923 phone • 202.903.2018 fax

EXHIBIT B TO CERTIFICATE

Summary of Statements

Representatives of BSI, Inc., trading as Browne Academy, appeared before the Authority to explain the proposed project. No one appeared in opposition to the proposed bond issue.

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on October 19, 2010, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, this 19th day of October, 2010.

Secretary of the Fairfax County Economic Development Authority

SEAL
FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY
VIRGINIA

October 19, 2010

Board of Supervisors
County of Fairfax, Virginia
12000 Government Center Parkway
Suite 552
Fairfax, Virginia 22035

Fairfax County Economic Development Authority
Proposed Financing for Browne Academy

BSI, Inc., a Virginia nonstock, nonprofit corporation and an organization which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), trading as Browne Academy (the "Applicant"), has requested the Fairfax County Economic Development Authority (the "Authority") to issue up to $8,300,000 of its revenue bonds at one time or from time to time to assist in the financing of one or more of the following projects, located or to be located at the Applicant's main campus at 5917 Telegraph Road in the County of Fairfax, Virginia: (1) the refunding of debt incurred or reimbursement of expenditures made in connection with the acquisition of land, and the acquisition, construction, equipping and renovation of certain existing facilities of the Applicant; (2) the acquisition, construction and equipping of new facilities for the Applicant, including an Early Childhood Center and certain other capital expenditures of the Applicant; and (3) the funding of certain reserve funds, capitalized interest accounts and costs of issuance as may be necessary to the proposed issuance of the bonds (collectively, the "Project").

As set forth in the resolution of the Authority attached hereto (the "Resolution"), the Authority has agreed to issue its revenue bonds as requested. The Authority has conducted a public hearing on the Project and has recommended that you approve the Project and the issuance of such revenue bonds as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code").

Attached hereto is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Authority, (2) the Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907, and (3) the form of resolution suggested by counsel to evidence your approval.

Secretary, Fairfax County Economic Development Authority

FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING

Date: October 19, 2010

To the Board of Supervisors
of the County of Fairfax, Virginia

Applicant: BSI, Inc., trading as Browne Academy
Facility: Browne Academy Campus

1.	Maximum amount of financing sought.	$ 8,300,000
2.	Estimated taxable value of the facility's real property to be constructed in the locality.	$ N/A
3.	Estimated real property tax per year using present tax rates.	$ N/A
4.	Estimated personal property tax per year using present tax rates.	$ N/A
5.	Estimated merchants' capital tax per year using present tax rates.	$ N/A
6.	(a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.	$ 350,000
	(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.	$ 170,000
	(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.	$ 1,370,000
	(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.	$ 230,000
7.	Estimated number of regular employees on year round basis.	60
8.	Average annual salary per employee.	$ 55,915

Authority Chairman Steven L. Davis
Vice Chairman

Name of Authority Fairfax County Economic Development Authority

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Board Agenda Item
November 16, 2010

ACTION – 2

Approval of State Litter Prevention and Recycling Grant Funding Transfer to Clean Fairfax Council, Incorporated

ISSUE:
Board approval of the transfer of the State Litter Prevention and Recycling Grant Funding to Clean Fairfax Council, Incorporated. The total grant amount from FY2010 is $115,003.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve the transfer of $115,003 to Clean Fairfax Council, Incorporated.

TIMING:
Approval of the transfer is requested to allow Clean Fairfax Council, Incorporated to utilize the grant funding.

BACKGROUND:
Annually, Fairfax County applies for a State grant from the Virginia Department of Environmental Quality from the Litter Prevention and Recycling Grant Program. This grant was awarded to the County in October 2010 in the amount of $115,003 and funds were received in the Solid Waste Program's budget, specifically Fund 109 Refuse Collection and Recycling.

For the Board's information, last year's grant amount was $99,861. The grant varies, as it is based upon State sales tax revenue, and is distributed to localities based on a formula.

Clean Fairfax Council, Incorporated will need to comply with the provisions of the grant, including reporting back to the County pursuant to State requirements and pursuant to the Memorandum of Understanding between the County and Clean Fairfax Council, Incorporated.

FISCAL IMPACT:
None. The grant is from the State.

Board Agenda Item
November 16, 2010

ENCLOSED DOCUMENTS:
Attachment 1: Grant Award Letter

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Jeffrey M. Smithberger, Director, Division of Solid Waste Collection and Recycling (DSWCR)

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
TDD (804) 698-4021
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

October 18, 2010

Mr. Anthony H. Griffin
Executive Officer
County of Fairfax
12000 Gov. Center Parkway
Suite 552
Fairfax, Virginia 22035

Dear Mr. Griffin:

I am pleased to inform you that a grant award of **$115,003** has been approved for the **County of Fairfax and the Town of Clifton** Litter Prevention and Recycling Program activities for the period July 1, 2010 to June 30, 2011. *{DEQ's calculation of your grant award was based on the following distribution:* **(Fairfax County: $114,003; Town of Clifton: $1,000)***}* A payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Sheila Barnett at sheila.barnett@deq.virginia.gov or (804) 698-4055.

Sincerely,

Ann M Regn

Ann M. Regn, Director
Virginia Office of Environmental Education

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Board Agenda Item
November 16, 2010

ACTION – 3

Approval of Bond Underwriters for Dulles Rail Phase I Transportation Improvement District Financing

ISSUE:
Board approval of Bond Underwriters for Dulles Rail Phase I Transportation Improvement District Financing.

RECOMMENDATION:
The County Executive recommends that the Board approve J.P. Morgan Securities LLC and Citigroup Global Markets Inc. to serve as senior managing underwriters on the fixed-rate Dulles Rail Phase I Transportation Improvement District Bonds Series 2011.

TIMING:
Board action is requested on November 16, 2010.

BACKGROUND:
On July 13, 2010, the Board of Supervisors approved a pool of thirteen qualified firms to be considered for underwriting future bonds issued by the County and/or certain of its authorities, including Community Development Authorities, on financings through June 30, 2013, with two optional one-year renewal periods. At the time the Board approved the underwriter pool it was noted that staff would return with recommendations for various special financings such as Mosaic Community Development Authority (CDA) and for the Dulles Rail Phase I Transportation District. On September 28, 2010, the Board approved the underwriters for Tax Increment Financing and for the Mosaic CDA.
Of the 13 qualified firms, a total of 6 firms proposed to potentially serve as underwriter on any future Dulles Rail Phase I Tax District bonds. The Selection Advisory Committee (SAC) reconvened and in accordance with the criteria established in the RFP conducted interviews of the top rated four firms. The SAC along with the County's financial advisor recommends that J.P. Morgan and Citigroup serve as joint book-running senior managing underwriters on the fixed-rate Dulles Rail Phase I Transportation Improvement District Bonds Series 2011. Senior managing underwriters are the lead firms responsible for marketing the bonds, setting the appropriate pricing level, finding investors, compiling all bond orders, and allocating bonds to buyers. The senior managers, acting as an agent for the entire underwriting team, sign the bond purchase agreement, which sets forth the terms and conditions for the sale. Senior managing underwriters may also assist throughout the bond sale process by structuring the bonds and reviewing legal documents. These firms have strong relationships with likely institutional investors for the

bonds as well as very large national distribution networks to provide a diverse retail investor base. These recommendations are based on a variety of selection criteria, including experience with comparable bonds, ability to reach a deep and diverse investor base locally and within the region, preliminary pricing indications, and fees.

In addition to the strength of the national firms selected to be the senior managers, the SAC recommends the addition of several co-managers to broaden the investor base for this transaction. Co-managing underwriters can be appointed to an underwriting team to ensure maximum distribution of the bonds. Co-managers do not take an active role in the bond sale process until the bond marketing and pricing phase. The co-managers' investor base should complement and supplement the investor access provided by the senior managers. After evaluating the County's approved underwriting pool of firms that indicated willingness to serve as co-managers for County bond issues, the SAC recommends co-managers Morgan Stanley, Piper Jaffrey Investment Banking, Morgan Keegan and Edward Jones.

Both senior managers and co-managers are each assigned an underwriting liability. If, following the bond pricing, any bonds remain unsold, each senior and co-managing firm would be asked to underwrite bonds in proportion to their assigned liabilities. Senior managers are typically assigned a liability that is larger than that of the co-managers. The recommended participation rates for each senior manager are 40 percent of the total bonds issued and 5 percent for each of the recommended co-managers.

This recommendation will also be presented for approval to the Dulles Rail Phase I District Commission along with all other related financing documents. The Board of Supervisors will also review and approve all bond sale documents associated with this sale.

FISCAL IMPACT:
There is no fiscal impact at this time. The actual fiscal impact of the bond issue will be assessed at the time of financing approval by the issuing authority.

ENCLOSED DOCUMENTS:
None

STAFF:
Edward L. Long, Jr., Deputy County Executive
Victor L. Garcia, Director, Department of Finance
Leonard P. Wales, County Debt Manager

Board Agenda Item
November 16, 2010

ACTION - 4

Supplemental Appropriation Resolution AS 11078 and Approval of a Project Agreement for the Fairfax County Department of Transportation to Accept Grant Funding from the Virginia Department of Transportation for the Sully Civil War Cycle Tour (Hunter Mill, Springfield and Sully Districts)

ISSUE:
Board approval of Supplemental Appropriation Resolution AS 11078 and approval of a project agreement for the Fairfax County Department of Transportation (FCDOT) to accept funding from the Virginia Department of Transportation (VDOT) for the Sully Civil War Cycle Tour. The total funding for the grant of $118,000 consists of $104,000 in VDOT Enhancement Program funding and a Local Cash Match of $14,000. The Local Cash Match is available in Fund 124, County and Regional Transportation Projects, from Commercial and Industrial Tax for transportation (C&I) revenues. The remainder of the required local match ($12,000) will be met with In-kind funds. The grant period is November 1, 2010, through December 31, 2011.

RECOMMENDATION:
The County Executive recommends that the Board approve the project agreement (Attachment 1), in substantial form, between FCDOT and VDOT and the Supplemental Appropriation Resolution AS 11078 for FCDOT to accept funding from VDOT in the amount of $118,000, including $14,000 in Local Cash Match for the Sully Civil War Cycle Tour. C & I funding for the Local Cash Match is available from Fund 124, County and Regional Transportation Projects.

TIMING:
Board approval is requested on November 16, 2010, so that the project can move forward as expeditiously as possible.

BACKGROUND:
On September 22, 2008, the Board endorsed a VDOT Enhancement Program funding application for the Sully Civil War Cycle Tour. The Sully Civil War Cycle Tour consists of a bicycle map pinpointing historical locations within the Sully District, as well as portions of Hunter Mill and Springfield Districts, of Fairfax County. It would primarily focus on connecting significant Civil War era sites via existing bicycle and pedestrian trails. The map would help promote historical recognition while introducing an

enviromental friendly method for a hands-on learning exploration. The enhancement grant will fund the design and printing of the map. The funds will also be used to install historical markers at sites that have held extensive significance in the community throughout history. The Sully Civil War Cycle Tour application was submitted by the Department of Transportation. The application identified In-kind contributions and Commercial and Industrial tax (C & I) revenues as the sources of matching funds required for the project.

FISCAL IMPACT:
The total amount of this award for the Sully Civil War Cycle Tour project is $118,000, including $14,000 in Local Cash Match. The Local Cash Match of $14,000 from Commercial and Industrial Tax funds is available in Fund 124, County and Regional Transportation Projects. The additional required match for this grant will come from In-kind funds. This action does not increase the expenditure level in Fund 102, Federal/State Grants, as funds are held in reserve for unanticipated grant awards. This agreement does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:
No positions will be created through this grant award.

ENCLOSED DOCUMENTS:
Attachment 1 – Agreement for the Sully Civil War Cycle Tour
Attachment 2 – Supplemental Appropriation Resolution AS 11078
Attachment 3 – Resolution to Execute Agreement

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Charlie Strunk, Bicycle Program Coordinator, FCDOT
Jeff Hermann, Bicycle and Pedestrian Planner, FCDOT
Jay Guy, Senior Transportation Planner, FCDOT
Ellen F. M. Posner, Assistant County Attorney

STANDARD PROJECT ADMINISTRATION AGREEMENT
Federal-aid Projects

Project Number	UPC	Local Government
EN09-029-119, P101, C501	94286	Fairfax County

THIS AGREEMENT, made and executed in triplicate this ____ day of _____, 20~~09~~10, by and between the County of Fairfax, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY is committed to the development and delivery of each Project described in Appendix A in an expeditious manner; and;

WHEREAS, both parties have concurred in the LOCALITY's administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:

   a. Be responsible for all activities necessary to complete the noted phase(s) of each Project shown in Appendix A, except for activities, decisions, and approvals which are the responsibility of the DEPARTMENT, as required by federal or state laws and regulations or as otherwise agreed to, in writing, between the parties. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT

   b. Meet all funding obligation and expenditure timeline requirements in accordance with all applicable federal and state laws and regulations, and Commonwealth Transportation Board and DEPARTMENT policies and as identified in Appendix A to this Agreement. Noncompliance with this requirement can result in deallocation of the funding, rescinding of state funding match and/or termination of this Agreement

c. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.

d. Administer the project(s) in accordance with guidelines applicable to Locally Administered Projects as published by the DEPARTMENT.

e. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for no less than three (3) years following acceptance of the final voucher on each Project.

f. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and an up-to-date project summary and schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations, Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including but not limited to possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.

g. Reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.

h. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.

i. Administer the Project in accordance with all applicable federal, state, or local laws and regulations. Failure to fulfill legal obligations associated with the project may result in forfeiture of federal or state-aid reimbursements

j. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all

federal, state, and local laws and regulations. If the locality expends over $500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.

k. If legal services other than that provided by staff counsel are required in connection with condemnation proceedings associated with the acquisition of Right-of-Way, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General. Costs associated with outside counsel services shall be reimbursable expenses of the project.

l. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.

m. Ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964, regulations of the United States Department of Transportation (USDOT), Presidential Executive Orders and the Code of Virginia relative to nondiscrimination.

2. The DEPARTMENT shall:

a. Perform any actions and provide any decisions and approvals which are the responsibility of the DEPARTMENT, as required by federal and state laws and regulations or as otherwise agreed to, in writing, between the parties and provide necessary coordination with the FHWA as determined to be necessary by the DEPARTMENT.

b. Upon receipt of the LOCALITY's invoices pursuant to paragraph1.f., reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.

c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.

d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.

e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.

3. Appendix A identifies the funding sources for the project, phases of work to be administered by the LOCALITY, and additional project-specific requirements agreed to by the parties. There may be additional elements that, once identified,

shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.

4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.

5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated pursuant to an annual or other lawful appropriation.

6. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.

7. This Agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.f, 1.g., and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

8. Prior to any action pursuant to paragraphs 1.b or 1.g of this Agreement, the DEPARTMENT shall provide notice to the LOCALITY with a specific description of the breach of agreement provisions. Upon receipt of a notice of breach, the LOCALITY will be provided the opportunity to cure such breach or to provide a plan to cure to the satisfaction to the DEPARTMENT. If, within sixty (60) days after receipt of the written notice of breach, the LOCALITY has neither cured the breach, nor is diligently pursuing a cure of the breach to the satisfaction of the DEPARTMENT, then upon receipt by the LOCALITY of a written notice from the DEPARTMENT stating that the breach has neither been cured, nor is the LOCALITY diligently pursuing a cure, the DEPARTMENT may exercise any remedies it may have under this Agreement.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF FAIRFAX, VIRGINIA:

_____
Signature

_____
Typed or printed name of signatory

_____ Date
Title

_____
Signature of Witness Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

_____
Commonwealth Transportation Commissioner Date
Commonwealth of Virginia
Department of Transportation

_____
Signature of Witness Date

Attachments
Appendix A

Appendix A

Project Number: EN09-029-119, P101, C501 UPC #94286 Project Name: Sully District Civil War Cycle Tour	Locality: Fairfax County

Project Narrative

Scope: Design and printing of a bicycle map identifying sites of local, state, and national Civil War significance. Installation of wayfinding signs and interpretive markers at historic sites having significance to the community

Locality Project Manager Contact Info: Jeffrey Hermann, 4050 Legato Road, Suite 400, Fairfax, VA 22033 (703) 877-5765, Jeffrey.Hermann@fairfaxcounty.gov

Department Project Coordinator Contact Info: Doug Miller, 14685 Avion Parkway, Chantilly, VA 20151-1104, (703) 383-2108, Douglas.Miller@VDOT.Virginia.gov

Project Costs and Reimbursement

Phase	Estimated Project Costs	Estimated Eligible Project Costs	Estimated Eligible VDOT Project Expenses	Estimated Reimbursement to Locality
Preliminary Engineering	$60,000			
Right-of-Way & Utilities				
Construction	$70,000			
Total Estimated Cost	$130,000	$130,000	$15,000	$89,000
Total Maximum Reimbursement by Locality to VDOT				N/A
Total Maximum Reimbursement by VDOT to Locality (may be reduced by eligible VDOT project expenses)				$104,000

Project Financing

A	B	C	D	E
Transportation Enhancement (80%)	Local Match (20%)	Local Funds (100%)		Aggregate Allocations (A+B+C+D=)
$104,000	$26,000	$0		$130,000

Program and Project Specific Funding Requirements

This project will be administered in accordance with the "Enhancement Program Procedure Manual" and the "Locally Administered Projects Manual".

Any expenses above the combined federal (80%) and local (minimum 20% match) will be at 100% project sponsor cost.

100% of eligible VDOT project expenses will be recovered as follows:

- 20% will be deducted from reimbursement requests.
- 80% will be deducted from the Federal Enhancement allocation amount.

Any ineligible items identified throughout project development will not be reimbursable.

For Transportation Enhancement projects, the LOCALITY shall maintain the Project, or have it maintained, in a manner satisfactory to the Department or its authorized representatives, and make ample provision each year for such maintenance unless otherwise agreed to by the DEPARTMENT.

The Department will conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act. The applicant is responsible for implementing any environmental commitments from the environmental document. In addition, the applicant is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental document and studies will be provided to the applicant and deducted from the project funds.

In accordance with CTB policy, the project must be completed and the $104,000 Enhancement allocation expended by **October 1, 2013** or the project may be subject to de-allocation.

This attachment is certified and made an official attachment to this document by the parties of this agreement

Authorized Locality Official date

VDOT Enhancement Program Manager date

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 11078

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on November 16, 2010 at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2011, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Agency:	40, Department of Transportation	$118,000
Fund:	102, Federal/State Grant Fund	
Grant:	40027G, Sully Civil War Cycle Tour	

Reduce Appropriation to:

Agency:	87, Unclassified Administrative Expenses	$118,000
Fund:	102, Federal/State Grant Fund	
Grant:	87107G, Unclassified Administrative Expenses	

Source of Funds:	Virginia Department of Transportation	$104,000
	Fund 124, County and Regional Transportation Projects (Commercial and Industrial tax)	$14,000

A Copy - Teste:

_____

Nancy Vehrs
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, November 16, 2010, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation project agreement procedures, it is necessary that a resolution be received from the local government authorizing execution of an agreement.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax authorizes County staff to execute a Project Agreement with the Virginia Department of Transportation for the Sully Civil War Cycle Tour.

Adopted this_____day of_____, 2010, Fairfax, Virginia

ATTEST _____
Nancy Vehrs
Clerk to the Board of Supervisors

Board Agenda Item
November 16, 2010

ACTION - 5

Endorsement of Interchange Justification Report Concerning Proposed Ingress/Egress for Dulles Airport Access Road Westbound On-Ramp from Southbound Route 123 (Dranesville District)

ISSUE:
Board endorsement of the Interchange Justification Report (IJR) for proposed new ingress onto/egress off the Dulles Airport Access Road (DAAR) westbound on-ramp from southbound Route 123 has been requested in conjunction with the submission of the IJR to the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA).

RECOMMENDATION:
The County Executive recommends that the Board endorse the IJR for proposed new ingress onto/egress off the DAAR westbound on-ramp from southbound Route 123 in the location as generally shown on Figures 3C and 9 of the IJR (pages 11 and 33 of Attachment I), subject to the following conditions:

- That the proposed new ingress/egress be designed in a manner so as not to degrade safety or capacity on the existing DAAR westbound on-ramp from southbound Route 123 by using intersection geometry, sight distances, acceleration/ deceleration lane lengths, and weave/merge distances acceptable to VDOT and FHWA for the expected operating speeds on the existing DAAR ramp and on the proposed ramps connecting from and to the Tysons McLean Office Park (TMOP) site.

- That adequate signage and a turnaround (in the event that unauthorized vehicles attempt to enter the TMOP site from the DAAR ramp) be provided.

- That the proposed ingress ramp (entering onto the TMOP site from the DAAR ramp) only be available for “emergency use,” defined as use for documented emergency events and not for routine business of emergency or other personnel accessing the site, the expectation being that usage of this ingress ramp onto the site would be minimal and intermittent.

TIMING:
The Board should take action on this matter as soon as possible to allow VDOT and FHWA to take final action on the IJR.

BACKGROUND:
The federal government has requested a break in the limited access designation of the DAAR westbound on-ramp from southbound Route 123 to provide a secondary egress and emergency ingress for a federal government facility in the Tysons McLean Office Park (TMOP) as generally shown on Figures 3C and 9 of the IJR (pages 11 and 33 Attachment I). The purpose of the proposed break in limited access and construction of new egress and ingress to the site is to improve secure access for a federal agency whose mission involves national security. The access modifications are being designed and, if approved, will be constructed by the owner of the private property. The property owner has committed in the IJR to the physical removal of the proposed access (ingress and egress) should the federal government lessee vacate the property.

Current access to the TMOP site is provided only via Lewinsville Road (Route 694). The adjacent Lewinsville Road/Route 123 intersection currently operates at an overall Level of Service (LOS) E during the morning peak hour and at a LOS F during the evening peak hour. This intersection's level of service is expected to degrade to LOS F in both peak hours based on future (2032) projections with or without the proposed secondary egress from and emergency ingress to the TMOP site. However, with the proposed egress from the site onto the westbound DAAR on-ramp (which also provides access to the Beltway northbound) approximately 300 vehicles could be removed from Lewinsville Road and its intersection with Route 123 in the evening peak hour. The McLean Citizens Association and Supervisor Foust have expressed their support for the modifications to the DAAR limited access ramp proposed in the IJR due to these anticipated reductions in traffic from the TMOP site utilizing Lewinsville Road.

Access is not generally allowed from individual properties, such as the TMOP, to limited access facilities, such as the DAAR ramp, due to the disruption to traffic flow created as traffic weaves and merges at access points. However, given the secure nature of the federal facility occupying the property, its homeland security mission and need for secondary access into and out of the site, and community support for the reduction in traffic on Lewinsville Road, the property owner and federal government have pursued an exception to allow the proposed break in the limited access line with VDOT and FHWA. The applicant has attempted to lessen the safety and capacity concerns associated with additional access to the DAAR ramp by limiting the use of the proposed ingress ramp (entering the TMOP site from the DAAR ramp) only for emergencies (i.e., not for routine access of personnel to the property) and by evaluating various alternative locations and geometric designs for the egress and ingress ramps for review and consideration by VDOT and FHWA.

Environmental Considerations
According to the IJR, all necessary federal, state, and local permits have been obtained, including an Army Corps of Engineers Jurisdictional Determination, a Chesapeake Bay Resource Protection Area plan and Water Quality Impact Assessment, both approved by

Fairfax County, and a Virginia Water Protection General Permit issued by the Department of Environmental Quality.

FISCAL IMPACT:
No state or county dollars are to be used for the construction of this additional access if approved by VDOT and FHWA (or for its removal if required in the future).

ENCLOSED DOCUMENTS:
Attachment I: Interchange Justification Report (IJR) - Ingress/Egress for Dulles Airport Access Road Westbound On-Ramp from Southbound Route 123

STAFF:
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Attachment I

County of Fairfax
OCT 26 2010
Department of Transportation

INTERCHANGE JUSTIFICATION REPORT

Ingress/Egress for Dulles Airport Access Road Westbound On Ramp from Southbound Route 123

Prepared by:

Dewberry

In association with:

WELLS + ASSOCIATES

Prepared for:

The Peterson Companies

December 2008

Revised July 2009, January 2010, March 2010, and July 2010

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(Includes Preliminary Signing Plan, Typical, Profiles, and Cross Sections)

1 BACKGROUND

This report provides information and analysis in support of a request for approval of break in limited access to provide an ingress and egress for the Federal Government user at the Tyson's McLean Office Park (TMOP) who has a long term lease with the Peterson Companies. The site is located in McLean, Virginia and is surrounded by I-495 to the west, the Dulles Airport Access Road (DAAR) to the south, and Route 123 to the east. Current access to the site is via Lewinsville Road (State Route 694) to the north. Area exhibits are provided in Section 3 of this report as Figures 1 and 2.

Letters of support have been obtained from Supervisor John Foust of the Dranesville District and the McLean Citizens Association. These letters are attached in Section 10.A of this report.

2 PURPOSE AND NEED

The Federal Government user is requesting a break in the DAAR Ramp beginning at the ramp taper from Route 123 Southbound (SB) and ending at the ramp merge with the DAAR. The purpose is to improve secure access for an agency whose mission involves national security by providing a secondary egress and emergency ingress. The TMOP is built to current zoning capacity therefore this project is not anticipated to increase traffic numbers and is designed to improve traffic movements on the local roadways.

Queuing problems at the existing access at the intersection of Lewinsville Road and Tyson's McLean Drive, and subsequent problems at the intersection of Dolley Madison Boulevard (Route 123) and Lewinsville Road detail the need for this project. The traffic flow at the intersection of Dolley Madison Boulevard (Route 123) and Lewinsville Road operates at a Level of Service (LOS) designated as "E" or "F" during the AM and PM peak hours, respectively. These levels of service mean the existing access roadways are operating at or near capacity under LOS E, and at breakdown flow LOS F. These levels of service present substantial traffic delays and safety concerns for commuters into and around the TMOP, as well as hindering user operations. Figures 1 & 2 detail the location of the project.

The access granted is contingent upon occupancy of the Federal lessee. Should they vacate the property, the access will be physically removed by the property owner.

3 STUDY AREA

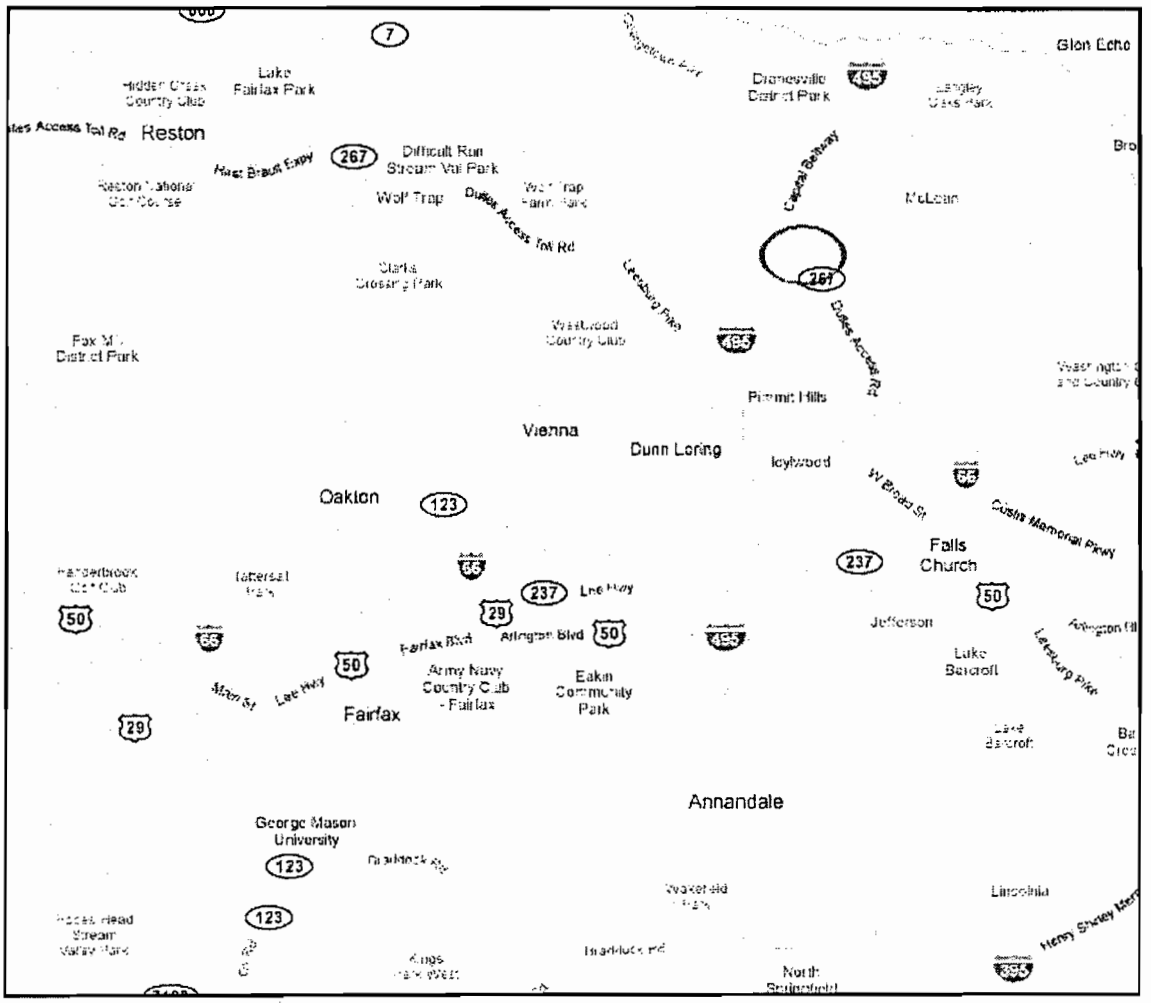

Figure 1 - Ingress/Egress for Dulles Airport Access Road Westbound on Ramp from Southbound Route 123 Project Location Map (Google Maps. 2008. Google Imagery, TerraMetrics, NASA, Map Data,Tele Atlas, Europa Technologies. <http://maps.google.com/maps>.)

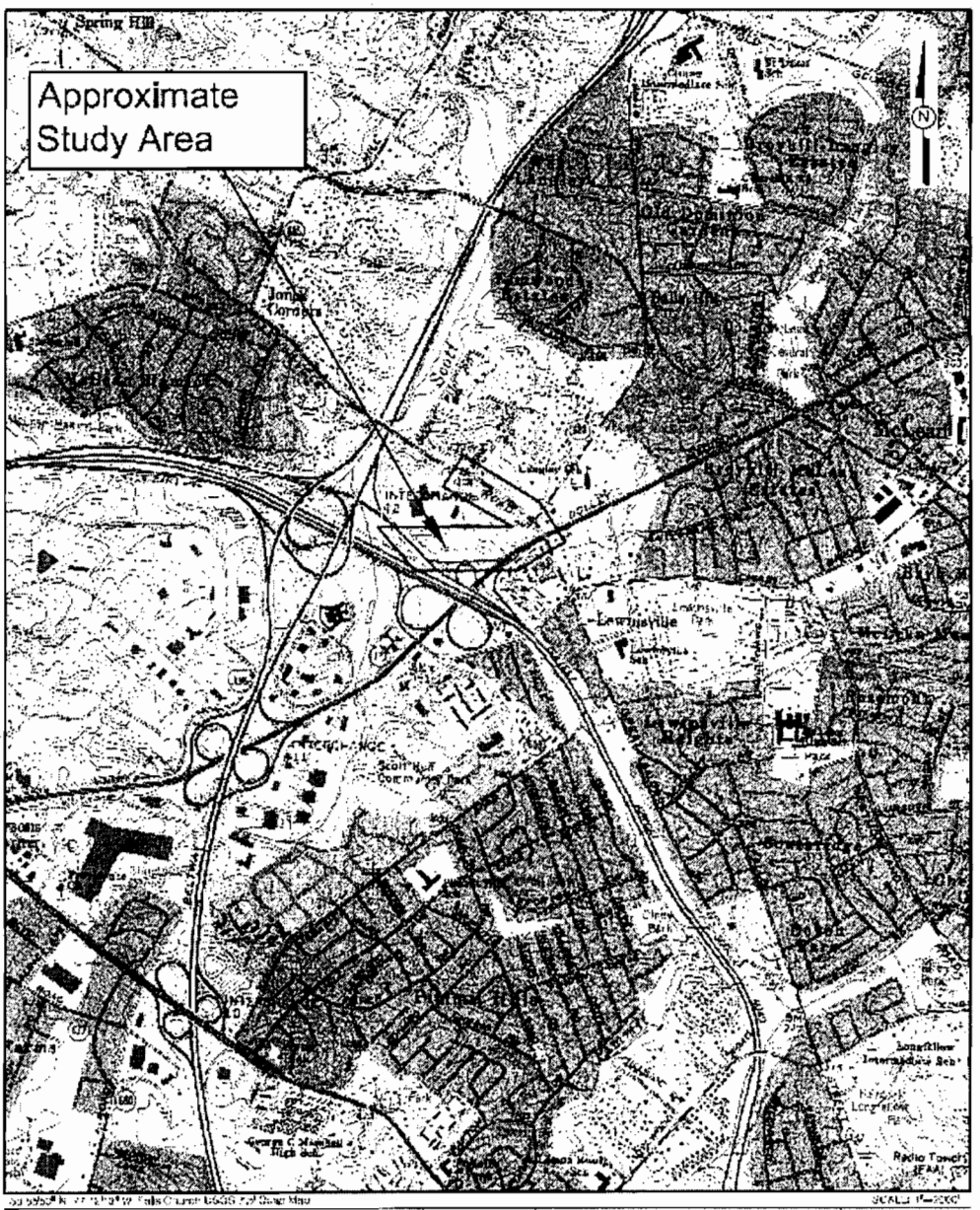

Figure 2 - Study Area Map

4 ALTERNATIVES CONSIDERED

Upon the request from the Federal Government user for an additional access point, several options were considered:

4.1 NO BUILD

The no build option is not favorable to the user. The absence of an additional access point is critically hindering user operations.

4.2 ACCESS ONTO I-495

Access from the western side of the site is complicated by topography. As shown in Figure 3A, the site falls toward I-495 vertically 62 feet in a horizontal distance of only 230 feet. Any access in this short of a distance would yield a profile that would be unacceptable.

4.3 ACCESS ONTO DAAR

Access from the southwestern side of the site is challenged by proximity to the DAAR as shown in Figure 3B. The site and the DAAR edge of pavement are only separated by horizontal distance of 180 feet. Gaining acceptable horizontal geometry in this distance not likely feasible.

Another constraint in this location is the existing weave area between the on-ramp from Route 123 SB and the off ramp to the Inner Loop of I-495. This distance is approximately 600 feet from gore point to gore point. An access point in this area would complicate driver maneuvers in this weaving area.

4.4 ACCESS ONTO DAAR RAMP

Access from the southeastern side of the site to the DAAR ramp as shown in Figure 3C requires avoiding or minimizing impacts to the existing Resource Protection Area (RPA). Impacts to the RPA can be minimized by pushing the access point from the RPA to the east.

However, pushing the access point east must be balanced with avoiding impacts to the existing stormwater management pond on the adjacent Farm Credit parcel, and minimizing impacts to the existing conservation area that is adjacent to Route 123. Modifying the existing pond could potentially include major grading impacts to the adjacent site, and conservation area.

4.5 PREFERRED ALTERNATIVE

The preferred alternative is access onto the DAAR ramp as explained in Section 4.4. This access point takes advantage of an area not inhibited by existing onsite structures to build a security check point. This alternative is the best scenario to create acceptable horizontal and vertical geometry. Finally, access onto the DAAR ramp would not make the weave pattern between the subject ramp and the I-495 Inner Loop Off Ramp worse.

5 ROADWAY GEOMETRY

The existing ramp has a design speed of 40 miles per hour (MPH) and has an advisory exit posting of 30 MPH. The entrance and exit curves on the ingress and egress ramps will have a design speed of 20 MPH.

According to IIM-LD-20.6, 270 feet of acceleration length is required on the egress to transition from a design speed of 20 MPH to a design speed of 40 MPH. Since the existing ramp has a downgrade of approximately 1 percent in this section, no adjustment to this number is necessary. As shown in Figure 3E, 440 feet is provided, which is explained in the following paragraphs. A minimum taper of 200 feet is also required and 200 feet is provided. The egress will only carry passenger vehicle traffic since trucks are required to use the Lewinsville Road entrance.

In coordination with the Northern Virginia District Office, additional acceleration lane length was requested above the standard as explained in the previous paragraph. The request was made to attempt to equalize the proposed egress ramp speed with the average and 85th percentile speeds of the existing ramp (see Section 6.2). To accommodate this request, the following modifications have been incorporated:

- The ingress is for emergency use only and not for regular employee daily use.
- Additional right-of-way from Farm Credit is required.
- The existing pond mentioned in Section 4.4 must be completely rebuilt.

Based on the above conditions, designs were explored to provide higher speeds for exiting traffic. First, using higher speed ramp geometry was explored. As shown in Exhibit 3D, increasing the ramp geometry to 25MPH conflicts with the existing parking garage and does not allow sufficient room for security features. Therefore, the design effort focused on moving the ramps to the east in order to provide greater acceleration length along the ramp. Exhibit 3E shows the impacts of moving the egress ramp back to achieve 50MPH and 55MPH acceleration. Due to the major encroachment onto the adjacent owner parcel, these options are

unacceptable to both the adjacent land owner and the government user. Therefore, the preferred alternative is shown in Exhibit 3C providing 45MPH acceleration onto the existing ramp. This is 2MPH below the average ramp speed of 47MPH and 5MPH above the existing ramp design speed of 40MPH.

Since the project will widen off of the existing pavement, there will not be a change in vertical curvature to the existing ramp. The majority of the widening will occur at the existing ramp cross slope. The transitions from the existing cross slope to 8% for the deceleration and acceleration lanes require 115 feet of length using TC-5.01 in the 2008 VDOT *Road and Bridge Standards*. Since the deceleration and acceleration lengths are 174 and 440 feet respectively, the superelevation transitions can occur within standards.

As for sight distance, the minimum K values for crest and sag curves are 7 and 17 respectively as per the 2004 AASHTO *A Policy on Geometric Design of Highways and Streets* ("Green Book"). As shown in the profiles provided in Section 11, the design meets minimum AASHTO criteria for vertical sight distance. Horizontal sight distance is sufficient due to providing an acceleration lane length that meets, or in this case exceeds, the standard. The ramp merge areas are in fill, so cut slope obstruction does not occur. Finally, no tall obstructions are planned for or will be added to the ramp infield area such as walls that would inhibit sight distance. As requested, Exhibit 3F has been added to show sight distance triangles at various points along the ramp.

Based on all of these factors, design exceptions are not required.

FIGURE 3A

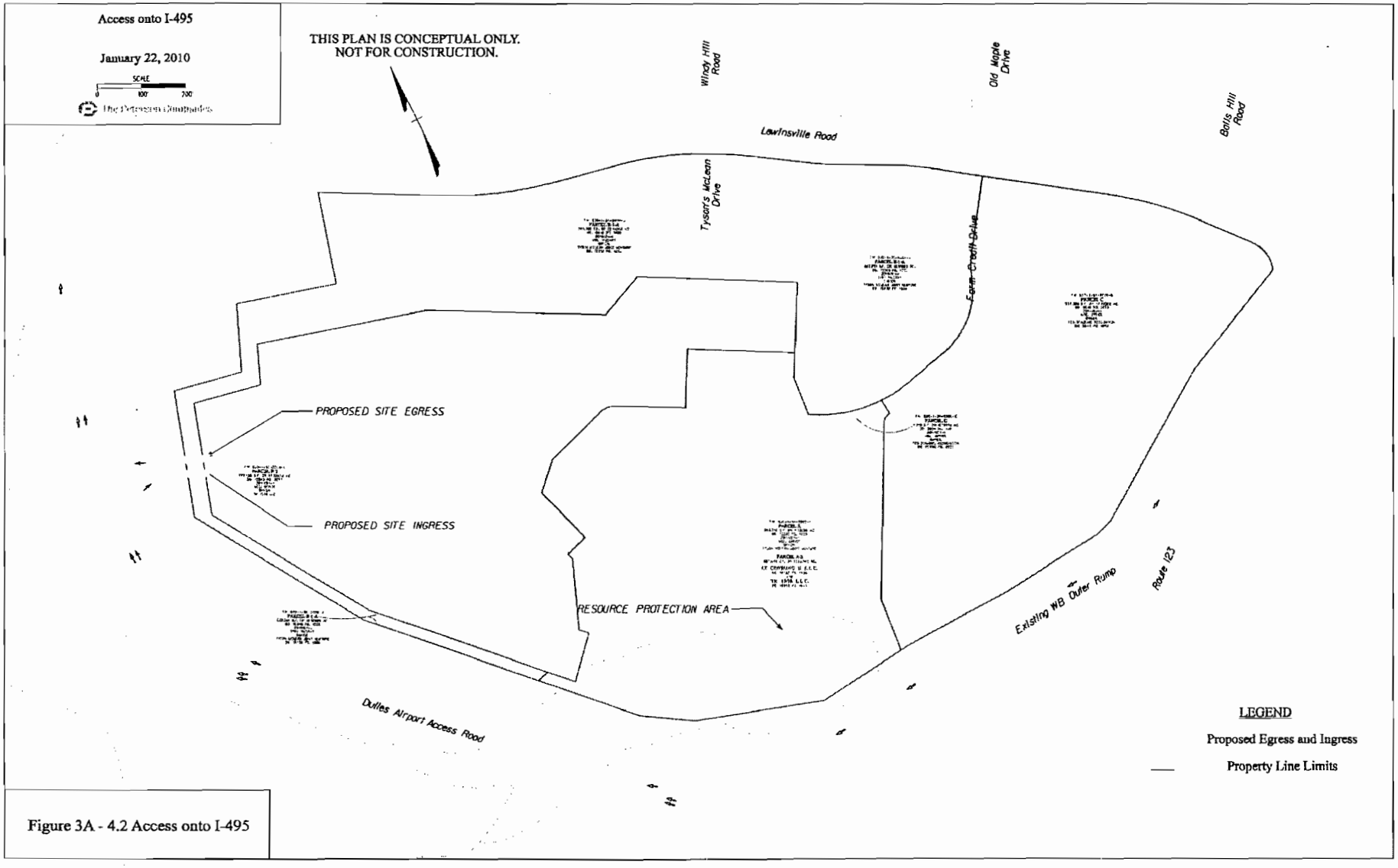

Figure 3A - 4.2 Access onto I-495

FIGURE 3B

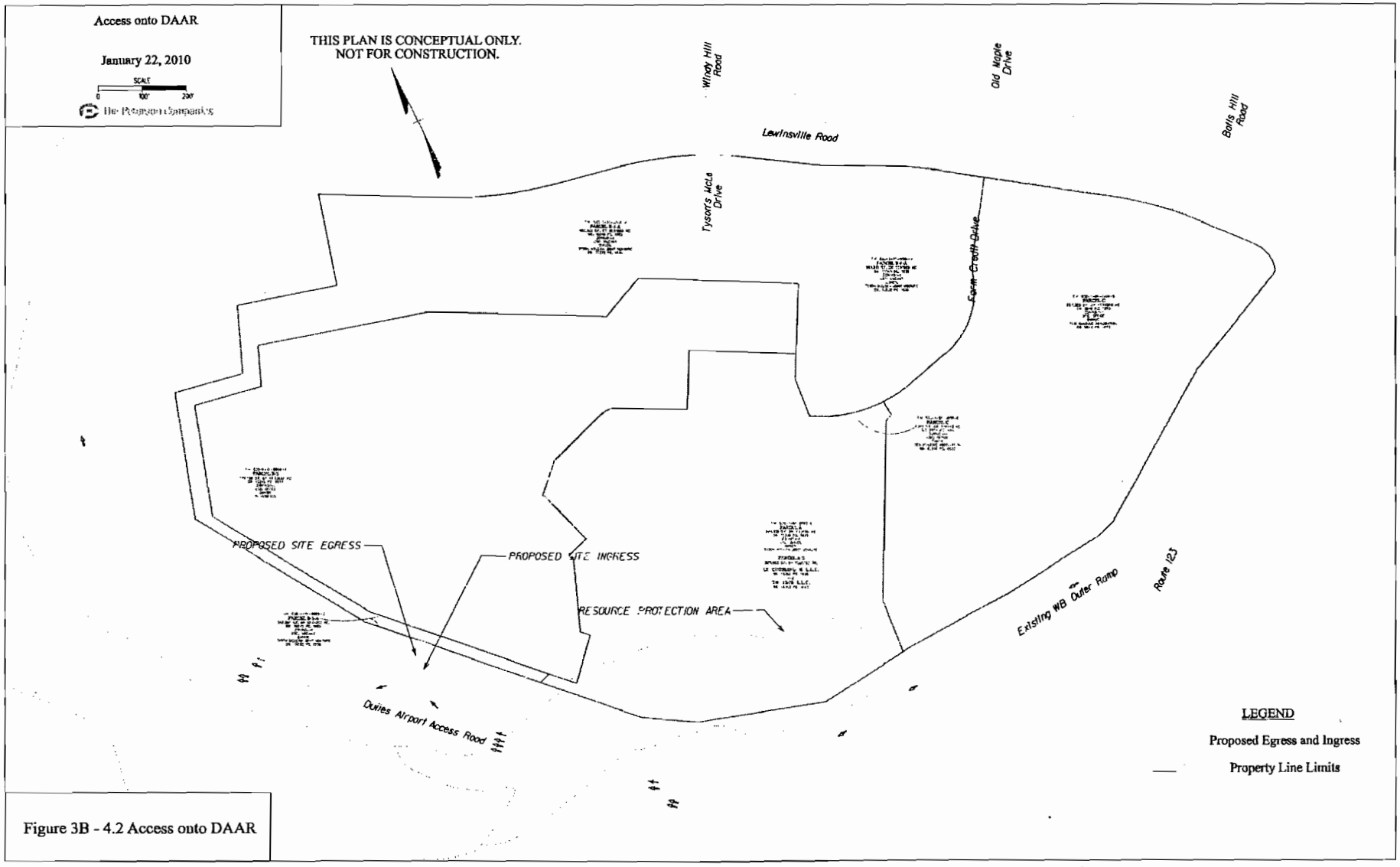

Figure 3B - 4.2 Access onto DAAR

FIGURE 3C

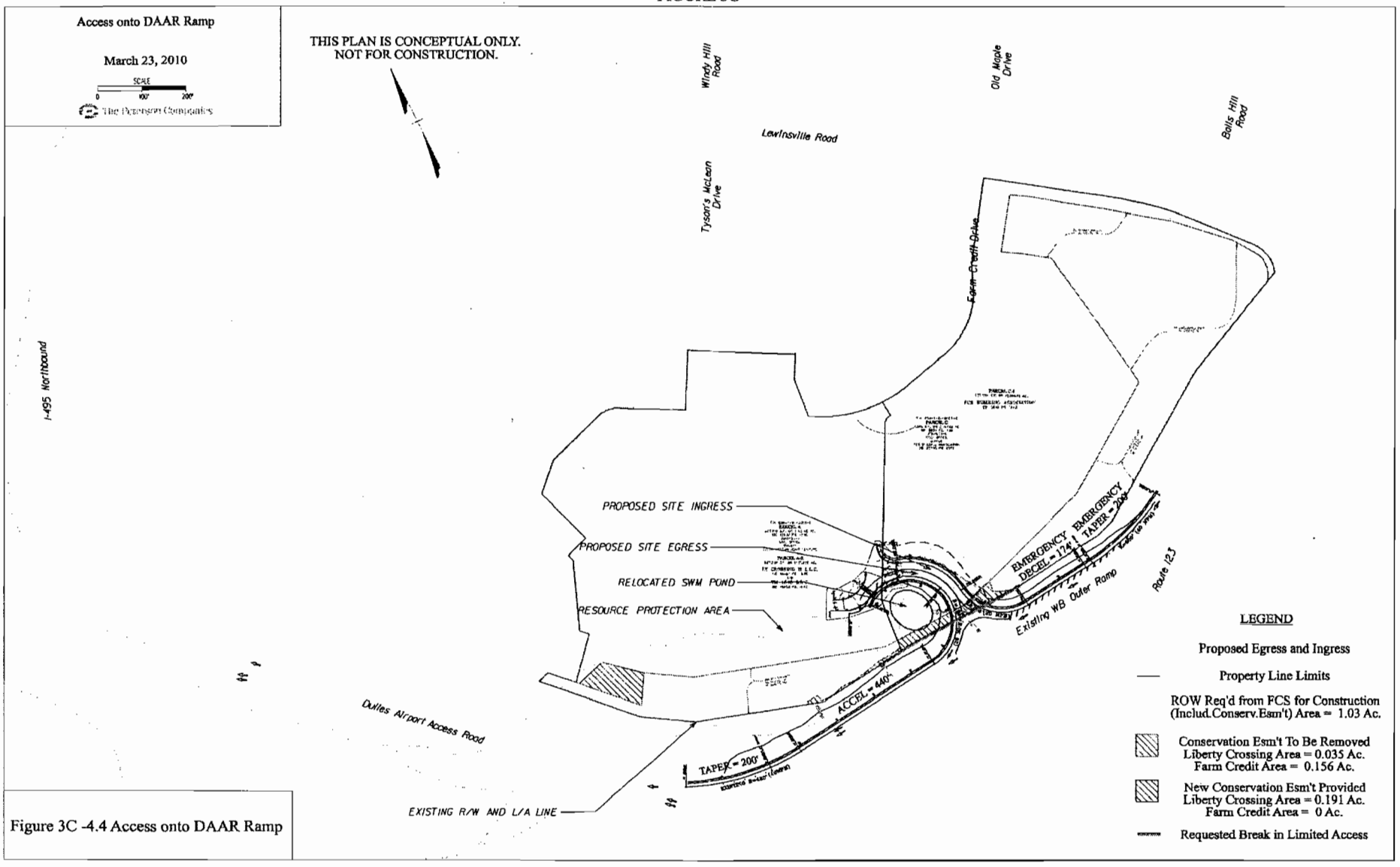

Figure 3C -4.4 Access onto DAAR Ramp

FIGURE 3D

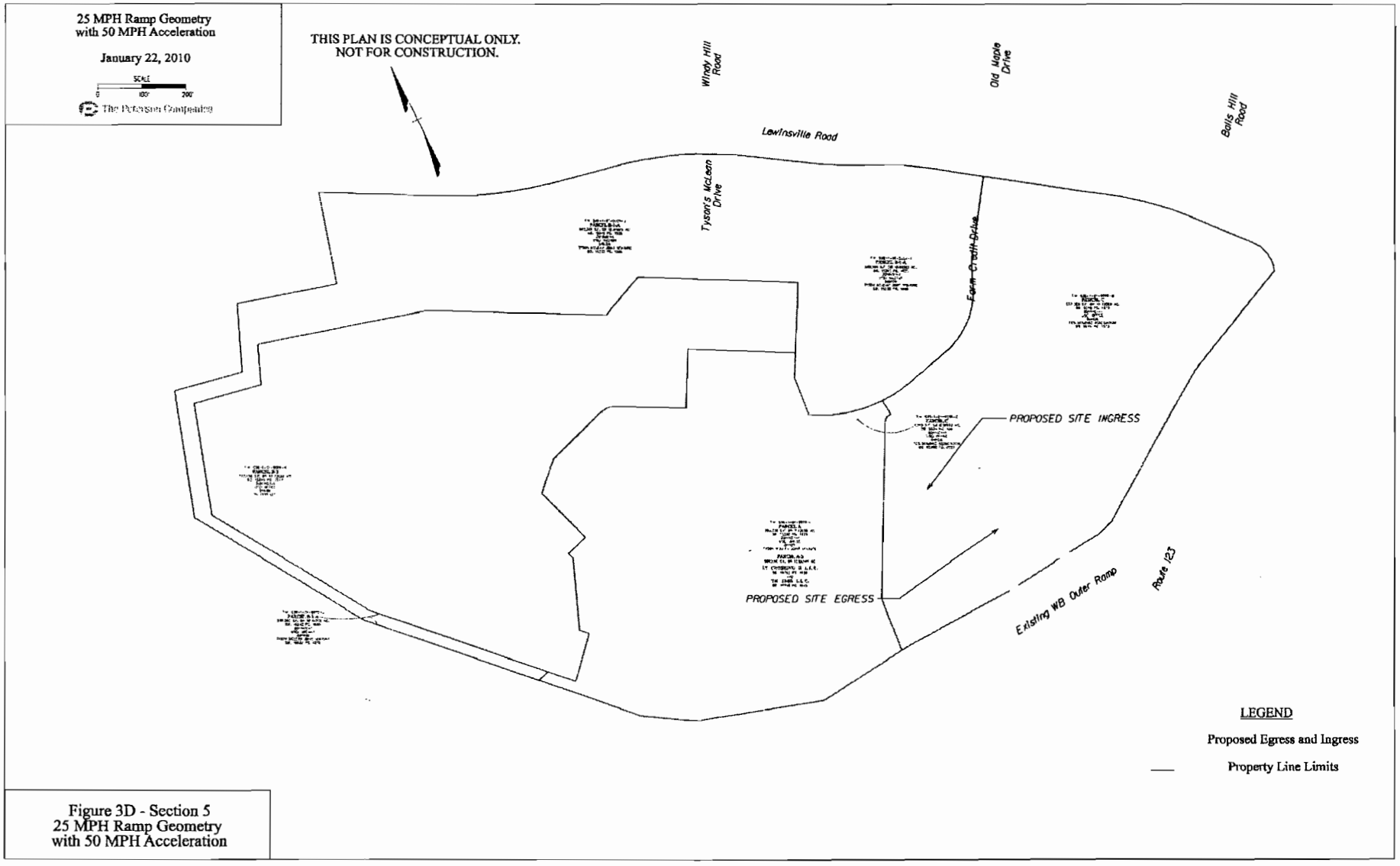

Figure 3D - Section 5
25 MPH Ramp Geometry
with 50 MPH Acceleration

FIGURE 3E

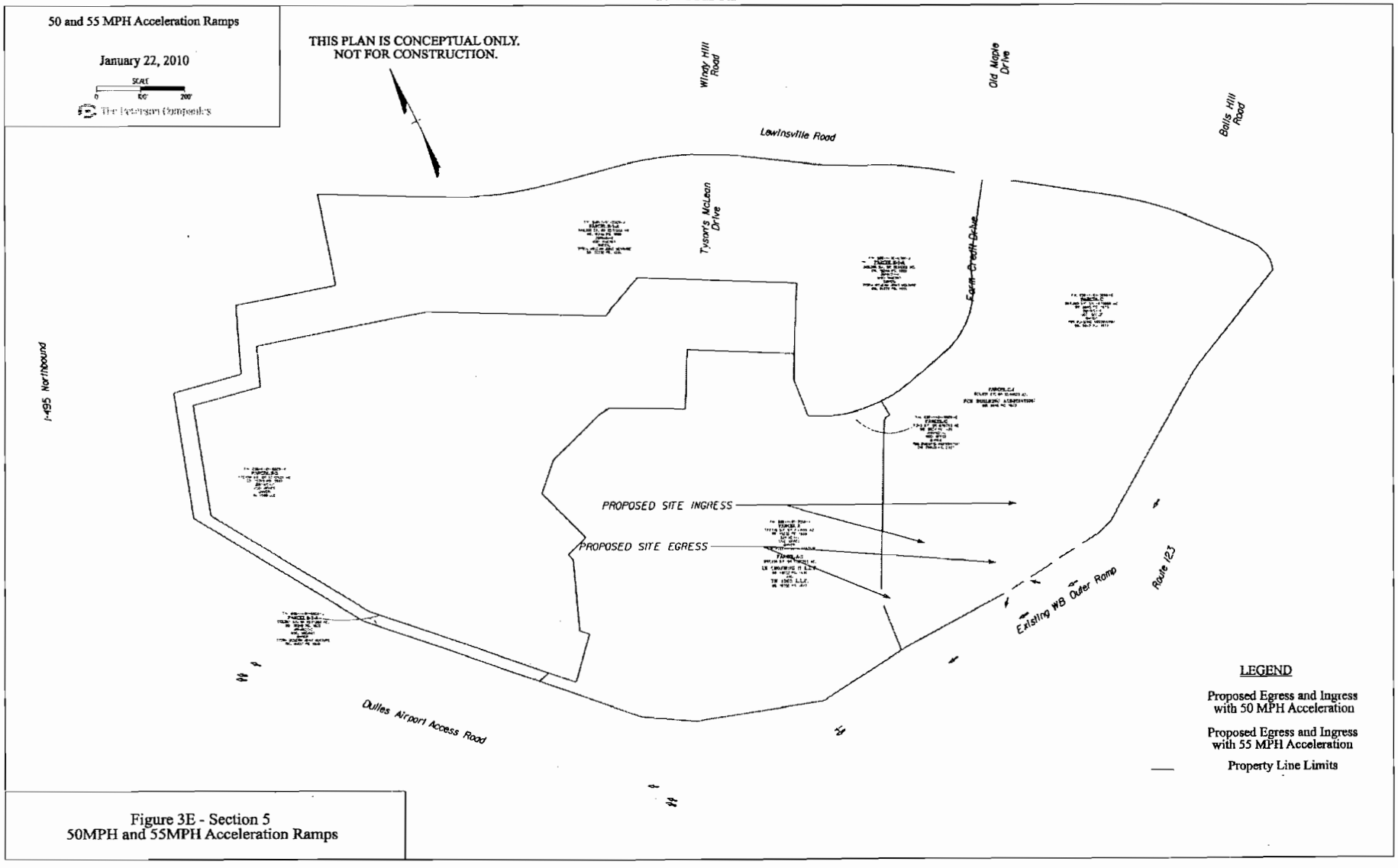

Figure 3E - Section 5
50MPH and 55MPH Acceleration Ramps

Ingress/Egress for Dulles Airport Access Road
Westbound on Ramp from Southbound Route 123

July 12, 2010

SCALE
0 50' 100

The Johnson Companies

THIS PLAN IS CONCEPTUAL ONLY.
NOT FOR CONSTRUCTION.

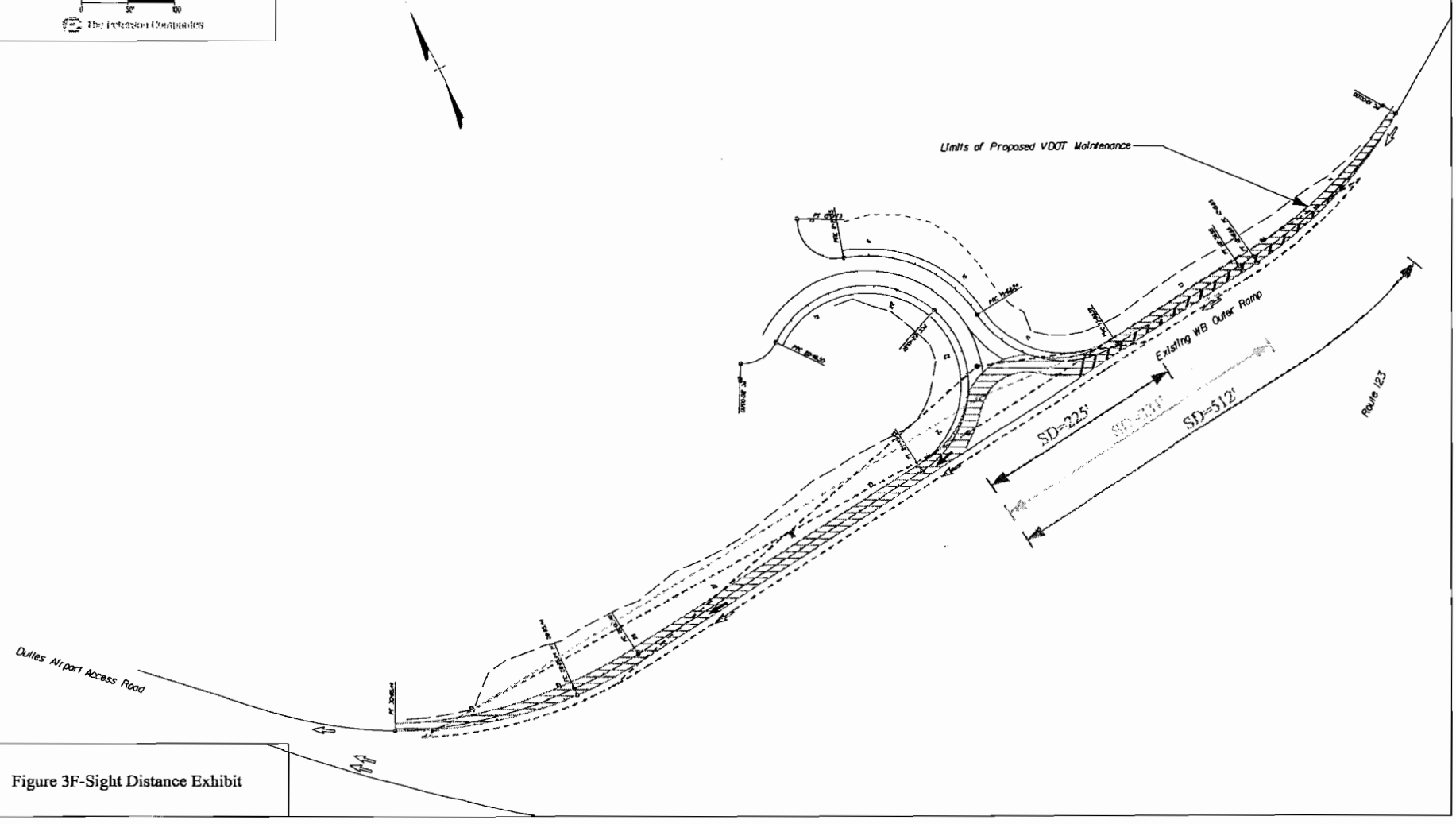

Figure 3F-Sight Distance Exhibit

6 TRAFFIC VOLUMES

The operational performance of the Dulles Access Airport Road (DAAR) and Route 123 (Dolley Madison Boulevard) vicinity was evaluated for existing and design year (2032) traffic conditions. The 2032 design year was provided in accordance with Federal Highway Administration (FHWA) requirements which require a traffic review be completed 22 years past construction.

This section details the existing and 2032 traffic volumes.

The site location is shown in Figure 3C.

6.1 TRAFFIC COUNTS

Traffic counts were collected by Wells & Associates on Thursday, May 28, 2009 at the following locations:

1. Lewinsville Road/Tysons McLean Drive-Windy Hill Road,
2. Lewinsville Road/Farm Credit Drive-Old Maple Drive,
3. Lewinsville Road/Balls Hill Road,
4. Lewinsville Road/ Route 123 (Dolley Madison Boulevard),
5. DAAR Westbound Off-Ramp to NB I-495,
6. DAAR Westbound On-Ramp from SB Route 123 (Dolley Madison Boulevard)

The May 28, 2009 traffic counts were compared with existing volumes presented in the I-495 High Occupancy Toll (HOT) Lanes Interchange Justification Report (IJR). This comparison showed the ramp volumes to be reasonably similar; however, the WB DAAR through volumes were lower than those collected by Wells + Associates.
The AM and PM peak hour traffic counts are presented in Appendix 10.b and summarized on Figure 4.

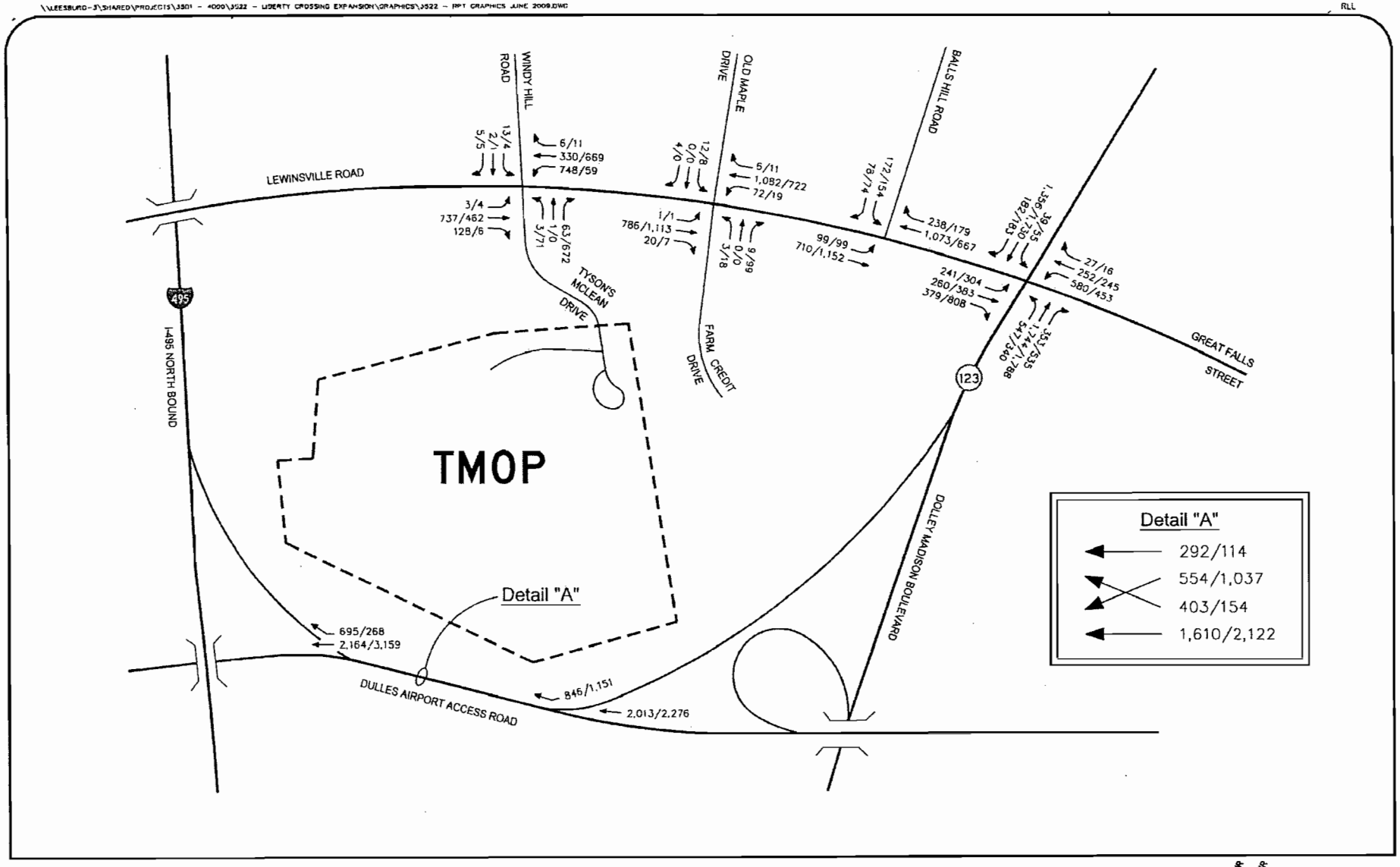

Figure 4
2009 Existing Traffic Volumes

AM PEAK HOUR
PM PEAK HOUR
000/000

North

Ingress/Egress for Dulles Airport Access Road WB On-Ramp from SB Route 123
Interchange Justification Report
Fairfax County, Virginia

Wells + Associates, Inc.

6.2 RAMP SPEED DATA

Existing vehicle speeds for the DAAR Westbound On-Ramp from Southbound Route 123, was conducted by Wells + Associates on Thursday, May 28, 2009. The data was collected by mechanical counters placed on the roadway surface for a 24-hour period beginning at 12:00 AM on May 28, 2009, ending at 12:00 AM on May 29, 2009. The data indicates the average travel speeds were recorded to be 47 miles per hour (mph) and 85th percentile speeds recorded to be 54 mph. The ramp is posted with an advisory speed limit of 30 mph. The results of the speed are summarized in Appendix 10.c.

6.3 TRAFFIC FORECASTING METHODOLOGY

2032 traffic forecasts, with and without the ingress/egress ramp, were developed using the following methodologies:

1. In coordination with the Virginia Department of Transportation's (VDOT) Transportation Planning Department and Fairfax County Planning Department, 2030 traffic forecasts from the I-495 HOT Lanes IJR, presented in Appendix 10.b, were used to develop 2032 peak hour traffic forecasts.

2. A growth rate was estimated for the additional two (2) years of growth between the 2030 and 2032 forecasts. The growth rate was calculated based on the difference between the 2005 and 2030 volumes presented in the I-495 HOT Lanes IJR. Volumes were compared at multiple locations around the study ramps, and a slightly conservative growth rate of 1.5 percent per year was approximated. Table 1 details the growth at the various locations.

Table 1
Effective Growth Rates (2005 Existing Counts-2030 Projected Volumes) (1)

Location / Peak Hr/ Year		Rte 267 East of Rte 123	Rte 267 Between I-495 and Rte 123	Rte 267 West of I-495	Rte 123 North of Rte 267	Rte 123 South of Rte 267	I-495 North of Rte 267	I-495 South of Rte 267
		Traffic Volumes						
AM	2030	7,716	5,921	13,927	5,427	4,140	17,216	17,286
	2005	5,346	4,953	12,411	4,641	3,751	15,532	12,659
PM	2030	4,290	5,059	14,335	6,524	5,855	18,553	19,068
	2005	2,998	3,975	12,052	5,560	4,169	12,158	11,803
		Percent Growth						
AM		**1.5%**	**0.7%**	**0.5%**	**0.6%**	**0.4%**	**0.4%**	**1.3%**
PM		**1.4%**	**1.0%**	**0.7%**	**0.6%**	**1.4%**	**1.7%**	**1.9%**

Note: (1) Traffic volumes for existing and 2030 from I-495 HOT Lanes IJR.

3. The 2032 weave volumes between Route 123 and I-495 for the DAAR Westbound direction were estimated based on existing weave percentages.

4. 2032 traffic forecasts at the four (4) study intersections were estimated based on existing traffic counts shown on Figure 4 and the 1.5 percent yearly growth rate described above compounded for 23 years (2009 to 2032). The growth rate was applied to existing through volumes along Lewinsville Road. The side-street movements access mature built-out developments and were not forecasted to grow. The growth rate was applied to all movements at the Lewinsville Road/Route 123 intersection. The resulting 2032 total future traffic forecasts for the "no-build" scenario are shown on Figure 5.

5. The 2032 total future traffic forecasts for the "build" scenario were estimated based on some of the TMOP existing trips being diverted to the additional access. The diversions are based on a Zip Code and Potential Slip Ramp Usage survey of existing TMOP employees and the number of peak hour trips exiting the site. The survey was analyzed and the resulting directions of approach are

presented in Appendix 10.b. The analysis indicates that approximately forty five (45%) percent (15% to the north on I-495 and 30% to the west on DAAR) of the employees would use the egress ramp. Since the ingress ramp will be used for emergency access only, no existing inbound site trips were diverted. No U-turn diversions are anticipated for the northbound Route 123/Lewinsville Road intersection as this movement is currently prohibited. The resulting diversions are shown on Figure 6.

The diversions shown on Figure 6 were added to 2032 total future traffic forecasts shown on Figure 5 to yield total future "build" traffic forecasts shown on Figure 7.

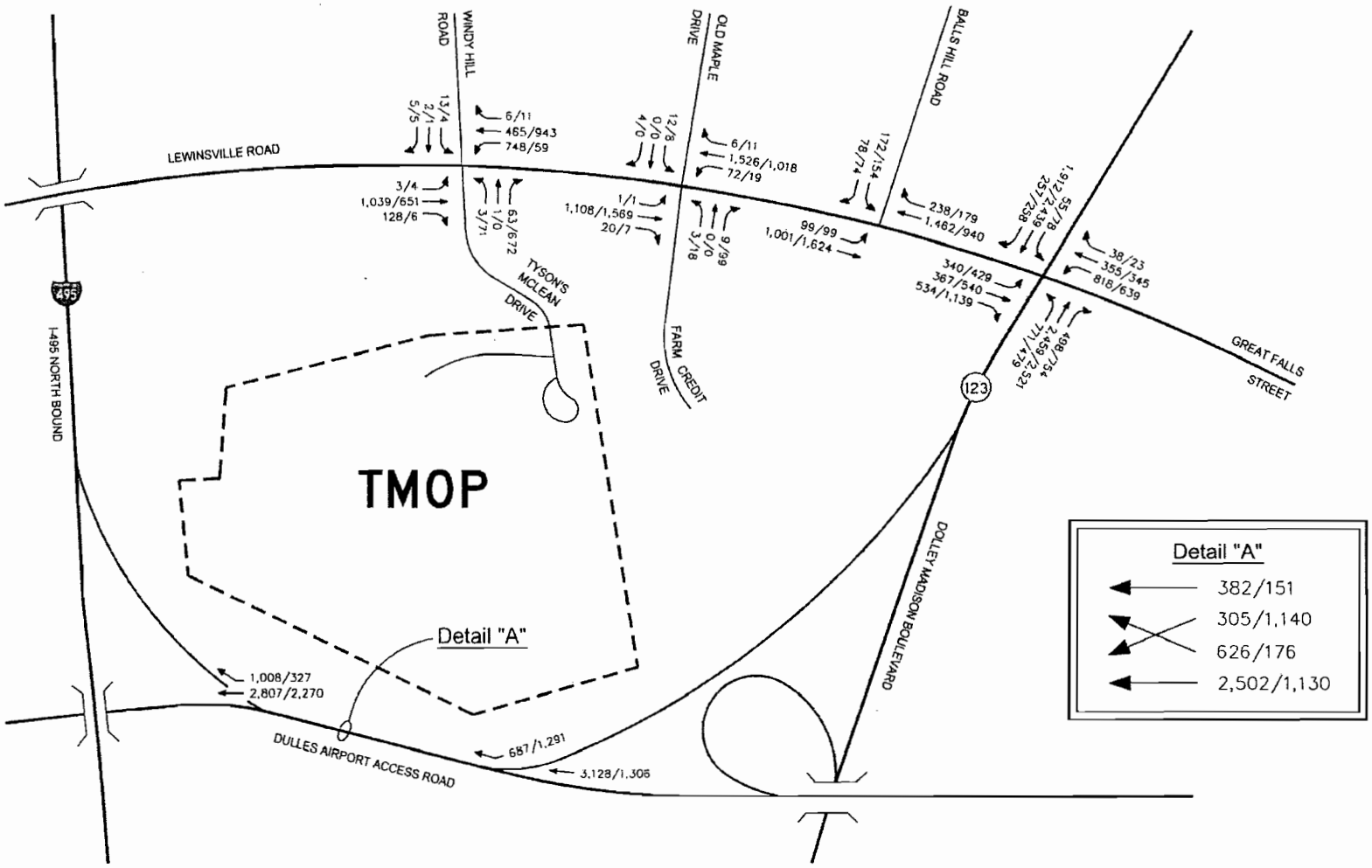

Figure 5
Total Future Traffic Forecasts
No-Build Scenario (2032)

Ingress/Egress for Dulles Airport Access Road WB On-Ramp from SB Route 123
Interchange Justification Report
Fairfax County, Virginia

Wells + Associates, Inc.

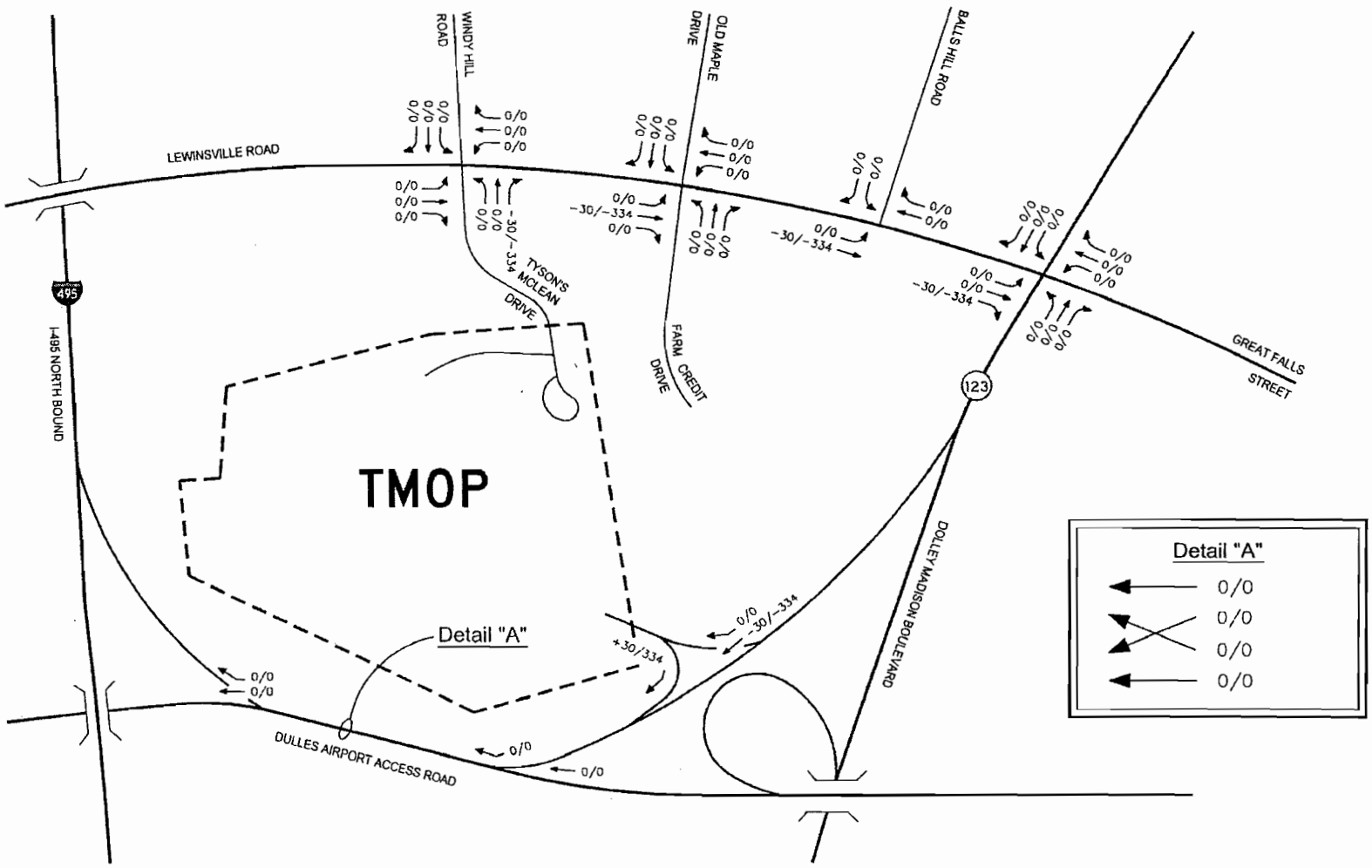

Figure 6
TMOP Diverted Trips
Build Scenario (2032)

AM PEAK HOUR
PM PEAK HOUR
000/000

North

Ingress/Egress for Dulles Airport Access Road WB On-Ramp from SB Route 123
Interchange Justification Report
Fairfax County, Virginia

Wells + Associates, Inc.

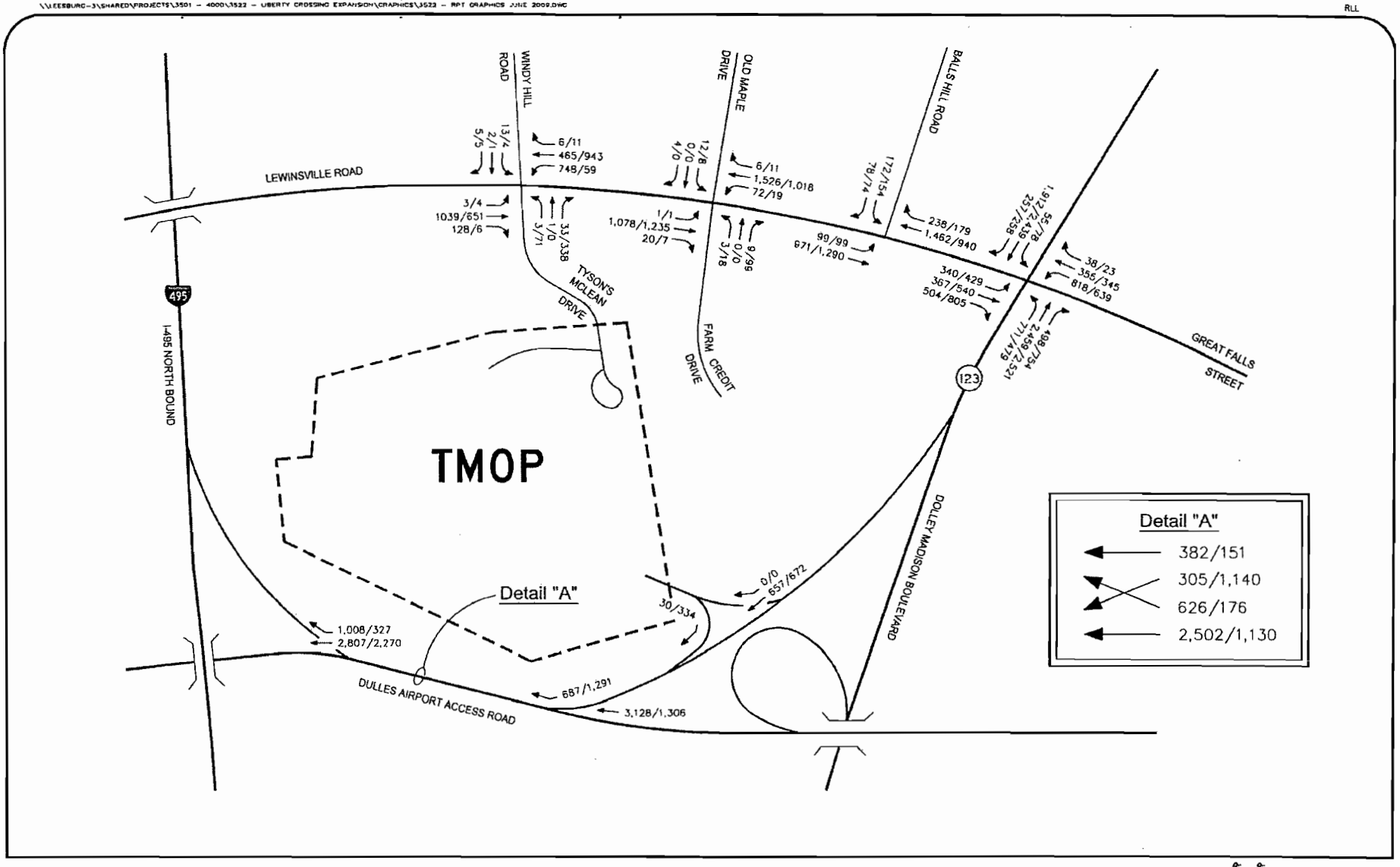

Figure 7
Total Future Traffic Forecasts
Build Scenario (2032)

AM PEAK HOUR
PM PEAK HOUR
000/000

North

Ingress/Egress for Dulles Airport Access Road WB On-Ramp from SB Route 123
Interchange Justification Report
Fairfax County, Virginia

Wells + Associates, Inc.

7 TRAFFIC ANALYSIS

Traffic operations at the study locations and on a network basis were completed for the AM and PM peak hours. Level of Service (LOS) and Network Measure of Effectiveness (MOE) analyses were completed to provide a comparison between the total future (2032) "build" and "no-build" scenarios.

The lane usage and traffic controls for the network are shown on Figure 8.

7.1 EXISTING CONDITIONS

Existing traffic conditions were estimated at the four (4) study intersections based on existing signal timings provided by VDOT, existing traffic volumes shown on Figure 4, lane usage and traffic control shown on Figure 8, and Highway Capacity Manual (HCM) analysis methodology using Synchro 7 software. Traffic conditions were estimated at the one (1) study freeway weave section based on existing traffic volumes shown on Figure 4, lane usage shown on Figure 8, and HCM analysis methodology using the Highway Capacity Software's (HCS version 5.2) Weave Analysis Module. The results are presented in Appendix 10.c and summarized in Table 2.

As shown in Table 2, each of the study intersections operate at acceptable levels of service (LOS "D" or better) during both the AM and PM peak hours except the following:

- The southbound approach to the Lewinsville Road/Balls Hill Road intersection operates at a LOS "E" during the AM peak hour
- The Lewinsville Road/Route 123 intersection operates at an overall LOS "E" during the AM peak hour and LOS "F" during the PM peak hour.

The freeway weave section on WB DAAR between the On-Ramp from SB Route 123 and the Off-Ramp to NB I-495 currently operates at a LOS "C" during the AM peak hour and at a LOS "D" during the PM peak hour.

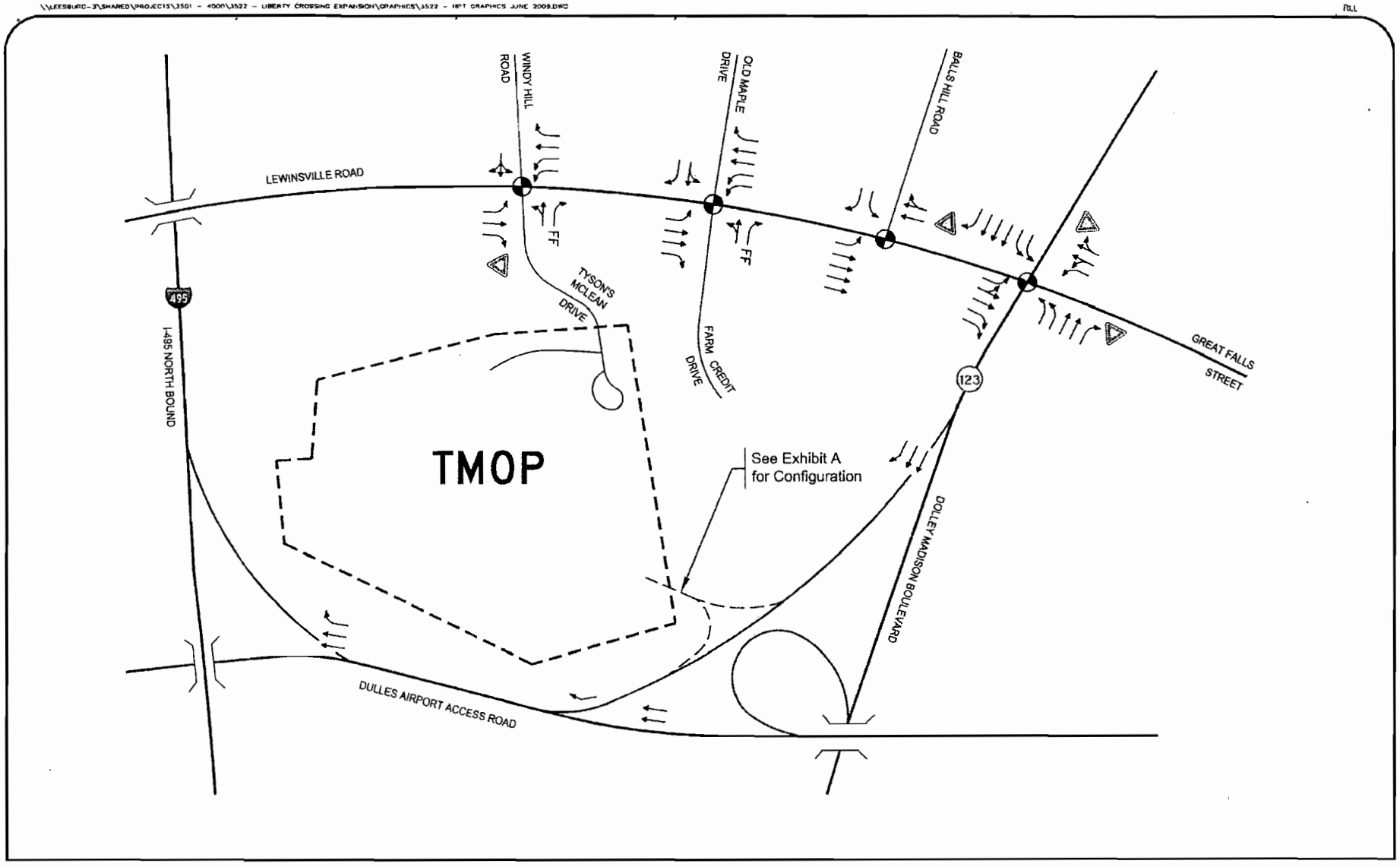

Figure 8
Lane Usage & Traffic Control

Proposed Slip Ramp
FF Free Flow
Yield Sign
Represents One Travel Lane
Signalized Intersection
North

Ingress/Egress for Dulles Airport Access Road WB On-Ramp from SB Route 123
Interchange Justification Report
Fairfax County, Virginia

Wells + Associates, Inc.

Table 2
Existing Levels of Service[1,2]

Intersection	Approach/ Direction	AM	PM
Lewinsville Road/ Tysons McLean Drive/ Windy Hill Road	EB	C [22.3]	A [9.6]
	WB	C [23.3]	A [6.6]
	NB	A [2.4]	A [3.1]
	SB	D [43.1]	C [21.3]
	Overall	**C [22.4]**	**A [6.0]**
Lewinsville Road/ Farm Credit Drive/ Old Maple Drive	EB	A [5.6]	A [4.9]
	WB	A [6.1]	A [4.4]
	NB	A [8.2]	A [6.0]
	SB	D [35.8]	D [37.1]
	Overall	**A [6.2]**	**A [4.9]**
Lewinsville Road/ Balls Hill Road	EB	A [4.4]	A [4.0]
	WB	A [4.8]	A [4.2]
	SB	E [73.5]	D [36.3]
	Overall	**B [11.9]**	**A [7.2]**
Lewinsville Road/ Dolley Madison Boulevard (Route 123)	EB	E [65.1]	F [201.6]
	WB	F [113.9]	F [159.1]
	NB	D [51.9]	D [42.0]
	SB	D [44.3]	D [43.5]
	Overall	**E [60.8]**	**F [89.5]**
Weave			
Dulles Airport Access Road between Route 123 and I-495	WB	C (24.82)	D (32.33)

Notes:
(1) Numbers in brackets [ ] indicate delay in seconds per vehicle for signalized intersections.
(2) Numbers in parentheses ( ) indicate density in passenger cars per mile per lane (pc/mi/ln).

7.2 TOTAL FUTURE CONDITIONS (NO-BUILD SCENARIO)

Total future (2032) traffic conditions, without the ingress/egress ramp, were estimated at the four (4) study intersections based on existing signal timings, total future "no-build" traffic forecasts shown on Figure 5, lane usage and traffic controls shown on Figure 8, and HCM analysis methodology using Synchro 7 software. Traffic conditions were estimated at the one (1) study freeway weave section based on total future "no-build" traffic forecasts shown on Figure 5, lane usage shown on Figure 8, and HCM analysis methodology using HCS's Weave Analysis Module. The results are presented in Appendix 10.c and summarized in Table 3.

As shown in Table 3, the three (3) study intersections west of Route 123 would operate at an overall LOS "D" or better during both the AM and PM peak hours. However, the southbound approach of Balls Hill Road is shown to operate at a LOS "E" during the AM peak hour primarily due to coordinated signal timing of other intersections. The Route 123/Lewinsville Road intersection would continue to operate at a LOS "F" during both the AM and PM peak hours.

Also, as shown in Table 3, the freeway weave section on westbound DAAR would operate at a LOS "D" during the AM peak hour and at a LOS "C" during the PM peak hour.

Table 3
Total Future Levels of Service (2032)[1,2]

Intersection	Approach/ Direction	No-Build Scenario		Build Scenario	
		AM	PM	AM	PM
Lewinsville Road/ Tysons McLean Drive/ Windy Hill Road	EB	D [44.6]	B [11.2]	D [44.6]	B [11.2]
	WB	D [38.8]	A [8.4]	D [38.8]	A [8.4]
	NB	A [2.9]	A [3.9]	A [5.1]	A [5.8]
	SB	D[52.4]	C [29.3]	D [52.4]	C [29.3]
	Overall	**D [40.7]**	**A [7.9]**	**D [41.2]**	**A [8.9]**
Lewinsville Road/ Farm Credit Drive/ Old Maple Drive	EB	A [6.7]	A [6.8]	A [6.5]	A [5.3]
	WB	A [7.1]	A [4.8]	A [7.1]	A [4.8]
	NB	A [8.2]	A [6.0]	A [8.2]	A [6.0]
	SB	D [35.8]	D [37.1]	D [35.8]	D [37.1]
	Overall	**A [7.1]**	**A [6.1]**	**A [7.1]**	**A [5.2]**
Lewinsville Road/ Balls Hill Road	EB	A [5.1]	A [4.2]	A [5.1]	A [3.9]
	WB	A [6.9]	A [6.7]	A [6.9]	A [6.7]
	SB	E [73.8]	D [36.7]	E [73.8]	D [36.7]
	Overall	**B [11.7]**	**A [7.6]**	**B [11.8]**	**A [7.8]**
Lewinsville Road/ Dolley Madison Boulevard (Route 123)	EB	F [119.1]	F [472.1]	F [120.0]	F [292.4]
	WB	F [276.2]	F [342.6]	F [276.2]	F [342.6]
	NB	F [175.7]	F [129.6]	F [175.7]	F [129.6]
	SB	E [64.1]	F [83.7]	E [64.1]	F [83.7]
	Overall	**F [152.3]**	**F [213.5]**	**F [155.7]**	**F [170.0]**
Weave					
Dulles Airport Access Road between Route 123 and I-495	WB	D (33.59)	C (28.57)	D (33.59)	C (28.57)

Notes:
(1) Numbers in brackets [ ] indicate delay in seconds per vehicle for signalized intersections.
(2) Numbers in parentheses ( ) indicate density in passenger cars per mile per lane (pc/mi/ln).

7.3 TOTAL FUTURE CONDITIONS (BUILD SCENARIO)

Total future (2032) traffic conditions, with the ingress/egress ramp, were estimated at the four (4) study intersections based on existing signal timings, total future "build" traffic forecasts shown on Figure 7, lane usage and traffic control shown on Figure 8, and HCM analysis methodology using Synchro 7 software. Traffic conditions were estimated at the one (1) study freeway weave section based on total future "build" traffic forecasts shown on Figure 7, lane usage shown on Figure 8, and HCM analysis methodology using HCS's Weave Analysis Module. The results are presented in Appendix 10.c and summarized in Table 3.

As shown in Table 3, three (3) of the study intersections west of Route 123 would operate at an overall LOS "D" or better during both the AM and PM peak hours with the exception of the southbound approach of Balls Hill Road, which would continue to operate at a LOS "E" during the AM peak hour. Levels of service are maintained during the AM peak hour when compared with the "no-build" scenario. The Route 123/Lewinsville Road intersection would continue to operate at a LOS "F" during both the AM and PM peak hours, with an improvement in overall delay of approximately 40 seconds during the PM peak hour.

The freeway weave section on westbound DAAR would operate at the same levels of service as under the "no-build" scenario since there is no change in traffic volumes between the "no-build" and "build" scenarios.

7.4 QUEUE ANALYSIS

Existing and total future queues, with and without the ingress/egress ramp, at the four (4) study intersections were also analyzed. The results are summarized in Table 4 and presented in Appendix 10.c.

The queue analysis of existing and future traffic conditions show that the westbound left turn lane into Tysons McLean Drive intersection at Lewinsville Road spillover into the westbound through lane. However, field observations indicate the left turn movement is cleared for the majority of the signal cycles and is metered by the upstream traffic signal.

Field observations and analysis results confirm significant queues occur at the Route 123/Lewinsville Road intersection in all directions. The queues along Route 123 are the result of saturated traffic conditions. The "build" condition would improve the eastbound right turn queues from approximately 1,400 feet to 700 feet during the PM peak hour.

Table 4

Peak Hour Queue Analysis [1]

Intersection	Approach/ Movement	Storage Length (ft)	Existing AM	Existing PM	2032 No Build AM	2032 No Build PM	2032 Build AM	2032 Build PM
Lewinsville Road (Route 694)/	EBL	85	6	6	6	6	5	6
Windy Hill Road/	EBT	2,000+	663	252	1304	425	1239	417
Tysons McLean Drive	EBR	120	0	0	0	0	0	0
	WBL-2	255	496	31	496	41	470	46
	WBT	548	65	231	99	494	94	481
	WBR	545	2	5	2	4	2	4
	NBLT	515	16	69	16	93	14	103
	NBR	515	0	0	0	0	0	0
	SBLTR	365	41	15	41	20	38	20
Lewinsville Road (Route 694)/	EBL	225	6	6	6	6	5	6
Old Maple Drive/	EBT	548	158	242	252	438	232	271
Farm Credit Drive	EBR	120	10	6	11	6	11	6
	WBL-2	200	39	17	39	17	38	15
	WBT	430	218	131	392	205	367	196
	WBR	170	5	6	5	6	5	6
	NBLT	290	10	32	10	32	9	30
	NBR	290	0	0	0	0	0	0
	SBLT	298	24	19	24	19	22	18
	SBR	150	10	0	10	0	9	0
Lewinsville Road (Route 694)/	EBL	180	46	36	42	34	74	33
Balls Hill Road (Route 686)	EBT	430	73	90	97	129	95	96
	WBTR	205	131	88	111	170	113	172
	SBL	403	306	161	306	161	291	152
	SBR	100	84	44	85	46	78	37
Dolley Madison Blvd.(Route 123) [2]	EBL	205	407	648	641	983	608	945
Lewinsville Road (Route 694)	EBLT	205	335	578	559	913	529	873
	EBR	205	222	747	317	1436	286	694
	WBL	245	706	676	1091	1024	1039	982
	WBLTR	950	583	587	945	928	904	890
	NBL-2	1000	485	313	808	489	771	461
	NBT	2,000+	1361	1332	2356	2567	2258	2458
	NBR	775	208	342	395	788	368	721
	SBL-2	280	51	73	67	96	63	92
	SBT	2,000+	602	818	1052	1534	996	1459
	SBR	275	101	119	194	209	180	196

Notes:
1) Analysis results are reported for 95th percentile conditions.
2) Storage effectively extends across Balls Hill Road.

7.5 NETWORK ANALYSIS

Additional analyses were completed using Synchro 7 software to quantify the network operational improvements with the ingress/egress ramp. Network Measures of Effectiveness (MOE) reports for the Dolley Madison Boulevard (Route 123) arterial, Lewinsville Road arterial, and by total network, for total future (2032) "no-build" and "build" scenarios were completed. The results are presented in Appendix 10.c and summarized in Table 5.

A review and comparison of the MOE's shown in Table 5 indicates that on an arterial basis, Dolley Madison Boulevard (Route 123) would have small changes in overall operation. Lewinsville Road would have increases in overall operation with decreases in total delay, number of stops, travel time, distance traveled, fuel consumption, and emissions. Similar overall network increases in operation are reported with the following MOE decreases:

MOE	AM Peak Hour	PM Peak Hour
Total delay	(9 hours)	(82 hours)
Total number of stops	(190 stops)	(723 stops)
Travel time	(15 hours)	(90 hours)
Distance traveled	(190 miles)	(235 miles)
Fuel consumption	(15 gallons)	(73 gallons)

Table 5

Network Measures of Effectiveness Comparison

Location	AM Peak Hour			PM Peak Hour		
	WO Ramp	W Ramp	Difference	WO Ramp	W Ramp	Difference
Dolley Madison Blvd. (Route 123)						
Control Delay / Veh (s/v)	59	59	0	48	49	1
Total Delay / Veh (s/v)	59	59	-	48	49	1
Total Delay (hr)	213	213	0	192	192	0
Stops / Veh	0.35	0.36	0	0.36	0.37	0.01
Stops (#)	4594	4594	0	5199	5199	0
Total Travel Time (hr)	282	282	0	271	270	(1)
Distance Traveled (mi)	2423	2420	(3)	2771	2733	(38)
Fuel Consumed (gal)	283	283	0	285	284	(1)
CO Emissions (kg)	19.79	19.78	(0.01)	19.95	19.85	(0.10)
NOx Emissions (kg)	3.85	3.85	0.00	3.88	3.86	(0.02)
VOC Emissions (kg)	4.59	4.58	(0.01)	4.62	4.60	(0.02)
Performance Index	225.9	225.9	0.0	206.3	206.3	0.0
Lewinsville Road						
Control Delay / Veh (s/v)	53	54	1	102	82	(20)
Total Delay / Veh (s/v)	68	69	1	132	118	(14)
Total Delay (hr)	197	196	(1)	377	303	(74)
Stops / Veh	0.49	0.49	-	0.44	0.45	0.01
Stops (#)	5091	5027	(64)	4512	4132	(380)
Total Travel Time (hr)	234	229	(5)	407	330	(77)
Distance Traveled (mi)	1303	1137	(166)	1055	965	(90)
Fuel Consumed (gal)	232	225	(7)	351	290	(61)
CO Emissions (kg)	16.22	15.71	(0.51)	24.51	20.24	(4.27)
NOx Emissions (kg)	3.16	3.06	(0.10)	4.77	3.94	(0.83)
VOC Emissions (kg)	3.76	3.64	(0.12)	5.68	4.69	(0.99)
Performance Index	210.8	210.0	(0.8)	389.8	314.0	(75.8)
Network Totals						
Control Delay / Veh (s/v)	42	41	(1)	55	46	(9)
Total Delay / Veh (s/v)	47	45	(2)	64	57	(7)
Total Delay (hr)	432	423	(9)	583	501	(82)
Stops / Veh	0.33	0.32	(0.01)	0.35	0.34	(0.01)
Stops (#)	10920	10730	(190)	11503	10780	(723)
Total Travel Time (hr)	573	558	(15)	722	632	(90)
Distance Traveled (mi)	5144	4954	(190)	4903	4668	(235)
Fuel Consumed (gal)	586	571	(15)	690	617	(73)
CO Emissions (kg)	40.93	39.90	(1.03)	48.23	43.15	(5.08)
NOx Emissions (kg)	7.96	7.76	(0.20)	9.38	8.40	(0.98)
VOC Emissions (kg)	9.49	9.25	(0.24)	11.18	10.00	(1.18)
Performance Index	462.5	452.9	(9.6)	615.4	531.1	(84.3)

7.6 OPERATIONAL REVIEW

Typically, an assessment of queuing and rejection of unauthorized vehicles (vehicle and trucks) is completed for the terminus of the proposed ingress to ensure no impacts to the on-ramp to DAAR. Since the ramp is provided only for emergency access, no adverse impacts are anticipated. However, a review of the rejection handling process was completed.

As described above, the proposed ingress ramp would be designated for emergency access with the egress restricted to government employees. In order to prevent non-emergency access, the ingress lane will be striped out with signs prohibiting unauthorized vehicles from entering. In the event that non-emergency vehicles attempt to enter the ingress ramp, they will be directed back to the DAAR westbound on-ramp by a connection between the on and off ramp in advance of entering the facility as shown on Figure 9.

The existing driveway at Tysons McLean Drive would continue to serve as the primary access location for employees, visitors, and trucks.

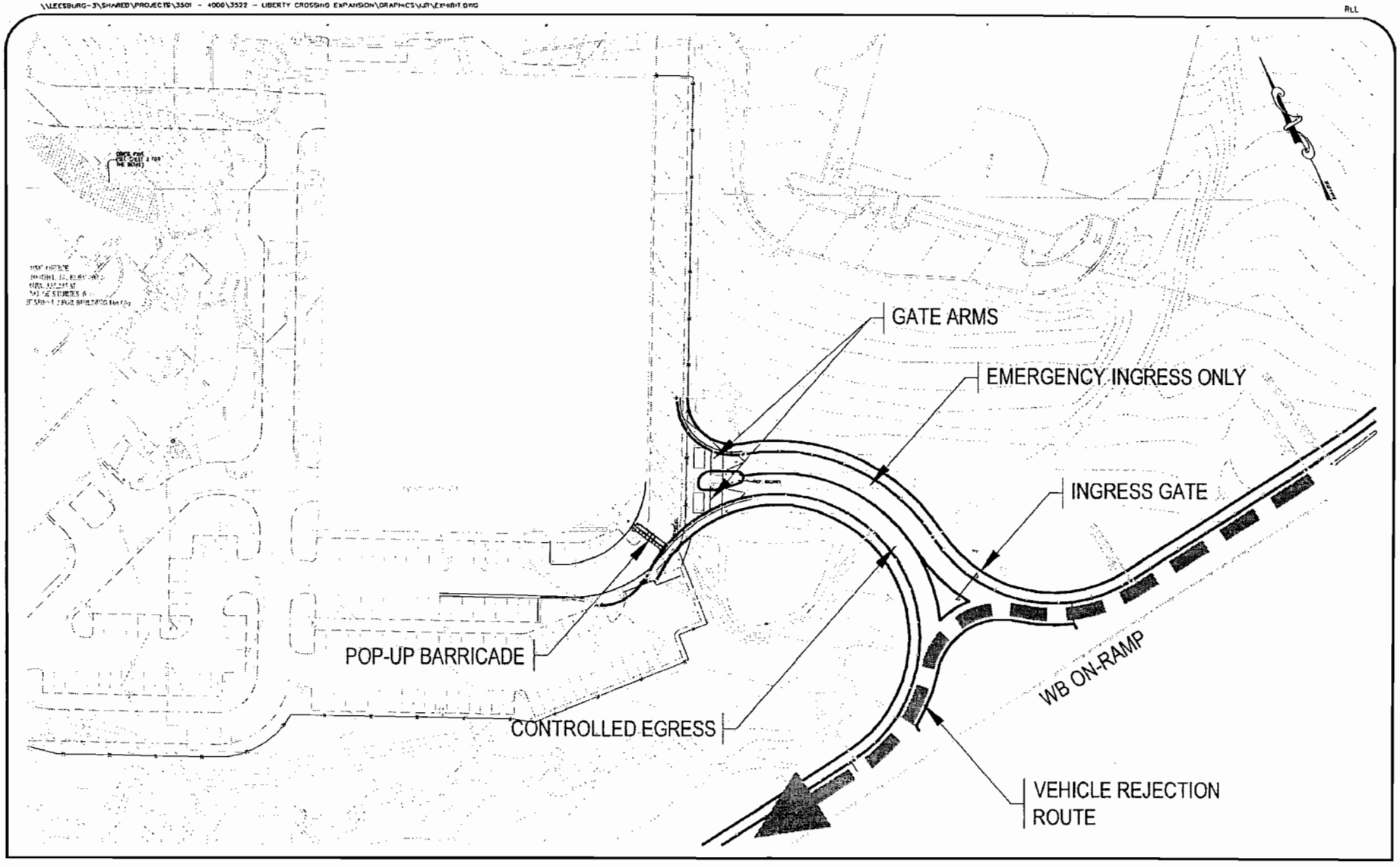

Figure 9
Vehicle and Truck Rejection

North

Ingress/Egress for Dulles Airport Access Road WB On-Ramp from SB Route 123
Interchange Justification Report
Fairfax County, Virginia

Wells + Associates, Inc.

7.7 CRASH ANALYSIS – EXISTING CONDITIONS

The Crash Analysis study area includes the DAAR Westbound On-Ramp from Southbound Route 123 (Dolley Madison Boulevard), DAAR Westbound between Route 123 and I-495, and the DAAR Westbound Off-Ramp to Northbound I-495.

Crash data within the study section was provided by VDOT for a 5 year period. A review of the data indicates that 35 crashes have occurred within the study area over the 5 year period. The Crash Data was organized into four basic segments/locations and by type of crash and summarized in Table 6. The majority of the crashes (57%) occurred between the on and off ramps with the predominant crash type within the study area of Fixed Objects at 40%, followed by Deer at 22% and Sideswipe-Same Direction at 14%.

Table 6

Summary of Study Area Crashes by Type

Roadway Section	Rear End	Angle	Sideswipe	Fixed Object	Non-Collision	Deer	TOTAL
DAAR WB On-Ramp from SB Route 123 (Ramp Entrance)	0	0	1	4	0	1	6
DAAR WB On-Ramp from SB Route 123 (Ramp Exit)	0	1	2	0	0	3	6
DAAR WB between Route 123 and 495 (Used to Calculate Rate)	3	0	1	9	2	5	20
DAAR WB Off-Ramp to NB 495	0	0	1	1	3	0	5
TOTAL	3	1	5	14	4	8	35

Within the influence area of the proposed slip ramp (at the gore point and one-third the distance on the westbound section) a total of 9 accidents over a five year period occurred. Of these 9 accidents, 5 were Deer, 2 Sideswipe, one angle, and one fixed object related.

Crash rates, expressed below as the number of crashes per hundred-million vehicles traveled (HMVMT), were calculated based on the crash data provided by VDOT and Average Daily Trips (ADTs) calculated from the peak hour counts. The average daily trips for the westbound DAAR is estimated to be 34,550 trips with a K-factor of .0992 as contained in VDOT volume counts for the same section of roadway. The crash rate was then compared with the average annual crash rate of interchanges along the I-495 study

area as document in the Draft I-495 HOT Lanes IJR, dated November 2007. The average crash rate for eleven interchanges is 108.67.

The crash rate was calculated for this segment to have an average annual rate of 151.00 which is above the I-495 interchange average crash rate. The higher crash rate for this DAAR section is partly due to the high number of Deer (5 of the 20 accidents or 20%). When the Deer crashes are removed from the accident rate calculation, an average annual rate of 113.28 is calculated and is within 5 percent of the average interchange rate. The next highest collision type is Fixed Object with 9 crashes in a five year period. The 9 Fixed Object crashes translate to an average crash density 8.6 crashes per mile and when compared to the I-495 area is slightly below an average crash density of 9.0 crashes per mile.

8 LAND USE

The development of Tysons Mclean Office Park is complete and there are no zoning requests associated with the proposed ramp improvements. The current development conforms to the I-I Zoning District and is currently built-out to less than the maximum allowed floor area.

Therefore, the proposed break in limited access will not generate **any** new traffic.

This request is in harmony with and has the support of the adjacent developments and transportations systems because it will remove existing traffic from the Dolley Madison Boulevard / Lewinsville Road intersection during the PM peak period.

All proposed improvements fall outside of the currently approved plans for the I-495 High Occupancy toll (HOT) Lanes project.

9 ENVIRONMENTAL COMPLIANCE

All necessary federal, state and local, permits, certifications, and approvals have been obtained for the project. These include:

- A Jurisdictional Determination (JD NAO-2007-2429) was issued by the Army Corps of Engineers (COE) on April 21, 2009.
- A Chesapeake Bay Resource Protection Area plan (3231-RPA-001-1) was approved by Fairfax County on April 3, 2009.
- A Water Quality Impact Assessment (3231-WQ-003-1) was approved by Fairfax County on May 7, 2009.
- The Virginia Water Protection General Permit (WP4-09-0206) was issued by the Department of Environmental Quality (DEQ) on March 26, 2009.
- The State Program General Permit (07-SPGP-01, NAO-2007-2429) was issued by DEQ on behalf of the COE on March 26, 2009.
- The EQ112 was submitted to VDOT on February 11, 2009.

Correspondence from the Metropolitan Washington Airports Authority dated January 28, 2009, states that the limited access line break does not constitute a federal action that would involve the FAA; therefore, any NEPA requirements were deferred to the VDOT and the FHWA. Although correspondence from VDOT dated February 3, 2009 noted that the limited access line in the location of this project is a state limited access, and no NEPA coordination from FHWA is

required, new comments received from VDOT on July 7, 2010 indicate that coordination with FHWA regarding the NEPA requirements will be required.

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Board Agenda Item
November 16, 2010

ACTION -6

Annual Adjustment to Various Road Fund Contribution Rates

ISSUE:
Annual adjustments to various road fund contribution rates, to include Fairfax Center, Centreville and Tysons Corner Fund areas. The annual adjustment to the Tysons Corner Fund is not related to the recently adopted Tysons corner Comprehensive Plan Amendment; potential changes to that fund will be addressed separately at a future date. The proposed revisions to the Procedural Guidelines adopted by the Board of Supervisors in 1982 are necessary to reflect increases in highway construction costs

RECOMMENDATION:
The County Executive recommends that the Board adopt the updated Procedural Guidelines for the Annual Review Process to incorporate a 1.3% adjustment of the existing contribution rates in the Fairfax Center, Centreville, and Tysons Corner Areas with the new rates, shown in Attachment I, effective December 1, 2010.

TIMING:
The Board of Supervisors should act on this item on November 16, 2010. The new rates will take effect on December 1, 2010.

BACKGROUND:
One of the principles of the Comprehensive Plan for the Fairfax Center area is that development above the baseline level established in the Plan may be approved if the developer contributes to a fund for the provision of off-site road improvements. The enclosed attachment (Attachment I) reflects the increase in highway construction costs and the 1.3% increase, the calculated inflation since 2008, which is necessary to keep pace with inflationary increases.

FISCAL IMPACT:
Adoption of the revised rates will increase the funds contributed by developers to Fund 301 by approximately 1.3% over previously anticipated amounts. However, the Procedural Guidelines for the Fairfax Center Area (Attachment II) specifically stipulate that the contribution amount is determined by the effective rate at the time of development approval by the Board and that such amounts are fixed for site plans

submitted for that approved development during a two-year period. Thus, the primary effects of this increase will be felt in future fiscal years.

ENCLOSED DOCUMENTS:
Attachment I – Calculation of Revised Contribution Rate for 2010
Attachment II – Procedural Guidelines for Annual Review Process; Fairfax Center Area

STAFF:
Robert A. Stalzer, Deputy County Executive
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Todd Wigglesworth, Transportation Planner, FCDOT
Kenneth Kanownik, Transportation Planner, FCDOT

ATTACHMENT I

CALCULATION OF REVISED CONTRIBUTION RATE – 2010

Inflation rate for 2010 based on the Consumer Price Index published by the US Department of Labor, Bureau of Labor Statistics

2010 Contribution Rate

<u>Fairfax Center</u>	
non-residential	($5.25) (1.013) = $5.32 / square foot
residential	($1,164.00) (1.013) = $1,179.00 / dwelling unit
<u>Centreville</u>	
non-residential	($5.64) (1.013) = $5.71 / square foot
residential	($2,230.00) (1.013) = $2,258.00 / dwelling unit
<u>Tysons Corner</u>	
non-residential	($3.87) (1.013) = $3.92 / square foot
residential	($859.00) (1.013) = $869.00 / dwelling unit

Attachment II

PROCEDURAL GUIDELINES

FOR THE

ANNUAL REVIEW PROCESS

FAIRFAX CENTER AREA

Adopted by

FAIRFAX COUNTY
BOARD OF SUPERVISORS

November 22, 1982

April 1, 1995

The following guidelines serve to direct staff in the implementation of the Fairfax Center Area Plan. These procedures were adopted by the Board of Supervisors on November 22, 1982, and revised periodically since their adoption. Guidelines for the monitoring of development in the Area as well as a procedure for reviewing the roadway contribution formula are included herein.

A. MAINTENANCE / REVIEW OF LAND USE DATA

It is the intent of the Board of Supervisors that the target or goal for development intensity of the Fairfax Center Area be Level B, as recommended by the Planning Commission. The annual review process will be utilized to assure the achievement of this goal. In addition the Department of Planning and Zoning and the Department of Systems Management for Human Services will collect and maintain the following information with respect to land use development in the Fairfax Center Area:

- the development status of parcels, land development units and unit groups (including acreage, existing zoning, existing land use, planned land use, number and type of dwelling units, and amount and type of non-residential floor area); and

- the identification of activity in the development pipeline for each parcel, land development unit and unit group (including the following stages of development: rezonings pending, rezonings granted, site plans submitted, site plans approved, building permits issued, and projects under construction).

Staff will prepare an annual summary document of this information for presentation to the Board of Supervisors.

B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The following excerpt from the Comprehensive Plan identifies the intention of the Board of Supervisors to review the method by which the private sector contributes to funding of roadway improvements in the Fairfax Center Area:

> The proportional share of the transportation improvements provided by the private sector will be established by the Board of Supervisors and reviewed periodically through an established public process such as the Annual Plan Review.

The paragraphs that follow specify the review process to be undertaken by the Board and County staff. Clarification on the Contribution Formula, Roadway Improvements Prioritization, and the Road Fund Account are also provided.

An appraisal of funding and implementation of roadway improvements in the Fairfax Center Area will be made annually and presented to the Board. The appraisal will include but not be limited to the following items:

- identification of total funds contributed by the private sector and the funds contributed over the previous year(s);

- review of trends in roadway construction costs reflecting inflation (or deflation) rates;

- listing of right-of-way dedications, roadway construction, and other commitments/contributions provided in previous year(s);

- examination of the development pipeline toward re-assessment of programming of roadway projects; and

- discussion regarding the ability of current funding mechanisms to satisfactorily provide for necessary roadway improvements.

This annual appraisal will not be conducted as a full-scale traffic analysis and roadway needs study. Rather, it will evaluate the suitability of roadway project implementation with respect to specific site developments and the overall Fairfax Center Area development. In addition to these items, staff will make recommendations with respect to the prioritization of roadway projects. An examination of the funding formula will also be presented for reconsideration by the Board.

C. CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for transit-related purposes. 'Off-site' roadway projects are defined for the purposes of this document as:

- those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 50;

- improvements to secondary roadways functioning as arterial roadways, including Fairfax County Parkway, Waples Mill Road, Shirley Gate Road, West Ox Road, Stringfellow Road, and Clifton Road;

- bridges and interchanges on interstate and primary roadways;

- traffic signals which are not otherwise required within the boundaries of or adjacent to sites subject to development; and

- those portions of roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites subject to development.

These 'off-site' roadway improvements are identified in the next section titled "Prioritization of Roadway Improvements."

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Fairfax Center Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)[1]. It

[1] Turning lanes and traffic signals provided on major arterials (e.g. Route 29) are considered to be 'off-site' improvements.

is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

'Transit-related purposes' are defined as the following:

- rail stations and facilities peripheral to their function
- park-n-ride lots
- bus transit transfer stations and facilities peripheral to their function

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

As a minimum, the contribution formula will be as follows[2]:

- for any application requesting a level of development above the baseline, the contribution will be $2.50 per gross square foot of building structure of the total proposed non-residential space and $577 per unit of the proposed residential uses;
- up to one-third of the total contribution required can be credited by the dedication of right-of-way for 'off-site' roadway projects or 'transit-related' projects provided no density credits have been granted for the same right-of-way;

---

[2] Contribution amounts to the fund have subsequently been modified. A 15 year trend of previous revisions is provided below.

Effective Date	% Increase	Non-Res'd Rate per square foot	Res'd Rate per unit
January 27, 1992	0.0	$3.97	$883
March 1, 1993	1.75	$4.04	$898
March 1, 1994	0.5	$4.06	$902
April 1, 1995	0.5	$4.08	$906
June 28, 1999	0.0	$4.08	$906
January 8, 2001	2.5	$4.18	$928
March 18, 2002	2.0	$4.26	$946
March 24, 2003	3.0	$4.39	$974
March 15, 2004	2.0	$4.48	$993
February 28, 2005	6.0	$4.75	$1053
September 24, 2007	3.2	$5.07	$1,124
September 22, 2008	3.6	$5.25	$1,164

- the total contribution requirement can be provided in part or in total by the construction of major portions of 'off-site' roadway projects or 'transit-related' projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of land use modification (rezoning, Special Exception, or other).

The need for a contribution for each application will be identified prior to development approval. Upon approval, the contribution rate at the time of approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate which is in effect at the time of site plan submission or final subdivision plat submission will be utilized to identify the total contribution required. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of 'off-site' roadways, or 'transit-related' purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment which is in effect at the time of site plan submission or final subdivision plan submission. The value of the land to be dedicated can be credited to no more than one-third of the total required contribution, provided density credits have not been granted for this same dedicated land area. That is, the applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total required contribution. The applicant, prior to development approval, should indicate his intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration with respect to the total required contribution.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of 'off-site' roadway projects or 'transit-related' projects, a cost estimate will be provided by the applicant and reviewed by the Department of Public Works and Environmental Services consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by the Department of Public Works and Environmental Services, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective 'off-site' roadway or 'transit-related' project construction bonds are released.

Prior to or upon site plan or subdivision plat approval, the applicant will contribute 10 percent of the total required contribution minus any applicable credits as discussed previously. The remaining 90% will be required before building permits are issued. If the sum of the cost estimate for the 'in-kind' roadway and 'transit-related' projects and the value of the dedicated land (up to one-third of the total required contribution) is less than the total required contribution, the applicant will supply 10 percent of this differential monetary contribution prior to or upon site plan or subdivision plat building permit. In the event that the combined value of the dedicated land for the 'off-site' roadways or 'transit-related' projects (up to one-third of the total contribution) and the cost estimate for the construction

of same exceeds the projected contribution, then it shall be determined that the applicant's commitment to the Fairfax Center Area Road Fund has been met.

As the Fairfax Center Area develops, a schedule for roadway improvements will be established. However, dedicated rights-or-way or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

D. PRIORITIZATION OF ROADWAY IMPROVEMENTS

The timing of the roadway improvements is crucial to the manner in which the Fairfax Center Area develops. The following improvements are considered as high priority and should be scheduled for implementation as closely as possible to the order in which they are listed. Physical, fiscal, and developmental constraints may shift the priorities of the projects as identified through the annual analysis of road improvement needs. The improvement priorities were adopted by the Board of Supervisors on January 9, 2001. (Note: strikeout indicates completed project.)

- Advanced right-of-way acquisition for:
  - ~~Monument Drive west of Fields Brigade Road~~
  - ~~Stringfellow Road relocation~~

- At-grade improvements/construction:
  - ~~West Ox Road / Route 29 at-grade improvements~~
  - ~~Completion of Monument Drive west of Fields Brigade Road~~
  - ~~Stringfellow Road widening between Fair Lakes Parkway to Route 29~~
  - ~~Widen Route 50 to 6 lanes east of Stringfellow Road~~
  - Waples Mill Road / Route 50 at-grade improvements
  - Widening of Waples Mill Road to six lanes between Route 50 and Route 29
  - Widening of Rugby Road to four lanes between Fairfax County Parkway and Route 50
  - Widening of Route 50 to 8 lanes between Waples Mill Road and I-66
  - Construction of local and collector roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites under development

- Interchanges:
  - ~~Fairfax County Parkway / Route 29 / West Ox Road~~
  - ~~Fairfax County Parkway / Route 50~~
  - Waples Mill Road / Route 50
  - Fairfax County Parkway / Fair Lakes Parkway / Monument Drive with widening of the Parkway to 6 lanes between I-66 and Route 50

- Route 29 reconstruction:
  - East of West Ox Road, including interchanges at Shirley Gate Road and Monument Drive
  - West of West Ox Road, including an interchange at Clifton Road/Stringfellow Road

- Fairfax County Parkway widening:
  - ~~Construction of 4 lanes between Route 29 and Braddock Road~~

- Widening to 6 lanes between I-66 and Route 50 in conjunction with the construction of an interchange at Fair Lakes Parkway / Monument Drive
- Construction of 6 through lanes between I-66 and Route 29

This priority listing will change due to development and financial considerations. It is important that development not occur without the availability of sufficient roadway access and capacity. This is especially important in the development of those parcels that would utilize the sub-connectors traversing or adjoining their property.

Roadway construction and/or right-of-way dedication by either the private or public sector will not necessarily follow the aforementioned priority listing. However, construction of development projects by the private sector may be predicated upon the completion of adjacent roadways in order that the roadway system can satisfactorily accommodate the change in travel patterns resulting from additional development.

E. ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received prior to or upon site plan approval, subdivision plat approval, or building permit issuance, will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be utilized to help fund and implement roadway projects in the Fairfax Center Area as closely as possible to the order in the aforementioned priority list. The widening of I-66 and the construction of sub-connector roads (unless included in the listing of priorities) will not be funded from this account.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE FAIRFAX CENTER AREA ROAD FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON NOVEMBER 22, 1982 AS REVISED EFFECTIVE MARCH 18, 2002.

STEP 1: Total required Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate = total required contribution.

STEP 2: Anticipated Land Credits (if applicable):

sq. feet of land dedicated for 'off-site' and/or 'transit-related' projects multiplied by the per foot assessed value of the land at time of site plan submission or final subdivision plan submission.*

STEP 3: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' roadway and/or 'transit-related' projects consistent with bonding practices and verified and accepted by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Steps 2 + 3 will result in the net contribution due the FCAR fund. (Note: if the sum of Steps 2 + 3 is greater then the value of Step 1 then the commitment to the fund is met with dedication of right-of way and 'in-kind' construction.)

*NOTE: This value cannot exceed one-third of the total required contribution calculated in Step 1 provided no density credits have been granted for this land.

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Board Agenda Item
November 16, 2010

ACTION - 7

Endorsement of Design Plans to Widen Telegraph Road from South Van Dorn Street to South Kings Highway (Lee District)

ISSUE:
Board endorsement of the Virginia Department of Transportation (VDOT) design plans to widen Telegraph Road (Route 611) from South Van Dorn Street (Route 613) to South Kings Highway (Route 633) to four lanes, including two 12-foot travel lanes, two 12-foot turn lanes, 4-foot wide on-road bicycle lanes on both sides of the road, curb and gutter, raised median, 5-foot concrete sidewalk on the east side of the road, and a 10-foot shared use path on the west side of the road. Design plans for Telegraph Road also include a replacement of the culvert carrying Dogue Creek under the road, stormwater management facilities, and reconstruction of the Huntley Meadows Park entrance and parking lot on South Kings Highway.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors endorse VDOT design plans, as presented at the September 23, 2010, public hearing, to widen Telegraph to four lanes, including two 12-foot travel lanes, two 12-foot turn lanes, 4-foot wide on-road bicycle lanes on both sides of the road, curb and gutter, a raised median, 5-foot concrete sidewalk on the east side of the road, and a 10-foot shared use path on the west side of the road as presented at the Public Hearing with the following considerations:

- Continue coordination with the Fairfax County Park Authority and Friends of Huntley Meadows Park.

- Consider providing accommodation for u-turns at the Telegraph Road/South Van Dorn Intersection and Telegraph Road/South Kings Highway intersection.

- Continue refinement of the signage for the bicycle lanes.

TIMING:
The Board should take action on this matter as soon as possible to allow VDOT to proceed with final approval of the design plans by the Chief Engineer.

Board Agenda Item
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BACKGROUND:
The segment of Telegraph Road from South Van Dorn Street to South Kings Highway was initially part of a VDOT Six-Year Secondary Program project to widen Telegraph Road to four lanes from Leaf Road (entrance to Humphreys Engineer Center) to South Kings Highway. After funding for that larger project was eliminated within the VDOT Program, the Board on October 19, 2009, funded the Telegraph Road project segment from South Van Dorn Street to South Kings Highway utilizing Commercial and Industrial Revenues for Transportation. This project is being designed and will be constructed by VDOT but is fully funded by Fairfax County.

The project as designed and presented at the public hearing represents interim improvements; however, the structure replacing the Dogue Creek culvert has been designed to accommodate the ultimate widening of Telegraph Road, as well as the ultimate stormwater management facility. Right-of-way acquisition and utility relocation have been designed considering the ultimate anticipated widening of Telegraph Road in accordance with the Comprehensive Plan.

A copy of the public hearing brochure is attached.

Environmental Considerations
This is not a Federal-aid project, thus the National Environmental Policy Act (NEPA) is not applicable. However, an Environmental Overview documenting existing conditions and likely environmental impacts has been developed. VDOT's Northern Virginia District Environmental Section has determined that this project will not have significant impacts to streams or wetlands, threatened or endangered species, cultural resources, recreational resources, or air quality. Actions to mitigate impacts are being developed in accordance with state and federal requirements.

Public Hearing Comments
A Public Hearing was held on Thursday, September 23, 2010, from 5 to 8 p.m. A total of 28 people attended the hearing. Written comments were received from 11 people. Out of the 11 comments received, 7 indicated support of the project as proposed and 4 indicated support for the project with modifications. Comments were received on the following issues:

- Speed and Safety - Several people expressed concern that the design speed and associated design features, particularly the wider roadway section, may encourage speeding.

- Access - Several residents requested that left turns be allowed to and from Sheridonna Lane.

- On-Road Bicycle Accommodations - Several comments were in support of the bicycle accommodations, one made suggestions to further improve the convenience and safety of the on-road bicycle accommodations, and one opposed the on-road bicycle accommodations.

- General - Other requests included the provision of lighting at intersections and along the shared use path, reconfiguration of existing commercial entrances near South Kings Highway to increase safety, provision of a smooth transition between the culvert structure and pavement, provision of paving and proper drainage on Sheridonna Lane, and provision of landscaping with native species.

Project Cost And Schedule
The current estimated project cost is $10 million, which includes design, right-of-way acquisition, utility relocation, and construction. The latest anticipated schedule is:

Final Design – Spring/Summer 2011
Right-of-way Acquisition Initiation – Spring 2011
Construction Initiation – Spring 2013

FISCAL IMPACT:
On October 19, 2009, the Board of Supervisors approved funding in the amount of $10 million in C&I funding for this project.

ENCLOSED DOCUMENTS:
Attachment I: Location and Design Public Hearing Handout

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT
Jane Rosenbaum, Senior Transportation Planner, Capital Projects Section, FCDOT

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VDOT Virginia Department of Transportation

www.VirginiaDOT.org

Design Public Hearing

Telegraph Road (Route 611) Fairfax County

Thursday, September 23, 2010, 5 – 8 p.m.
Hayfield Secondary School
7630 Telegraph Rd., Alexandria, VA

Public Meeting

Welcome to the Virginia Department of Transportation's (VDOT) public hearing on proposed improvements to Telegraph Road. We look forward to your active participation.

This public hearing is being held to provide an opportunity for citizens and organizations to give VDOT comments and/or suggestions on the proposed project. VDOT strives to ensure that all members of the community have the opportunity to participate in public decisions on transportation projects and programs affecting them.

VDOT representatives are present to discuss the project and answer your questions.

A comment sheet is included in the handouts for this meeting, and your input is encouraged. All oral and written comments received on this project will be included in a transcript for review by VDOT personnel, citizens and other interested parties.

VDOT staff will address questions and concerns raised as a result of this meeting before the project is presented to VDOT's chief engineer for consideration.

Project Overview

Purpose – Relieve congestion, improve safety, and provide bicycle and pedestrian accommodations

From – South Van Dorn Street (Route 613)

To – South Kings Highway (Route 633)

Total length – 0.39 mile

Improvements – Add turn lanes, a raised median, on-road bike accommodations, a five-foot sidewalk, a 10-foot shared-use path and stormwater management facilities.

State Project – 0611-029-891, P101, R201, C501, D604 (UPC 96509)

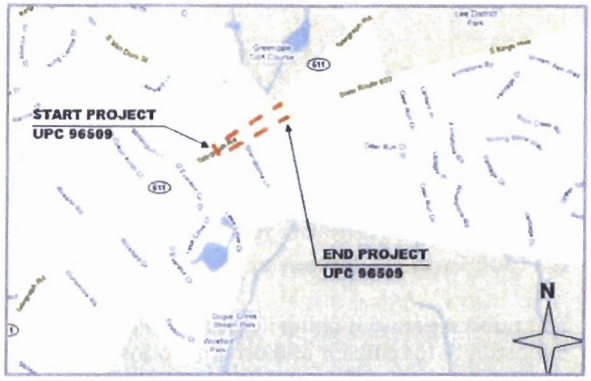
PROJECT DESCRIPTION

The improvements from South Van Dorn Street to South Kings Highway (0.39 mile) would include:

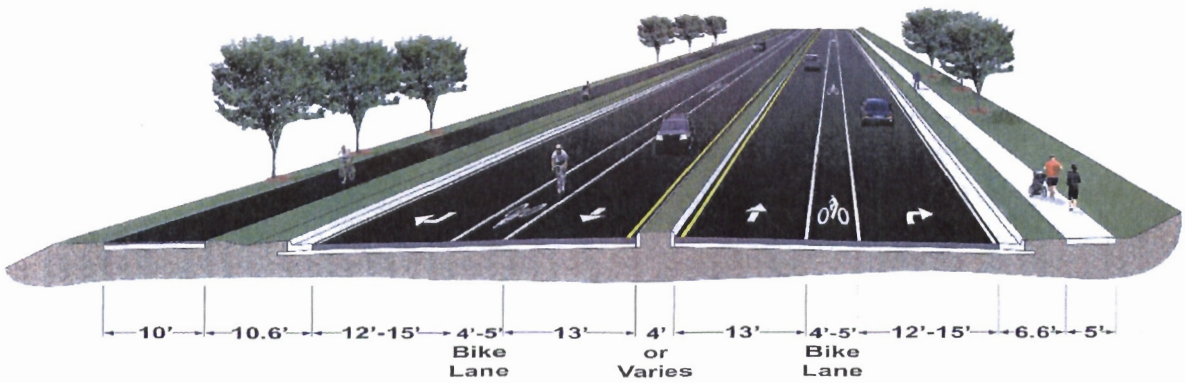
- One right-turn lane from northbound Telegraph Road to South Kings Highway
- One right-turn lane from southbound Telegraph Road to South Van Dorn Street
- Dual left-turn lanes from South Kings Highway to southbound Telegraph Road
- A raised median
- Striped bicycle lanes and/or wide curb lanes, depending on lane configuration
- A five-foot-wide sidewalk on the east
- A 10-foot-wide shared-use path on the west
- Replacement of the culvert carrying Dogue Creek under the road
- Reconstruction of the Huntley Meadows Park entrance and parking lot on South Kings Highway
- Stormwater management facilities

Utilities to be relocated include a water main, sewer lines, gas line and overhead utility lines.

Should funding become available in the future, the design includes plans for a southbound through lane as well as dual left-turn lanes from northbound Telegraph Road to South Van Dorn Street.



Project Graphic



Estimated Project Cost

Total Cost:

$10 million

Engineering of Roadway Plans:

$ 1.5 million

Right of Way Acquisition, Relocation Assistance and Utility Relocation:

$1 million

Construction:

$7.5 million

This project will be designed and constructed by VDOT and funded by Fairfax County. Costs are subject to change as the project is in the early design stage.

Civil Rights

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact VDOT's Civil Rights Division at 703-383-2341 or TTY/TDD 711.

Right of Way

Displays at this meeting show the extent of right of way that may be needed as the project is currently proposed. As the design is further developed, additional easements and right of way may be required beyond what is shown in the preliminary plans. Property owners will be informed of the exact location of the easements during the right of way acquisition process and prior to construction.

Frontage along several residential properties will be acquired, and the total taking of one residence is anticipated. Additionally, some land will need to be acquired from the Fairfax County Park Authority.

Information about right of way purchase is discussed in VDOT's brochure, "Right of Way and Utilities: a Guide for Property Owners and Tenants." Copies of this brochure are available here from a VDOT right of way agent.

Anticipated Schedule

The following schedule is proposed:

- **Public hearing** – September 2010
- **Begin land acquisition** – Early 2011
- **Begin construction** – 2013

Environmental Review

Through on-site inspection, coordination, and correspondence with State and local resource agencies, VDOT's Northern Virginia District Environmental Section has determined that this project will not have significant impacts to streams or wetlands, threatened or endangered species, cultural resources, recreational resources, or air quality. Actions to mitigate impacts will be developed in accordance with state and federal requirements as the project design advances.

This is not a Federal-aid project, thus the National Environmental Policy Act (NEPA) is not applicable. An environmental document, such as an Environmental Assessment, is not required. However, an Environmental Overview documenting existing conditions and likely environmental impacts is available for review at this public meeting.

Get Involved

All comments must be postmarked, e-mailed or delivered to VDOT within 11 calendar days of today's meeting (Monday, October 4, 2010) in order to be included in the public hearing record.

Comments may be submitted via e-mail to meeting_comments@vdot.virginia.gov. Be sure to include "Telegraph Road Improvements" in the subject line.

VDOT representatives will review and evaluate any information received as a result of the public hearing.

At the end of the public hearing comment period, a summary of the public hearing comments will be posted at www.VirginiaDOT.org.

Project information shared here will be available for review after the public hearing at www.VirginiaDOT.org/projects and at VDOT's Northern Virginia District Office.

Contact Information

Primary Contact: **Khalid Gandhi, P.E.** Kahlid.Gandhi@VDOT.Virginia.gov	VDOT Northern Virginia Project Manager	14685 Avion Parkway Chantilly, VA 20151	703-383-2429
Brian Costello Brian.Costello@VDOT.Virginia.gov	VDOT Northeast Region Right of Way & Utilities	14685 Avion Parkway Chantilly, VA 20151	703-383-2174
Leslie Martin Leslie.Martin@VDOT.Virginia.gov	VDOT Northern Virginia Civil Rights	14685 Avion Parkway Chanilly, VA 20151	703-383-2341
Joan Morris Joan.Morris@VDOT.Virginia.gov	VDOT Northern Virginia Public Affairs	14685 Avion Parkway Chantilly, VA 20151	703-383-2465

TTY/TDD Dial 711

VDOT Virginia Department of Transportation

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Board Agenda Item
November 16, 2010

ACTION – 8

Approval of Parking Reduction for Brookfield Corporate Center – Phase III (Sully District)

ISSUE:
Board approval of a 3.7 percent reduction in required parking for Brookfield Corporate Center – Phase III, Tax Map 044-1 ((12)) (A) A-H + (B) A, B, C , E, F, H, J, K, L + R, Sully District.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (the Board) approve a parking reduction of 3.7 percent for Brookfield Corporate Center – Phase III located at 4431 and 4433 Brookfield Corporate Drive pursuant to paragraph 4(B), Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia,* based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. A minimum of 188 parking spaces must be maintained on site at all times.

2. The uses permitted per this parking reduction are shown on the Parking Study #5344-PKS-034-1, dated September 21, 2010.

3. A maximum of 180 seats are permitted for the place of worship use.

4. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map 044-1 ((12)) (A) A-H + (B) A, B, C , E, F, H, J, K, L + R, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.

5. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.

6. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.

7. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA).

8. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:
Board action is requested on November 16, 2010.

BACKGROUND:
The Brookfield Corporate Center Phase III, which is located at 4431 and 4433 Brookfield Corporate Drive in the Sully District and zoned I-5, is proposing to establish a place of worship use (Church use) within their building facility. Harvest Chinese Christian Church is the subject church use, which is relocating from another location in Fairfax County to this site. This church plans to have 180 seats in suite "H" for their Sunday church services, and they also plan to lease suite "I" both of which are located in 4433 Brookfield Corporate Drive. There are currently 27 parking spaces on site allocated to these two suites (suites "H" + "I") plus 11 additional surplus parking spaces available. However, the church use will require 45 parking spaces per county code. Therefore, a total of 7 more parking spaces are needed to accommodate the church's code requirement parking.

This site is approved with multiple uses which include mostly office/warehouse uses and two schools of special education uses. There are 188 parking spaces provided on the site's surface parking lot and, with the addition of the church use, a total of 195 parking spaces are required for the entire site. The parking study provided with this request indicates that the weekend parking accumulations will allow for the church use to utilize 7 parking spaces provided for the other uses on Sundays. Based on the 38 available parking spaces and 7 shared parking spaces the church can meet the requirement for 45 parking spaces on-site. Therefore, staff supports the applicant's request for a 3.7 percent or 7 parking space reduction subject to the conditions listed above.

Board Agenda Item
November 16, 2010

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Letter of Request and Parking Study dated September 19, 2010 from Robert P. Dunning AIA, Dunning Group Architects.
Attachment II – Proposed Site Plan Use and Parking Tabulation dated September 21, 2010 (Updated October 28, 2010).

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Michelle Brickner, Acting Director, Land Development Services, DPWES

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DunningGroup
architects
a professional limited liability company

September 19, 2010 (Updated)

Fairfax County Plan & Document Control, 5th Floor
c/o Office of Land Development Services
12055 Government Center Parkway
Fairfax, Virginia 22035-5503

Re: Harvest Chinese Christian Church
4433 Brookfield Corporate Drive, Suite H
Church Time of Day Parking Reduction and Parking Tabulation Revision
Tax Map **44-01-3-3**

To Whom It May Concern:

Please accept the following submission of the shared use parking study for the inclusion of a religious facility, the Harvest Chinese Christian Church, to operate in Suite H of the Brookfield 3 Condominiums at 4433 Brookfield Corporate Drive. Harvest Chinese Christian Church is an existing church that is currently located in Fairfax, Virginia and is planning on moving to the referenced property. The hours of operation for the proposed facility are outlined in the attached supplement, Attachment No.1. These hours of operation were provided by Harvest Chinese Christian Church and demonstrate that the parking needs for Harvest do not conflict with the weekday parking for the two-building complex. The following paragraphs summarize the uses, parking requirements, and justification for the parking associated with church uses, to recognize the different times of peak parking requirements.

Harvest Chinese Christian Church, the prospective owners of Suite H of 4433 Brookfield Corporate Drive, request that the Director of DPW&ES recommend to the Board of Supervisors to approve the parking tabulations with parking for church uses with the I-5 Zoning District. The property management company and the Condominium Manager is the Commercial Condominium Management Company (CCMC) and the information regarding the existing building tenants, uses and parking counts provided in the parking tabulation have been based on information provided by them for the existing county-approved parking tabulation.

The site, with its two buildings comprise 61,871 occupied square feet of commercial and office uses. It has its ingress/ egress through the parking lot to three driveways on Brookfield Corporate Drive. The proposed use would allow the church to establish a membership to grow up to 180 people. The condo size is 8,785 gross square feet.

Based on Article 11-102.4.B of the Zoning Ordinance, Dunning Group Architects requests that the Director recommend to the Board of Supervisors for a shared parking reduction due to the different times of peak hours of operation for a church in an Office/ Employment Zoning District. The existing parking has been provided in accordance with Ordinance Section 11-104.14 (b), which is required to provide 3.0 parking spaces per 1,000 square feet of gross floor area. The required parking for a church-use with 180 seats is 45 spaces. The existing county-approved parking tabulation and the condominium documentation for this property allocates 27 parking spaces to Suite H, which is consistent with those requirements for office use. (These suites were formerly used as office space.) The reduction of 6.9 spaces for the proposed use reflects the difference between the previously approved parking for these suites as an office use versus those required to accommodate a proposed 180 seat church use. As

part of this application, for the entire site, the parking reduction from code is 6.9 spaces or a 3.67% reduction in the Zoning Ordinance requirements.

The proposed tabulations for the change in use would require a minimum of **194.9** spaces for the entire site or an **3.67% reduction in the parking requirements** associated with the Zoning Ordinance without a shared parking reduction.

Upon review of visible conditions on-site, Dunning Group has concluded that the parking configuration and the number of parking shown on the attached site plat (originally prepared by Huntley, Nyce & Associates, Ltd.) is correct.

For the church-use, the reduction is 18.11%, which is less than the 50% reduction that may be approved for changes by the Director under Ordinance Section 11-106.3. The actual parking demand weekdays (between 9am and 6pm) for the church is only 3 parking spaces (please see attachment indicating the Churches hours of operation and event schedule).

Dunning Group Architects has reviewed the County site plan records, owner's condo documents, existing field conditions, and uses and confirm that the parking provided on-site is adequate with existing and proposed uses. The addition of a church is parked at office uses for the base condition, but the increase in seats requires a reduction in parking to satisfy County Zoning Ordinance requirements for the individual uses if the subject space were parked as office uses. The enclosed package includes the following;

-One original and four (4) copies of the Site Plan Use and Parking Tabulation Revision Form (3 sheets)
-Attachment 1- Church parking reduction request letter.
-Attachment 2- Copy of the Site Plat as prepared by Huntley, Nyce & Associates, Ltd., dated February 7, 2002 reflecting current conditions at 4431 and 4433 Brookfield Corporate Drive
-Attachment 3- Parking Demand Graphic
-Attachment 4- Copy of Condo Documentation (pertinent to parking)
-Attachment 5- Copy of Letter from Commercial Condominium Management Company (CCMC)
-Attachment 6- Church hours of operation and event schedule, dated September 18, 2010
-Payment for $3,840.00 (Submission fee for review of a request for a reduction in the number of parking spaces pursuant to Article 11 (125 to 250 spaces)

Changes shown on the existing County-approved tabulations include the following;

- Changes in the tenant mix to include the church in Suite H of 4433 Brookfield Corporate Drive with up to 180 seats

The uses reflect non-RUP's and condo area tabulations provided by the County, Condominium documentation, County records with a total square footage of 61,871 GSF of occupied area shown for both buildings.

Attachment 1 indicates the operation and event schedule for the church. This schedule reflects their current, as well as their proposed, schedule for church operations. The church will operate with services and Sunday School at 9:45am, 10:45 am and 12:25pm on Sunday's. The church has prayer and Bible study meetings on Tuesday, Wednesday and Friday evenings at 7:30pm. There are no church activities on Saturday's. The church office is open during the weekdays (Monday through Friday) from 9:00am to 6:00pm and currently has an office staff of two persons. No church vehicle is anticipated.

The daily parking demand is shown graphically on Attachment 3 is an estimate of weekday and weekend parking, based on the generalized parking requirements by use in the Zoning Ordinance, weekday and Saturday parking ranges for office uses in ULI and estimates of church activities. The church parking is shown with weekday spaces not exceeding the currently allocated 27 parking spaces assigned to Suite H. The church uses are shown in red while those of the remainder of the development are shown in blue. Please note that the demand never exceeds the total provided parking for the site.

As the attached parking tabulations illustrate, 188 existing parking spaces are available within the site, excluding loading areas. With the existing and proposed uses, a minimum of 194.9 parking spaces are required with up to 180 seats for the church. No additional change in parking is proposed. The reduction in parking to accommodate the church is 6.9 spaces or a 3.67% reduction for the entire site.

If you should have any questions, please contact our office at (703) 530-1612.

Respectfully Submitted,
Dunning Group Architects, LLC

Robert P. Dunning, AIA
Principal

Enclosures: as noted above

cc: Harvest Chinese Christian Church
File

豐收華夏基督教會

Harvest Chinese Christian Church

10523 Main Street, Suite 35 Fairfax, VA 22030
Tel: 703.218.480 Fax: 202.580.8787
hccc2005@gmail.com
htttp://www.hccc.net

Attachment 1

Richard B. Hayes,
Engineer III
Land Development Services
Code Analysis

12055 Government Center Parkway
Suite 608
Fairfax, VA. 22035

SUBJECT: Parking Code Reduction Request for Harvest Chinese Christian Church
4433 Brookfield Corporate Drive, Suite H/I
Chantilly, Va. 20151

REFERENCE: Tax Map #: 44-1-03-3

Dear Mr Hayes:

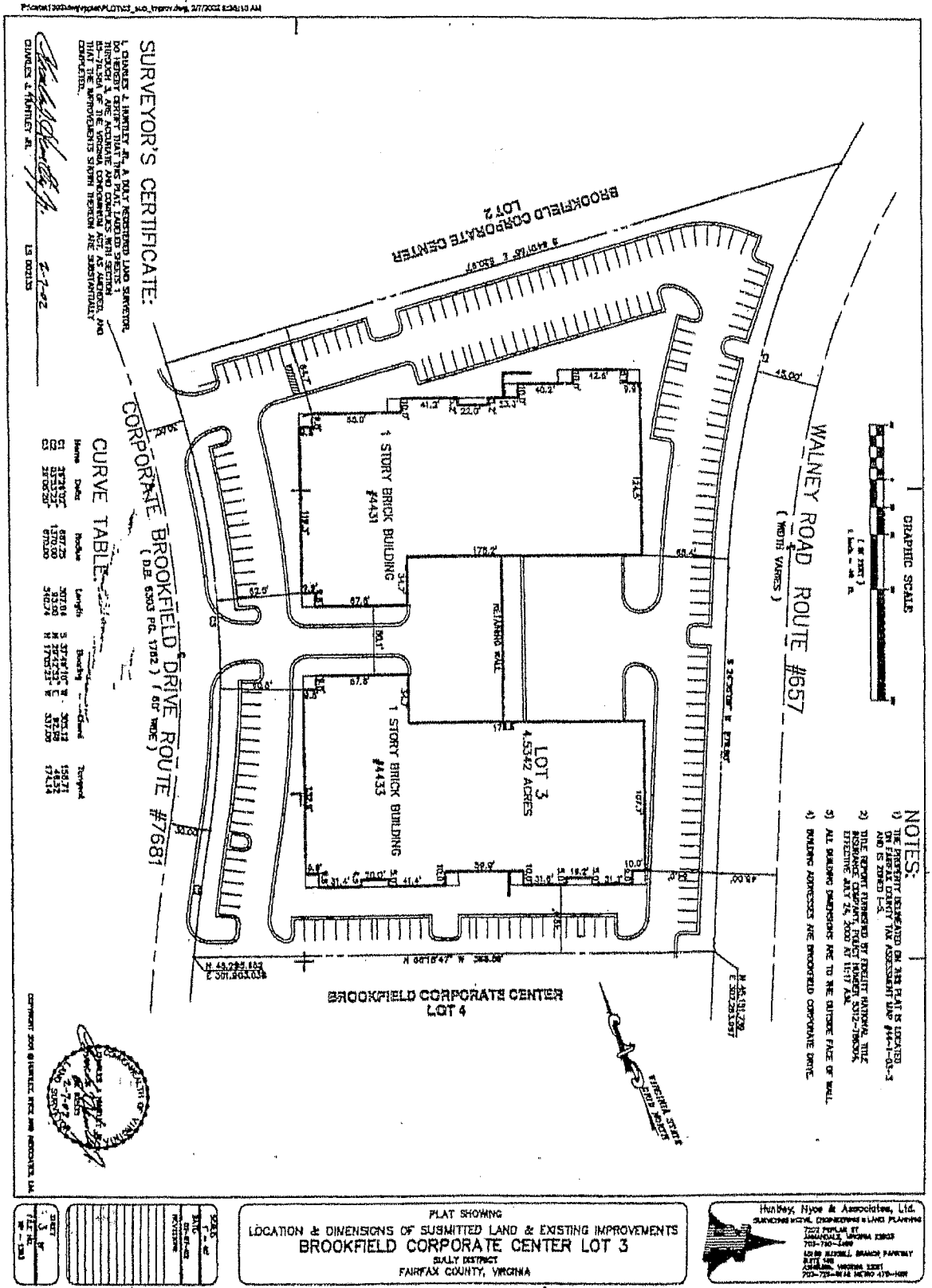
Harvest Chinese Christian Church has purchased a property at 4433 Brookfield Corporate Drive, Suite H/I, Chantilly, VA. It is part of a condominium association which has given its permission, due to our after-hours building use, to use all of the parking on the property (see attached letter).

In an earlier discussion with Chris Smith, of Dunning Group Architects, you suggested that we prepare this letter and request a reduction to the code-required parking for our church. This letter, along with an amended parking tabulation is being submitted to the county for consideration and approval. This code modification request is based on the different hours of operation that are typical to our church versus those of the rest of the building.

Thank you for your consideration of this matter.

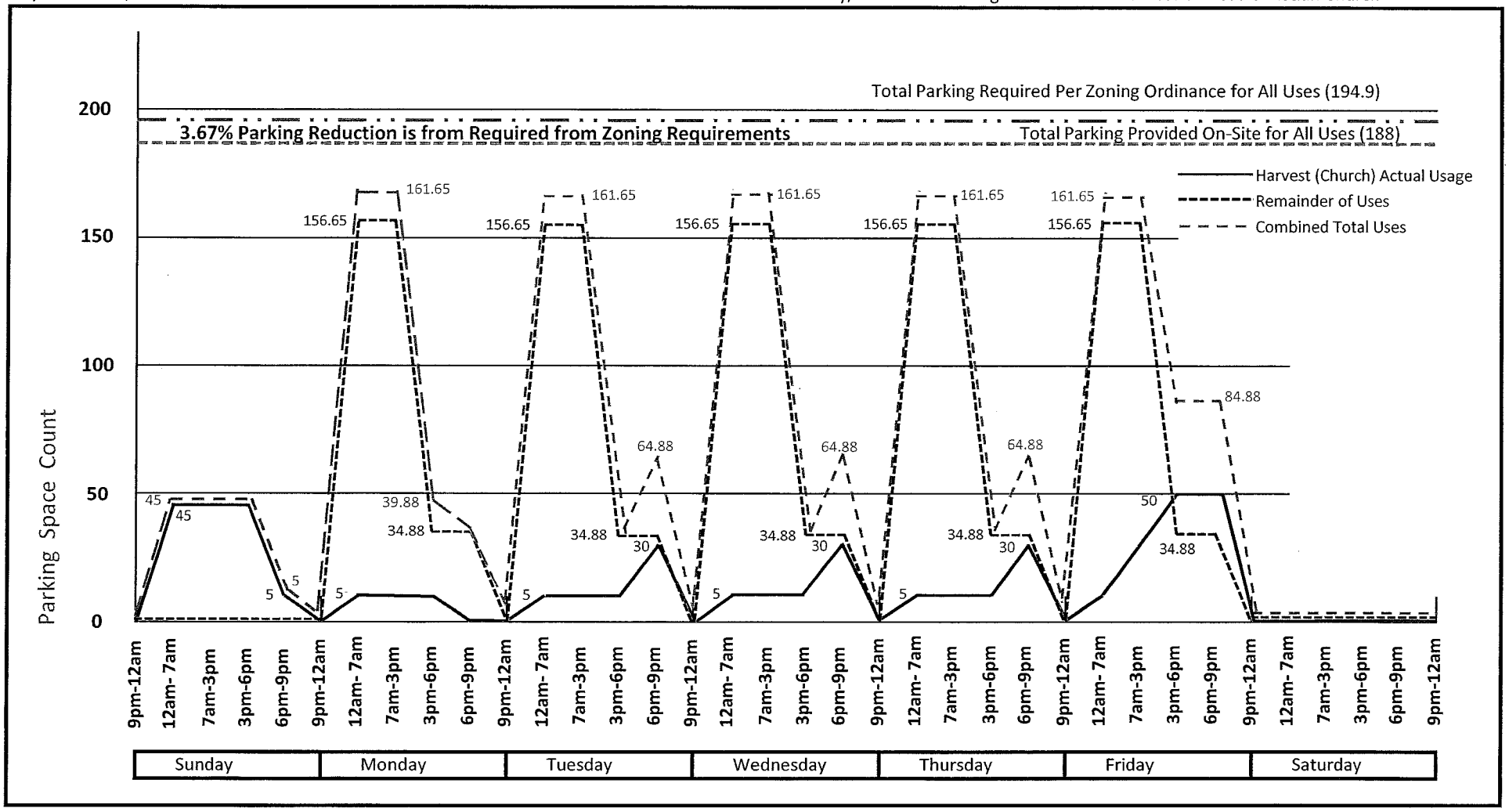
Sincerely,

Michael Ma
Treasurer, Harvest Chinese Christian Church
703.218.4840


SURVEYOR'S CERTIFICATE:
I, CHARLES J. HUNTLEY JR., A DULY REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT, LABELED SHEETS 1 THROUGH 3, ARE ACCURATE AND COMPLIES WITH SECTION 55-79.58(A) OF THE VIRGINIA CONDOMINIUM ACT, AS AMENDED, AND THAT THE IMPROVEMENTS SHOWN THEREON ARE SUBSTANTIALLY COMPLETED.
CHARLES J. HUNTLEY JR.
LS 002135
CURVE TABLE
BROOKFIELD CORPORATE CENTER LOT 2
CORPORATE BROOKFIELD DRIVE ROUTE #7681
(D.B. 6303 PG. 1782) (60' WIDE)
WALNEY ROAD ROUTE #657
(WIDTH VARIES)
1 STORY BRICK BUILDING #4431
1 STORY BRICK BUILDING #4433
RETAINING WALL
LOT 3
4.5342 ACRES
BROOKFIELD CORPORATE CENTER
LOT 4
GRAPHIC SCALE
NOTES:
1) THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP #44-1-01-3 AND IS ZONED I-5.
2) TITLE REPORT FURNISHED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, POLICY NUMBER 5312-736004, EFFECTIVE JULY 24, 2000 AT 11:17 AM.
3) ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF WALL.
4) BUILDING ADDRESSES ARE BROOKFIELD CORPORATE DRIVE.
PLAT SHOWING
LOCATION & DIMENSIONS OF SUBMITTED LAND & EXISTING IMPROVEMENTS
BROOKFIELD CORPORATE CENTER LOT 3
SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA
Huntley, Nyce & Associates, Ltd.
SURVEYING NEEDS, ENGINEERING & LAND PLANNING
7227 POPLAR ST
ANNANDALE, VIRGINIA 22003
703-750-2499
10589 RUSSELL BRANCH PARKWAY
SUITE 100
ASHBURN, VIRGINIA 22011
703-729-9116 METRO 478-1488
66

Attachment 3- Parking Demand Graphic
September 20, 2010

4431 & 4433 Brookfield Corporate Drive, Chantilly, VA
Weekday/ Weekend Parking Estimate with Harvest Chinese Christian Church



Attachment 4

(b) Changes to Rules and Regulations. Each unit and the common elements shall be occupied and used in compliance with the Rules and Regulations which may be promulgated and changed by the Board of Directors. Copies of the Rules and Regulations shall be furnished by the Board of Directors to each unit owner. Changes to the Rules and' Regulations shall be conspicuously posted prior to the time when the same shall become effective and copies thereof shall be furnished to each unit owner upon request. The Rules and Regulations shall not unreasonably interfere with the reasonable conduct of business in the units.

Section 5.9 Right of Access. By acceptance of his deed of conveyance, each unit owner thereby grants a right of access to his unit, as provided by Section 55-79.A of the Condominium Act and section 4.2(a) of the Declaration, to the Board of Directors or the managing agent, or any other person authorized by the Board or the managing agent, or any group of the foregoing, for the purpose of enabling the exercise and discharge of their respective powers and responsibilities, including without limitation making inspections, correcting any condition originating in his unit or another unit or in a common element to which access is obtained through his unit and threatening another unit or the common elements, performing installations, alterations or repairs to the mechanical or electrical systems or the common elements in his unit or elsewhere in the Property or to correct any condition which violates any Mortgage; provided, however, that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the unit owner. In case of an emergency, such right of entry shall be immediate, whether or not the unit owner is present

Section 5.10 Utility Charges. The cost of utilities serving the Condominium not individually metered to specific units shall be common expenses allocated pursuant to Section 5.1 hereof The cost of utilities serving more than one unit shall be a Limited Common Expense payable by the units served in proportion to their relative Common Element Interest.

Section 5.11. Parking Spaces. All parking spaces shall be used by the unit owners for self-service parking purposes on a "first come, first served" basis, except as the Board of Directors may otherwise determine. The cost of maintenance and repair of all parking areas shall be a common expense. In the event the Board of Directors shall assign parking spaces as Reserved Common Elements, then, in such event, the Board shall not assign more than four parking spaces per unit for the exclusive use of each unit owner.

ARTICLE 6

INSURANCE

Section 6.1. Authority to Purchase; Notice.

(a) Except as otherwise provided in Section 6.5 hereof, all insurance policies relating to the Property shall be purchased by the Board of Directors. The Board of Directors,

Attachment 5

May 12, 2010

ER Real Estate VA L
William Rinehart
15810 Norman Drive
Darnestown, MD 20878-3526

Mr. Rinehart,

I am writing with regard to the use of the parking lot by the visitors of the church located at 4433 Brookfield Corporate Drive, Suite H and I. By this letter please be advised that the Board of Directors of Brookfield 3 Condominium has no problem with having a church at the property. Accordingly, the parking spaces would be available for use by the church members on Sundays.

If you have any question in regard to this matter, please don't hesitate to call.

Respectfully,
Commercial Condominium Management Company
Management Agent for
Brookfield 3 Condominium

Maria Quigley-Skillin
Assistant Property Manager

8456-A Tyco Road, Vienna, VA 22182 • Ph 703-448-6900, Fax 703-893-5843

Attachment #6

Church Hours of Operation

The Harvest Chinese Christian Church was founded on January, 2003 by several Chinese families. We currently have about 150 persons attending our Sunday services regularly.

- Mondays:
  - 9:00 a.m. to 6:00 p.m. - 2 persons (1 pastoral staff and 1 office staff).
- Tuesdays:
  - 9:00 a.m. to 6:00 p.m. - 2 persons (1 pastoral staff and 1 office staff).
  - 7:30 p.m. to 10:00 p.m. - 50 persons (prayer meetings)
- Wednesdays:
  - 9:00 a.m. to 6:00 p.m. - 2 persons (1 pastoral staff and 1 office staff).
  - 7:30 p.m. to 10:00 p.m. - 50 persons (prayer meetings)
- Thursday:
  - 9:00 a.m. to 6:00 p.m. - 2 persons (1 pastoral staff and 1 office staff).
- Fridays:
  - 9:00 a.m. to 6:00 p.m. - 2 persons (1 pastoral staff and 1 office staff).
  - 7:00 p.m. to 10:00 p.m. - 100 persons (fellowship meeting, Bible studay)
- Saturdays:
  - No activities
- Sundays:
  - 9:30 a.m. to 2:30 p.m. – 180 persons (Sunday School and Sunday worship service)

Please let me know ASAP if additional information is needed. My cell phone # is 202.369.2343.

Thanks and God bless,
Michael Ma

Harvest Chinese Christian Church
10523 Main St # 35
Fairfax, VA 22030-3310
(703) 218-4840

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

FEE: $770.00

Engineer: ROBERT P. DUNNING C/O DUNNING GROUP ARCHITECTS, LLC Address: 9110 RAILROAD DRIVE, #300, MANASSAS PARK, VA. 20111 Phone #: 703.530.1612

Plan Name: BROOKFIELD CORPORATE CENTER - PHASE 3 Original Site Plan #: 5344-SP-21 Tax Map # 44-1-03-3

Zoning: I-5 Rezoning Case #: N/A Proffered: [X] Yes [ ] No Proffered Use Restrictions (See Note 1 below) NONE

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY: RIGHT	SPECIAL PERMIT	SPECIAL EXCEPTION	SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
4431 BROOKFIELD CORPORATE DR.	1	A	OFFICE	X			2146								3.6/1000	7.73
4431 BROOKFIELD CORPORATE DR.	1	B	OFFICE	X			1250								3.6/1000	4.5
4431 BROOKFIELD CORPORATE DR.	1	B	WARE-HOUSE	X			3280								1/1000	3.28
4431 BROOKFIELD CORPORATE DR.	1	D	WARE-HOUSE	X			1540								1/1000	1.54
(If additional space is required use Page 2)															REQUIRED TOTAL FOR ENTIRE SITE PLAN	194.9 ①
NUMBER OF ACCESSIBLE SPACE(S) PROVIDED	5	+VAN ACCESSIBLE SPACE(S) PROVIDED					1	=TOTAL ACCESSIBLE PARKING SPACE(S) on site per ADA Act and VUSBC (See Note 6 below)								6
(The total number of parking spaces, including accessible parking spaces, available and useable for vehicular parking on the area covered by this site plan [See Note 6 below])															TOTAL PARKING SPACE(S) PROVIDED	188

COMMONWEALTH OF VIRGINIA ROBERT P. DUNNING No. 009170 ARCHITECT Sept. 21 2010

① REQUIRED TOTAL PARKING SPACES FOR SITE EXCEEDS TOTAL PROVIDED BY 6.9 SPACES AND IS SUBJECT TO PARKING REDUCTION REQUEST. THE SUITES ARE CONDOMINIUMS AND THE PARKING IS ALLOCATED. THE REDUCTION IS REQUIRED TO ACCOMODATE 4433 (SUITE H) WHICH IS ALLOCATED 27 PARKING SPACES.

[1]List proffered use Prohibitions or Limitations.
[2]In building where one floor has more than one use (personal services, general office & retail), use a separate line for each use. The uses must correspond to those identified in Article 11 of the Zoning Ordinance, or else documentation of the Zoning Administration determination must be attached to the tabulation.
[3]Units which are vacant shall be included, the intended use shall be indicated and parking allocated
[4]Developer should make an initial parking assignment for each unit on the site plan. If developer, condominium, association or landlord wishes to make changes to assigned number of spaces after final site plan bond release, a site plan revision for reallocation of parking will be required. This form, when properly completed and certified, is intended to be such a site plan revision.
[5]If use is a Grandfathered use, it may be calculated at previous code parking rate if so identified and justification is submitted with the parking tabulations.
[6]Certification is taken to mean that the number of parking spaces shown as being provided is actually available on the site and useable (not occupied or blocked by dumpsters, air conditioners, incinerators, storage trailers, etc), that all uses on the site have been included in the above listing, and that the requisite number of spaces and signage for compliance with ADA are provided. The number of parking spaces must be in conformance with the associated rezoning, special exception, special permit and variance

Updated: 10/20/10

Certified Correct[6] (Applicant) Engineer's Signature Date: Sept. 21, 2010

County Approval by Date:

Property Owners, Landlords, Condominium Association - Concurrence with Tabulation
Print Name & Title (Include company name when appropriate): Ginnie L. Castanedy, Pres, CGRCM Managing Agent for Brookfield 3 Condo Assoc. Signature: Ginnie L Castanedy Date: Sept. 26, 2010

Submit to: Land Development Services, Plan and Document Control, 12055 Government Center Parkway, Suite 506 Fairfax, Virginia 22035-5503 Number of copies required One (1) original with Engineer's Seal, Signature and date, plus four (4) copies
REVISED FORM (7/2009)

Sheet 1 of 3

*NOTE: PREPARED IN ACCORDANCE WITH SECTION 54.1-401 OF THE VIRGINIA STATE CODE.

Attachment 2

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: ROBERT P. DUNNING C/O DUNNING GROUP ARCHITECTS, LLC Address: 9110 RAILROAD DRIVE, #300, MANASSAS PARK, VA. 20111 Phone #: 703.530.1612

Plan Name: BROOKFIELD CORPORATE CENTER - PHASE 3 Original Site Plan #: 5344-SP-21 Tax Map # 44-1-03-3

Zoning: I-5 Rezoning Case #: N/A. Proffered: [X] Yes [ ] No Proffered Use Restrictions (See Note 1 below) NONE

ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
4431 BROOKFIELD CORPORATE DRIVE	1	D	OFFICE	X			1403								3.6/1000	5.05
4431 BROOKFIELD CORPORATE DRIVE	1	E	WARE-HOUSE	X			3966								1/1000	3.97
4431 BROOKFIELD CORPORATE DRIVE	1	E	OFFICE	X			2943								3.6/1000	10.59
4431 BROOKFIELD CORPORATE DRIVE	1	F	WARE-HOUSE	X			1478								1/1000	1.48
4431 BROOKFIELD CORPORATE DRIVE	1	F	OFFICE	X			7330								3.6/1000	26.39
4431 BROOKFIELD CORPORATE DRIVE	1	H	WARE-HOUSE	X			2240								1/1000	2.24
4431 BROOKFIELD CORPORATE DRIVE	1	H	OFFICE	X			3360								3.6/1000	12.10
4433 BROOKFIELD CORPORATE DRIVE	1	A	WARE-HOUSE	X			1124								1/1000	1.12
4433 BROOKFIELD CORPORATE DRIVE	1	A.	OFFICE	X			1684								3.6/1000	6.06
4433 BROOKFIELD CORPORATE DRIVE	1	C	WARE-HOUSE	X			1105								1/1000	1.11

COMMONWEALTH OF VIRGINIA
Sept. 21, 2010
ROBERT P. DUNNING
009170
ARCHITECT

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

*NOTE: PREPARED IN ACCORDANCE WITH SECTION 54.1-401 OF THE VIRGINIA STATE CODE.

PROPOSED SITE PLAN USE AND PARKING TABULATION REVISION

Engineer: ROBERT P. DUNNING C/O DUNNING GROUP ARCHITECTS, LLC Address: 910 RAILROAD DRIVE, #300, MANASSAS PARK, VA. 20111 Phone #: 703.530.1612

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ADDRESS	LIST EACH FLOOR (include basement)	SUITE #	USE (See Notes 2, 3 and 4 below)	USE PERMITTED BY: RIGHT	USE PERMITTED BY: SPECIAL PERMIT	USE PERMITTED BY: SPECIAL EXCEPTION	SQUARE FEET GROSS FLOOR AREA	SQUARE FEET NET FLOOR AREA	# SEATS AND/OR STOOLS	# COMPANY VEHICLES	# SERVICE BAYS	# OF EMPLOYEES	# STUDENTS	OTHER	PARKING RATE REQUIRED PER CODE (See Note 5 below)	TOTAL PARKING SPACES REQUIRED FOR THIS USE
4433 BROOKFIELD CORPORATE DRIVE	1	C	OFFICE	X			2368								3.6/1000	8.52
4433 BROOKFIELD CORPORATE DRIVE	1	E	WARE-HOUSE	X			1811								1/1000	1.81
4433 BROOKFIELD CORPORATE DRIVE	1	E	OFFICE	X			2679								3.6/1000	9.69
4433 BROOKFIELD CORPORATE DRIVE	1	F	WARE-HOUSE	X			1000								1/1000	1.0
4433 BROOKFIELD CORPORATE DRIVE	1	F	OFFICE	X			1900								3.6/1000	6.84
4433 BROOKFIELD CORPORATE DRIVE	1	H	CHURCH	X			8785							180 SEATS	1/4 SEATS	45
4433 BROOKFIELD CORPORATE DRIVE	1	J	PRIVATE SPECIAL ED. SCHOOL	X			2535					2	16		1/STUDENT 2/3 EMP	18.00
4433 BROOKFIELD CORPORATE DRIVE	1	R	PRIVATE SPECIAL ED. SCHOOL	X			5944					6	52(5-16 AGE) @ 1/0.19 10(17-18 AGE) @ 1/0.30 2/3 EMPLOYEES			16.88 (2)

COMMONWEALTH OF VIRGINIA
Sept. 21, 2010
ROBERT P. DUNNING
No. 009170
ARCHITECT

Enter Totals on Sheet 1 of 2. Number of copies required: One (1) original copy with Engineer's Seal and Signature, plus four (4) copies.

*NOTE: PREPARED IN ACCORDANCE WITH SECTION 54.1-401 OF THE VIRGINIA STATE CODE.

(2) OCCUPANCY LOAD IS LIMITED TO A MAX. OF 49 PEOPLE AT ANY ONE TIME IN ACCORDANCE WITH 2006 IBC, SEC. 303.1, EXCEPT. #2 WHICH CLASSIFIES THIS AS A "B USE".

Board Agenda Item
November 16, 2010

ACTION – 9

Action to Initiate the 2011 Redistricting of the Election Districts of the Board of Supervisors

ISSUE:
Board action on a process and schedule for considering and implementing the 2011 redistricting of the election districts of the Board based on the population from the 2010 Census.

RECOMMENDATION:
The County Executive recommends that the Board: (1) adopt and approve the general process and composition of an advisory citizen committee described below for the 2011 redistricting of the election districts of the Board; and (2) adopt the enclosed resolution that will provide a general statement of the goal, the criteria, and the policies that will be followed in the 2011 redistricting of the election districts of the Board.

TIMING:
The Virginia Constitution requires the Virginia General Assembly and those local governing bodies elected by district to consider redistricting in calendar year 2011. Because of the uneven populations among the present County election districts, the Board will need to reapportion the present election districts. This will require the County to: (1) consider changes to the County election districts and precincts; (2) adopt a plan to revise the present election districts; (3) secure federal preclearance of all changes affecting voting pursuant to Section 5 of the Voting Rights Act of 1965; (4) notify each County voter of any changes to that voter's election district; (5) be prepared to send out absentee ballots upon request forty-five days before the primary and general elections; and (6) conduct the primary and general elections based on the new election districts.

The data from the U.S. Census Bureau is not expected to be available to the County until February 2011. Assuming that those primary elections are deferred to mid-August, the County will need to consider the new population information and adopt a suitable plan for submission to the U.S. Attorney General for federal preclearance by the end of April 2011. In order to meet that deadline and to provide appropriate public input, staff recommends that the Board: (1) appoint an advisory citizen committee and task that committee with preparing redistricting alternatives for Board consideration, (2) conduct a public hearing on proposed redistricting plans, and finally, (3) adopt a redistricting plan on April 26, 2011. Further scheduling information is presented below.

Board Agenda Item
November 16, 2010

BACKGROUND:
On March 13, 2010, the Board noted that April 1, 2010, was National Census Day, and among other things, on that day the Board requested that the Board Legislative Committee develop guidelines and a schedule for Board consideration of redistricting and a recommended process for engaging citizens in this important matter. Also, on October 19, 2010, the Board asked that staff recommend a slate of seats for the composition of a citizen committee to be provided to the Board on November 16, 2010. These issues were discussed by the Legislative Committee on October 5 and 26, 2010.

In April 2010, the U.S. Census Bureau conducted the national decennial census in accordance with federal law. The Census Bureau is expected to release detailed population data relating to Virginia in February 2011. That information will be used for a wide range of purposes in future years, but, first and most important, the 2010 Census data will be used to reapportion representation in the United States House of Representatives, state legislatures, and local elected governing bodies. Virginia Code § 24.2-304.1 (2006) requires those local governing bodies elected by district to consider redistricting every ten years using the population data from the U.S. Census, and even though the new Census data are not yet available, there can be no doubt that population changes in the County since 2001 will require redistricting of the election districts of the Board.

Redistricting will require significant efforts by the Board, County staff, and interested County residents. In many ways, those efforts will be similar to previous redistricting inasmuch as populations will be considered and election districts redrawn. Nevertheless, there have been changes in federal and state laws that must be considered, and the widespread availability of computers and data can be expected to create more opportunities for public input than ever before possible.

Legal Constraints

The Board has the responsibility to reapportion the election districts of the governing body and the authority to change the number of those election districts. The urban county executive form of government requires the members of the Board, except for the elected at-large chairman, to be elected from single-member election districts, and our form of government also provides that the Board may have as many as twelve members (one elected at-large chairman and eleven elected by district) or as few as six members (one elected at-large and five elected by district).[1]

---

[1] Redistricting of the election districts of the members of the Board will affect the future composition of many County boards, authorities, and commissions. After redistricting, if a member of the Board, the School Board, or any other County board, authority, or commission no longer resides in the district that he or she was elected or appointed to represent, then that member may continue in office until his or her term has expired. Virginia Code § 24.2-304.6 (2006).

There are three principal requirements that any redistricting effort must satisfy. First, local representation must meet federal and state "one person, one vote" requirements. Those requirements are met by allowing only small population differences among election districts. In 1977, the United States Supreme Court indicated that a population deviation of less than ten percent among state and local election districts would be presumed constitutional, but even in instances where the deviation is less than ten percent, a good-faith effort to equalize populations using traditional redistricting principles must be shown. Courts have recognized these factors as traditional principles: (1) compactness; (2) contiguity; (3) preservation of political boundaries, *e.g.*, town boundaries; (4) preservation of communities of interest; (5) preservation of cores of prior districts; and (6) protection of incumbents.

Virginia law also requires election districts to follow clearly defined and observable boundaries. Clearly observable boundaries include any named road, any river, stream, or drainage feature more than forty feet in width, and any natural or constructed feature that appears on the official map of the County issued by the Virginia Department of Transportation or on a United States Geological Survey topographical map.

In addition, local redistricting must comply with the federal Voting Rights Act of 1965, as amended (Act), and that law has two major components. Section 2 of that Act prohibits any voting practices that have the effect of discriminating against voting rights on the basis of racial minority or language minority, and Section 5 requires federal preclearance of any change affecting voting made by certain state and local governments. The County is required to comply with the federal Section 5 preclearance procedure. That federal review generally takes sixty-one days, so that time must be considered in planning the County's efforts.

<u>Planning for Changes</u>

Planning for the redistricting effort is essential if the County's activities are to meet the substantive legal standards and the required time schedule. At this point, staff planning has focused on three areas: (1) public input; (2) staff support; and (3) scheduling requirements.

First, federal and state laws provide for public access to the redistricting process. The federal regulations on preclearance provide for public input, and those regulations encourage the localities that submit changes for preclearance to provide an account of local public input. In addition, Virginia law requires the Board to adopt the plan by ordinance in public session, and Virginia law provides citizens and news media representatives with access to public records pursuant to the Virginia Freedom of Information Act.

In order to obtain input from the public, in 1991 and 2001, the Board established an advisory citizen committee in each of these redistricting and those committees included representatives from each district and a number of representatives from various community organizations who were nominated to serve on those committees. In a series of evening meetings, these committees met and prepared a number of alternatives that were later

considered by the Board. The meetings of those advisory citizen committees were open, and a number of observers and interested persons attended and contributed to the success of those committees. A similar procedure is recommended for 2011.

More specifically, staff recommends that the Board appoint an advisory committee to consider possible redistricting plans and to recommend redistricting options to the Board. The members of that advisory committee could be appointed by the Board as early as November 16, but staff expects that most members would be appointed by the Board from nominations provided by Board members and community interest groups on either December 7, 2010, or January 11, 2011. Staff also expects that advisory committee to begin meeting in January, and those meetings could continue well into March. The time requirements for committee members will be extensive. Committee members should expect to meet once or twice a week with County support staff to develop the redistricting plans that the committee will present to the Board for consideration. The committee should submit its report and recommendations to the Board by mid-March 2011. After considering the advisory committee's report and such other information as the Board desires, the Board would then be in a position to advertise those plans that it wishes to consider for possible adoption by the Board on April 26, 2011.

Second, the Board has assigned this issue to the Legislative Committee. With direction from the Legislative Committee, the County Executive's legislative staff will monitor proposed election changes at the 2011 General Assembly to keep the Board apprised of the state situation. The Office of the County Executive, the Office of the County Attorney, and the Department of Information Technology (DIT) will provide primary staff support to the local redistricting effort, together with demographic support from the Department of Neighborhood and Community Services (DNCS). The Office of the County Executive will coordinate the overall effort, but because of the extensive legal requirements on redistricting, the Office of the County Attorney will be involved. All data processing and mapping will be done by DIT. Similar staffing arrangements were used successfully in the County's 1991 and 2001 redistricting.

Third, in regard to scheduling, when the Board redistricted in 1991, the elections for the Board were held later that same calendar year, as will happen in 2011. The schedule described below is similar to the redistricting schedule used in 1991.

Redistricting Schedule

The General Assembly probably will reschedule the 2011 primary elections now scheduled for June 14. Also, the General Assembly has not yet scheduled its own redistricting activities, so given those uncertainties, staff cannot propose a firm schedule of events at this time. Moreover, the Board may need to address the committee recommendations in April while the budget is under consideration. Nevertheless, for present planning purposes, staff has prepared the following preliminary schedule for County redistricting. Please note that

this schedule is based on an expectation that the General Assembly will move the June primary elections into mid-August:

Task	Date
Census population count	April 1, 2010
Board adopts general redistricting process, staffing arrangements, and resolution	November 16, 2010
Board appoints committee members	December 7, 2010
Census reports data to the U.S. President	December 31, 2010
Advisory Citizen Committee begins to meet for initial briefings and software training by County staff	Mid-January 2011
Census data given to Virginia	February 2011
Advisory Citizen Committee prepares plans and recommendations	February and early-March 2011
Advisory Citizen Committee presents report with alternative plans to the Board	Mid-March 2011
Board public hearing on recommendations	March 29, 2011
Board adopts redistricting plan	April 26, 2011
Board adopted plan submitted to the U.S. Attorney General for federal preclearance pursuant to Section 5 asking for expedited consideration	April 29, 2011
Federal preclearance complete and the Board plan becomes effective	June 2011
Primary elections for the Board and certain state and local offices	June 14, 2011 (expected to change to mid-August)
Voters notified of election changes by County Electoral Board staff	June and July 2011

Absentee ballots mailed out to voters	Early July
Primary elections for the Board and certain state and local offices	August 16 or 23, 2011 (expected new date)
General elections for the Board and certain state and local offices	November 8, 2011
Board takes office using the new districts	January 1, 2012

FISCAL IMPACT:
None. No additional personnel costs are anticipated, and most equipment and software that will be used are on hand or have been budgeted and ordered. The advisory citizen committee is expected to serve without compensation.

ENCLOSED DOCUMENTS:
Attachment 1 – Draft Redistricting Resolution
Attachment 2 – Draft Composition of Citizen Committee Members

STAFF:
Anthony H. Griffin, County Executive
David Molchany, Deputy County Executive
Susan E. Mittereder, Legislative Director, Office of the County Executive
Wanda Gibson, Director, DIT
Gordon Jarratt, Director, Enterprise Systems Division, DIT
Thomas J. Conry, Chief, Mapping Services Branch, DIT
Edgardo Cortés, General Registrar
Anne Cahill, Chief Demographer, DNCS
David P. Bobzien, County Attorney
Michael Long, Deputy County Attorney
Erin C. Ward, Assistant County Attorney

Attachment 1

– RESOLUTION OF THE BOARD OF SUPERVISORS –

Draft of October 28, 2010

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on Tuesday, November 16, 2010, at which a quorum was present and voting, the following resolution was adopted in public session.

Whereas, Fairfax County, Virginia, is required to consider reapportionment every ten years; and

Whereas, the U.S. Census Bureau is expected to soon release the 2010 Census that will indicate that there have been sufficient population changes within Fairfax County, Virginia, to warrant a reapportionment of the Board of Supervisors of the County; and

Whereas, the Board of Supervisors has the power to apportion the election districts of the governing body in accordance with federal and state laws; now therefore it be,

Resolved that the Board of Supervisors supports and adopts the following;

Goal

The goal for the Fairfax County Board of Supervisors is to reapportion the governing body of the County during calendar year 2011. As part of that process, the Board will consider the existing election districts for the members of the Board and proposed revisions to those districts. That process will be completed and approved in accordance with federal and state law.

Criteria

1. The governing body of the County must be composed of one elected at-large chairman and a fixed number of members who are elected from single-member districts.

2. The Board will adopt election districts composed of contiguous and compact territory and which shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district.

3. The Board will adopt election districts with clearly observable boundaries, as Virginia law defines that term.

4. The Board will comply with the federal Voting Rights Act of 1965, as amended.

Policies

1. The Board will consider plans that maintain nine election districts as well as any other plans that propose a lawful number of election districts.

2. The Board will not consider election district proposals which would result in a maximum population deviation between election districts that is ten percent or greater.

3. The Board will consider existing geographical and political boundaries, which shall include, but not be limited to, the utilization of incorporated town boundaries.

4. The Board will consider established communities of interest that shall include, but not be limited to, geographic areas with similar characteristics such as ethnic, social, and cultural interests. Present and planned use of land and public facilities are relevant to defining communities of interest.

5. The Board will consider existing districts and incumbent representation on local public bodies that may be affected by reapportionment.

6. The Board encourages plans that are based on existing voting precinct boundaries, and where changes are necessary, precincts shall be divided along Census block boundaries.

7. The Board encourages interested persons to submit reapportionment plans to the County. Proponents of any plan shall submit appropriate maps of proposed election districts and statistical summaries and analyses. The statistical analyses shall show the population deviation between election districts and any retrogressive effect on racial or language minority groups.

8. The Board encourages interested persons to submit proposals for amending or revising any reapportionment plan that has been submitted to the County. Proponents of any such amendment or revision shall submit appropriate maps showing the proposed changes and statistical summaries and analyses. The statistical analyses shall show the population deviation between election districts and any retrogressive effect on racial or language minority groups.

9. Notwithstanding Policies 7 and 8 above, the Board encourages public comments or recommendations from interested persons on any plan or change to plan that has been submitted.

10. All of the foregoing criteria shall be considered in the reapportionment process, but population equality among districts and compliance with federal and state constitutional requirements and the federal Voting Rights Act of 1965, as amended, shall be given priority in the event of conflict among the criteria.

GIVEN under my hand this ____ day of November 2010.

_____
Nancy Vehrs
Clerk to the Board of Supervisors

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Advisory Citizen Reapportionment Committee

List of community representatives to be appointed by the Board of Supervisors.

Representation

At-Large (2 members)

Braddock

Dranesville

Hunter Mill

Lee

Mason

Mount Vernon

Providence

Springfield

Sully

Democratic Party

Republican Party

Fairfax County Chamber of Commerce

Federation of Citizens Associations

League of Women Voters

African-American Community

Hispanic Community

Asian/Pacific Islander Community

Board Agenda Item
November 16, 2010

ACTION - 10

Disclosure Agreement Related to the Issuance of Regional Sewerage System Revenue Bonds, Series of 2010 by the Upper Occoquan Sewage Authority (Sully District)

ISSUE:
Board approval of the proposed Disclosure Agreement related to the issuance of revenue bonds by the Upper Occoquan Sewage Authority (UOSA).

RECOMMENDATION:
The County Executive recommends that the Board approve the attached Disclosure Agreement and authorize the Board Chairman to execute the Agreement on behalf of the Board in substantially the form presented.

TIMING:
Board action is requested on November 16, 2010, due to a planned issuance of bonds by UOSA in December, 2010.

BACKGROUND:
UOSA plans to issue Regional Sewerage System Revenue Bonds (2010 Series) in December 2010 to finance portions of UOSA's Capital Improvement Plan, taking advantage of potential savings by using Build America Bonds.

The Securities and Exchange Commission requires continuing disclosure of information related to municipal securities issued after July 3, 1995. Although UOSA is expected to provide the bulk of the information required, its member jurisdictions must provide updated information related to the financial and operating data of their respective sewer systems.

The attached Disclosure Agreement contains the agreement of the member jurisdictions to provide the required information. It is substantially similar to the Disclosure Agreement approved by this Board in 1995 in connection with the UOSA 1995 Series Bonds, the Disclosure Agreement approved by this Board in 2003 in connection with the UOSA 2003 Series Refunding Bonds, the Disclosure Agreement approved by this Board in 2004 in connection with the UOSA 2004 Series Refunding Bonds, the Disclosure Agreement approved by this Board in 2005 in connection with the UOSA 2005 Series Refunding Bonds, and the Disclosure Agreement approved by this Board in

2007 in connection with the UOSA 2007 Series Refunding Bonds. The new Agreement is required for the revenue bond documentation. It imposes the following additional substantive disclosures on the part of Fairfax County in addition to those existing under the 1995, 2003, 2004, 2005, and 2007 Disclosure Agreements: (1) notice of any failure on its part to provide disclosure in a timely manner and (2) notice of its receipt of any notice with respect to the tax status of the UOSA bonds.

FISCAL IMPACT:
None. Virtually all of the updated information required by the Agreement will be contained in the annual financial statements prepared for the Integrated Sewer System.

ENCLOSED DOCUMENTS:
Attachment 1: Letter dated October 27, 2010, from the UOSA Executive Director to the Member Jurisdictions transmitting the Disclosure Agreement

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services

Attachment 1

Upper Occoquan Service Authority

Leader in Water Reclamation and Reuse

14631 COMPTON ROAD, CENTREVILLE, VIRGINIA 20121-2506 (703) 830-2200

Charles P. Boepple
Executive Director

Michael D. Reach
Deputy Executive Director

October 27, 2010

HAND DELIVERED

Mr. Anthony H. Griffin
County Executive
12000 Government Center Parkway
Suite 552
Fairfax, VA 22035-0066

Ms. Melissa Peacor
County Executive
Prince William County
1 County Complex Court
Prince William, VA 22192

Mr. Lawrence D. Hughes
City Manager
City of Manassas
9027 Center Street
Manassas, VA 20110

Mr. Dean Crowhurst
Interim City Manager
City of Manassas Park
One Park Center Court
Manassas Park, VA 20111

Mr. Dean Dickey
General Manager
Prince William County Service Authority
P.O. Box 2266
Woodbridge, VA 22195

Re: Disclosure Agreement for UOSA's Regional Sewerage System Revenue Bonds, Series of 2010

Ladies and Gentlemen:

UOSA is currently in the process of issuing its Regional Sewerage System Revenue Bonds, Series of 2010 for the purpose of financing portions of UOSA's Capital Improvement Plan.

As part of that process, UOSA needs to have assurances from each of the Political Subdivisions that they will provide certain financial and operating data as required by the Securities and Exchange Commission under Rule 15c2-12 (the "Rule"). A Disclosure Agreement relating to the Series of 2010 Bonds is enclosed (the "2010 Disclosure Agreement"). Previously, each Political Subdivision filed its disclosure information

either with the NRMSIRs or with the Texas MAC. Under the 2010 Disclosure Agreement, all filings must be made with the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access (EMMA) system, found at www.emma.msrb.org. The 2010 Disclosure Agreement also requires the following additional substantive disclosure on the part of each Political Subdivision: (1) notice of any failure on its part to provide disclosure in a timely manner and (2) notice of its receipt of any notice with respect to the tax status of the UOSA bonds.

It is our understanding from bond counsel that the new Rule provisions also will apply to any of your bond issues closed after December 1, 2010. Therefore, the new requirement of direct filing is something you will have to implement eventually yourselves and will be met by your other filings as before. The other change - notice of any IRS action - is carefully written to only apply if you receive the notice with respect to UOSA bonds. We view this as highly unlikely but, on advice, need the possibility covered for purposes of the Rule.

We ask your expeditious action on this agreement. The approval of this document is required prior to December 1, 2010, in order to meet the approved financing schedule. We recognize that we are working on a very compressed schedule, and we appreciate your efforts to help us in achieving the financing schedule. If you have questions or need further information, please do not hesitate to contact me (703-830-2200) or our Legal Counsel, Sally Hostetler (703-218-2114).

Sincerely,

Michael Lee for:

Charles P. Boepple
Executive Director

cc: UOSA Board of Directors
UOSA Legal Counsel
Davenport & Co. L.L.C.

DISCLOSURE AGREEMENT

THIS AGREEMENT, made as of the 1st day of December, 2010, by and between the **UPPER OCCOQUAN SEWAGE AUTHORITY**, a public body politic and corporate duly created pursuant to the Virginia Water and Sewer Authorities Act (now the Virginia Water and Waste Authorities Act) (**"UOSA"**), and the **CITY OF MANASSAS** and the **CITY OF MANASSAS PARK**, municipal corporations of the Commonwealth of Virginia, and the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY** and the **BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY**, acting for and on behalf of said counties (such four parties being called collectively the **"Political Subdivisions"** and individually a **"Political Subdivision"**);

W I T N E S S E T H:

WHEREAS, pursuant to the Virginia Water and Waste Authorities Act ((formerly the Virginia Water and Sewer Authorities Act) Chapter 51, Title 15.2, Code of Virginia of 1950, as amended) (the **"Act"**), and a Restated Service Agreement dated as of May 15, 1972, as amended (the **"Service Agreement"**), UOSA operates an advanced wastewater treatment system which treats sewage collected by the Political Subdivisions; and

WHEREAS, UOSA expects to issue revenue bonds on or about December 15, 2010, for the purpose of financing portions of UOSA's Capital Improvement Plan (the **"Revenue Bonds"**) and the charges paid by the Political Subdivisions to UOSA will be based, in part, on the debt service for such Revenue Bonds and will be payable from revenues of the sewer systems operated by or on behalf of each Political Subdivision (the **"Member Systems"**); and

WHEREAS, such Revenue Bonds are expected to be sold in a public offering with an official statement of UOSA providing relevant information concerning UOSA, its system and the revenues thereof, including financial information and operating data relating to the Member Systems (the **"Official Statement"**); and

WHEREAS, the Securities and Exchange Commission has adopted its Rule 15c2-12 (the **"SEC Rule"**) pursuant to the Securities and Exchange Act of 1934, as amended, and amendments to the SEC Rule effective for public offerings of municipal securities such as the Revenue Bonds issued and sold after July 3, 1995, and amendments to the SEC Rule effective for public offerings of municipal securities such as the Revenue Bonds issued and sold after December 1, 2010 (the **"Amendments"**), require that the underwriters of such securities confirm certain formal undertakings have been made to them with respect to continuing disclosure of information relevant to such municipal securities; and

WHEREAS, UOSA expects to provide the required information as to UOSA, its system and the revenues thereof and needs to have assurances from the Political Subdivisions that they will provide the appropriate financial information and operating data in order for UOSA to satisfy its obligations pursuant to the undertakings required by the SEC Rule;

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. *Annual Disclosure*. (a) Each Political Subdivision shall provide annually, directly or through an intermediary, financial information and operating data in accordance with the provisions of Section (b)(5)(i) of the Rule as follows:

(1) audited or, if unavailable, unaudited financial statements of the Member System of such Political Subdivision (or, if such statements are not prepared, audited general purpose financial statements of such Political Subdivision) for such fiscal year, prepared in accordance with generally accepted accounting principles; and

(2) to the extent not included in the audited financial statements referred to in (1), such information within the knowledge of each of them as is necessary to update as of a date not earlier than the end of the preceding fiscal year the information contained in the Official Statement relating to the Revenue Bonds and described in Exhibit A hereto.

If the financial statements filed pursuant to Section 1(a)(1) are not audited, the Political Subdivision shall file such statements as audited within 15 days of such audited financial statements becoming available.

(b) Each Political Subdivision shall file annually with the Municipal Securities Rulemaking Board (**"MSRB"**) the financial information and operating data described in subsection (a) above (collectively, the "Annual Disclosure") within 270 days from the end of each fiscal year, commencing with the fiscal year ending June 30, 2010.

(c) Any Annual Disclosure may be included by specific reference to other documents previously provided to the MSRB or filed with the SEC; provided, however, that any final official statement incorporated by reference must be available from the MSRB.

(d) The Political Subdivision shall file with the MSRB in a timely manner notice specifying any failure of the Political Subdivision to provide the Annual Disclosure by the date specified.

Section 2. *Responsible Parties*. If any financial or other information required to be provided by Section 1 hereof is obtainable, in whole or in part, from any authority created by any Political Subdivision, such Political Subdivision shall cause such authority to agree to provide and to provide such information (or a notice of failure to so provide) within the time periods specified either to UOSA or directly to the MSRB. The Prince William County Service Authority is executing this Agreement to evidence its agreement to provide such information (or a notice of failure to so provide) on behalf of the Board of County Supervisors of Prince William County.

Section 3. *Determination of Relevant Information: Compliance*. UOSA hereby identifies "annual financial information" and "operating data" within the meaning of the SEC Rule as the material described in Exhibit A. If UOSA gives to any Political Subdivision a notice to the effect that information provided by such Political Subdivision does not constitute complete compliance with the requirements of Section 1 and specifies the alleged deficiency, such Political Subdivision shall promptly provide such information as required by Section 1; provided, however, such information does not have to be so provided if such Political Subdivision gives to UOSA an opinion of nationally recognized bond counsel addressed to

UOSA to the effect that such information is not required to be disclosed in order for UOSA to comply with its undertakings to underwriters in connection with the Revenue Bonds or the Amendments to the SEC Rule.

Section 4. *Event Disclosure.* Each Political Subdivision will report to the MSRB any proposed or final notice or determination received by such Political Subdivision with respect to the income tax status or Build America Bond qualification of the Revenue Bonds.

Section 5. *Copies Provided.* Copies of all submissions pursuant to Section 1 and Section 4 (or a notice of failure to so provide) shall be provided to UOSA.

Section 6. *Filing Method.* Any filing required hereunder shall be made by transmitting such disclosure, notice or other information in electronic format to the MSRB through the MSRB's Electronic Municipal Market Access (EMMA) system pursuant to procedures promulgated by the MSRB.

Section 7. *UOSA Undertaking.* To the extent the SEC Rule requires underwriters for the Revenue Bonds to have contracted formal undertakings from either UOSA or the Political Subdivisions, it is agreed such undertakings shall be given by UOSA.

Section 8. *Other Communications.* UOSA and any Political Subdivision may from time to time disclose information in addition to that required hereby. Nothing in this Agreement shall create any obligation for UOSA or any Political Subdivision to provide or update such additional information.

Section 9. *Remedies.* If any Political Subdivision fails to comply with its covenants herein, UOSA may take action to enforce such covenants as permitted by law, including an action for specific performance or mandatory injunction (in which actions UOSA shall not be required to post any bond).

Section 10. *Amendments.* This Agreement may be amended only by mutual agreement of the parties hereto. UOSA shall within a reasonable time thereafter send to the MSRB a description of such amendment(s).

Section 11. *Termination.* This Agreement shall terminate upon payment in full, or provision for payment in full having been made in a manner consistent with the Amendments to the SEC Rule, of the Revenue Bonds.

Section 12. *Miscellaneous.*

(a) Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

(b) Execution in Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(c) Time of Essence. The parties agree that time shall be of the essence in the performance of this Agreement.

(d) Applicable Law. This Agreement shall be governed by and be construed in accordance with the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, and the seals to be affixed and attested by their duly authorized officers, all as of the date appearing next to their signatures.

UPPER OCCOQUAN SEWAGE AUTHORITY

By: _____
Chairman

(SEAL)

Date: _____

ATTEST: _____
Secretary

CITY OF MANASSAS

By: _____
Mayor

(SEAL)

Date: _____

ATTEST: _____
Clerk

CITY OF MANASSAS PARK

By: _____
Mayor

(SEAL)

Date: _____

ATTEST: _____
Clerk

BOARD OF SUPERVISORS OF FAIRFAX COUNTY

By: _____
Chairman

(SEAL)

Date: _____

ATTEST: _____
Clerk

BOARD OF COUNTY SUPERVISORS OF PRINCE WILLIAM COUNTY

By: _____
Chairman

(SEAL)

Date: _____

ATTEST: _____
Clerk

PRINCE WILLIAM COUNTY SERVICE AUTHORITY

By: _____
Chairman

(SEAL)

Date: _____

ATTEST: _____
Clerk

Exhibit A

Unless and until changed by UOSA, the following is identified as "annual financial information" and "operating data" pursuant to Section 3 of the attached Disclosure Agreement for each Political Subdivision and its Member System:

For the most recent complete fiscal year:

(a) Number of connections (or accounts).

(b) Rate schedule.

(c) Total amounts for:

- (i) Service charge revenues
- (ii) Availability/connection fee revenues
- (iii) Interest income revenues
- (iv) Total System revenues
- (v) System operating and maintenance expenses (not including expense payments to UOSA or debt service payments on UOSA obligations)
- (vi) Expense payments to UOSA
- (vii) Debt service payments on debt treated as senior to UOSA obligations
- (viii) Debt service payments on debt treated as on parity with UOSA obligations
- (ix) Debt service payments on UOSA obligations
- (x) Debt service payments on debt treated as subordinate to UOSA obligations

(d) Identity of any customer of the Member System paying over 5% of the total service charge revenues of the Member System and the specific percentage for such customer.

(e) System capacity (flows in mgd).

Board Agenda Item
November 16, 2010

CONSIDERATION – 1

Adoption of Guidelines to Exclude Certain Audit Documents from Virginia Freedom of Information Act (VFOIA) Requirements as Allowed by State Code

ISSUE:
Virginia Code §2.2-3705.3(7) requires local governing bodies to adopt guidelines to protect confidential information collected by audit investigators from the mandatory disclosure provisions of the VFOIA. The VFOIA generally provides citizens ready and open access to public records but exempts certain records to protect the integrity of investigations and the identity of any persons falsely accused of wrong doing.

TIMING:
Board consideration is requested on November 16, 2010.

BACKGROUND:
Pursuant to Virginia Code §15.2-825, the Office of Financial and Program Audit (Auditor of the Board) reports directly to the Board of Supervisors and conducts audits of county agency performance and operations. It is the policy of the Auditor of the Board to comply with the VFOIA, as amended, and provide access to public records in the custody of the office and free entry to meetings of public bodies wherein the business of the county is being conducted. Full compliance with VFOIA requirements, however, may jeopardize the integrity of investigations and the identity of those supplying information to the Office of Financial and Program Audit (OFPA). Virginia Code §2.2-3705.3 provides exclusions to the Virginia Freedom of Information Act relating to administrative investigations. In order to comply with §2.2-3705.3, the Board of Supervisors should adopt guidelines to protect confidential information collected by investigators conducting audits on behalf of OFPA and the Fairfax County Board of Supervisors.

The draft guidelines included as Attachment 1 seek to comply with §2.2-3705.3 and protect the integrity of OFPA studies by excluding certain audit related documents as allowed by state code. Audit related documents could contain confidential accusations and/or incomplete analysis. For this reason, the draft guidelines exclude the following audit related documents from the requirements of VFOIA: investigative notes; correspondence related to the studies requested by the Audit Committee and/or the Board; and the identity of individuals supplying information. Reports of all completed investigations will be released; however, the identity of the complainants or persons

supplying confidential information will be redacted. If an investigation of an individual or group of individuals does not lead to corrective action, the identity of the person(s) who were the subject of the investigation will only be released with their consent. These guidelines do not preclude any party who requests records under VFOIA the ability to request and, if appropriate, receive requested information from the original record custodian. All record custodians will continue to evaluate requests for information in accord with Fairfax County's VFOIA compliance procedures.

On October 12, 2010, the Board's Audit Committee reviewed the attached draft guidelines and requested this issue come before the Board.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Draft Guidelines
Attachment 2: Relevant Sections of State Code

STAFF:
Michael Longhi, Auditor of the Board, Office of Financial and Program Audit

Attachment 1

Disclosure Guidelines for information and records in the possession of the Office of Financial and Program Audit (Auditor of the Board)

The purpose of these guidelines is to comply with Virginia Code § 2.2-3705.3(7)

- It is the policy of the Office of Financial and Program Audit (OFPA) to comply with the Virginia Freedom of Information Act (VFOIA), as amended, which generally provides for citizens to have ready and open access to public records in the custody of a public body, its officers, and employees and free entry to meetings of public bodies wherein the business of the people is being conducted. However, there is an exclusion from the mandatory disclosure provision of VFOIA that was enacted to protect confidential information collected by investigators conducting audits on behalf of OFPA and the Fairfax County Audit Committee pursuant to Virginia Code § 15.2-825.

- VFOIA specifically exempts certain records from disclosure by OFPA to protect the integrity of investigations and the identity of any persons falsely accused of wrong doing.

- To protect the integrity of investigations, the identity of those supplying information to OFPA in confidence, investigative notes, and correspondence will be not released.

- If an investigation of an individual or group of individuals does not lead to corrective action, the identity of the person(s) who were the subject of the investigation will only be released with their consent.

- Reports of completed investigations shall be released, however, the identity of the complainants or persons supplying confidential information to OFPA shall be redacted from the reports prior to release.

- Nothing in this section will be used to prevent any party who has rights to receive access to records under the VFOIA, the ability to request and if appropriate receive such information from the original record custodian.

- The original record custodian will evaluate any request for information in accordance with Fairfax County's procedures and in compliance with the VFOIA.

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the State Lottery Department, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management or to such personnel of any local public body, including local school boards as are responsible for conducting such investigations in confidence. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-2638, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv) and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for the (i) Auditor of Public Accounts; (ii) Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) Department of the State Internal Auditor with respect to an investigation initiated through the State Employee Fraud, Waste and Abuse Hotline; (v)

committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vi) auditors, appointed by the local governing body of any county, city or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department or program of such body. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Records of the Virginia Office for Protection and Advocacy consisting of documentary evidence received or maintained by the Office or its agents in connection with specific complaints or investigations, and records of communications between employees and agents of the Office and its clients or prospective clients concerning specific complaints, investigations or cases. Upon the conclusion of an investigation of a complaint, this exclusion shall no longer apply, but the Office may not at any time release the identity of any complainant or person with mental illness, mental retardation, developmental disabilities or other disability, unless (i) such complainant or person or his legal representative consents in writing to such identification or (ii) such identification is required by court order.

9. Information furnished in confidence to the Department of Employment Dispute Resolution with respect to an investigation, consultation, or mediation under Chapter 10 (§ 2.2-1000 et seq.) of this title, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

10. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

11. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

12. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

13. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. However, this subdivision shall not prohibit the disclosure of records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law.

14. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses or other individuals involved in the investigation.

(1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 605, 690, 766; 2005, c. 601; 2006, cc. 25, 95; 2008, cc. 387, 668, 689, 758; 2009, cc. 237, 326, 340.)

§ 15.2-825. Committee for legislative audit and review.

The board may establish a committee for the audit and review of county agencies and county-funded functions. The committee shall be composed of not more than eleven members who shall be appointed by the board for a term of two years. The committee shall have the power to make performance reviews of operations of county agencies or county-funded programs to ascertain that sums appropriated are expended for the purposes for which such appropriations were made and to evaluate the effectiveness of those agencies and programs. The committee shall make such special studies and reports as it deems appropriate and as the board requests. Notwithstanding the provisions of § 15.2-1534, the board may appoint one or more of its members to serve on this committee.

The board may provide staff assistance to the committee which shall be independent of the administrative staff of the county. Any such staff shall be hired on the basis of merit and shall be paid in conformity with existing pay scales. The director of the staff to the committee shall serve at the pleasure of the board, and if removed, such removal shall not be subject to review by any other employee, agency, board or commission of the county or under the grievance procedure adopted pursuant to § 15.2-1506. The director of any such staff shall be known as the auditor of the board.

(1992, c. 524, § 15.1-765.2; 1993, cc. 621, 781; 1995, c. 722; 1997, c. 587.)

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Board Agenda Item
November 16, 2010

INFORMATION - 1

Planning Commission Action on Application 2232-P09-35, New Cingular Wireless PCS, LLC, T-Mobile Northeast, LLC, Verizon Wireless, Clearwire Wireless Broadband, and Milestone Communications (Providence District)

On Wednesday, October 20, 2010, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote) to approve 2232-P09-35.

The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia.

Application 2232-P09-35 sought approval to construct a 115' tall monopole/treepole to accommodate up to 5 co-located wireless providers, along with related equipment cabinets, on the south side of Thoreau Middle School adjacent to the existing parking lot, located at 2505 Cedar Lane, Vienna. (Tax Map 49-1 ((1)) 37A).

ENCLOSED DOCUMENTS:
Attachment 1: Verbatim excerpts from 10/20/10 Commission meeting
Attachment 2: Vicinity map

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)
David B. Marshall, Assistant Director, Planning Division, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office

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Planning Commission Meeting Attachment 1
October 20, 2010
Verbatim Excerpt

2232-P09-35 – NEW CINGULAR WIRELESS, PCS, LLC; T-MOBILE NORTHEAST, LLC; VERIZON WIRELESS; CLEARWIRE WIRELESS BROADBAND; AND MILESTONE COMMUNICATIONS

After the Close of the Public Hearing

Chairman Murphy: The public hearing is closed. Mr. Lawrence, please.

Commissioner Lawrence: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION FIND THE PROPOSAL BY NEW CINGULAR WIRELESS, PCS, LLC; T-MOBILE NORTHEAST, LLC; VERIZON WIRELESS; CLEARWIRE WIRELESS BROADBAND; AND MILESTONE COMMUNICATIONS, AS AMENDED, TO CONSTRUCT A TELECOMMUNICATIONS FACILITY AT THOREAU MIDDLE SCHOOL, 2505 CEDAR LANE, VIENNA, IS SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AS PRESCRIBED BY *VA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioners de la Fe and Hart: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to approve 2232-P09-35, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

//

(The motion carried unanimously with Commissioner Alcorn not present for the vote.)

JN

PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia

Number: 2232-P09-35

District: Providence

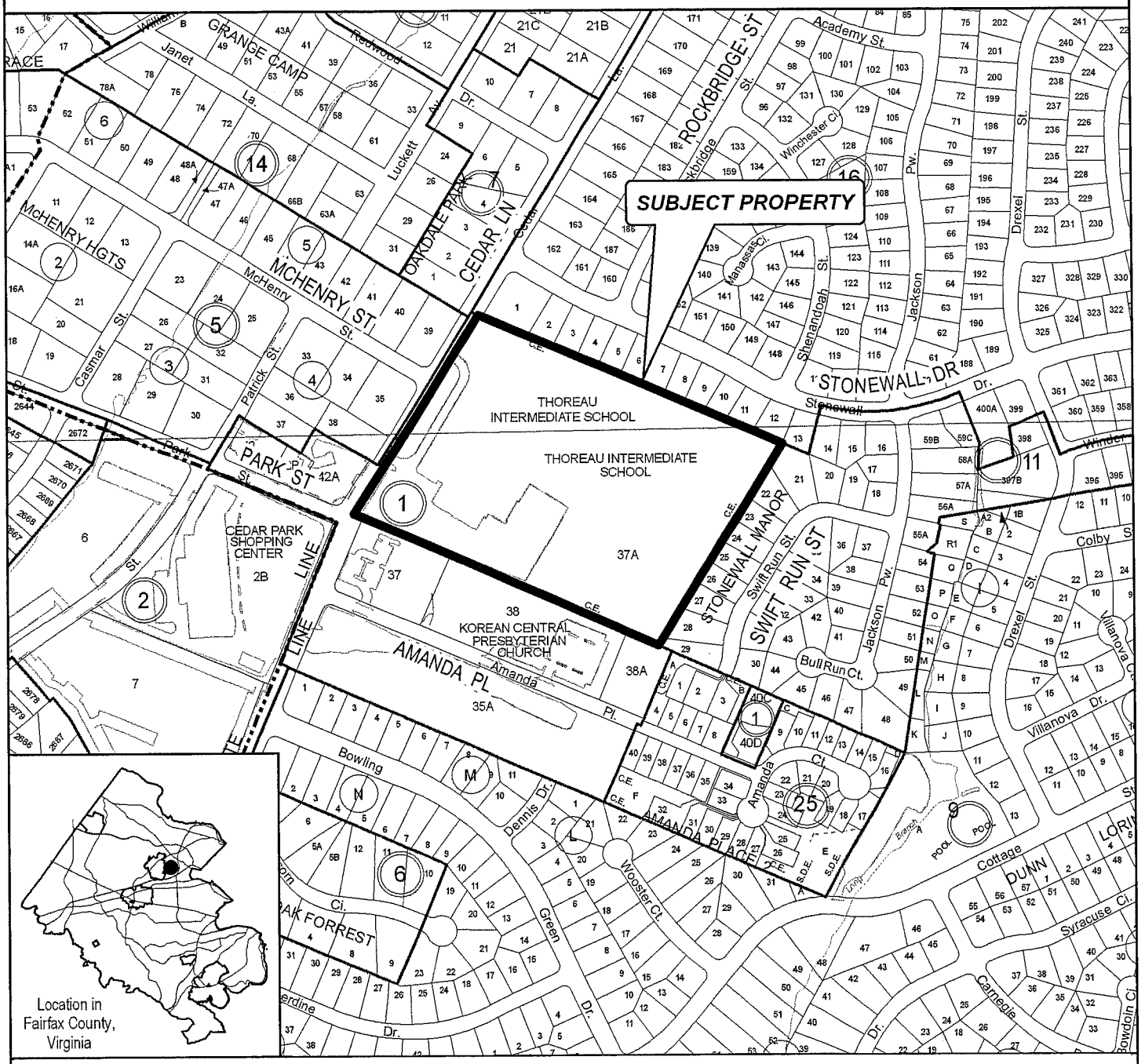
Subject Property: 49-1 ((1)) 37A

Acreage: 0.1 Ac.

Planned Use: Public Facilities, Gov't. & Institutional

Applicant: New Cingular Wireless PCS LLC, T-Mobile Northeast LLC, Verizon Wireless, Clearwire Wireless Broadband, and Milestone Communications

Proposed Use: Telecommunications facility



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PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING
USING FAIRFAX COUNTY GIS

Board Agenda Item
November 16, 2010

INFORMATION – 2

Contract Award – Flatlick Confluence Stream Restoration (Sully District)

Three sealed bids were received and opened on October 26, 2010, for the construction of the Flatlick Confluence Stream Restoration, Project CU8001-CU016, Cub Run Pro Rata Share Projects, in Fund 316, Stormwater Management Program. This contract award will provide for the restoration of approximately 1,500 linear feet of stream along Flatlick Branch. This project will restore the stream by establishing a stable stream morphology through the use of natural channel design principles and soil bio-engineering. This project is included in the FY 2011 - FY 2015 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Meadville Land Service, Inc. The firm's bid of $392,666.00 is $108,932.49 or 21% lower than the Engineer's Estimate of $501,598.49. The second lowest bid of $570,440.25 is $68,841.76 or 21% above the low bid. The highest bid of $622,800.95 is $119,202.46 or 24% above the low bid. There was one bid below the Engineer's Estimate and two bids above the Engineer's Estimate.

The Department of Public Works and Environmental Services has analyzed the bids received on the referenced project and recommends award of the contract. Recent bid experience indicates an extremely competitive bidding climate, especially in horizontal construction projects. This combined with the contractor's experience in stream restoration makes this a favorable below estimate bid.

Meadville Land Service, Inc. has not performed any projects for Fairfax County but has successfully performed work for other governmental jurisdictions and is considered to be a responsible contractor. The Department of Tax Administration has verified that Meadville Land Service, Inc. has the appropriate Fairfax County Business, Professional and Occupational License. Meadville Land Service, Inc. is a small, women, minority-owned, business firm.

This bid may be withdrawn after December 9, 2010

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Meadville Land Service, Inc. in the amount of $392,666.00.

FISCAL IMPACT:
Funding in the amount of $505,166.00 is necessary to award this contract and fund the associated contingency and other project costs including design, testing, contract administration, and inspection. Funds are currently available in the amount of $1,227,747 in Fund 316, Cub Run Pro Rate Share Program.

ENCLOSED DOCUMENTS:
Attachment 1 – Order of Bidders
Attachment 2 – Vicinity Map

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services

ATTACHMENT 1

DEPARTMENT OF PUBLIC WORKS
& ENVIRONMENTAL SERVICES
CONSTRUCTION MANAGEMENT DIVISION

COUNTY OF FAIRFAX
VIRGINIA

DATE OF BID OPENING: October 26, 2010
NO AWARD OF CONTRACT YET MADE

FLATLICK CONFLUENCE STREAM RESTORATION
CONTRACT NO. 10316076
PROJECT NO. CU8001-CU016

ORDER OF BIDDERS

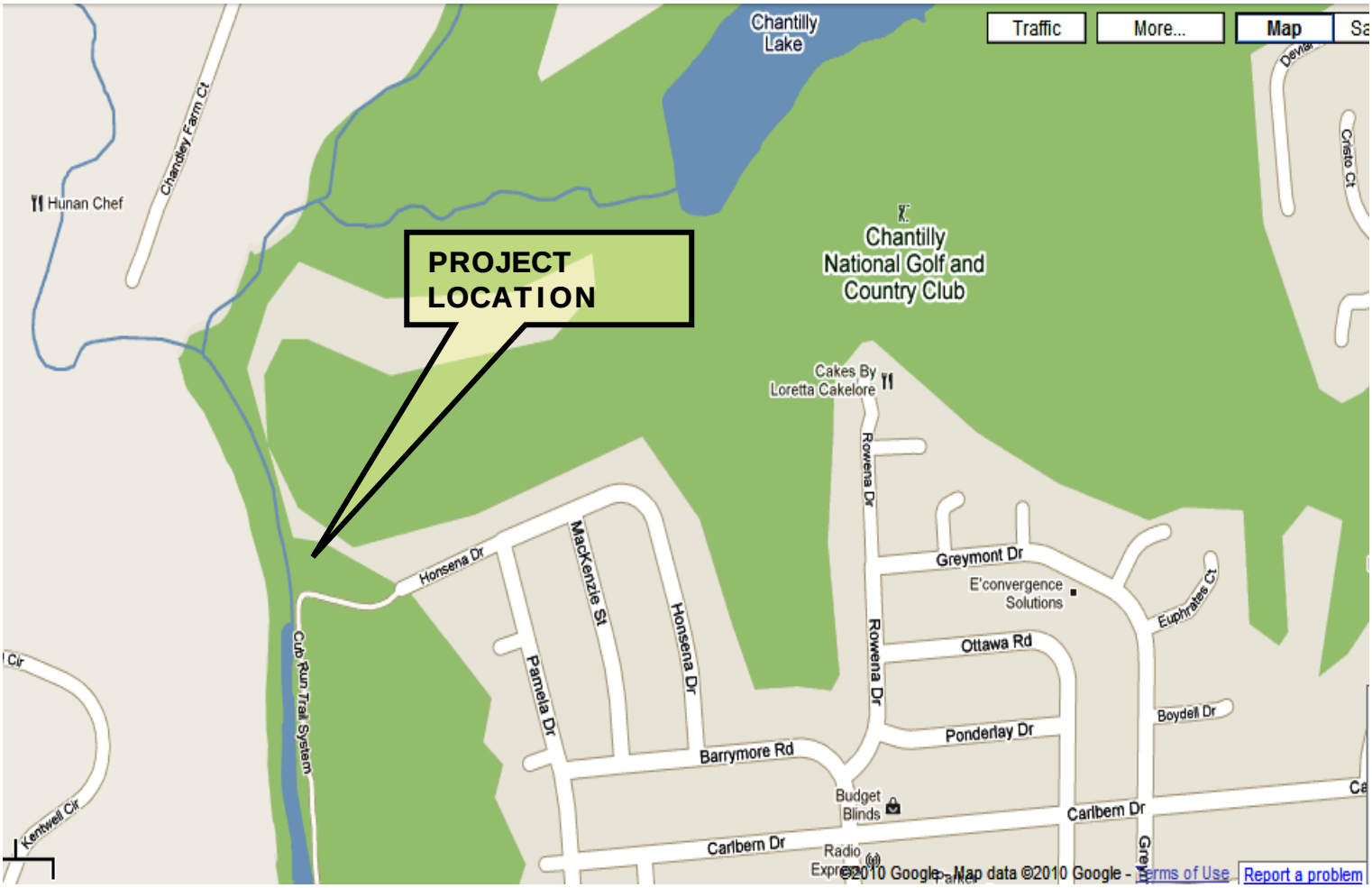
1. Meadville Land Service, Inc. $392,666.00
   10551 S. Watson Run Road
   Meadville, PA 16335

2. HGS, L.L.C. dba Angler Environmental. $570,440.25
   12811 Randolph Ridge Lane
   Manassas, VA 20109

3. Environmental Quality Resources, L.L.C. $620,800.95
   1405 Benson Court, Suite C
   Arbutus, MD 21227

ENGINEER'S ESTIMATE $501,598.49

Contract Time: 150 Calendar Days



FLATLICK CONFLUENCE STREAM RESTORATION

CONTRACT NO. CN10316076, PROJECT NO. CU8001-CU016

SULLY DISTRICT TAX MAP NO. 53-2

Board Agenda Item
November 16, 2010

INFORMATION – 3

Service Changes to FAIRFAX CONNECTOR Routes to be Implemented at the end of November 2010

This is to notify the Board that the Fairfax County Department of Transportation (FCDOT) intends to change the schedules and/or routings of several FAIRFAX CONNECTOR bus routes at the end of November 2010 as outlined below:

1. Routes 595 and 597 (Hunter Mill District): Modify the routes to originate from the Reston North Park-and-Ride Lot and remove the routes from the Reston East Park-and-Ride Lot.

2. Route 585 (Hunter Mill District): Modify the schedule to increase the number of daily trips on Route 585 to improve the frequency of bus service at the Reston South Park-and-Ride lot.

BACKGROUND:
As a part of Dulles Rail Phase I, the Reston East Park-and-Ride lot (Reston East), located on the northwest corner of Wiehle Avenue and Route 267, will be developed into a seven-level underground garage with mixed-use, Transit-Oriented Development (TOD) located above the garage. Construction on the property will begin in December 2010. Therefore, the Fairfax County Department of Transportation (FCDOT) will be partially closing Reston East the week of November 28, 2010, and fully closing the lot the week of February 28, 2011. The closure will remain in effect until construction of the parking garage is complete in late 2013. Due to this closure, staff has developed an aggressive Reston East Relocation Plan to reposition the current Reston East patrons who use one of the most heavily used park-and-ride lots in Fairfax County. This plan also includes a significant shift in bus service.

There are 820 parking spaces at Reston East with an average 100 percent daily utilization. There are seven bus routes that provide service between Reston East and Metrorail. Five routes (Routes 505, 551, 552, 554, 557) operate between Reston East and the West Falls Church Metrorail Station, scheduled together to provide 8-10 minute headways in the peak; one route (Route 595) provides express service to the Pentagon, and; one route (Route 597) provides express service to Crystal City.

The Reston East Relocation Plan will be implemented in two phases. The first phase, encompassing the bus service changes outlined in this Board item, will shift

approximately 200 bus riders who use Routes 595 and 597 to the adjacent Reston North Park-and-Ride Lot (Reston North) and will increase bus service to the Reston South Park-and-Ride Lot (Reston South). Both of the aforementioned lots have capacity to handle additional Park-and-Riders. Since Routes 595 and 597 are the only Pentagon/Crystal City express bus routes that originate from Reston East, and because they serve a unique rider market, staff recommended moving both routes to the nearby Reston North lot. Additionally, with the first phase of the plan, new service will be added to Route 585, which serves the Reston South lot. The new service will almost double the existing trips on Route 585. With an aggressive marketing campaign to bring awareness to improved bus service, staff expects that many current Reston East patrons will migrate to Reston South.

The second phase of the Reston East Relocation Plan will occur the week of February 28, 2011. Staff is aggressively working on opening an interim park-and-ride lot on the corner of Sunset Hills Road and Town Center Parkway in Reston. Staff will come back to the Board in early 2011 to outline the plan for bus service associated with the new lot.

Unless otherwise directed by the Board, the Department of Transportation will implement these service changes at the end of November 2010.

FISCAL IMPACT:
The new service on Route 585 will have an FY2011 operating cost of $222,000 based on a partial year implementation and an annual operating cost of $381,000. The current FY2011 transfer from Fund 124, County's Regional Transportation Projects to Fund 100, County Transit, is sufficient to fund the new service on Route 585. Route 595 and 597 alignment changes described above will be executed with no additional costs.

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Rollo Axton, Chief, Transit Services Division, FCDOT
Christin Wegener, Transit Services Division, FCDOT

Board Agenda Item
November 16, 2010

INFORMATION - 4

Planning Commission Action on Application 2232A-D09-2-1, (Node GFE 12), NewPath Networks, LLC and New Cingular Wireless PCS, LLC (Dranesville District)

On Wednesday, November 3, 2010, the Planning Commission voted unanimously (Commissioner Sargeant having recused himself; Commissioner Alcorn absent from the meeting) to approve 2232A-D09-2-1, as amended, for node GFE12 on Seneca Road in the VDOT right-of-way, which had previously been deferred.

The Commission noted that this portion of the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia.

This portion of application 2232A-D09-2-1 sought approval to construct an antenna site in the VDOT right-of-way on a portion of Seneca Road as part of a telecommunications Distributed Antenna System in Great Falls.

ENCLOSED DOCUMENT:
Attachment 1: Verbatim excerpts from 11/3/10 Commission meeting
Attachment 2: Vicinity Map

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred Selden, Acting Director, Department of Planning and Zoning (DPZ)
David B. Marshall, Chief, Public Facilities Branch, Planning Division, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office

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Planning Commission Meeting Attachment 1
November 3, 2010
Verbatim Excerpt

2232A-D09-2-1 – NEWPATH NETWORKS, LLC, AND NEW CINGULAR WIRELESS PCS, LLC (NODE GFE12A)

Decision Only During Commission Matters
(Public Hearing held on September 16, 2010)

Commissioner Donahue: Thank you, Mr. Chairman. A decision only concerning Node 12A of 2232A-D09-2-1.

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Sargeant: I'm going to recuse myself from this case as I have from the public hearing, given its involvement with Dominion Virginia Power utility poles.

Chairman Murphy: Okay. Thank you.

Commissioner Sargeant: Thank you.

Commissioner Donahue: Mr. Chairman, this evening the Commission is scheduled to decide the fate of Node 12A, the final node of a Distributed Antenna System proposed by NewPath Networks and New Cingular Wireless. We deferred decision on this node in September with the objective of allowing time for outreach between the applicant and area residents to identify an alternative site. Neighbors have proposed locations and - -south of the location of the application location near Corobon Lane, but NewPath contends these proposed locations will fail to satisfy coverage objectives in spite of their proximity to locations proposed by NewPath in the original DAS application. Mr. Chairman, the deadline for coming to decision on this application has passed and the applicant, after allowing previous requests for deferral, has declined to allow further delays. Area residents submitted a statement dated November 1st, which has been entered into the record, strongly objecting to the process and to the applicants' perceived unwillingness to work seriously and deliberately toward a better resolution. That statement requests a withdrawal of the application in consideration of a new Corobon Lane location. It also urges the Commission to reject GFE12A and waive the co-location preference for this node. I note this submission to the Commission for the record. With all due respect to this submission, staff has concluded that the proposal is in conformance with the adopted Comprehensive Plan. And evaluation of the prescribed merits show the following: Node 12A's location is Commonwealth of Virginia property, planned for public right-of-way use. The proposal respects safety and operation requirements and guidelines. The proposed structure will be the size and installed at a height within the perimeters of similar installations not only in Fairfax County, but in Great Falls. And staff notes, adverse visual impacts, though clearly an issue, are no more violative of the character considerations than the Plan has allowed in other locations and not legitimate grounds to deny the application as being not in substantial accord with the adopted

Comprehensive Plan. Further, the proposal does not presume installation of additional utility poles, and the height of replacement poles is compatible with others in the system and will meet radio frequency and safety requirements, thereby satisfying the requirements of extent as substantially in accord with the Comprehensive Plan. Therefore, Mr. Chairman, I concur with staff's conclusion that Node 12 - - the Node 12A proposal by NewPath Networks, LLC, and New Cingular Wireless PCS, LLC, as amended, to construct an antenna site in VDOT right-of-way on a portion of Seneca Road, for a telecommunications Distributed Antenna System in Great Falls satisfies the criteria of location, character, and extent, as specified in *Virginia Code* Section 15.2-2232, as amended. I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232A-D09-2-1, AS IT CONCERNS NODE GFE12A, IS SUBSTANTIALLY IN ACCORD WITH PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND APPROVE 2232A-D09-2-1 AS IT CONCERNS NODE 12A.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. I'm going to support the motion, but I wanted to make one observation regarding the case. I think under the - - on the record that's in front of us, the approval of Node 12A is appropriate. I think, however, this situation should not be repeated. The Commission and the citizens have a great deal at stake in the process. Applicants file for permission to construct these facilities. The citizens come and speak. And we take on faith, I think, that an applicant is going to abide by what's been approved and request permission if something isn't approved. In this situation, the three locations in question should not have been put into operation without Planning Commission approval. And when that came up, they should have been shut down or removed or something. An application should have been filed at that point to correct the problem. That shouldn't affect our decision on Node 12A. At the same time, this experience, I think, makes it more difficult not just for this applicant but for other applicants and for citizens to have faith in the process. I take the time to point that out because I think - - I want to make clear this shouldn't happen again. Thank you.

Commissioner Donahue: Mr. Chairman?

Chairman Murphy: Further discussion? Mr. Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. I just want to associate myself with Commissioner Hart's remarks. I must confess when this situation developed last February, I was rather astounded at what I came to see as a rather weak or maybe nonexistent position on the part of the Planning Commission and therefore, I suppose the Board of Supervisors - - and therefore, I suppose Fairfax County, to properly remedy this type of action. I was very surprised

to find what I - - what I saw as a very weak position. And I would hope sometime in the future, I have no idea whether the Telecommunications Committee deals with that, but sometime in the very near future I would hope we would do one of two things or both things. One, either interpret the writings, the policies, the plans, the Ordinances in a way that gives us more authority, or change them to ensure we have more authority. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to approve 2232A-D09-2-1, as it applies to Node GFE12A, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried unanimously with Commissioner Alcorn absent from the meeting.)

KAD

PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia

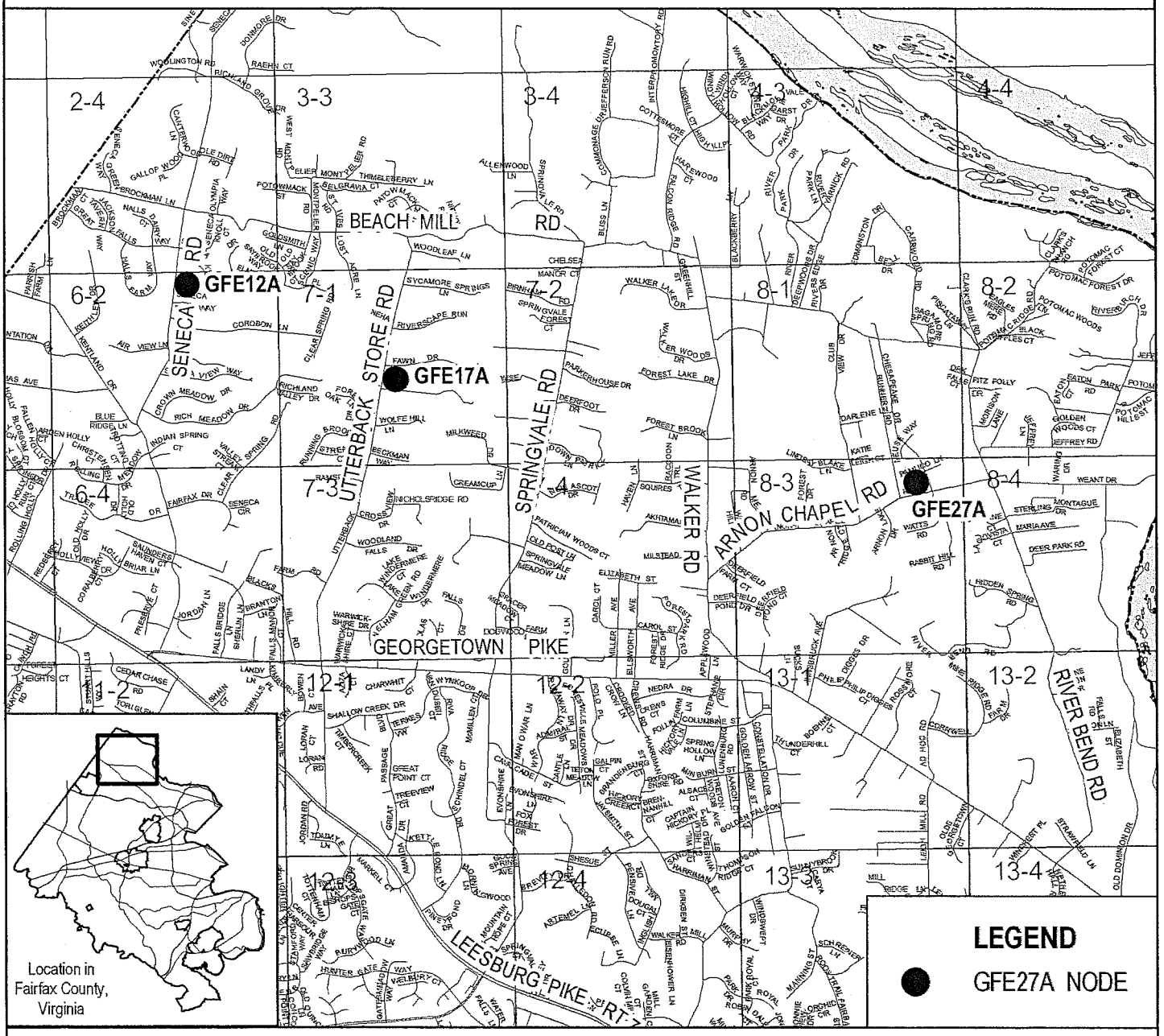
Number: 2232A-D09-2-1 **Acreage:** N/A **District:** Dranesville

Subject Property: Virginia Department of Transportation Right-of-Way on Pts. of Tax Maps 6-2, 7-1, 8-3

Planned Use: Public Right-of-Way (Arnon Chapel Road, Seneca Road, Utterback Store Road)

Applicant: NewPath Networks, LLC & New Cingular Wireless PCS, LLC

Proposed Use: Telecommunications facility (Distributed Antenna System - DAS)



PREPARED BY THE DEPARTMENT OF PLANNING AND ZONING
USING FAIRFAX COUNTY GIS

Board Agenda Item
November 16, 2010

11:15 a.m.

Matters Presented by Board Members

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Board Agenda Item
November 16, 2010

12:05 p.m.

CLOSED SESSION:

(a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).

(b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

(c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. Board of Supervisors' Authorization to Sue Flashover Systems, Inc., for Breach of Contract and Refund of Advance Payment

2. *Najib Gerdak v. County of Fairfax and Jane Doe*, Case No. 1:10-cv-00908 (E.D. Va.)

3. *Michael D. Huminik v. Anthony H. Griffin*, Case No. CL-2010-0008985 (Fx. Co. Cir. Ct.)

4. *Janet Lyon Haight v. Robert Carlson, et al.,* (Haight III) Case No. 2010-7827 (Fx. Co. Cir. Ct.)

5. *Vienna Metro, LLC v. Board of Supervisors of Fairfax County, Virginia,* Case No. CL 2010-0014219 (Fx. Co. Cir. Ct.) (Providence District)

6. *Mohammed Moosavi v. Fairfax County Tax Administration, et al.,* Case No. CL 2010-0011690 (Fx. Co. Cir. Ct.) (Dranesville District)

7. *Stephen B. Wood, Trustee, Johnie R. Muncy, Trustee, and F & M Services, LC, Trustee v. The Fairfax County Redevelopment and Housing Authority and the Board of Supervisors of Fairfax County, Virginia,* Case No. CL-2009-0016302 (Fx. Co. Cir. Ct.) (Sully District)

8. *Richard Lord and Nancy Lord Zearfoss v. Board of Zoning Appeals of Fairfax County, Virginia, et al.,* Record No. 101865 (Va. Sup. Ct.) (Springfield District)

9. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai***,** Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alejandro J. Sanabria,* Case No. CL-2010-0006025 (Fx. Co. Cir. Ct.) (Lee District)

11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong H. Ngo and Thien D. Nguyen,* Case No. CL-2010-0005427 (Fx. Co. Cir. Ct.) (Mason District)

12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirna G. Rubio and Manuel R. Perez*, Case No. CL-2010-0000611 (Fx. Co. Cir. Ct.) (Lee District)

13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ted J. Fares,* Case No. CL-2010-0011113 (Fx. Co. Cir. Ct.) (Mason District)

14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. James W. Lewis,* Case No. CL-2010-0008214 (Fx. Co. Cir. Ct.) (Mason District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe,* Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian Richard Bartunek and Sharon C. Bartunek,* Case No. CL-2010-0005678 (Fx. Co. Cir. Ct.) (Springfield District)

17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles,* Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Keun-Hoon Lee and Young Ja Lee, a/k/a Yong Ja Lee***,** Case No. CL-2009-0013425 (Fx. Co. Cir. Ct.) (Mason District)

19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira,* Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District)

20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad***,** Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Villarroel-Romero, Carlos Rogelio Renjel, and Celia Vargas-Mendez,* Case No. CL-2009-0017629 (Fx. Co. Cir. Ct.) (Mason District)

22. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump,* Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins,* Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)

24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Konstentino M. Pappaminas and Josephine M. Pappaminas,* Case No. CL-2006-0005204 (Fx. Co. Cir. Ct.) (Providence District)

25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald J. McCarthy and Jaki S. McCarthy,* Case No. CL-2006-0004413 (Fx. Co. Cir. Ct.) (Mason District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert J. Ayoub and Jack J. Ayoub,* Case No. CL-2009-0003281 (Fx. Co. Cir. Ct.) (Providence District)

27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock,* Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Porter C. Lindsay,* Case No. CL-2010-0011929 (Fx. Co. Cir. Ct.) (Lee District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kee Cho Han and Ae Young Han,* Case No. CL-2010-0005706 (Fx. Co. Cir. Ct.) (Mason District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luom Son and Sen Ly,* Case No. CL-2010-0007026 (Fx. Co. Cir. Ct.) (Mason District)

31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Ramirez and Noemy Ramirez,* Case No. CL-2010-0006225 (Fx. Co. Cir. Ct.) (Lee District)

32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cleveland Randle,* Case No. CL-2009-0015831 (Fx. Co. Cir. Ct.) (Dranesville District)

33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Patricia A. Snyder,* Case No. CL-2010-0011971 (Fx. Co. Cir. Ct.) (Hunter Mill District)

34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdul Jalil Aziz and Fauzia Aziz,* Case No. CL-2010-0013204 (Fx. Co. Cir. Ct.) (Lee District)

35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pong Y. Oclarien,* Case No. CL-2010-0013636 (Fx. Co. Cir. Ct.) (Mason District)

36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tiffany Chau and Tom Bui,* Case No. CL-2010-0014135 (Fx. Co. Cir. Ct.) (Mason District)

37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alex P. Yadao and Nilda A. Yadao,* Case No. CL-2010-0014237 (Fx. Co. Cir. Ct.) (Lee District)

38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Adams and Juana Adams,* Case No. CL-2010-0014239 (Fx. Co. Cir. Ct.) (Mount Vernon District)

39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joanne E. Wright,* Case No. CL-2010-0014339 (Fx. Co. Cir. Ct.) (Mount Vernon District)

40. *Eileen M. McLane, Fairfax County Zoning Administrator v. LM734, LC,* Case No. 2010-0014340; *LM 734, LC, trading as Comstock Tree Farm v. Board of Supervisors of Fairfax County, Virginia,* Case No. CL-2010-0011474 (Fx. Co. Cir. Ct.) (Dranesville District)

41. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dulal M. Miah,* Case No. CL-2010-0014408 (Fx. Co. Cir. Ct.) (Mason District)

42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eric D. Smith, Kevin D. Smith and Michelle C. Smith,* Case No. CL-2010-0014667 (Fx. Co. Cir. Ct.) (Hunter Mill District)

43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ransell Property, LLC,* Case No. CL-2010-0014720 (Fx. Co. Cir. Ct.) (Providence District)

44. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Aminullah A. Arsala,* Case No. CL-2010-0014719 (Fx. Co. Cir. Ct.) (Mason District)

45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Idalia Cruz and Nelzar Gallo,* Case No. CL-2010-0014776 (Fx. Co. Cir. Ct.) (Hunter Mill District)

46. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee,* Case No. CL-2010-0014721 (Fx. Co. Cir. Ct.) (Mason District)

47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Chambers,* Case No. CL-2010-0014897 (Fx. Co. Cir. Ct.) (Mount Vernon District)

48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wiman P. Rodriguez,* Case No. CL-2010-0014969 (Fx. Co. Cir. Ct.) (Braddock District)

49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran,* Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)

50. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bassam N. Haje and Eva Marar,* Case No. CL-2010-0015004 (Fx. Co. Cir. Ct.) (Hunter Mill District)

51. *Dr. Charles M. Anderson, P.E. v. Virginia Department of Professional and Occupational Regulation and Department of Public Works, Fairfax County, Virginia,* Case No. CL-2010-0004923 (Pr. Wm. Co. Cir. Ct.) (Providence District)

52. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Doris Harwitz, Trustee of the Florence Harwitz Trust,* Case Nos. 10-0025984 and 10-0025985 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

Board Agenda Item
November 16, 2010

3:30 p.m.

Public Hearing on PRC 86-C-121-03 (Reston Excelsior LLC) to Approve the PRC Plan Associated with RZ 86-C-121 to Permit 457 Multi-Family Dwellings, Located on Approximately 5.0 Acres, Zoned PRC, Hunter Mill District

The application property is located in the northeast quadrant of the intersection of Dulles Toll Rd. and Reston Pkwy. Tax Map 17-4 ((1)) 7B.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 3, 2010, the Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to recommend that the Board of Supervisors approve PRC 86-C-121-03, subject to the Development Conditions dated November 1, 2010.

ENCLOSED DOCUMENTS:
Attachment 1 - Verbatim
Staff Report previously furnished and available online at
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4333182.PDF

STAFF:
Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting Attachment 1
November 3, 2010
Verbatim Excerpt

PRC 86-C-121-03 – RESTON EXCELSIOR LLC
(Public Hearing held on June 24, 2010)

During Commission Matters

Commissioner de la Fe: Mr. Chairman, this is on PRC 86-C-8-03 (*sic*). It's a PRC plan. The public hearing for this case was held on June 24th, 2010. The decision on the case was deferred to resolve a variety of issues raised during the public hearing, as well as those raised by staff, in its initial report recommending denial. During the deferral period everyone involved has worked diligently to resolve the outstanding issues. The staff Addendum indicates that the issues have been resolved and staff is now recommending approval. The Addendum discusses the resolution of the issues. I won't repeat what is stated in the Addendum; however, I would like to address some of the issues raised and discussed during the public hearing. As noted at that time, this PRC Plan is in compliance with the proffers and concept plan associated with this site and which were approved previously. Since the approval of the concept plan in 2006, County policies concerning TDMs and the provision of affordable housing in high-rise residential development for rezonings have changed. Although the proffers and concept plan committed the applicant to address TDM and affordable housing beyond what was generally expected at that time, those commitments were not in line with current policy expectations. The applicant and the County have now agreed to TDM and affordable/workforce housing commitments that are more in line with current policy. Another issue that was raised by the applicant during the public hearing related to development conditions as part of the PRC plans. I know that the applicant is still concerned about the issue, but I have been advised that development conditions are appropriate as part of PRC Plan – of the PRC plan approval process. In reviewing the proposed development conditions, the vast majority of them are included as Concept Plan and PRC Plan Notes. I have described previously the situation as "wearing belts and suspenders." In this case, I think we may be adding safety pins. However, I see no reason why they – development conditions should not be listed separately. The staff now recommends approval. The Reston Planning and Zoning Committee recommended approval with a suggestion that more affordable housing provisions be made than was included in the previously approved Concept Plan. That commitment has been included in the PRC Plan. The residents of these units will be within easy walking distance of the retail available at Plaza America, including its numerous restaurants, a pharmacy, grocery store, cleaners, etcetera. It is also within walking distance, though slightly farther, of the Reston Town Center Urban Core. In addition, these residences would be about a quarter mile to the future Reston Parkway or Reston Town Center Metro Station and about one eighth of a mile from the Wiehle Avenue Metro Station. The site is served by both Reston's Internal Bus System and a variety of Connector Bus routes that tie Reston Town Center to Tyson's Corner and the West Falls Church Metro station. I might add that this service is both inbound and outbound. I believe that the PRC – this PRC Plan is ready for approval. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PRC 86-C-121-03, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED NOVEMBER 1ST, 2010.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PRC 86-C-121-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried unanimously with Commissioner Alcorn absent from the meeting.)

JN

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Board Agenda Item
November 16, 2010

3:30 p.m.

Public Hearing on RZ 2010-BR-003 (Christopher Land, LLC) to Rezone from R-1 to PDH-3 to Permit Residential Development at a Density of 2.64 Dwelling Units Per Acre and Approval of the Final and Conceptual Development Plans, Located on Approximately 3.40 Acres, Braddock District

The application property is located on the west side of Burke Lake Rd. approx. 1,800 ft. N. of its intersection with Burke Center Parkway directly opposite its intersection with Shiplett Blvd, Tax Map 78-3 ((1)) 9.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 3, 2010, the Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2010-BR-003, subject to the executed proffers dated October 28, 2010 and the Conceptual Development Plan;

- Waiver of the on-road bike requirement and modification of the 8-foot wide major paved trail requirement for Burke Lake Road in favor of the existing 5.5-foot wide paved sidewalk;

- Waiver of the 600-foot maximum length of private streets;

- Modification of Sect. 10-104(3) B and C of the Zoning Ordinance to permit an increase in fence height to a maximum 8-foot tall fence along a portion of the northern property line; and

- Direct the Director of the Department of Public Works & Environmental Services to grant a deviation from the tree preservation target area requirement in Sect. 12-0507.1 of the Public Facilities Manual in favor of that proposed on the CDP/FDP.

The Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to approve FDP 2010-BR-003, subject to Board approval of RZ 2010-BR-003.

ENCLOSED DOCUMENTS:
Attachment 1 - Verbatim
Staff Report previously furnished and available online at
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4331381.PDF

Board Agenda Item
November 16, 2010

STAFF:
Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, DPZ

RZ 2010-BR-003 – CHRISTOPHER LAND, LLC
(Public Hearing held on October 20, 2010)

After the Close of the Public Hearing

Commissioner Harsel: Mr. Chairman, in the application Rezoning 2010-BR-003, Bryce – it's in the Braddock District. It's an application by Christopher Land to develop the 3.4 acres of the Bryce property. If – I hope you brought your staff reports because then you can locate it. And I want to say upfront that change is not pleasant. We all, I think, resist change at one time or another. You can go down Burke Road where this is located, and you will find all sorts of changes. I think Mr. Murphy and myself remember where the Heatherwood Healthcare Facility came in. It used to be Mr. Smith and he sold the best impatiens that I've ever been able to plant – but it's now Heatherwood – at the time. The north of this property was part of Mr. Bryce's farm. It was Lincolnwood property. And what I am leading up to, we have had many letters come in this week of surrounding property owners commenting that they object, that they feel, that this application is not in character with their property. One of the very first comments that I made, when we heard the case, to staff was could they develop it with full-sized lots. And staff said yes; and Mr. Braham has said he, you know, he roughly figured it out. Well, today the applicant has submitted to us a map where he has drawn it. And could you put it up please, and – I don't know. Do we have extra copies or not of this? Oh, you've got big ones. Good, because I want my fellow commissioners to look alive because there will be a test. Is that an extra one? Are they all the same?

Commissioner Flanagan: They're all the same.

Commissioner Harsel: Oh, good, because I have the write-up on mine. Okay, if you look here you will see that Lot 1 has gone from the 6,000 square feet to 14,000 square feet. Lot 2 has gone to 8,000. Lot 3 – I mean, you can all read it, and everything. The lot lines go right back to the adjoining property. Will you put on please, Ms. Zottl, what the applicant is proposing; what the thing that we're being asked to vote on tonight, because I can't –

Ms. Zottl: You should see on your screen now – and the outlines are in red to demonstrate what the lots would look like.

Commissioner Harsel: No, if we could have what we're seeing in the staff report. Because it – oh, it's a penny. For those that did – all right. Who can tell – look at this very briefly. All of those little trees stamps and everything are – well, that's supplemental landscaping that we're being asked to propose on 6,000 square foot lots. Because all of this is now – the land – the tree saves and the supplemental plantings will belong to the homeowners association. And thanks to Mr. Lawrence, the new proffers read that everyone that comes and signs a deed here – it's 14 – will be told, as, where their lot ends, and that this is tree save owned by the homeowners and cannot be touched. You'll find it on page 4; it's Proffer 14 that has been added. The second

paragraph is thanks to Mr. Hart, which says that people will know upfront when they buy it, those lots are how far back they can go in their lots. So right now we have a decision before us. The complaints that have come in on the letters is that the lots are small and they're not in conformance, and that you're not buffering it. This is single family homes to single family homes. When the – Lincolnwood came in, they did not put a buffer in, or a fence, to protect Mr. Bryce. When Wood Edge came in, they did not protect Mr. Bryce. The density is the same, whether we can put the landscaping and turn it over to the homeowners, or whether we give it to the individual lot owners. Myself, I think that I would prefer to keep as much buffering and landscaping between these homes and the adjoining neighbors since this development cannot go into Burke Center. Burke Center took no position; they were notified. We had two community meetings. I have the list of everyone that was invited to the community meetings before we had the public hearing. Everyone on this list – and it was all the homes in Lincolnwood, all the homes in Wood Edge, were sent out – the proffers in the letter saying that the public hearing was going to be held on the date it was held, October 20th; did they have any problems with it. We had – three people came. They testified. I want those who testified, they gave us a written comment, to be part of the record. I want every letter that we received this week to become part of the record. I also want the petition that I received today from Mrs. Kady as part of the record. I think – like I said, I – at this point, I'm making the decision that I prefer to have the buffering, the landscaping, in control of the Homeowners' and not in control of individual homeowners. If you read your staff report thoroughly, you'll see there isn't that much difference in the backyard. I know that we have had a citizen that commented on the road. The road, yes. But the road is determined by the stop light. There is a stoplight. I also want to comment that this development is right there, as far as density, and it would be the same density if the lots were 14,000 square feet without, you know, the nice landscaping and protection, without the fence that we have by the road. It would still be the same density, which is right in between Lincolnwood and Wood Edge. This development has no – and I'm thinking – what is… pipestems. If you look at your map you will see multiple pipestems in both of the other developments. This has no pipestems at all. I think this is a good application. As I said, we have had two County community-wide meetings. Mr. Murphy and the Springfield people attended one. Their concern was the road, and would it back up and deny their people ways to get out. We had four people that lived across the street come from Springfield. We've not heard from them again. We have had three onsite meetings where we have gone – I will say, originally the application had 10 homes and Lots 7, 8, 9, and 10 sat right on the hill. And all those gorgeous blue spruces that Mr. Bryce planted would come down and those houses were going to front on Burke Road. Now, why anyone wants to front and look over all the traffic, I don't know. Except those people, Mr. Murphy, in your district, that came out and said they sit on the front porch and watch the accidents on Sunday happen. I don't want that anyway. Without further ado, like I said, change is hard. I know what it is to go along with something and then to have it change. I had, you know, I had a lovely big field behind me when we first moved here, and townhouses went up. By the same token, we had a developer that put in buffering. He wasn't supposed to, but he put in buffering. This one doesn't have to put in one single thing. So our decision is, do we want the big lots, or do we want the smaller lots. And I really think people don't want big lots anymore. They don't want to mow their grass. You know, let the Homeowners' take care of all those trees and everything. Without

further ado, Mr. Chairman. I've rambled too long, but there's been a lot of energy and effort put into this particular development. I think the surrounding neighbors would be better served with the buffering and the landscaping. I also want to bring in that the applicant sent letters to all of the abutting property owners and said, "We will give you a fence or we will give you landscaping." I have the responses with me. I love the one woman who even told us what we wanted, like the dogwoods, the weeping cherries, and all that. I thought that was very nice. But anyway, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF REZONING 2010-BR-03 (*sic*), SUBJECT TO THE EXECUTED PROFFERS DATED OCTOBER 28TH, 2010, AND THE CONCEPTUAL DEVELOPMENT PLAN ALONG WITH THOSE PROFFERS.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall, and the Chair also seconds the motion. Is there a discussion of the motion? I would just like to add an addendum to Ms. Harsel's remarks and thank her for including the Springfield folks and myself and Marlae Schnare from Supervisor Herrity's office to the community meeting. Again, I will just mention one of our big concerns, which is more than adequately addressed in Proffer 23, is going to really help the road situation at that intersection which, in and of itself right now, is pretty tricky. And there have been many accidents in this intersection. And if and when the Board approves this application you will have two members of the Board – Supervisors from the Springfield and Braddock District – who are going to make sure that if you have any problems with VDOT getting any of this done, I'm sure they're going to be foursquare behind you to make sure that this proffer is executed as quickly as possible.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. I'd like to ask the commissioner, how did – we got this drawing here. How does this drawing differ from the one that you had on – the original drawing? The one that we got in front of us – is this the original drawing?

Commissioner Harsel: No. This is the one with the lot sizes becoming the same size as… Here is the original one. Look on your screen.

Commissioner Flanagan: Right, yes, I see that.

Commissioner Harsel: You see the trees and the landscaping and the tree save and the landscaping on the left? And see the trees there –

Commissioner Flanagan: Right.

Commissioner Harsel: – and all the – all right. That is what's being proposed with 6,000 square lot (*sic*) – about 6,000 square foot. If you go with the one we received tonight –

Commissioner Flanagan: Yes.

Commissioner Harsel: Do you see any trees? Any landscaping?

Commissioner Flanagan: No. No.

Commissioner Harsel: But the lot sizes are comparable to the adjoining things. So our choice tonight is, do we save – agree to this landscaping and buffering to Wood Edge and to Lincolnwood? Or do we give them the same size lots and do away with the buffer?

Commissioner Flanagan: Very nice clarification. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2010-BR-03 (*sic*), say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Harsel.

Commissioner Harsel: Mr. Chairman, I MOVE THE PLANNING COMMISSION APPROVE FDP 2010-BR-003, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE REZONING 2010-BR-003 AND THE PROFFERS.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor of the motion to approve FDP 2010-BR-003, subject to the Board's approval of the rezoning and the conceptual development plan, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Harsel.

Commissioner Harsel: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY WAIVE the online (*sic*) THE ON-ROAD BIKE LANE REQUIREMENT AND A MODIFICATION OF THE 8 FOOT-WIDE MAJOR PAVED TRAIL REQUIREMENT FOR BURKE LAKE ROAD IN FAVOR OF THE EXISTING five foot (*sic*) – 5.5 FOOT-WIDE PAVED SIDEWALK that's already there, and people can walk up and down Burke Road.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE WAIVER OF THE 600-FOOT MAXIMUM LENGTH OF THE PRIVATE STREET.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF SECTION 10-104(3)B AND C OF THE ZONING ORDINANCE TO PERMIT AN INCREASE IN FENCE HEIGHT TO A MAXIMUM 8 FOOT-TALL FENCE ALONG A PORTION OF THE NORTHERN PROPERTY LINE. And that was explained to us. And the reason it has to be big is because we've got glass and it is –

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: And finally, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THEY DIRECT THE DIRECTOR OF DPWES TO GRANT A DEVIATION – minor deviation – FROM THE TREE PRESERVATION TARGET AREA REQUIREMENT IN PFM SECTION 12-0507-1 (*sic*) IN FAVOR OF THAT PROPOSED ON THE CDP/FDP.

Commissioner Hall: Second.

Chairman Murphy: Seconded by Ms. Hall. Discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously with Commissioner Alcorn absent from the meeting.)

JN

Board Agenda Item
November 16, 2010

3:30 p.m.

Public Hearing on RZ 2010-LE-005 (Jennings Business Park, LLC) to Rezone from R-1 and R-3 to C-8 to Permit Commercial Development with an Overall Floor Area Ratio of .04. Located on Approximately 64.53 Acres, Lee District

and

Public Hearing on SE 2010-LE-009 (Jennings Business Park, LLC) to Permit Commercial Development, Located on Approximately 23.17 Acres, Zoned C-8, Lee District

The application property is located on the E. side of Loisdale Rd. and W. of CSX Railroad Tracks and S. of Loisdale Park Tax Map 90-4 ((1)) 6A and 7.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 3, 2010, the Planning Commission voted unanimously (Commissioner Harsel not present for the votes; Commissioner Alcorn absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2010-LE-005, subject to execution of proffers consistent with those dated October 28, 2010;
- Approval of SE 2010-LE-009, subject to the Development Conditions dated October 26, 2010;
- Waiver of the barrier requirement along the northern property line on parcel 7 in favor of that shown on the SE Plat;
- Waiver of the minor trail requirement; and
- Waiver of the frontage improvements.

ENCLOSED DOCUMENTS:
Attachment 1 - Verbatim
Staff Report previously furnished and available online at
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4332469.PDF

STAFF:
Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Brenda Cho, Staff Coordinator, Zoning Evaluation Division, DPZ

RZ 2010-LE-005/SE 2010-LE-009 – JENNINGS BUSINESS PARK, LLC

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I'd like to thank the speaker this evening for coming. As we have heard from staff and the applicant, this request is to rezone approximately 64 acres along Loisdale Road to the C-8 District, the land that was previously an unregulated landfill. The concurrent SE request is to allow a 90,000 square feet auto dealership on the land. These applications enjoy the support from both staff and the Lee District Land Use Committee. Therefore, Mr. Chairman, I have a few motions to make this evening. Number one, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-LE-005, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE NOW DATED OCTOBER 28, 2010.

Commissioners Sargeant and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2010-LE-005, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-LE-009, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED OCTOBER 26, 2010.

Commissioners Flanagan and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Flanagan and Mr. Sargeant. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2010-LE-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING

WAIVERS: WAIVER OF THE BARRIER REQUIREMENT ALONG THE NORTHERN PROPERTY LINE ON PARCEL 7, IN FAVOR OF THAT SHOWN ON THE GDP/SE PLAT.

Commissioners Sargeant and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Flanagan. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE FOLLOWING WAIVER OF THE MINOR TRAIL REQUIREMENT.

Commissioners Sargeant and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Flanagan. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And my final motion, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE WAIVER OF THE FRONTAGE IMPROVEMENTS.

Commissioners Sargeant and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Sargeant and Mr. Flanagan. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

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(The motions carried unanimously with Commissioner Harsel not present for the votes; Commissioner Alcorn absent from the meeting.)

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Board Agenda Item
November 16, 2010

3:30 p.m.

Public Hearing on RZ 2010-SU-004 (James G. Miller, Trustee for the J.G. Miller Revocable Trust) to Rezone from I-3, AN and WS to 1-5, AN and WS to Permit Industrial Uses with an Overall Floor Area Ratio of 0.07, Located on Approximately 2.61 Acres, Sully District

The application property is located in the southwest quadrant of the intersection of Stonecroft Boulevard and Thompson Boulevard, Tax Map 33-2 ((2)) 13.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, September 30, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Flanagan, and Hall absent from the meeting) to recommend that the Board of Supervisors approve RZ 2010-SU-004, subject to the execution of proffers consistent with those dated September 23, 2010.

ENCLOSED DOCUMENTS:
Attachment 1 - Verbatim
Staff Report previously furnished and available online at
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4328458.PDF

STAFF:
Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

RZ 2010-SU-004 – JAMES G. MILLER, TRUSTEE FOR THE J.G. MILLER REVOCABLE TRUST

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. This is identical to the previous Rezoning. It's basically catching up to the APR that was approved earlier in the year. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2010-SU-004, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 23, 2010.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2010-SU-004, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you, Mr. Arnold.

Commissioner Litzenberger: Mr. Chairman?

Chairman Murphy: Yes, Mr. Litzenberger.

Commissioner Litzenberger: I'd like to thank Mr. O'Donnell for the excellent work he's done on this project.

Chairman Murphy: What else is new? He always does an excellent job.

Commissioner de la Fe: When he gets to speak.

Chairman Murphy: When he gets to speak. Yes. It's been a long time, no hear, I guess.

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(The motion carried unanimously with Commissioners Alcorn, Flanagan, and Hall absent from the meeting.)

KAD

Board Agenda Item
November 16, 2010

3:30 p.m.

Public Hearing on RZ 2010-SU-002 (Steven C. Bryant) to Rezone from I-3, AN and WS to I-5, AN and WS to Permit Industrial Uses with an Overall Floor Area Ratio of 0.04, Located on Approximately 2.15 Acres, Sully District

The application property is located on the west. side of Stonecroft Blvd. approx. 400 ft. N. of its intersection with Murdock St. Tax Map 33-2 ((2)) 13A and 34-1 ((2)) 13B.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, September 30, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Flanagan, and Hall absent from the meeting) to recommend that the Board of Supervisors approve RZ 2010-SU-002, subject to the execution of proffers consistent with those dated September 23, 2010.

ENCLOSED DOCUMENTS:
Attachment 1 - Verbatim
Staff Report previously furnished and available online at
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4332084.PDF

STAFF:
Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

RZ 2010-SU-002 – STEVEN C. BRYANT

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. The Supervisor's staff, the County staff, the Sully District Land Use Committee - - they're all in agreement with this application. Therefore, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2010-SU-002, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED SEPTEMBER 23, 2010.

Commissioners de la Fe and Hart: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2010-SU-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

Commissioner Litzenberger: Thank you.

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(The motion carried unanimously with Commissioners Alcorn, Flanagan, and Hall absent from the meeting.)

KAD

Board Agenda Item
November 16, 2010

Regulatory Review

4:00 p.m.

Public Hearing on Proposed Amendments to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax, Virginia* and the Public Facilities Manual Re: Conservation of Trees During the Land Development Process

ISSUE:
Board of Supervisors' (Board) adoption of proposed amendments to Chapter 122 (Tree Conservation Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code) and the Public Facilities Manual (PFM) related to the conservation of trees during the land development process.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed amendments to Chapter 122 of the County Code and the PFM as recommended by the Planning Commission and that the amendments become effective at 12:01 a.m. on November 17, 2010.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed amendments to the PFM have been recommended for approval by the Engineering Standards Review Committee.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 20, 2010, the Planning Commission unanimously voted to recommend that the Board of Supervisors adopt the proposed amendments to Chapter 122 of the County Code and the proposed amendments to the Public Facilities Manual, as set forth in the staff report dated September 14, 2010, and that the amendments become effective at 12:01 a.m. on November 17, 2010.

TIMING:
Board action is requested on November 16, 2010. On September 14, 2010, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on October 20, 2010. The amendments will become effective at 12:01 a.m. on November 17, 2010.

Board Agenda Item
November 16, 2010

BACKGROUND:
Past legislative efforts by Fairfax County to acquire state enabling authority to preserve forest resources during the land development process culminated in the enactment of § 15.2-961.1 of the *Code of Virginia*, effective July 1, 2008, allowing localities within Planning District 8 and classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, to adopt local ordinances providing for the conservation of trees during the land development process. The enabling legislation allowed Fairfax County to shift regulatory focus from tree replacement to tree preservation and consequently, on October 20, 2008, the Board of Supervisors approved regulations implementing Virginia Code §15.1-961.1.

Implementation included a new chapter of the County Code, Chapter 122, entitled Tree Conservation Ordinance. In addition, amendments to the PFM and Chapters 101 (Subdivision Provisions), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance) and 120 (Heritage, Specimen, Memorial and Street Tree Ordinance) of the County Code were adopted to align with the Tree Conservation Ordinance. These amendments became effective on January 1, 2009 and incorporated the full authority granted to localities pursuant to §15.1-961.1 of the *Code of Virginia*.

At this time, amendments to the Tree Conservation Ordinance and the PFM are being proposed to address feedback from the development community and the impacts observed by staff during the first full year of administering the Ordinance on the need to apply all the current submission requirements and technical standards of the Ordinance to minor plans in order to conserve and protect trees. After a thorough review of the issues, it is staff's opinion that the intent of the Ordinance to preserve valuable tree resources can be maintained while reducing the costs of code compliance. These amendments have been discussed with industry and an overview of the proposed changes was presented to the Board's Environmental Committee on June 15, 2009 and September 21, 2009. A summary of the proposed amendments is set forth below.

PROPOSED AMENDMENTS:
The proposed amendments include revisions to the Tree Conservation Ordinance and Chapters 2, 6, and 12 of the PFM as further described below.

Tree Conservation Ordinance
The proposed revision to the Tree Conservation Ordinance (Chapter 122) provides clarification regarding the applicability of the tree canopy provisions set forth in Section 122-2-1. Specifically, paragraph (b) of Section 122-2-1 is being added to clarify that minor land disturbing activities, such as home additions, tear downs and rebuilds on existing foundations, minor site plans, demolitions and linear projects, such as trails,

sidewalks, and sewers, are not subject to the tree canopy requirements. Other land disturbing activities that present a minor threat to existing tree resources, as determined by the Director of the Department of Public Works and Environmental Services, also will not be subject to the tree canopy requirements.

The proposed amendment to Chapter 122 is included as Attachment A to the Staff Report.

Public Facilities Manual
The proposed revisions to the PFM amend the plan submission requirements, the technical standards and specifications, and onsite practices that support the conservation of trees during land development and include the following:

1. Revisions to align the PFM with the Tree Conservation Ordinance regarding the applicability of the tree canopy requirements to minor land disturbing activities.

2. Changes to the tree inventory and condition analysis requirements in a manner that will likely reduce the time and expenses associated with preparing conservation plans by:

    - reducing the number of trees required to be inventoried and shown on plans by increasing the minimal diameter tree inventory standard from 8 inches to 12 inches;

    - reducing the number of trees required to be inventoried and shown on plans by reducing the width of the tree inventory zone from 50 to 35 feet;

    - reducing the number of dead, poor condition and hazardous trees that must be inventoried and shown on plans by reducing the size of the area where these conditions might exist; and

    - minimizing the need to involve Certified Arborists and/or Registered Consulting Arborists in the preparation of tree inventories and poor condition analyses.

3. Provisions to minimize the information required to be shown on plans when development sites clearly meet or exceed the minimal tree preservation levels related to tree inventory and condition analysis.

4. Additional opportunities for developers to modify the 10-year tree canopy requirements when proposed development sites meet the criteria related to space limitations and utility conflicts.

5. Reductions in the pro-rata fee used to determine contributions to the Tree Preservation and Planting Fund from $500 to $300 per every 200 square feet of tree canopy requirement that cannot be provided on-site.

6. Provisions for offsite tree planting on governmental properties and by non-profit tree planting groups by requiring developers to contribute a fee equal to the monetary value of 50 percent of proposed 10-year canopy reductions into the Tree Preservation and Planting Fund.

7. Replacing existing Plate 1-12(1M-12) with new plates 1A-12(1AM-12) and 1B-12(1BM-12) to provide additional information related to the tree inventory and condition analysis requirements.

8. Editorial revisions to PFM Chapters 2, 6 and 12.

The proposed amendments to the PFM are included as Attachment B to the Staff Report.

REGULATORY IMPACT:
The proposed amendments related to the 10-year tree canopy requirement clarify the applicability of the 10-year tree canopy requirement to minor land disturbances. Under the proposed amendments, home additions, tear downs and rebuilds on existing foundations, minor site plans, demolitions and linear projects, such as trails, sidewalks, and sewers, are not subject to the tree canopy requirements. Other land disturbing activities that present a minor threat to existing tree resources, as determined by the Director of the Department of Public Works and Environmental Services, also will not be subject to the tree canopy requirements.

The proposed PFM amendments related to the requirement to provide a tree inventory and condition analysis lessen plan preparation requirements by reducing the number and extent of trees to be inventoried and minimizing the need to involve a Certified or Registered Consulting Arborist during plan design and preparation. In addition, the proposed PFM amendments provide additional opportunities for modifications of the tree canopy requirements and minimize the information required to be shown on plans when development sites clearly meet or exceed the minimal tree preservation levels.

The proposed PFM amendments related to the Tree Preservation and Planting Fund reduces the pro-rata fee paid by developers in the instance that sites cannot meet the full tree canopy requirement on-site. In addition, the proposed amendments specify the fee that developers must contribute into the Fund when providing offsite community tree planting.

FISCAL IMPACT:
None on County budget. The proposed amendments will have a negligible impact on staff resources. For developers and homeowners, the proposed amendments will reduce the time and expense associated with the preparation of tree inventory and condition analysis plans. Cost reductions will be site specific but will be proportionally more significant for smaller projects. The reduction in pro-rata fees directly reduces compliance costs for projects that cannot meet the full tree canopy requirement on-site.

ENCLOSED DOCUMENTS:
Attachment 1- Planning Commission Verbatim
Attachment 2 – Staff Report dated September 14, 2010 - Available online at http://www.fairfaxcounty.gov/dpwes/publications/pfm/treeordinance/staffreport.pdf.

STAFF:
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Michelle Brickner, Acting Director, Land Development Services, DPWES

Planning Commission Meeting Attachment 1
October 20, 2010
Verbatim Excerpt

PUBLIC FACILITIES MANUAL AMENDMENT (TREE ORDINANCE UPDATE)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I'd like to thank Mike Knapp and the staff for making this possible. We've had a year's worth of data. We've had a year's worth of history on this particular amendment ordinance (*sic*). So it's an appropriate time to clarify and amend, as staff has suggested. Therefore, I would MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS ADOPT THE PROPOSED AMENDMENTS TO CHAPTER 122 OF THE COUNTY CODE AND THE PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL CONTAINED IN THE STAFF REPORT DATED SEPTEMBER 14TH, 2010, AND THAT THESE AMENDMENTS BECOME EFFECTIVE AT 12:01 A.M. ON NOVEMBER 17TH, 2010.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the Zoning Ordinance Amendment on tree – on the Tree Ordinance Update, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried unanimously.)

JN

Board Agenda Item
November 16, 2010

Regulatory Review

4:00 p.m.

Public Hearing for a Proposed Zoning Ordinance Amendment Re: Zoning Appeal Fee

ISSUE:
Proposed Zoning Ordinance amendment to revise the filing fee for an appeal of a determination of the Zoning Administrator or of a proffered condition from $2,455 to an amount ranging from $500 to $1,000.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, November 3, 2010, the Planning Commission voted unanimously (Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adoption of the proposed Zoning Ordinance amendment as set forth in the staff report dated September 28, 2010, with the figure in line 19 on page 4 revised from $1,000 to $600; and

- The amendment be effective as of 12:01 a.m. on the day following adoption by the Board of Supervisors.

RECOMMENDATION:
The County Executive recommends approval of the proposed Zoning Ordinance amendment with an appeal filing fee of $1000.00 as presented in the Staff Report dated September 28, 2010.

TIMING:
Board authorization to advertise – September 28, 2010; Planning Commission public hearing – November 3, 2010; Board public hearing – November 16, 2010 at 4:00 p.m.

BACKGROUND:
The proposed amendment addresses the filing fee for a zoning appeal application and is on the 2010 Priority 1 Zoning Ordinance Amendment Work Program. The amendment is in response to concerns regarding the current fee amount, and is also prompted by the recent *Code of Virginia* change regarding appeal filing fees and associated advertising and staff costs. The current filing fee for an appeal of a determination of the Zoning Administrator or of a proffered condition under Sections 18-301 and 18-204, of the Zoning Ordinance is $2,455.

Staff believes the current filing fee, which covers approximately 75% of the processing costs, complies with the recent 2010 amendment to Section 15.2-2311 of the *Code of Virginia*, which states that "(T)he fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs." Additionally, the current appeal filing fee is in conformance with Section 15.2-2286 (A) (6) of the *Code of Virginia* which provides "…for the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices, and other expenses incident to the administration of a zoning ordinance or to the filing and processing of an appeal or amendment thereto." However, staff has reevaluated the appeal filing fee in order to address concerns raised by certain Board members and citizens that the current fee is too costly and for some a deterrent to filing an appeal. Furthermore, staff believes that a reduction in the appeal filing fee is in keeping with the spirit of the General Assembly's 2010 amendment to the *Code of Virginia*.

In an effort to balance the staff costs involved with processing an appeal application while not making it cost prohibitive for an aggrieved party to file an appeal, staff is recommending a reduction in the appeal fee from $2,455 to $1,000. The proposed $1000 fee represents a 31% cost recovery rate and is inclusive of the cost to advertise the appeal for public hearing, which is on average $200. The advertising cost includes the cost of running the advertisement for two consecutive weeks in the newspaper and the cost involved in the preparation and mailing of legal notices. The amendment has been advertised with an appeal fee range of between $500 and $1000. It is noted that a $500 appeal fee represents a little more than a 15% cost recovery rate.

At the time of authorization the Board inquired whether the appeal fees of the other area jurisdictions set forth in the comparison chart at the end of the attached Staff Report included advertising costs. Advertising costs are included in all the appeal fees for those jurisdictions listed on the chart and it is further noted that the City of Fairfax has an appeal fee of $1000 which is also inclusive of advertising costs.

REGULATORY IMPACT:
The proposed amendment does not revise the regulations or requirements for land development; however, the proposed amendment as recommended by staff would decrease the cost of filing an appeal.

FISCAL IMPACT:
Decreasing the appeal fee from $2,455 to $1,000 would reduce the cost recovery rate from 75% to 31%, generating less revenue as a result. The FY 2011 revenue projection based on the $2,455 appeal fee is $73,560 assuming the filing of 30 appeals. The revised revenue projection for FY 2011 based on a filing fee of $1,000 and the same number of appeals is $30,000, resulting in a projected revenue loss of $43,560. There will be minimal administrative costs associated with the implementation of the proposed new fee.

Board Agenda Item
November 16, 2010

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Verbatim
Attachment 2 – Staff Report – Available online at
http://www.fairfaxcounty.gov/dpz/zoningordinance/proposed/zoningappealfee.pdf

STAFF:
Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Leslie B. Johnson, Senior Deputy Zoning Administrator, DPZ
Jill G. Cooper, Senior Assistant to the Zoning Administrator

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Planning Commission Meeting Attachment 1
November 3, 2010
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT (ZONING APPEAL FEE)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. Hart, please.

Commissioner Hart: Thank you, Mr. Chairman. First, let me thank staff, particularly Jill Cooper and Leslie Johnson for their fine work on this case. I also would like to thank the citizens that came out tonight to testify and those who submitted correspondence. We received a letter and a resolution from the McLean Citizens' Association which, I believe, is in the record, as well as Mr. Farrell's letter. As the Commission is aware, the filing fee for appeals to the Board of Zoning Appeals was raised in 2009 from $375 to $2,455. Subsequently, the General Assembly enacted an amendment to 15.2-2311 which limits what a locality can charge for a filing fee. Staff is in support of the advertised Amendment and has recommended a reduction to $1,000, although the Board of Supervisors has authorized advertising a range from $500 to $1,000. On Zoning Ordinance Amendments, I usually agree with the staff position. Tonight I generally agree, but will be making one modification and wanted to address my rationale for doing so. This could be a very difficult decision, especially in light of the economic situation in the County's budget. But I believe that the cost recovery objectives, which were relied upon at the time of the increase from $375 to $2,455, should be inapplicable to appeal applications. Unlike applications for rezonings, special exceptions, or special permits, an appeal applicant may not be requesting anything other than to be left alone. Some of the applicants have received a violation notice; others may be a citizens association or neighbors to something that has been approved or for which a permit has been issued with which they may legitimately take issue. Unless they note an appeal, the determination becomes a thing decided. Although this can be a difficult and expensive process, we should not forget that some of those appellants actually prevail and this process, which may pass through several tribunals, is intended to allow citizens access to a fair and impartial review. We also have to be careful not to conflate the concept of punishment for violators with a filing fee for an impartial audience. Fines for violations can be determined and imposed by a judge in Circuit Court if appropriate. Both equal protection and due process concerns have been articulated about the current fee. We have essentially precluded less affluent citizens from disagreeing with the Zoning Administrator or DPWES staff on Zoning Ordinance issues, which prevents them from a public hearing to present their argument. Two thousand, four hundred, fifty-five dollars may be more than many citizens earn in a month or pay for rent or a house payment. For senior citizens or those on fixed incomes, it's an expense they cannot afford. For a citizen who receives a zoning violation, who may take legitimate issue with staff's conclusions or measurements, or wishes to present evidence contradicting the Zoning Administrator, they may be priced out of the process. By comparison to later steps in the process, the fee is enormous. It costs only $86 or $89 to appeal from the BZA to the Circuit Court; $50 to appeal from the Circuit Court to the Virginia Supreme Court; and $300 to appeal from the Virginia Supreme Court to the U.S. Supreme Court. Cost recovery at those stages does not seem to be a factor for those tribunals. Even at $1,000, this filing fee is a big obstacle to access to the

process. Another rationale expressed for the staff recommendation for the fee being $1,000 is that it should be higher than $885, which is a fee for certain types of special permit fees and variances as a deterrent. But I do not believe the General Assembly has included deterrents as a permissible basis for higher fees. And although many appeals are ultimately withdrawn, we have not seen significant abuse of the process in recent years. Although many cases are deferred, many appeals involve complicated issues, and the deferrals that are granted are almost always with staff concurrence while staff and the parties are negotiating or engineering submissions remain under review by staff. I trust also that potential abuses of the process can be monitored by staff and the BZA and dealt with as each case is administered with benefit of the specifics. I have faith in that process. I do believe a good faith argument can be made in defense of the $1,000 fee, but I am more comfortable recommending a fee of $600, which is significantly higher than where we started, is consistent with 15.2-2311, and generally in line with, or even higher than our sister jurisdictions. In addition to the localities in the staff report – and the examples that were cited were $492 in Prince William; $350 currently in Loudoun; the fee is $100 in Orange County; it's $250 in Frederick and Warren Counties; $500 in Culpeper and Fauquier; and it's – it's $750 in Clarke County, although in Clarke the fee is refunded if the applicant prevails. Six hundred dollars is almost identical to the fee in Arlington which, for whatever reason, is $596.20 with a potential raise to $602.80; they seem to have figured it out. Arlington is a similar jurisdiction to Fairfax in many ways. I believe that at a fee of $600, which is more in line with these neighboring counties, we'll be better able to justify the fee which is still over a 60 percent increase from where we were a year and a half ago, and it's consistent with the General Assembly's direction. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT ON THE ZONING APPEAL FEE, AS SET FORTH IN THE STAFF REPORT DATED SEPTEMBER 28, 2010, WITH THE FOLLOWING MODIFICATION:

- ON PAGE 4 OF THE STAFF REPORT, LINE 19, CHANGE THE FIGURE OF $1,000 TO $600; AND FURTHER

- THAT THE AMENDMENT BE EFFECTIVE AS OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION BY THE BOARD OF SUPERVISORS.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion?

Commissioners de la Fe and Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan and then Mr. de la Fe.

Commissioner Flanagan: Yes, thank you, Mr. Chairman. A question of the maker of the motion, Commissioner Hart. Is it beyond the ability of the Commission to also have a provision for refunding the fee in the event that there is a – that the charge is denied?

Commissioner Hart: I left that out. It's my understanding that any – either a waiver provision or a request for proceeding "in forma pauperis" or case-by-case review by the Board of Supervisors – any of that – is outside the scope of the advertising; that all we're allowed to do is to change the dollar amount of the fee. And the fee applies to everybody, no matter what.

Commissioner Flanagan: Thank you.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I just have a question. I believe when you asked staff at the beginning of the public hearing whether the range of the fee of $500 to $1,000 covered all of the advertising costs. And I think the answer was yes. And I was – frankly, I look at this as a matter of access to the process and I wish the fee were lower. And I was wondering if you would accept a friendly amendment that we recommend to the Board that it make it $500 instead of $600.

Commissioner Hart: I spent all week trying to come up with a reason for a number other than the $1,000. I thought Arlington's not our twin, but it's close. We have such a horrible budget situation that our costs legitimately are probably more than just the advertising. I won't take it as a friendly amendment, but if the Commission wants to go to $500, I certainly understand and we can present that to the Board.

Commissioner de la Fe: That's all right. I'll – the Board can always change it, so –

Chairman Murphy: Further discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes, Mr. Lawrence.

Commissioner Lawrence: As seconder to the motion, I concur with Mr. Hart's reasoning. I think $600 seems to be what we should do. But I'd like to say one other thing, and that is I came here tonight thinking about going the other way. But after the dialogue with staff, and the testimony of the witnesses, and the dissertation made by Commissioner Hart, I am persuaded that this is an arbitrary amount. And Commissioner de la Fe used the absolutely correct term: access and accessibility. So I'm very much in support of this idea. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board –

Commissioner Flanagan: Mr. Chairman? Yes, I agree with everything. In fact I think Commissioner Hart's rationale this evening was one of the more eloquent rationales that I've heard in the Commission here. And I'm going to vote in favor of his motion. But I am also going to recommend to my Supervisor that when this comes to their attention I think they should add to this legislation a waiver of the fee in the event that the applicant is found not guilty.

Chairman Murphy: Then they're going to have to readvertize and start from scratch again and it will have to come back to the Planning Commission.

Commissioner Flanagan: Fine. Let's do that.

Chairman Murphy: Well, let's get a phrase for ourselves then, if we have to listen to this one more time.

Commissioner Hall: I second that motion.

Chairman Murphy: Build that into the motion, okay? All those in favor of the motion to recommend to the Board of Supervisors that it adopt the Zoning Ordinance Amendment regarding the Zoning Appeal Fee as amended by Commissioner Hart this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried unanimously with Commissioner Harsel not present for the vote; Commissioner Alcorn absent from the meeting.)

JN

Board Agenda Item
November 16, 2010

4:00 p.m.

Public Hearing on the Proposed Amendments to Chapter 11 of the Fairfax County Code, the Human Rights Ordinance

ISSUE:
The proposed amendments are necessary to expedite the appeals process, as well as, reflect the procedural changes due to the merging of the Office of Human Rights and the Office of Equity Programs.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors accept the proposed amendments to the Human Rights Ordinance.

TIMING:
On September 28, 2010, the Board of Supervisors authorized the advertisement of a public hearing to commence on November 16, 2010, at 4:00 p.m.

BACKGROUND:
The Fairfax County Human Rights Ordinance (Ordinance) was adopted in 1974. The Ordinance has been updated and reaffirmed over the years and amended to reflect changing conditions in Fairfax County. In 1982 the Ordinance was amended to add disability as a protected basis. It was amended in 1986 to allow for the appointment of an additional Commissioner, increasing the number allowed from 11 to 12. A 2002 amendment added Article II (Fair Housing Act) to the Ordinance making it substantially equivalent to the Federal Fair Housing Act.

The agency became a Fair Employment Practice Agency (FEPA) and a Fair Housing Assistance Program (FHAP) in 1980 and 2006 respectively. As a FEPA and FHAP, the agency has work-sharing agreements with the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). In addition to funding from the county, the Commission is paid for investigating complaints in Fairfax County that are also jurisdictional with EEOC and HUD under its work-sharing agreements.

In July 2008, the Office of Human Rights and the Office of Equity Programs merged, however this merger did not change the mission of either office. Certain provisions of the Ordinance dealing with Commission powers and procedures that are proposed to be

amended clarify and adequately state the distinctions in powers and procedures between the Commission and the Division as it applies to the Ordinance. These proposed amendments include changes to accomplish the distinction between the recently merged Office of Equity Programs and the Office of Human Rights. The proposed amendments would not change the substantive protections of the Ordinance.
The proposed changes included numerous minor alterations to clarify language and correct grammatical errors.

On September 1, 2010, the Human Rights Commission unanimously approved the proposed amendments to the Ordinance, with minor edits that have been incorporated into this final proposed text.

The following is a summary of the essential proposed changes:

Section 1-1-1

- "Education and Outreach" have been added to the Statement of Policy Section in Article I. Education and outreach is an important component of the work conducted by the Human Rights Division. The Division provides education and outreach services regarding compliance with the Ordinance to individuals, employers, organizations, community groups, businesses and the housing industry operating in Fairfax County, and manages the Fair Housing Plan.

Section 11-1-2

- The definition of a "disabled person" has been changed to reflect the changes enacted by the Americans With Disabilities Act (ADA) Amendment Act of 2008. The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA.

  The new definition is consistent with 42 U.S.C. 12102.

- Throughout the document, the definition "Director" has been added or changed from Executive Director, to reflect the new structure of the merger between the Office of Human Rights and the Office of Equity Programs.

- The definition of "Division" has been added to distinguish between the Office of Human Rights Division as opposed to the Office of Equity Programs Division.

- "Educational Institutions" have been limited to "private" institutions to reflect the limited authority of the Ordinance.

- "Employment agency" has added "internet providers" to reflect new technologies.

- "Major Life Activities" have been changed to reflect the changes of those in the ADA Amendments Act of 2008. To have a disability under the ADA, an individual must have an impairment that substantially limits one or more of his or her major life activities. Before the amendments, a major life activity was understood to be an everyday activity an average person can perform with little or no difficulty. The original ADA did not offer a list of major life activities, but the EEOC issued enforcement guidance stating that life activities such as walking, seeing, speaking, hearing, breathing, learning, performing manual tasks, caring for oneself, working, sitting, standing lifting, reaching, thinking, concentrating, interacting with others and sleeping should be considered "major."

  The new definition is consistent with 42 U.S.C. 12102.

- "Physical Impairment" has similarly been updated to reflect the changes in the ADA Amendments Act. The new definition is consistent with 42 U.S.C. 12102.

- "Public accommodation" has been expanded to include non-governmental entities, which reflects the actual limitations of the Commission.

Section 11-1-13

- The proposal includes the addition of a "Reconsideration" of the Final Investigative Report issued by the Division Director. This additional step affords complainants an additional review of their case prior to going to an appeal.

- The proposal also includes the addition of a "Hearing Tribunal" consisting of three members of the Commission. The Hearing Tribunals will allow the Commissioners to expedite the processing of appeals by complainants. Currently, the Ordinance is silent on the number of Commissioners necessary to conduct an appeal. The proposed language forms the Hearing Tribunal allowing the Commissioners to consider the merits of an appeal. This is especially important in light of the fact that the Commissioners are comprised of voluntary, non-paid members, who can not always attend every Commission meeting.

REGULATORY IMPACT:
Expedite the appeal process for citizens who have filed complaints with the Human Rights Commission.

Board Agenda Item
November 16, 2010

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Proposed amendments to the Human Rights Ordinance, Chapter 11 of the Fairfax County Code. Available online at www.fairfaxcounty.gov/hrc/chapter11.pdf

STAFF:
Kenneth L. Saunders, Executive Director, Office of Human Rights and Equity Programs
Edward E. Rose, Senior Assistant County Attorney

Board Agenda Item
November 16, 2010

4:00 p.m.

Endorsement of the FY 2012 Virginia Department of Transportation's Enhancement Program Project Applications

ISSUE:
Board endorsement of proposed transportation enhancement projects to be submitted to the Commonwealth Transportation Board (CTB) for FY 2012 funding, following the 4:00 PM public hearing.

RECOMMENDATION:
The County Executive recommends the Board take the following actions:

1. Endorse the enhancement projects for which applicants have identified a source for the required minimum 20 percent match (Attachment I).

2. Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board (Attachment II).

The Board should be aware that any approved funds will be distributed through the jurisdiction endorsing the project and those jurisdictions endorsing enhancement projects will be responsible for any cost overruns. Although the Project Endorsement Resolution indicates Fairfax County agrees to pay 20 percent of the total cost of a project, staff has advised each applicant that they alone will be completely responsible for the 20 percent match and any cost overruns.

The Board should also be aware that VDOT's new enhancement program regulations require the sponsoring jurisdiction to accept responsibility for future maintenance and operating cost of any projects that are funded.

TIMING:
Action should be taken on this item on November 16, 2010, following the public hearing. Staff will notify each applicant of the Board's action, so applicants can complete the applications and submit them to VDOT before December 1, 2010.

BACKGROUND:
Transportation Enhancement Program grant applications can be submitted by a group or individual, but are subject to a public hearing and endorsement by the local jurisdiction. Up to 80 percent of a transportation enhancement project can be financed with Federal Surface

Transportation Program (STP) funds. A minimum of 20 percent must come from other public or private sources. VDOT has implemented new requirements for jurisdictional sponsors (like Fairfax County) to provide technical guidance and oversight throughout project development. Additionally, the sponsor must ensure that the budget accurately reflects project cost, and accept responsibility for future maintenance and operating cost of the completed project.

On October 19, 2010, the Board of Supervisors authorized a public hearing to be held for the FY 2012 transportation enhancement projects on November 16, 2010, to solicit projects.

For the FY 2012 Enhancement Program, staff recommends that the Board endorse the following five projects:

• Lorton Arts Foundation Cross-County Trail (LAF-CC Trail)	$	500,000
• Phase III of the Chain Bridge Road-McLean Streetscape Project	$	200,000
• Phase II of the Georgetown Pike Trail Project	$	417,748
• Burke Centre Virginia Railway Express (VRE) Trail Extension - Phase 2	$	396,240
• Mason Neck Trail	$	58,900

FISCAL IMPACT:
None at this time. The Board should note that all applicants will be required to provide the 20 percent local match. In addition, should any of the first four projects be funded through the Enhancement Program, the County will be responsible for future maintenance and operating costs of completed projects if the private organizations submitting the applications fail to assume this responsibility.

ENCLOSED DOCUMENTS:
Attachment I: List of Projects with Matching Funds Identified
Attachment II: Project Endorsement Resolutions

STAFF:
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Todd Wigglesworth, Senior Transportation Planner, FCDOT
Kenneth Kanownik, Transportation Planner, Coordination and Funding Division, FCDOT

Attachment I

LIST OF PROJECTS WITH MATCHING FUNDS IDENTIFIED
(Descriptions Based on Information Provided by Applicants)

1. Lorton Arts Foundation Cross-County Trail (LAF-CC Trail)

Lorton Arts Foundation is proposing the design and construction of a new multi-use trail to provide non-motorized access between the Occoquan Regional Park and the Laurel Hill Greenway, both of which are portions of the Cross County Trail. The trail connects users with the historic Workhouse Arts Center, a program of the Lorton Arts Foundation, which is listed on the National Register of Historic Places, and enhances an already significant historic destination.

The LAF-CC Trail will connect with the regional network of existing and planned trails, including: High Point Trail, Fairfax Cross-County Trail, the Laurel Hill Greenway, and the Potomac Heritage National Scenic Trail. Specifically, the Potomac Heritage National Scenic Trail system consists of a braided network of trails identified as a trunk line in the Greenways Task Force Study, and a key historic and scenic element running from the mouth of the Potomac to Pittsburgh, Pennsylvania. The Potomac Heritage National Scenic Trail (PHNST) is one of the 24 Congressionally-designated trails in the National Trails System, and one of seven scenic trails in the U.S. The PHNST sites identified for this project will offer communities significant enhancements to existing recreational amenities, leverage heritage tourism and economic benefits, expand non-motorized transportation networks, create educational and interpretive experiences, connect neighborhoods, historic sites and parkland, and rebuild community connections.

The improvements to this section of trail will provide residents of higher density neighborhoods and the newer developments that surround the Workhouse Arts Center buildings with safe multi-use trail access to many recreational facilities and places of historic interest in the area including: Occoquan Regional Park, The Town of Occoquan, and to the other sections of the Cross County Trail. The LAF portion of the trail is three miles west of South County Secondary School and will offer expanded recreational opportunities for their athletic programs. Residents and visitors will have a safe pedestrian and bicycle route to businesses, bus stops, and other commuter transportation facilities in Lorton.

2. Phase III of the Chain Bridge Road-McLean Streetscape Project

This project entails the design and construction of best practice pedestrian-friendly upgrades to the high-volume main intersection of downtown McLean at Old Dominion Drive and Chain Bridge Road. The design will incorporate best practices in crosswalks, American with Disabilities Act (ADA)-accessible ramps, pedestrian crossing signals, pedestrian refuges, lighting, and traffic calming measures.

Pedestrians and automobiles, including heavy trucks, use this central intersection day and night. It is in the middle of residential development, many retail centers, restaurants, several gas stations, and about 3,000,000 square feet of office space. Located three blocks from an elementary school, this intersection is frequented by students and their parents who cross it on foot to get to the school. It is also a half block from a Metrobus stop used by many people who commute to and from McLean to work in the office buildings and retail establishments. The completed design will also address the future siting of new mast arm traffic signals, though their implementation is not included in this project.

This project will be Phase III of the multi-phased Chain Bridge Road-McLean Streetscape Project (EN98-029-144). Phases I and II have been completed. Phase III will dovetail with a separately-funded project the community is undertaking to underground utilities at this heavily travelled intersection.

3. Phase II of the Georgetown Pike Trail Project

This project is Phase II of the Georgetown Pike Trail. It is a multi-use trail project extending from Virginia Route 7 and Georgetown Pike to Great Falls National Park (EN99-0290164). The trail will run beside Virginia's first historic and scenic by-way and will provide alternative transportation to parks, commercial centers, historic landmarks and schools for pedestrians, cyclists and equestrians. Phase I of this project was completed in the summer of 2010, and was comprised of the construction of a trail (also on Georgetown Pike) from Applewood Lane to Walker Road in the village of Great Falls. In addition, a stone dust trail along Georgetown Pike in front of the Great Falls Library and historic Grange was improved.

Phase II will compliment these recently- completed and enhanced trails, as well as a separately-funded trail project completed this summer along Walker Road from Great Falls Elementary School to Georgetown Pike.

Phase II will run from Utterback Store Road to Falls Chase Court, and will create the longest contiguous segment of trail along Georgetown Pike. It will give several neighborhoods trail access to local commercial areas, and create a contiguous trail route for several equestrian facilities on Blacks Hill Road. Special trail features are required to traverse a flood plain, and hand rails will be installed ensuring ADA compliance along a particularly steep trail segment.

4. Burke Centre VRE Trail Extension - Phase 2

The proposed project will be the second phase of a multimodal trail being developed in the Pohick Stream Valley. The proposed three-quarter mile long paved trail through stream valley parkland would provide a continuous non-motorized route to bus routes and the Burke Centre VRE station from the north and south. Phase I of the project focuses on the construction of a new bridge (Burke Mill Cove Bridge) that connects Burke Road and Hatches Court to the south. Phase II of the

project builds a new trail connecting the Burke Mill Cove Bridge to Burke Lake Road and the Burke Centre VRE trail route currently under development. The ten foot wide paved trail will meet American Association of State Highway and Transportation Officials (AASHTO) and ADA requirements providing alternative transportation options to pedestrians and cyclists. The proposed project site includes the remains of a historically significant mill and farm road (Burke Farm). The trail project consists of new trail construction, utilization of a historical area and connectivity to VRE stations, shopping centers and residential areas. Both phases of project could begin simultaneously, in order benefit from lower construction costs. The proposed timeline suggests that both phases could be completed by late 2014.

5. Mason Neck Trail

Construction of a multi-use trail to provide non-motorized access to the historic, environmental and recreational resources of Pohick Bay Regional Park, BLM's Meadowood Recreation Area, Gunston Hall Plantation, Mason Neck State Park and the Elisabeth Hartwell Mason Neck National Wildlife Refuge.

The Mason Neck Trail will connect to the regional network of existing and planned trails, including the High Point Trail, Fairfax Cross-County Trail, Potomac Heritage National Scenic Trail, and Laurel Hill Greenway. The trail will provide residents of the higher density neighborhoods of Lorton, safe pedestrian and bicycle access to the many recreational opportunities offfered at public park facilities on Mason Neck, including; swimming, fishing, boating, golf, hiking, birding and other cultural activities. Residents of Mason Neck will have a safe, off-road bicycling route to the VRE Rail Station, bus stops and other commuter transportation facilities in Lorton.

Attachment II

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, November 16, 2010, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Lorton Arts Foundation Cross-County Trail (LAF-CC Trail).

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this_____day of_____, 2010, Fairfax, Virginia

BY _____
Anthony H. Griffin
County Executive

ATTEST _____
Nancy Vehrs
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, November 16, 2010, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Phase III of the Chain Bridge Road-McLean Streetscape Project.

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this_____day of_____, 2010, Fairfax, Virginia

BY _____
Anthony H. Griffin
County Executive

ATTEST _____
Nancy Vehrs
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, November 16, 2010, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Phase II of the Georgetown Pike Trail Project.

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this_____day of_____, 2010, Fairfax, Virginia

BY _____
Anthony H. Griffin
County Executive

ATTEST _____
Nancy Vehrs
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, November 16, 2010, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Burke Centre VRE Trail Extension - Phase 2.

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this_____day of_____, 2010, Fairfax, Virginia

BY _____
Anthony H. Griffin
County Executive

ATTEST _____
Nancy Vehrs
Clerk to the Board of Supervisors

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, November 16, 2010, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the County of Fairfax.

NOW, THEREFORE, BE IT RESOLVED that the County of Fairfax requests the Commonwealth Transportation Board to provide additional funding for the Mason Neck trail

BE IT FURTHER RESOLVED, that the County of Fairfax hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the County of Fairfax subsequently elects to cancel this project, the County of Fairfax hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this_____day of_____, 2010, Fairfax, Virginia

BY _____
Anthony H. Griffin
County Executive

ATTEST _____
Nancy Vehrs
Clerk to the Board of Supervisors

Board Agenda Item
November 16, 2010

4:30 p.m.

Public Hearing to Receive Comment on the Proposed Legislative Program to be Presented to the 2011 Virginia General Assembly

ENCLOSED DOCUMENTS:
Attachment I -- Draft Fairfax County Legislative Program for the 2011 Virginia General Assembly
Attachment II – Draft Human Services Issue Paper
The proposed Legislative Program and Human Services Issue Paper are available by close of business November 10, 2010 at www.fairfaxcounty.gov/government/board or in the Office of the Clerk to the Board.

STAFF:
Anthony H. Griffin, County Executive
Susan E. Mittereder, Legislative Director

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2011 Fairfax County Preliminary Draft Legislative Program

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Note: Items highlighted were added or revised since the October 26 Legislative Committee meeting.

2011 Fairfax County Preliminary Draft Legislative Program

In order to remain a competitive state and an attractive place for economic development, Virginia must invest the resources necessary to educate its citizens at all levels, ensure the rule of law, protect its natural resources, provide for the basic needs of the less fortunate and build a sound infrastructure.

Priorities

Funding Core Services

Unfortunately, it has increasingly become the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues in order to maintain essential services. The critical state-local funding partnership must be restored so that the Commonwealth can weather the current fiscal crisis and emerge even stronger, as an investment in Virginia will pay dividends for years to come.

While all core services are important, Fairfax County's two funding priorities for the 2011 General Assembly are K-12 education and transportation.

1.) K-12 Funding (REGIONAL)
It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education.

Critical gaps continue to widen between Virginia's Standards of Quality (SOQ), the funding for those standards, and the actual local costs of providing a high quality education. Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the State General Fund, strong local effort, and the effect of high local composite indices, which diverts State funding away from this region.

Fairfax County and Northern Virginia localities oppose state budget cuts that disproportionately target or affect Northern Virginia, and support realistic and fully-funded Standards of Quality. Fairfax County and Northern Virginia also strongly oppose formula changes which further weaken the partnership between the state and localities, including but not limited to, any reduction in the current 55 percent State share of SOQ costs, capping state funding for support costs and the elimination or reduction of cost of competing funding to Northern Virginia localities. Unfortunately, the 2010-2012 budget adopted by the 2010 General Assembly exacerbates the stresses on the state-local K-12 partnership, by making the permanent, structural cuts that localities expressly sought to avoid. By relying on one-time, temporary actions to at least partially offset these cuts (e.g. reduced VRS rates, federal stimulus funds), the current budget understates the eventual impact of these structural changes. But even with these one-time actions, state funding to school divisions in FY2011 is reduced by about $773 million as compared to the original budget for FY10 (adopted by the 2009 session). *(Revises and updates previous education position.)*

2.) Transportation Funding (REGIONAL)
Major new revenue sources for transportation must be enacted during the 2011 General Assembly session.

What was once a crisis in Northern Virginia and Hampton Roads has become a catastrophe for nearly the entire Commonwealth. There is no viable transportation solution that does not include long-term, dedicated, sustainable, new multimodal revenues.

Over the past three years, the Commonwealth Transportation Board has cut **$4.6 billion** from the Six Year Program. Secondary and urban system construction funds have essentially been eliminated, despite the fact that the secondary roads are a Commonwealth responsibility. Six-year secondary road allocations to counties in Northern Virginia are now less than $2,000 each and localities are being allocated no urban construction funds. In addition, the growth in maintenance spending has been reduced from 4% to 3%, even though maintenance costs are increasing overall. The Commonwealth is risking serious disinvestment in its existing transportation infrastructure that will be more difficult and more expensive to correct in the future. Today, approximately $1 billion is needed to address existing deficient pavement conditions, and approximately $3.7 billion is needed to fix the Commonwealth's deficient bridges. Very shortly the Commonwealth will be unable to ensure that the required matches are available for the federal transportation funds the Commonwealth receives. Should this happen, Virginia would have to return these federal funds, further compounding the crisis.

Fairfax County continues to support additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements, and have taken actions to increase funding locally. In 2006, the region's TransAction 2030 Long-Range Transportation Plan estimated that Northern Virginia alone needs $700 million per year in new transportation funding to address the region's transportation problems. This figure has increased since then, because most of the major HB 3202 revenue sources have been eliminated.

Fairfax County seeks reinstatement of exclusive Northern Virginia revenues in the range of at least $300 million annually, as well as 100 percent of Northern Virginia's contribution of additional statewide revenues, to address transportation needs not originally covered by the HB 3202 funding approved for Northern Virginia. Both the regional and statewide revenues should be provided from stable, reliable, proven and permanent source(s).

The General Assembly must adopt new statewide transportation revenue sources to bolster existing highway and transit revenue sources that are not generating sufficient funding to meet the Commonwealth's critical highway needs or meet the Commonwealth's statutory 95 percent share of eligible transit operating and capital costs (net of fares and federal assistance). This additional transit funding alone would require approximately $166 million annually in new funds for the limited transit projects and eligible operating costs included in the Six Year Program. Additional funds to dramatically increase Secondary Road investments are also needed.

Any funding solution must ensure that dedicated funding for Washington Metropolitan Area Transit Authority capital improvements and for Virginia Railway Express capital and operating expenses are addressed.

Existing state General Fund revenue streams (almost half of which now go to localities) are required and used for core services of the Commonwealth, such as education and public safety. These historically underfunded, locally provided core services have already experienced significant cuts, due to reduced General Fund revenues, and shifting the state's transportation funding responsibility to localities by using the General Fund increases local budget pressures without providing a true transportation solution. *(Revises and updates previous transportation funding position.)*

Given the severe state funding cuts to shared state/local services in recent years, Fairfax County has an additional priority funding concern for the 2011 General Assembly.

3.) State Structural Imbalance (REGIONAL)
The Commonwealth should rebalance its resources and responsibilities so that the structural balance of the budget and the funding partnership with localities are restored.

The Commonwealth is currently facing a serious structural imbalance in its budget, as more than $4 billion in federal stimulus funding has largely sustained the General Fund in the last two years. Additionally, reducing Medicaid eligibility to balance the budget, as adopted in the 2010 session, is no longer an option as a result of federal health care reform. To fill this gap, Governor McDonnell and the General Assembly rely on additional federal Medicaid revenues to restore Medicaid eligibility and avoid severe human services reductions in FY 2011, exacerbating the structural imbalance through the use of one-time funds for ongoing expenses. The current budget also depends on accounting tools, such as accelerating sales tax collections, and the fiscally troubling decision to borrow funds from the Virginia Retirement System.

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities will be approximately $1 billion less in FY 2011 than it was in FY 2008, and in FY 2009 the state began requiring "local aid to the Commonwealth" -- $50 million per year in FY 2009-FY 2010, increasing to $60 million per year in FY 2011-FY2012. As the state's economic situation improves, funding restorations to the following programs should be of paramount consideration:

- HB 599 – This funding for localities with police departments is tied to state GF revenue levels; since FY 2010, the state has cut HB 599 funding below those levels;
- State supported local employees – Funding to the County has been cut by $3.6 million since FY 2010;
- Jail per diems – State changes to these rates reduce funding to the County by nearly $5 million in FY 2011;
- Flexible cut to localities – The County's share of this cut is over $4 million each year in FY 2011 and FY 2012.

Restoring the state-local funding partnership should be a top priority of the 2011 General Assembly. *(New position.)*

Governance

Each level of government has unique strengths. As the form of government closest to the people, local government must be provided the flexibility to serve the needs of residents, which can vary greatly from one part of the Commonwealth to another. Taxation and land use are key areas in which local government needs sufficient authority and flexibility to govern effectively, and, as such, are the County's two Governance priorities.

4.) Taxation

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized.

Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use or caps on capacity. Currently, about 90 percent of Fairfax County's revenues are capped, restricted or controlled by the state, which forces a dependence on the local real estate tax and prevents the creation of a more flexible tax base, structured to reflect the local economy and the core needs of County residents.

The decline of state revenues and subsequent state budget cuts passed on to localities will exacerbate this imbalance. Where possible, the state should consider updating state and local taxes to reflect changes in the economy or technology; avoid any expansion of revenue-sharing mechanisms controlled by the state; avoid any new state mandates while fully funding and/or reducing current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes) and lessen restrictions currently imposed on local revenues; or lessen current restrictions on the use of state funds now provided to localities for shared responsibilities. *(Revises and reaffirms previous position.)*

5.) Land Use

Local land use authority must be preserved, as appropriate community solutions differ significantly from one area of the state to another.

Local government is the level of government best suited to equitably and effectively deal with these issues, ensuring orderly and balanced growth or redevelopment while providing meaningful and the most direct public participation and accountability in this critical process.

Existing local authority to accept cash and in-kind proffers from developers to assist localities in providing the capital facilities and infrastructure needed to serve new development must be retained without restrictions. Any proposal for replacing such proffer commitments with development impact fees must be at the option of each locality. *(Reaffirms previous position.)*

Initiatives/Action Statements

Human Services -- Administration of Prescription Medication in Home Child Care Facilities

Initiate legislation to amend the Virginia Drug Control Act to clarify that family child care providers who are regulated/permitted through local ordinance in Northern Virginia may legally administer medication to children in their care, similar to the current authorization for state-licensed child care providers. The Virginia Drug Control Act was amended in 2006 to legalize the administration of prescription medications by *state-licensed* family child care providers who complete a training program and satisfy other criteria established in the law. However, it does not authorize *locally-regulated/permitted* family child care providers to administer prescription medications to children in their care, which potentially could place any County-permitted family child care provider who administers medications to children at risk of criminal prosecution under Virginia Code Title 18.2, Chapter 7, Article 1. Approximately 1800 family child care providers are permitted by Fairfax County. They care for thousands of children, some of whom may need prescription medication administered to them while they are in care, especially children with special needs.

Public Safety – Financial Exploitation of Elder or Incapacitated Adults

Initiate/support legislation to make the financial exploitation of an individual suffering from a diminished mental capacity a criminal act, whether the victim is impaired due to advanced age, mental illness, mental retardation, physical illness or disability, or other causes. For example, there has been a fifty percent increase in reported cases of elder fraud between 2008 and 2009. Moreover, this statistic likely does not capture the true extent of the problem, as instances of financial exploitation are often not reported due to victims' embarrassment, fear of loss of independence, or inability to recognize that they have been victimized.

Transportation – Revenue Sharing

Initiate legislation to restore the Virginia Department of Transportation's Revenue Sharing Program to the structure that existed prior to the 2006 session, including removal of the local administration and overmatch criteria. However, cities and towns should remain eligible for the program.

In 2006, the General Assembly significantly changed the program by adding tiers that favor projects administered by local governments and projects for which the local government contributes more than a 50 percent match. These criteria favor cities and towns who routinely construct their own highway projects. They also set off a bidding war between jurisdictions in the terms of the overmatch. Removing the tier structure would return the program to its original intent of giving jurisdictions an equal opportunity to qualify for funding.

Position Statements

Environment

Endocrine Disruptor Compounds
Support legislation and funding to implement a statewide strategy to address the potential health and environmental impacts of Endocrine Disruptor Compounds (EDCs) present in Virginia's waterways**.** Budget language adopted in 2009 directed the Board of Pharmacy, the Secretary of Health and Human Resources, and the Department of State Police to develop a program to ensure the proper disposal of unused pharmaceuticals; the take-back program recommended has not been funded, likely due to cost concerns. Legislation is pending in Congress that would provide for take-back programs for controlled substances. *(Updates and reaffirms previous position.)*

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, support the reduction of GHG emissions to 80 percent below current levels by 2050, which translates to an average annual reduction of 2 percent per year.

Support enhanced state efforts to reduce GHG emissions, through implementation of strategies set forth in the Virginia Energy Plan, including: a 10 percent reduction in energy consumption by 2022; establishment and expansion of energy research and development programs; funding of renewable-energy grant programs; and incentives to assist the development and growth of energy-businesses and technologies.

Support opportunities for consumers to purchase renewable energy.

Support state legislative or executive action for Virginia to reduce GHG emissions, on a statewide or regional level, if a national system for GHG emissions reductions is not implemented.

Support legislation which would provide state income tax incentives for businesses or residents to defray a portion of the cost of new construction or improvements which save energy and mitigate adverse environmental impacts.

Support legislative or regulatory action strengthening energy efficiency standards for new homes. Virginia has not yet adopted the 2009 International Code Council energy provisions. Those provisions are currently under review by the Virginia Board of Housing and Community Development. *(Reaffirms previous positions.)*

Land Conservation
Support the current Governor's goal to preserve 400,000 acres statewide, which would add to the total of 424,000 acres preserved by former Governor Kaine. Additionally, continue to support prioritizing the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use. *(Updates and reaffirms previous position.)*

Reducing Environmental Contamination from Plastic and Paper Bags
Support legislation or other efforts which would encourage the use of reusable shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts. As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2011. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. *(Updates and reaffirms previous position.)*

Water Quality Improvement Fund
Support increased funding for the Water Quality Improvement Fund (WQIF), which is essential to an effective partnership among and across all levels of government to improve water quality and address federal Chesapeake Bay requirements.

The Virginia Water Quality Improvement Fund (WQIF) provides grants to local governments, soil and water conservation districts and individuals for point and nonpoint source pollution prevention, reduction and control programs. A primary objective of the WQIF is to provide funding to reduce the flow of excess nitrogen and phosphorus into the Chesapeake Bay. Without additional WQIF funds, wastewater treatment plants throughout the Commonwealth will receive no state support for required upgrades, leading to increased sewer rates for residents. Current estimates indicate that the WQIF is already overcommitted by approximately $130 million to $150 million, as projects have been approved far in excess of the funds available in the WQIF. Proceeds from a 2007-approved $250 million state bond issue will be exhausted by the end of FY 2011. Fairfax County, which is partially served by the DC WASA Blue Plains Treatment Plant, has recently applied for WQIF grants to fund a portion of upgrades required at that facility. *(Updates and reaffirms previous County position.)*

Funding

BRAC
Fairfax County is being significantly impacted by the 2005 recommendations of the Base Realignment and Closure Commission (BRAC), with over 19,000 personnel from numerous Department of Defense (DOD) agencies and commands being moved into Fort Belvoir and the Engineer Proving Ground (EPG) in the County along with the Mark Center site in the City of Alexandria which borders Fairfax County. As a result, Fairfax County is facing significant shortfalls in the capacity of current transportation and school infrastructure to support the additional military and civilian jobs.

While federal American Recovery and Reinvestment Act funding is making possible the long-anticipated completion of the Fairfax County Parkway, overall federal assistance has been insufficient to ensure the appropriate increase in transportation capacity needed for such a large influx of personnel into an already congested area. The lack of federal assistance is compounded by cuts in state funding to the County's secondary road program, adversely affecting projects that could improve the BRAC transportation impacts at Fort Belvoir, Engineer Proving Grounds, and other locations in Fairfax County adversely impacted by the Mark Center site in the City of Alexandria. The 2011 General Assembly is requested to provide state assistance to mitigate these significant effects. *(Reaffirms and revises previous position.)*

Public Safety/Courts Funding
Public safety is a core service for the Commonwealth, as it is for localities. Protecting the Commonwealth's residents and ensuring the successful operation of the justice system requires appropriate state funding for the state-local partnership, including sufficient state support for all stages—law enforcement, courts, and jails/corrections. Continued and substantial state cuts in recent years, in addition to the underfunding that already exists, have placed an increased burden on localities to fund these critical programs; in these difficult budget times, it is unlikely that local governments will continue to dedicate local resources to fund state responsibilities.

To that end, Fairfax County supports adequate funding for the following:

- Excess Court Fees – The 2011 GA should reverse the diversion of local funding to the Commonwealth. The 2008-2010 biennium budget was amended to change the state

share of excess court fees (paid to local courts for administrative expenses associated with home sales, home refinancings, wills, and other matters) from one-third to two-thirds – a funding loss that disproportionately affected higher cost Northern Virginia localities. This change was continued in the 2010-2012 biennium budget. *(Updates and reaffirms previous position.)*

- HB 599 – This critical funding, provided to localities with police departments, must be maintained. Approximately 65 percent of all Virginians currently depend on local police departments for public safety services. This program strives to equalize state funding between cities, counties, and towns with police departments and localities in which the sheriff provides law enforcement. By FY 2012, Fairfax County's distribution of HB 599 funding will be approximately $6 million less than the County's FY 2008 distribution. While this funding is tied to state GF revenue levels, since FY 2010, the state has cut HB 599 funding below those levels. *(Reaffirms longstanding Board position.)*
- Jails – The Commonwealth should adequately compensate localities at a level which is commensurate with the State's responsibility for local jail operations. A 2005 report by the Compensation Board stated that only 20 percent of Fairfax County's jail operations funding comes from the state. Local governments in Virginia have historically borne a disproportionate burden of supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. State actions to address current state budget concerns should not result in the transfer of state prisoners to local jails, which would exacerbate the funding imbalance. The 2010-2012 biennium budget exacerbates these concerns by reducing the per diem paid for local responsible inmates in local or regional jails from $8 per day to $4 per day; from $8 or $14 per day to $12 per day for state inmates housed in local or regional jails (including the out-of-compliance inmates); and the elimination of the additional $14 per day currently paid for any inmates in contract beds through agreements with the Department of Corrections. Additionally, the adopted budget changes the definition of state-responsible offenders from felons with sentences of one year or more to felons with sentences of two years or more, which could mean more inmates in local and regional jails at a lower reimbursement rate from the state. *(Updates and reaffirms previous position.)*
- Courts – The Commonwealth should adequately fund Virginia's courts, to ensure a well-functioning judicial branch. The underfunding of Virginia's court system places additional burdens on localities. From low pay for magistrates and court support staff (leading to a high turnover rate), to the current freeze on judicial vacancies, the courts are feeling the effects of repeated underfunding. The state must provide the resources necessary for a high quality, efficient court system by being a funding partner, rather than relying on local supplements to keep the system operational. *(Updates and reaffirms previous position.)*
- Juvenile Justice – The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA) for programs designed to: prevent juvenile offenders from further penetrating the justice system; maintain youth in community based programs, rather than in state corrections centers; facilitate re-entry and prevent recidivism; and help troubled youth return to a more productive life and better future. In the FY 2012 budget, state funding for VJCCCA will have been reduced by over 67 percent since FY 2002. These cuts have created significant impacts in Fairfax County, and have required the termination of programs including the Family Counseling Unit and Intensive Supervision Program at the juvenile court. *(Updates and reaffirms previous County position.)*

General Laws

Absentee Voting

Support legislation to allow "no-excuse" absentee voting, allowing any registered voter to vote absentee without requiring that the voter state a reason for his/her desire to vote absentee. Support legislation that would provide for extended polling hours statewide to allow voters

additional time to reach polling places. Monitor consideration of an option for local governments to extend polling hours in the case of an emergency. *(Reaffirms previous position.)*

Fiscal Transparency
Support legislation necessary to enable the disclosure of certain local government financial transactions, provided that issues of privacy are addressed. Work is currently underway on the County's financial software that will provide more detailed budget and expenditure data to the public when the Enterprise Resource Plan project is completed. *(Reaffirms previous position.)*

Increased Threshold for Procurement of Professional Services
Support legislation to clarify that the threshold for procurement of professional services is $50,000, rather than $30,000. The General Assembly increased the threshold for use of competitive negotiation for the purchase of professional services from $30,000 to $50,000 in 2009; this bill would correct the omission of an additional Code section which applies to counties that elect to establish alternative procurement procedures through a resolution. *(New position.)*

Sexual Orientation
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, childbirth, and disability. *(Reaffirms previous position.)*

Videoconferencing of Advisory Boards
Support legislation to establish a limited exception to provisions of the Virginia Freedom of Information Act that would permit certain local citizen boards, authorities, and commissions to conduct meetings via videoconferencing, which would serve several goals, including (1) increasing volunteerism, especially among senior citizens, (2) reducing time commitments and long commutes on congested roads that now serve as impediments to those persons who serve on advisory panels, and (3) conserving fuel and lowering greenhouse gas emissions. Such a proposal could be crafted to apply only to entities that meet in an advisory capacity and are not required by statute. The Governor's Commission on Government Reform and Restructuring recently recommended allowing public bodies to meet electronically, provided certain conditions are met. (*Updates and reaffirms previous position)*

Health

Alternative On-Site Sewage Systems
Support legislation that would restore local government's right to regulate the use of alternative onsite sewage systems (AOSS) within the locality, including but not limited to the right to establish minimum setback distances and installation depths, and to prohibit the installation of such systems within or in close proximity to wetlands and other environmentally sensitive areas. Support legislation that would require sellers of residential property to disclose to prospective purchasers that an AOSS is on the property and that the system will have to be operated and maintained in accordance with applicable standards and requirements. *(New position.)*

Lyme Disease
Support funding initiatives that will advance research, surveillance, reporting, and diagnostics for Lyme disease. Cases of Lyme disease have been on the rise in Virginia, with over 800 cases reported to the Centers for Disease Control and Prevention in 2008. The Secretary of Health and Human Resources has recently convened a Lyme Disease task force to make recommendations

to the Governor regarding diagnosis, prevention, public education, medical treatment, and the impact of Lyme disease on children. *(Updates and reaffirms previous position.)*

Human Services

Health Care Reform (REGIONAL)
Support improvements in the state Medicaid program that increase access to services, particularly preventative services, resulting in lower overall health care costs.

The 2010 federal health care reform law contains many new directives for states and employers in providing health care coverage. A particularly significant provision for states is the expansion of the Medicaid program, which currently provides health care services for people in particular categories (low income children and parents, pregnant women, older adults, persons with disabilities). Virginia's current eligibility requirements are so strict that although it is the 12th largest state in terms of population, it is 48th in per capita Medicaid spending.

Due in part to that restrictive eligibility, the Commonwealth has already expressed concerns about the increased cost of this service expansion, but as Virginia begins the implementation of this new law, the state must be mindful of the potential impacts on localities. The Commonwealth should:

- Seek innovative methods of achieving cost containment through greater efficiencies, more targeted service delivery, and the use of technology to reduce Medicaid fraud, but avoid the implementation of traditional, outmoded and inflexible managed care;
- Work with local governments to provide appropriate flexibility and/or resources that may be necessary to effectively respond to the new federal law;
- Provide a smooth transition for those newly eligible for Medicaid services;
- Avoid actions that could shift costs to localities, including weakening the social safety net by restricting access or reducing funding for services.

Ensuring success will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. *(New position.)*

Land Use

Adequate Public Facilities Ordinance
Support legislation to give localities authority to adopt an adequate public facilities ordinance that would permit localities to adopt provisions 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. Such legislation should not require localities to construct the necessary infrastructure within a timeframe established by the General Assembly. *(Reaffirms previous position.)*

Rights-of-Way
Oppose any reduction, preemption, or circumvention of VDOT's authority to manage and oversee highway rights-of-way or the County's rights as a property owner. Oppose any attempt to eliminate local governments' rights to charge, on a non-discriminatory basis, fair and reasonable compensation for use of its public property. *(Reaffirms previous position.)*

Public Safety

Accessibility
Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility.

Fairfax County supports access for people with disabilities and older adults in public and private facilities. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities in the 20 years since the passage of the Americans with Disabilities Act (ADA), continued advancement is needed. Improved accessibility in public buildings, housing, transportation and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(New position.)*

Computer Trespass
Support legislation to update current laws related to computer trespass in order to capture new technologies not covered by existing Code language. *(Previously a Board initiative; bill was carried over per Senate policy on proposed criminal statutes with fiscal impacts. Included as position statement until state fiscal situation improves.)*

Dangerous Weapons in Public Facilities
Support legislation to allow local governments to prohibit the possession of dangerous weapons in or on any facility or property owned or leased by the locality, 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. *(Reaffirms previous position.)*

Ignition Interlock Devices
Support legislation that would require all persons convicted of Driving While Intoxicated to use an ignition interlock device as a condition to driving for a minimum period of six months. Current law requires the use of such a device for second and subsequent offenses of DWI and for offenses where the offender's blood alcohol content was at least 0.15 percent. *(Reaffirms previous position.)*

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 and at unsignalized crosswalks in front of schools. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. *(Reaffirms previous position.)*

Pre-Trial Services (REGIONAL)
Oppose legislation that would place restrictions on the use of pre-trial release programs. Attempts were made in the 2010 Session to limit those eligible for pre-trial release (with or without bond), and similar legislation may be introduced in 2011. Local governments opposed the 2010 legislation because it would increase costs (as more defendants would be kept in jail prior to trial) without increasing public safety. In fact, since pre-trial units provide supervision and drug testing in addition to other services, limiting or ending pre-trial programs may reduce public safety. *(New position.)*

Teen Driving
Support legislation to make the following infractions primary offenses for drivers under the age of 18: violation of the ban on use of wireless communication devices while operating a motor vehicle; violation of curfew; violation of limits on underage passengers; and violation of the seat belt law. These acts are currently secondary offenses, which require observations of a primary offense for a law enforcement officer to initiate enforcement action. *(Reaffirms previous position.)*

Taxation

Communications Tax
In 2007, a new telecommunications tax law repealed a number of local taxes and replaced them with a statewide communications tax. At that time, it was intended that local governments be guaranteed, on a locality-by-locality basis, tax revenues equivalent to their FY 2006 percentage share of total statewide telecommunication tax revenues, with the amount of new tax generated for each locality to be equivalent to such telecommunication tax revenue received in FY 2006. Changes in market area, customers served, and new technologies should periodically be examined within the context of the law, to ensure a modern communications tax system for localities which reflects and reacts to an ever-changing landscape.

The 2010 General Assembly included language in the 2010-2012 biennium budget that appropriates the communications tax as if it were a state revenue. However, these local taxes are only collected by the state, and are not state General Fund revenues, and were placed in a special trust fund to avoid this exact scenario. The decision by the GA and Governor to appropriate these local dollars, coupled with budget language to use a portion of these funds on services managed by the Department for the Deaf and Hard-of-Hearing, is an alarming turn of events for local governments and breaches the agreement carefully reached between localities and the Commonwealth in 2007. *(Revises previous position.)*

Transportation

Overweight Vehicle Fees
Support legislation to change the state permitting fee structure for overweight vehicles to more equitably reflect the estimated pavement and bridge damage costs attributed to those vehicles. *(New position.)*

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.)*

2011 Fairfax County Human Services Issue Paper

The United States remains in the midst of a national economic crisis of historic proportions. While it appears that economic recovery may be in the beginning stages, this crisis continues to affect Americans in all aspects of their day to day lives, creating dire circumstances for many, including joblessness and homelessness. At all levels of government, uncertainties about the nation's financial outlook threaten the safety net that protects our most vulnerable populations – a safety net that is more essential now than at any time in recent memory.

Protecting the Social Safety Net and Building Self-Sufficiency at the Local Level

It is the responsibility of the Commonwealth to help Virginians who are unable to fully meet their own needs, and as a result of current economic hardships, those needs are greater now than ever. Healthy and productive individuals, families, and communities are the foundation of the Commonwealth's present and future security and prosperity. Ensuring a solid foundation requires a strong partnership among all levels of government – federal, state and local – each possessing unique strengths. As the form of government closest to the people, local human services departments have been stressed to the limit of their capacity by recent dramatic increases in demand resulting from the economic crisis.

This issue paper is a supplement to the 2011 Fairfax County Legislative Program. It is the goal of the Fairfax County Board of Supervisors to work with the County's General Assembly delegation to achieve the following objectives:

- Protect the vulnerable;
- Help people and communities realize and strengthen their capacity for self-sufficiency;
- Ensure that children thrive and youth successfully transition to adulthood;
- Ensure that people and communities are healthy through prevention and early intervention;
- Increase capacity in the community to address human service needs;
- Build a high-performing and diverse workforce to achieve these objectives.

Fairfax County has long recognized that investments in critical human services programs can and do save public funds by minimizing the need for more costly services. This is not the time to abandon those essential investments. *(Updated)*

Initiatives/Action Statements

Human Services

Administration of Prescription Medication in Home Child Care Facilities

Initiate legislation to amend the Virginia Drug Control Act to clarify that family child care providers who are regulated/permitted through local ordinance in Northern Virginia may legally administer medication to children in their care, similar to the current authorization for state-licensed child care providers. The Virginia Drug Control Act was amended in 2006 to legalize the administration of prescription medications by *state-licensed* family child care providers who complete a training program and satisfy other criteria established in the law. However, it does not authorize *locally-regulated/permitted* family child care providers to administer prescription medications to children in their care, which potentially could place any County-permitted family child care provider who administers medications to children at risk of criminal prosecution under Virginia Code Title 18.2, Chapter 7, Article 1. Approximately 1800 family child care providers are permitted by Fairfax County. They care for thousands of children, some of whom may need prescription medication administered to them while they are in care, especially children with special needs.

Priorities

Health Care Reform

Support improvements in the state Medicaid program that increase access to services, particularly preventative services, resulting in lower overall health care costs (REGIONAL).

The 2010 federal health care reform law contains many new directives for states and employers in providing health care coverage. A particularly significant provision for states is the expansion of the Medicaid program, which currently provides health care services for people in particular categories (low income children and parents, pregnant women, older adults, persons with disabilities). Virginia's current eligibility requirements are so strict that although it is the 12th largest state in terms of population, it is 48th in per capita Medicaid spending.

Due in part to that restrictive eligibility, the Commonwealth has already expressed concerns about the increased cost of this service expansion, but as Virginia begins the implementation of this new law, the state must be mindful of the potential impacts on localities. The Commonwealth should:

- Seek innovative methods of achieving cost containment through greater efficiencies, more targeted service delivery, and the use of technology to reduce Medicaid fraud, but avoid the implementation of traditional, outmoded and inflexible managed care;
- Work with local governments to provide appropriate flexibility and/or resources that may be necessary to effectively respond to the new federal law;
- Provide a smooth transition for those newly eligible for Medicaid services;
- Avoid actions that could shift costs to localities, including weakening the social safety net by restricting access or reducing funding for services.

Ensuring success will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. *(New position)*

Positions

State Resource Investments for Keeping People in Their Communities

Human services programs serve a wide range of people, including low income individuals and families; children at risk for poor physical and mental health, and educational outcomes; older adults, persons with physical and intellectual disabilities; and those experiencing mental health and substance use issues. These individuals want the same opportunities every Virginian wants – not just to survive, but to thrive, by receiving the services they need while remaining in their homes and communities, allowing continued connections to family, friends, and their community resources. In recent years, changes in philosophy have led public policy to embrace this direction, as a more cost-effective, beneficial approach – allowing those with special needs to lead productive lives in their own communities, through care and support that is much less expensive than institutional care.

Meeting these needs requires a strong partnership between the Commonwealth and local government. This is particularly true in the area of funding, which is necessary to create and maintain these home and community based services, and must be seen as an investment in the long-term success of the Commonwealth. Unfortunately, it has increasingly become the practice of the Commonwealth to significantly underfund core human services or neglect newer best practice approaches, leaving localities to fill gaps in the necessary services through local revenues in order to meet these critical needs. Fairfax County understands the fiscal challenges facing the Commonwealth; the County is facing those same challenges.

Nevertheless, the process of fundamentally reorganizing and restructuring programs and outdated service delivery systems for vulnerable populations in order to more successfully achieve positive outcomes, requires an adequate state investment, which will ultimately pay dividends for years to come. While there may not be new funds available this year, it is critical that these needs remain on the priority list.

Medicaid Waivers

Support funding and expansion for Virginia's Medicaid waivers that provide critical home and community based services for qualified individuals. ***(Revises and reaffirms previous position)***

Medicaid funds both physical and mental health care services for people in particular categories (low income children and parents, pregnant women, older adults, persons with disabilities). It is financed by the federal and state governments and administered by the states. Federal funding is provided based on a state's per capita income – the federal match rate for Virginia has traditionally been 50 percent (this percentage has been higher recently due to enhanced federal funding for Medicaid but will return to 50 percent at the end of FY 2011). Because each dollar Virginia puts into the Medicaid program draws down a federal dollar, what Medicaid will pay for is a significant factor in guiding the direction of state human services spending. However, states set their own income and asset eligibility criteria within federal guidelines; Virginia's requirements are so strict that although it is the 12th largest state in terms of population, it is 48th in per capita Medicaid spending.

Virginia offers fewer optional Medicaid services than many other states (in addition to federally mandated services), though Medicaid beneficiaries in Virginia may also receive coverage through home and community-based "waiver" programs, which allow states to "waive" the requirement that an individual must live in an institution to receive Medicaid funding. Waivers result in less expensive, more beneficial care. In addition, the reduced financial eligibility requirements make waiver slots especially important for lower income families with older adults, people with disabilities or significantly ill family members in Virginia, where Medicaid eligibility is highly restrictive.

The number and type of waivers is set by the General Assembly, and the extensive waiting lists for some demonstrate the significant unmet needs that exist in the Commonwealth (current Virginia waivers include AIDS, Alzheimer's, Day Support for Persons with Intellectual Disabilities, Elderly or Disabled with Consumer-Direction, Intellectual Disabilities, Technology Assisted and Individual and Family Developmental Disabilities Support). Fairfax County supports the following adjustments in Medicaid waivers:

- **Support automatic rate increases.** Medicaid waivers for the Elderly or Disabled with Consumer Direction and the Individual and Family Developmental Disabilities Support should keep pace with rising costs, while maintaining existing funding and services available through these waivers. Additional waiver slots are also needed for the Individual and Family Developmental Disabilities Support waiver. *(Revises and reaffirms previous position)*
- **Support creation of dedicated waivers.** New waivers are needed for people with brain injuries, autism, or people who are blind, deaf/blind, or suddenly become blind. *(Reaffirms previous position)*
- **Support increased waiver funding.** Funding is needed for an additional 1200 individuals with intellectual disabilities to receive services in each of the next two years. *(Reaffirms previous position)*
- **Support funding for an expansion of services.** Additional medical and behavioral services are needed under the Intellectual Disabilities Waiver, for individuals whose needs extend beyond the standard benefits available. *(Reaffirms previous position)*

Children and Families

Child Day Care Services

Support state child care funding for economically disadvantaged families not participating in TANF/VIEW, known as "Fee System Child Care," and support an increase in child care service rates in the 2010-2012 biennium budget.

Particularly during periods of economic downturn, a secure source of General Fund dollars is needed statewide to defray the cost of child care, protecting state and local investments in helping families move off of welfare and into long-term financial stability.

Research clearly indicates that the employment and financial independence of parents is jeopardized when affordable child care is outside of their reach. Parents may be forced to abandon stable employment to care for their children or they may begin or return to dependence on welfare programs. In order to maintain their employment, some parents may choose to place their children in unregulated and therefore potentially unsafe child care settings. Without subsidies to meet market prices, low-income working

families may not access the quality child care and early childhood education that helps young children enter kindergarten prepared to succeed. In the Fairfax community, where the median annual income of families receiving fee-system child care subsidies is $24,960, the cost of full-time child care for a preschooler ranges from $8,000 to over $13,000 per year. Many of these families are truly 'the working poor' who require some assistance with child care costs in order to help them achieve self-sufficiency. *(Updates and reaffirms previous position)*

Comprehensive Services Act (CSA)

Support continued state responsibility for funding mandated CSA foster care and special education services on a sum-sufficient basis, and support continuation of the current CSA local match rate structure, which incentivizes serving children in the least restrictive community and family-based settings. Also, support legislation that would clarify when CSA policy changes are subject to the Administrative Process Act to ensure full review of the impacts and implications of the changes proposed.

The Comprehensive Services Act is a 1993 Virginia law that provided for the pooling of eight specific funding streams used to purchase services for high-risk youth, and requires a local funding match. The purpose of CSA is to provide high quality, child centered, family focused, cost effective, community-based services to high-risk youth and their families. Children receiving certain special education and foster care services are the only groups considered mandated for service. Because there is "sum sufficient" language attached to these two categories of service, this means that for these youth, whatever the cost, funding must be provided by state and local government. During the 2010 veto session, the Governor proposed a budget amendment to cap state funding for CSA, essentially eliminating the sum sufficient requirement and allowing the Commonwealth to renege on its commitment to this critical program. Fortunately, the General Assembly rejected this attempt, and Fairfax County will continue to strongly oppose any such efforts in the future.

Many policy and procedural changes have been made to CSA since its inception, but unfortunately many of these changes were made in the form of guidelines rather than regulations. This approach eliminates the 60 day public comment period required under the Administrative Process Act. Without a full vetting, detrimental changes could result; APA vetting requirements support careful review so that all impacts can be understood by both the State and affected communities. *(Reaffirms previous position)*

Foster Care/Kinship Care

Support legislation and resources to encourage the increased use of kinship care, keeping children with their families. Also support legislation that would allow youth in Foster Care to be adopted between the ages of 18-20 and extend the availability of subsidy for this population.

In 2008, Virginia embarked on a Children's Services Transformation effort, to identify and develop ways to find and strengthen permanent families for older children in foster care, and for those who might be at risk of entering foster care. The Transformation, founded on the belief that everyone deserves and needs permanent family connections to be successful, is leading to significant revisions in Virginia's services for children. Through kinship care (when a child lives with a relative), children remain connected to family and loved ones, providing better outcomes. However, without a formal statewide Kinship Care program, many relatives in Virginia are unable to care for children in their family due to financial hardship, resulting in foster care placements.

Additionally, once a youth turns 18, they can continue to receive services through foster care, but they are no longer eligible for an adoption subsidy. This lack of financial support may impact families' ability to adopt older youth. By extending adoption subsidy to age 21, more Virginia youth may have the opportunity to find permanent homes. *(Reaffirms previous position)*

Community Based Services and Early Intervention

Support increased capacity for intensive community services for children, and for the Infant Service/Early Intervention Program.

Additional capacity in the Child and Family service system is necessary to address the needs of children and their families requiring intensive community services, helping to maintain children safely in their own homes and reducing the need for foster care or residential treatment as the first alternative. Additional capacity is also needed in the Infant Service/Early Intervention Program, in order to meet the 8 percent annual growth factor at minimum. *(Reaffirms previous position)*

Aging and Disability

Home and Community Based Services for Older Adults and People with Disabilities

Support the reinstatement of funding for home and community-based services, nutrition, transportation, in-home, chore and companion services, that help people live in their own homes and seek to increase these services in the 2010-2012 biennial budget.

Home and Community-Based Services – such as personal care, home-delivered meals, transportation, care coordination, and adult day/respite care – provided by the Commonwealth's twenty-five Area Agencies on Aging (AAAs) save Virginia tax-payers money while helping older Virginians function independently, keep them in the least restrictive setting of their choice, build on family support, decrease the risk of inappropriate institutionalization, and improve life satisfaction. In addition, chore and companion services are funded locally and by the Virginia Department for Social Services and assist eligible older adults and adults with disabilities with activities of daily living (bathing and housekeeping). *(Reaffirms previous position)*

Auxiliary Grants

Support an increase in the monthly rate for auxiliary grants (currently $1,112 statewide and 15% higher for Northern Virginia at $1,279) and support the elimination of the local 20 percent match.

The auxiliary grants program supplements the income of eligible older adults and adults with disabilities, to pay for care in licensed, safe, assisted living facilities (ALFs) avoiding more expensive and restrictive institutional care or worse, avoiding homelessness or unsafe, unhealthy housing. In the County, the average cost of an ALF is $2000 per month; the cost is higher for private ALFs in the region. Any reductions in auxiliary grant rates would impact the housing of people living in ALFs. *(Revises and reaffirms previous position)*

Intellectual Disabilities

Support additional direct state General Fund support for Department of Rehabilitation Services programs for 1000 individuals statewide on an annual basis (these individuals are not eligible for Medicaid funded services).

Virginia's highly restrictive Medicaid eligibility requirements preclude many low-income Virginians with intellectual disabilities from receiving much needed services. In Fairfax County, this is particularly true for young adults just graduating from high school. State resources are needed to assist this vulnerable population. *(Reaffirms previous position)*

Disability Services Board (DSB)

Support reinstatement of state funding sufficient to enable every locality, either singly or regionally, to have a Disability Services Board (DSB), so that the key provisions of §51.5-48 can be implemented.

Key provisions include the ability to assess local service needs and advise state and local agencies of their findings; to serve as a catalyst for the development of public and private funding sources; and to exchange information with other local boards regarding services to persons with physical and sensory disabilities and best practices in the delivery of those services. Without such a network of local representatives with expertise in these issues, the opportunity for valuable statewide collaboration will be lost. *(Reaffirms previous position)*

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility.

Fairfax County supports access for people with disabilities and older adults in public and private facilities. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities in the 20 years since the passage of the Americans with Disabilities Act (ADA), continued advancement is needed. Improved accessibility in public buildings, housing, transportation and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(New position)*

Health, Well Being, and Safety

Adult Protective Services and Public Assistance Eligibility Workers

Support state funding for additional Adult Protective Services social workers and Eligibility Workers.

Adult Protective Services

The number of Adult Protective Services investigations is growing in the state and in Fairfax County as the aged population grows. In Fairfax County, investigations have increased from 818 in FY 2007 to 1000 in FY 2010. Access to community-based services can reduce personal and family stresses that sometimes lead to APS calls. (APS Services may include case management, home-based care, transportation, adult day services, and screenings for residential long-term care. Local Adult Protective

Services (APS) programs investigate reports of suspected adult abuse, neglect or exploitation and can arrange for health, housing, counseling, and legal services to stop the mistreatment and prevent further abuse. *(Updates and reaffirms previous position)*

Public Assistance Eligibility Workers
Additionally, economic downturns increase demands on Eligibility Workers (employees who determine the eligibility of applicants and recipients for public assistance programs) to respond to assistance requests in a timely manner. When a family is sufficiently stressed to reach out for assistance, rapid response can mitigate further escalation in the family's downward spiral. From FY 2008 to FY 2010, Fairfax County experienced a 37 percent increase in public assistance cases (from an average monthly caseload of 51,939 to 71,373). In FY 2011, that number has already increased to over 77,000 cases. During the same time period, the County has also experienced a 27 percent increase in applications for assistance that must be processed. These increased demands, without appropriate state funding, may create delays in providing this critical assistance. *(Updates and reaffirms previous position)*

Substance Abuse:
Support increased capacity to address substance abuse and use issues through robust community based prevention programs.

Studies show that substance abuse is among the most costly health problems in the United States. Effective community based prevention programs can reduce rates of substance use and can delay the age of first use. Additionally, prevention programs can contribute to cost savings by reducing the need for treatment – a win-win for all involved. *(Reaffirms previous position)*

Community Action Agencies
Support continued state funding for Community Action Agencies.

Community Action Agencies in Virginia develop a wide range of educational, employment, housing, crisis intervention, community and economic development opportunities for people with very low incomes (under 125 percent of poverty). Since 1988, Virginia has supplemented federal Community Services Block Grant (CSBG) dollars provided to localities with state funding (through a combination of state General Funds and TANF funds). This critical funding has led to economic stability for hundreds of thousands of Virginia's poorest citizens and improved their communities. However, since FY 2010, the state has decreased its funding for this essential program, and will eliminate all state funding in FY 2012. While the County received $762,019 for this program in FY 2009 (including the state contribution), in FY 2012, it is anticipated that the County will only receive approximately $550,000 if no state funding is provided, a 28% decrease. Such a significant funding cut will impact the County's ability to serve this vulnerable population. *(New position)*

Mental Health

Mental Health
Support the continuation of efforts for mental health reform at the state level and support additional state funding, as part of the promised down payment of such funding to improve the responsiveness of the mental health system.

It is essential that the state ensure that the hundreds of Fairfax County residents with serious mental illness and disabling substance dependence receive intensive community treatment following an initial hospitalization or incarceration. *(Reaffirms previous position)*

Emergency Responsiveness

Support sufficient state funding for those county residents who need acute care service within local hospitals or within our local crisis stabilization programs.

While the Commonwealth provides some funding for emergency responsiveness, this funding does not reflect increased costs over time. As a result, the costs of treating this critical population are increasingly shifted to localities. *(Reaffirms previous position)*

Regional Older Adult Facilities Mental Health Support Team (RAFT)

Support increased state funding for the Regional Older Adult Facilities Mental Health Support Team (RAFT) Program.

The Regional Older Adult Facilities Mental Health Support Team (RAFT) provides intensive geriatric mental health support to partnering Nursing Homes and Assisted Living Facilities to serve older adults with serious mental illnesses in Northern Virginia. Today, this program provides a stable environment for mentally fragile older adults, and is not yet available statewide. Positive results are now being documented, at lower costs than alternatives without these services. Currently, four Fairfax County residents are benefiting from the RAFT program. *(Reaffirms previous position)*

FAIRFAX COUNTY
Draft Human Services Fact Sheet

Poverty in Fairfax County

Poverty for a family of four in Fairfax County in 2010 is defined by the federal government as a family annual income of less than $22,050. The poverty rate in Fairfax County is 5.6% of the population, or 57,890 people (the total population in Fairfax County is 1,037,605 people).

In Fairfax County:

- 6.8% of all children (under age 18) live in poverty;
- 8.1% of children under age 5 live in poverty;
- 4.6% of all persons over the age of 65 live in poverty;
- 3.5% of families live in poverty;
- 12,657 (or 13.3%) of African Americans live in poverty;
- 18,927 (or 12.2%) of Hispanics live in poverty;
- 16,359 (or 2.8%) of Non-Hispanic Whites live in poverty;
- 16.4% of families with a female head of household—no father present and children under eighteen—live in poverty;
- 13.8% of County residents have incomes under 200% of poverty ($44,100 year for a family of four).

Employment

- The unemployment rate is 4.9% (August 2010, up from 3.0% in July 2008). This represents approximately 29,819 unemployed residents looking for work.

Housing

- In 2009, the average monthly rent of a one-bedroom apartment was $1,175, an increase of 67% since 1996.

Health

- An estimated 108,605 or 10.6% of County residents were without health insurance in 2009.

Linguistic Isolation

- 7.5 % of County households are linguistically isolated (meaning no one over the age of five speaks English “very well”).

Child Care

- The cost of full-time child care for a preschooler ranges from $8,000 to over $13,000 per year.

Food

- In 2009-2010 school year, Fairfax County Public Schools reported that 42,204 students (or 25 percent of enrollment) were eligible for free and reduced lunch.

Caseloads Have Increased Significantly in Fairfax County:

- The overall Family Services caseload is up 37% from July 2008 to June 2010.

- The County's TANF caseload has increased from 1,265 in July 2008 to 1,804 in June 2010 (a 43% increase in 2 years).
- The County's SNAP (Food Stamp) caseload increased 12,519 in July 2008 to 19,646 in June 2010 (a 57% increase in 2 years).
- In the last three years, there has been an increase in the number of Women, Infant and Children (WIC) participants. In FY 2008, total participation was 17,150; in FY 2009, total participation was 18,952. By FY 2010, total participation had increased to 19,616.
- Between FY 2008 and 2009, there has been a 20% increase in the number of Community Health Care Network (CHCN) clients enrolled. FY 2008 - 17,003; FY 2009 - 20,418. In FY 2010, the number of patients enrolled increased by 28.1% to 26,157.