

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 11, 2011**

AGENDA

9:30	Done	Presentations
10:30	Done	Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees
10:45	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Approval of Traffic Calming Measures and Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Sully and Providence Districts)
2	Approved	Supplemental Appropriation Resolution AS 11094 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
3	Approved	Extension of Review Period for 2232 Review Application (Lee District)
4	Approved	Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Funding from the 2010 State Homeland Security Program Grant from the National Preparedness Directorate
5	Approved	Streets into the Secondary System (Dranesville and Springfield Districts)
6	Approved	Authorization to Submit Grant Applications for Fiscal Year 2010 U.S. Department of Housing and Urban Development Discretionary Funding Competitions
7	Approved	Authorization to Advertise a Public Hearing to Consider Adoption of an Ordinance that Provides for a Special Assessment to be Levied on the Properties within the Mosaic District Community Development Authority (Providence District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 11, 2011**

ACTION ITEMS

- | | | |
|---|---|--|
| 1 | Approved;
November board meeting
date is November 1st and
not November 15th | Approval of the Board of Supervisors' Meeting Schedule for
Calendar Year 2011 |
| 2 | Approved | Sale of General Obligation Public Improvement and Refunding
Bonds, Series 2011 |
| 3 | Approved | Adoption of the Belle Haven/Dogue Creek/Four Mile Run
Watershed Management Plan (Dranesville, Mason, Lee and
Mount Vernon Districts) |
| 4 | Approved | Approval of a Memorandum of Understanding Between the
Fairfax County Police Department and the Fairfax City Police
Department |
| 5 | Approved | Renewal of a Memorandum of Understanding Between the
Fairfax County Police Department and the United States
Marshals Service |

INFORMATION ITEMS

- | | | |
|-------|--------------|--|
| 1 | Noted | Contract Awards – Basic Ordering Agreements for Flood
Mitigation and Monitoring, Dam Safety, and Dredging Program |
| 2 | Noted | Planning Commission Action on Application 2232-B10-15, T-
Mobile Northeast, L.L.C. (Braddock District) |
| 11:15 | Done | Matters Presented by Board Members |
| 12:05 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|-----------------|--|
| 3:30 | Approved | Public Hearing on SE 2010-SU-012 (Headquarters 2, LLC)
(Sully District) |
| 3:30 | Approved | Public Hearing on SE 2010-SU-013 (Headquarters 2, LLC)
(Sully District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 11, 2011**

PUBLIC HEARINGS
(continued)

- | | | |
|------|-----------------|---|
| 3:30 | Approved | Public Hearing on SE 2010-DR-002 (District of Columbia Water and Sewer Authority, (DCWASA)) (Dranesville District) |
| 4:00 | Approved | Public Hearing to Convey a Portion of County-Owned Property to the Virginia Department of Transportation for the Stringfellow Road Project (Sully District) |
| 4:00 | Approved | Public Hearing on a Proposal to Abandon Part of Arrowhead Park Drive (Springfield and Sully Districts) |
| 4:00 | Approved | Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 3, Regarding Technical Changes to the Employees', Uniformed and Police Officers Retirement Systems Required to Update IRS Qualification of the Plans |
| 4:30 | Approved | Public Hearing on Proposed Area Plans Review (APR) Item 09-IV-19MV, Located on the Southeast Side of Richmond Highway Generally Near the Forest Place Intersection (Mount Vernon District) |

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Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
January 11, 2011

9:30 a.m.

PRESENTATIONS

1. **RECOGNITIONS:**

- RESOLUTION – To thank Ed DeSantis for 25 years of service on the Geotechnical Review Board. Requested by Supervisors McKay and Hyland.
- RESOLUTION – To thank Winnie Shapiro for her years of service to Fairfax County. Requested by Supervisor Cook.
- CERTIFICATE – To recognize the Fairfax County Health Department for the selection by the Robert Wood Johnson Foundation — in collaboration with the University of Wisconsin Population Health Institute — of Fairfax County as the healthiest county in Virginia. Requested by Supervisor Hudgins.

STAFF:

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

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Board Agenda Item
January 11, 2011

10:30 a.m.

Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees

ENCLOSED DOCUMENTS:

Attachment 1 - Listing of Interjurisdictional Committees and Inter- and Intra-Governmental Boards and Committees for Calendar Year 2011

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

**INTERJURISDICTIONAL COMMITTEES AND INTER- AND INTRA-
GOVERNMENTAL BOARDS AND COMMITTEES FOR CALENDAR YEAR
2011**

INTERJURISDICTIONAL COMMITTEES

ALEXANDRIA

ARLINGTON

DISTRICT OF COLUMBIA

FAIRFAX CITY

FALLS CHURCH

**FORT BELVOIR (Board of Advisors/Base Realignment and
Closure)**

HERNDON

LOUDOUN COUNTY

PRINCE WILLIAM

(includes UOSA, City of Manassas, and City of Manassas Park)

VIENNA

INTERGOVERNMENTAL BOARDS AND COMMITTEES

(including Federal and State)

COMMUNITY CRIMINAL JUSTICE BOARD

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
(COG)**

COG BOARD OF DIRECTORS

**COG METROPOLITAN WASHINGTON AIR QUALITY
COMMITTEE**

**COG CHESAPEAKE BAY AND WATER RESOURCES
POLICY COMMITTEE**

COG CLIMATE, ENERGY AND ENVIRONMENTAL POLICY COMMITTEE

COG EMERGENCY PREPAREDNESS COUNCIL

COG HUMAN SERVICES AND PUBLIC SAFETY COMMITTEE

COG METROPOLITAN DEVELOPMENT POLICY COMMITTEE

COG NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD

COG TASK FORCE ON REGIONAL WATER SUPPLY ISSUES

CLEAN AIR PARTNERS

COLUMBIA PIKE TRANSIT INITIATIVE POLICY COMMITTEE

FAIRFAX PARTNERSHIP FOR YOUTH, INCORPORATED

GEORGE MASON UNIVERSITY FAIRFAX CAMPUS ADVISORY BOARD

INNOVATION HEALTH SYSTEMS BOARD

INNOVATION HEALTH CARE SERVICES BOARD

NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC)

NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC)
(including WMATA and VRE Representatives)

**PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

**PHASE II DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT COMMISSION**

POTOMAC WATERSHED ROUNDTABLE

**ROUTE 28 HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT
COMMISSION**

VACo BOARD OF DIRECTORS (REGIONAL DIRECTORS)

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)
(Appointed by NVTC. The Board of Supervisors makes recommendations for consideration.)

INTRAGOVERNMENTAL AND OTHER COMMITTEES

50+ COMMITTEE
(Committee of the Whole)

AUDIT COMMITTEE

BOARD PROCEDURES COMMITTEE

BUDGET POLICY COMMITTEE
(Committee of the Whole)

COMMUNITY REVITALIZATION AND REINVESTMENT COMMITTEE
(Committee of the Whole)

DEVELOPMENT PROCESS COMMITTEE
(Committee of the Whole)

ECONOMIC ADVISORY COMMITTEE
(Committee of the Whole)

ENVIRONMENTAL COMMITTEE
(Committee of the Whole)

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE
(Committee of the Whole)

HUMAN SERVICES COMMITTEE

(Committee of the Whole)

INFORMATION TECHNOLOGY COMMITTEE

(Committee of the Whole)

LEGISLATIVE COMMITTEE

(Committee of the Whole)

PERSONNEL AND REORGANIZATION COMMITTEE

(Committee of the Whole)

PUBLIC SAFETY COMMITTEE

(Committee of the Whole)

TRANSPORTATION COMMITTEE

(Committee of the Whole)

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Board Agenda Item
January 11, 2011

10:45 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

Approval of Traffic Calming Measures and Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Sully and Providence Districts)

ISSUE:

Board endorsement of a Traffic Calming plan and of "\$200 Additional Fine for Speeding" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming plan for Ox Hill Road and Charles Stewart Drive (Attachment I) consisting of the following:

- One Raised Crosswalk and three Speed Tables on Ox Hill Road (Sully District)
- Two Multi-Way stops on Charles Stewart Drive (Sully District)

The County Executive further recommends that the Board approve a resolution (Attachments II and III) for the installation of "\$200 Additional Fine for Speeding" signs on the following roads:

- Lawrence Drive between Lee Highway and Fenwick Road (Providence District)
- Rogers Drive between Lee Highway and Allen Street (Providence District)
- Stuart Drive between Lee Highway and Elmwood Drive (Providence District)
- Elmwood Drive between Strathmeade Street and Johnson Road (Providence District)
- Fenwick Road between Arlington Boulevard and Allen Street (Providence District).

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved measures as soon as possible.

TIMING:

Board action is requested on January 11, 2011.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks,

Board Agenda Item
January 11, 2011

chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Ox Hill Road and Charles Stewart Drive plans were developed by staff in concert with community representatives. The traffic calming plan was subsequently submitted for approval to residents in the ballot area from the adjacent community. On December 1, 2010, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. Also, these residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Lawrence Drive, between Lee Highway and Fenwick Road; Rogers Drive, between Lee Highway and Allen Street; Stuart Drive, between Lee Highway and Elmwood Drive; Elmwood Drive, between Strathmeade Street and Johnson Road; Fenwick Road, between Arlington Boulevard and Allen Street all have met the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. On July 23, 2010, the Department of Transportation received verification from the local supervisor confirming community support.

FISCAL IMPACT:

The estimated cost of \$38,000.00 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Ox Hill Road and Charles Stewart Drive

Attachment II: \$200 Fine for Speeding Signs Resolution – Lawrence Drive, Rogers Drive, Stuart Drive, Elmwood Drive and Fenwick Road

Attachment III: Area Map of Proposed \$200 Fine for Speeding Signs – Lawrence Drive, Rogers Drive, Stuart Drive, Elmwood Drive and Fenwick Road

STAFF:

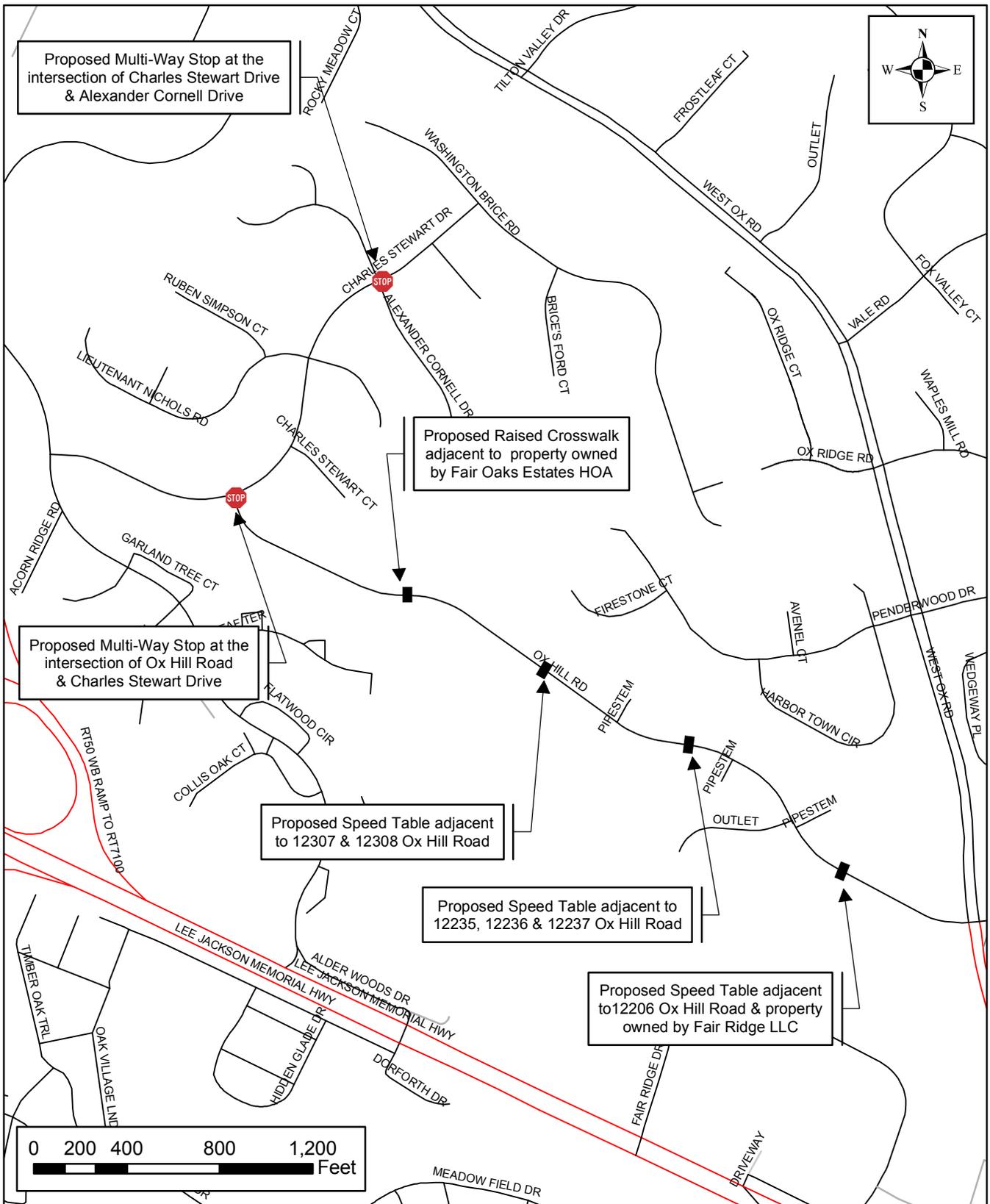
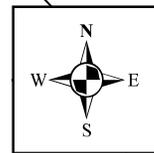
Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT

William P. Harrell, Transportation Planner, FCDOT



Proposed Multi-Way Stop at the intersection of Charles Stewart Drive & Alexander Cornell Drive

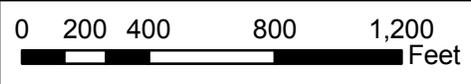
Proposed Raised Crosswalk adjacent to property owned by Fair Oaks Estates HOA

Proposed Multi-Way Stop at the intersection of Ox Hill Road & Charles Stewart Drive

Proposed Speed Table adjacent to 12307 & 12308 Ox Hill Road

Proposed Speed Table adjacent to 12235, 12236 & 12237 Ox Hill Road

Proposed Speed Table adjacent to 12206 Ox Hill Road & property owned by Fair Ridge LLC



**Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN**



**OX HILL ROAD & CHARLES STEWART DRIVE
Sully District**

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
LAWRENCE DRIVE BETWEEN LEE HIGHWAY AND
FENWICK ROAD; ROGERS DRIVE BETWEEN LEE HIGHWAY AND ALLEN STREET;
STUART DRIVE BETWEEN LEE HIGHWAY AND ELMWOOD DRIVE; ELMWOOD DRIVE
BETWEEN STRATHMEADE STREET AND JOHNSON ROAD AND FENWICK ROAD
BETWEEN ARLINGTON BOULEVARD AND ALLEN STREET
(PROVIDENCE DISTRICT)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, January 11, 2011, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Lawrence Drive, between Lee Highway and Fenwick Road; Rogers Drive, between Lee Highway and Allen Street; Stuart Drive, between Lee Highway and Elmwood Drive; Elmwood Drive, between Strathmeade Street and Johnson Road; Fenwick Road, between Arlington Boulevard and Allen Street.

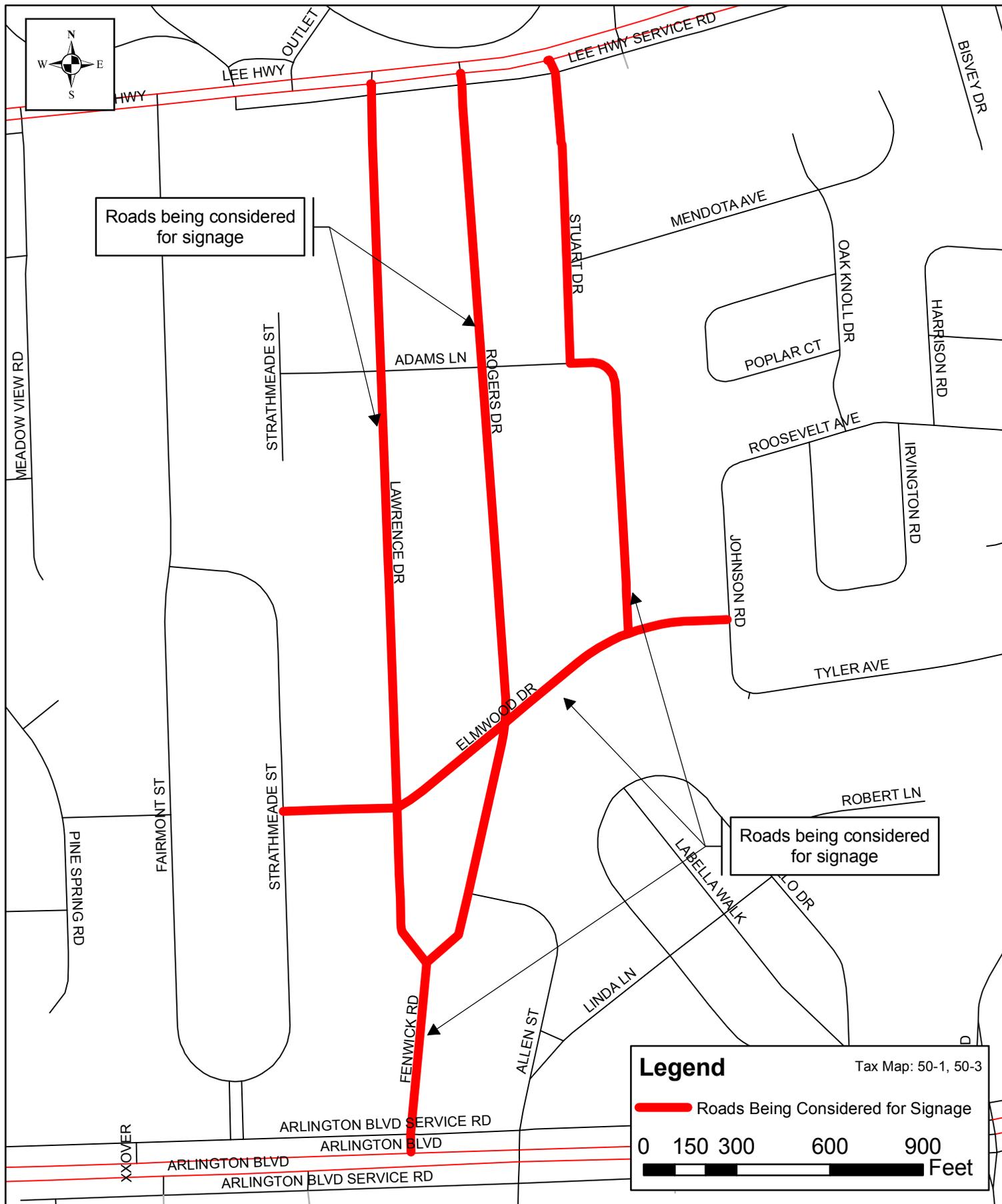
WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Lawrence Drive, between Lee Highway and Fenwick Road; Rogers Drive, between Lee Highway and Allen Street; Stuart Drive, between Lee Highway and Elmwood Drive; Elmwood Drive, between Strathmeade Street and Johnson Road; Fenwick Road, between Arlington Boulevard and Allen Street.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Lawrence Drive, between Lee Highway and Fenwick Road; Rogers Drive, between Lee Highway and Allen Street; Stuart Drive, between Lee Highway and Elmwood Drive; Elmwood Drive, between Strathmeade Street and Johnson Road; Fenwick Road, between Arlington Boulevard and Allen Street.

AND FURTHER the Virginia Department of Transportation is requested to install the "\$200 Additional Fine for Speeding" signs within the next 60 days, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

A Copy Teste:

Nancy Vehrs
Clerk to the Board of Supervisors



Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
PROPOSED \$200 FINE FOR SPEEDING
LAWRENCE DR, ROGERS DR, STUART DR, ELMWOOD DR & FENWICK RD
Providence District



09/29/2010

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ADMINISTRATIVE - 2

Supplemental Appropriation Resolution AS 11094 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 11094 in the amount of \$311,261 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 Health Department community outreach and vaccination education initiatives and to expand the agency's vaccine storage infrastructure to enhance vaccine security and availability 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 11094 for the Health Department to accept a HHS FY 2010 subgrant award through VDH for Public Health Emergency Response in the amount of \$311,261. These funds will be used to support the agency's community outreach and vaccine storage infrastructure.

TIMING:

Board approval is requested on January 11, 2011.

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. On November 16, 2010, the Health Department received approval from the Board of Supervisors for the first portion of PHER funding in the amount of \$372,557 to address vaccination planning and communication efforts. This item represents the second portion of PHER funding in the amount of \$311,261 now available to the Health Department. The total award is \$683,818.

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This award of \$311,261 from HHS through VDH to the Health Department is to utilize limited term support to perform community outreach related to vaccination awareness and education. Funds will also pay for an upgrade to the Health Department's cold storage capabilities by adding new refrigerators to district offices, a cold storage security system, and an emergency generator at the Falls Church District Office to ensure that vaccine is not destroyed due to power outage or temperature fluctuations.

FISCAL IMPACT:

Grant funding in the amount of \$311,261 is available from HHS through VDH to support the agency's community outreach and vaccination storage infrastructure. 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 – VDH Approval of PHER Supplemental Funds
Attachment 2 – Supplemental Appropriation Resolution AS 11094

STAFF:

Patricia Harrison, Deputy County Executive
Gloria Addo-Ayensu, MD, MPH, Director of Health, Health Department
Roselyn Foroobar, Deputy Director of Health Services
James Copeland, MHS, Director of Community Health Development and Preparedness
Marc Barbieri, MPH, Public Health Emergency Management Coordinator
Scott Patchan, Fiscal Administrator for the Health Department

Cost Code	District	Category	Number	Amount	Total	Description
409	Fairfax	Personnel	1	34,011	34,011	Community Health Specialist (Chinese Outreach)
409	Fairfax	Personnel	1	34,011	34,011	Community Health Specialist (Vietnamese Outreach)
409	Fairfax	Personnel	1	34,011	34,011	Community Health Specialist (African American, Hard to Reach & Special Needs Populations)
409	Fairfax	Personnel	1	34,011	34,011	Community Health Specialist (General Public)
409	Fairfax	Personnel	1	43,117	43,117	Management Analyst III (Pan Flu Coordinator)
409	Fairfax	Fringe		6,853	6,853	Community Health Specialist (Chinese Outreach)
409	Fairfax	Fringe		6,853	6,853	Community Health Specialist (Vietnamese Outreach)
409	Fairfax	Fringe		6,853	6,853	Community Health Specialist (African American, Hard to Reach & Special Needs Populations)
409	Fairfax	Fringe		6,853	6,853	Community Health Specialist (General Public)
409	Fairfax	Fringe		8,688	8,688	Management Analyst III (Pan Flu Coordinator)
409	Fairfax	Travel			2,000	Various
409	Fairfax	Equipment	5	6,000	30,000	Pharmacy Refrigerators
409	Fairfax	Equipment	1	50,000	50,000	Emergency Generator
409	Fairfax	Other			14,000	Cold Chain Security Alarm System

Total 311,261

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 11094

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 January 11, 2011, 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 \$311,261
Fund: 102, Federal/State Grant Fund

Grant: 71025G, Public Health Emergency Preparedness and Response for Bioterrorism

Reduce Appropriation to:

Agency: 87, Unclassified Administrative Expenses \$311,261
Fund: 102, Federal/State Grant Fund

Grant: 87107G, Unclassified Administrative Expenses

Source of Funds: Department of Health and Human Services, \$311,261

A Copy - Teste:

Nancy Vehrs
Clerk to the Board of Supervisors

ADMINISTRATIVE – 3

Extension of Review Period for 2232 Review Application (Lee District)

ISSUE:

Extension of the review periods for a specific 2232 Review application 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 period for the following application: application FS-L10-63 to March 24, 2011.

TIMING:

Board action is required on January 11, 2011, to extend the review period of the application noted above before the expiration date.

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 review period for the following application should be extended:

FS-L10-63	Sprint Antenna collocation on existing lightpole/monopole 6540 Franconia Road (Lee High School) Lee District
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Board Agenda Item
January 11, 2011

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)
David B. Marshall, Planning Division, DPZ
Sandi M. Beaulieu, Planning Division, DPZ

ADMINISTRATIVE - 4

Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Funding from the 2010 State Homeland Security Program Grant from the National Preparedness Directorate

ISSUE:

Board authorization is requested for the Fairfax County Fire and Rescue Department (FRD) to apply for and accept funding, if received, from the 2010 State Homeland Security Program grant (SHSP), administered by the Virginia Department of Emergency Management (VDEM) in the amount of \$302,820. These funds will be used to upgrade the County's Virginia Communications Team radios and bring the Team from a Type II to a Type I team. In addition, it will bring the Virginia Communications Cache to the 500 mark. The program period is September 1, 2010 through March 31, 2012. No Local Cash Match is required. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of the grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fire and Rescue Department to apply for and accept funding, if received, from the VDEM FY 2010 State Homeland Security Program grant in the amount of \$302,820.

TIMING:

Board approval is requested on January 11, 2011.

BACKGROUND:

The mission of the Department of Homeland Security (DHS) is to enhance the ability of state, local, and tribal governments to prepare, prevent, respond to, and recover from terrorist attacks and other disasters. The State Homeland Security Program (SHSP) is a primary funding mechanism for building and sustaining national preparedness capabilities.

This core assistance program provides states with funds to build capabilities at the local level through planning, organization, equipment, training, and exercise activities. SHSP also supports the implementation of State Homeland Security strategies and key

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elements of the national preparedness architecture, including the National Preparedness Guidelines, the National Incident Management System, and the National Response Framework.

Interoperable Communications is one of the key target capabilities for the State Homeland Security Program and a key element of the national preparedness architecture. The Virginia State Preparedness Report includes the need for adequate portable radio counts for significant incidents statewide and the need for a communications reserve. The Virginia Communications Cache concept is identified as a key component for strategic communications reserve and in its first operational year, was deployed numerous times for state and local emergencies.

These funds will upgrade Fairfax County's Virginia Communications Team radios and bring the Team from a Type II to a Type I Team. In addition, it will bring the Virginia Communications Cache to the 500 radio mark.

FISCAL IMPACT:

Funding of \$302,820 is available to upgrade Fairfax County's Virginia Communications Team radios and bring the Team from a Type II to a Type I team. In addition, it will bring the Virginia Communications Cache to the 500 radio mark. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards. No Local Cash Match is required. This award will not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 - 2010 State Homeland Security Program Grant Letter, dated October 28, 2010

STAFF:

Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department
Assistant Chief John A. Burke, Fire and Rescue Department
Assistant Chief John J. Caussin, Jr., Fire and Rescue Department
Cathi Schultz Rinehart, Fiscal Services Division Director, Fire and Rescue Department
Cathy Maynard, Grants Coordinator, Fire and Rescue Department



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JACK E. KING
Chief Deputy Coordinator

BRETT A. BURDICK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

October 28, 2010

Mr. Anthony H. Griffin
County Administrator
Fairfax County
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035

Dear Mr. Griffin:

The Virginia Department of Emergency Management (VDEM) is pleased to announce the allocation of the 2010 State Homeland Security Program grant (SHSP), CFDA #97.073 from the National Preparedness Directorate (NPD), United States Department of Homeland Security (DHS). Your jurisdiction has been funded for:

Project Title: Virginia Communications Strategic Cache Teams Equipment
Recipient Required Cost Share/Match Amount: \$.00
Federal Grant Allocation: \$302,820.00

The obligation period for this program is September 1, 2010 to March 31, 2012. Reimbursement may be requested 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.

All projects must comply with Environmental and Historic Preservation (EHP) requirements. Sub-recipients must not obligate and/or expend any (federal and/or non-federal matching) funds on any project having the potential to impact environmental planning and historical preservation resources without the prior approval of FEMA. A current EHP review evaluation form must be submitted as part of the VDEM application. For more information, please visit <http://www.vaemergency.com/grants/forms> or contact your Grant Specialist.

“Working to Protect People, Property and Our Communities”

Mr. Anthony H. Griffin
Page 2
October 28, 2010

All sub-recipients are requested to submit a completed VDEM grant application. The application, project plan, and timeline will be due 30 days from the receipt of this letter. Below is a list of the documents that comprise the VDEM grant application:

POC Form, Budget Sheets, EHP Evaluation Form	www.vaemergency.com/grants/forms
Grant Assurances	www.vaemergency.com/grants/forms
Certification Regarding Lobbying	www.vaemergency.com/grants/forms
Non-Supplanting Certification	www.vaemergency.com/grants/forms

A quarterly report will be required 15 days after each quarter starting from the date of the award. Quarterly reports will be due until the end of the grant period or when the project is complete. An electronic copy of this document can be found at www.vaemergency.com under grant forms. The final report is due 30 days after closeout. These reports should be held for at least five years after the close of the grant period and are subject to audit by DHS and/or the Commonwealth of Virginia.

Please review and sign the required documents and return them to the Grants Management Office by November 28, 2010. If you have any questions regarding this award, please contact Paulette McWaters at the VDEM Grants Management Office at paulette.mcwaters@vdem.virginia.gov.

Sincerely,



Michael M. Cline

MMC/jb

cc: The Honorable Terri L. Suit; Assistant to the Governor for Commonwealth Preparedness
Ms. Kerry Stuver, Office of Commonwealth Preparedness
Cpt. Wes Rogers, STR Cache Team Lead, Fairfax County

Board Agenda Item
January 11, 2011

ADMINISTRATIVE – 5

Streets into the Secondary System (Dranesville and Springfield 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.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Addition to Swinks Mill Acres	Dranesville	Swinks Mill Court – Route 8052
Leader Nursing & Rehabilitation Center (Tall Timbers Drive)	Springfield	Tall Timbers Drive
Will H Krause – Beechwood Drive	Springfield	Beechwood Drive

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

Board Agenda Item
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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

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: 5604-SD-02		
	SUBDIVISION PLAT NAME: Addition to Swinks Mill Acres ✓		
	COUNTY MAGISTERIAL DISTRICT: Dranesville ✓		
ENGINEERING MANAGER: D.A. Purvis BY: <u>Nadia Aphonel</u>	FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>10/04/2010</u>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Swinks Mill Court - Route 8052	Existing Swinks Mill Court (Route 8052) - 1,000' NW CL Swinks Mill Road (Route 685)	674' NW to End of Cul-de-Sac	0.13
NOTES:			TOTALS: 0.13 ✓

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>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.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p>
<p>PLAN NUMBER: 7014-PI-01 & 0218-PI-01</p>	
<p>SUBDIVISION PLAT NAME: Leader Nursing and Rehabilitation Center-Tall Timbers Drive</p>	
<p>COUNTY MAGISTERIAL DISTRICT: Springfield</p>	
<p>ENGINEERING MANAGER: D.A. Purvis</p> <p>BY: <u>Nellia Alphonso</u></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>09/16/2010</u></p>

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Tall Timbers Drive	CL Fields Brigade Road (Route 7968) - 1,748' NE CL Monument Drive (Route 7969)	936' NW to Existing Tall Timbers Drive (Route 7730-Renumbered 10465)	0.18
<p>NOTES:</p>			<p>TOTALS: 0.18</p>

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

<p>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</p> <p>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.</p>	<p>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</p> <p>REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.</p>		
<p>PLAN NUMBER: 7675-SD-02</p>			
<p>SUBDIVISION PLAT NAME: Will H Krause - Beechwood Drive ✓</p>			
<p>COUNTY MAGISTERIAL DISTRICT: Springfield ✓</p>			
<p>ENGINEERING MANAGER: D.A. Purvis</p> <p>BY: <u>Nadia Alphonse</u></p>	<p>FOR OFFICIAL USE ONLY</p> <p>DATE OF VDOT INSPECTION APPROVAL: <u>09/07/2010</u></p>		
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Beechwood Drive	CL Hooes Road (Route 636) 928' NE CL White House Drive (Route 10285)	869' SE to CL Rose Garden Lane (Route 10267)	0.17
<p>NOTES: 800' of 4' Concrete Sidewalk on Both Sides to be maintained by VDOT.</p>			<p>TOTALS: 0.17 ✓</p>

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ADMINISTRATIVE – 6

Authorization to Submit Grant Applications for Fiscal Year 2010 U.S. Department of Housing and Urban Development Discretionary Funding Competitions

ISSUE:

Board approval for the Fairfax County Redevelopment and Housing Authority (FCRHA) to apply for grants under the U.S. Department of Housing and Urban Development (HUD) Fiscal Year 2010 Notice of Funding Availability (NOFA) Discretionary Funding Competition.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCRHA to apply for funding under HUD's Fiscal Year 2010 Discretionary Funding Competition.

TIMING:

Immediate. The deadline for applying for funding under the Family Unification Program was December 1, 2010 and the Housing Choice Voucher Family Self Sufficiency Program was December 6, 2010. FCRHA approval to apply for this funding was approved at the December 9, 2010 FCRHA meeting.

BACKGROUND:

In early 2010 HUD released its Fiscal Year 2010 NOFA for Discretionary Programs. In the past, these were consolidated into a "Super"NOFA, but now HUD is releasing each of the programs as the publications are approved. Because details regarding several of the grants were only recently announced, HCD has not fully analyzed with its partners and internally the specifics of each application. However, due to the deadlines for these applications and their timing to FCRHA meetings, HCD is requesting approval to apply for them. Some deadlines preceded the FCRHA and Board of Supervisors meeting date so HCD submitted applications, but will withdraw any application if not approved by the Board of Supervisors. The FCRHA approved applying for the grants at their December 9, 2010 meeting.

Grant Name	Purpose	Maximum Grant Award
Family Unification Program	To provide Housing Choice Vouchers to families for whom adequate housing is the primary factor in the imminent placement of the family's child(ren) in out of home care; or the delay of discharge of the child(ren) to the family for out of home care; or to youths between 18 to 21 years who left foster care	100 Vouchers

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Grant Name	Purpose	Maximum Grant Award
	at age 16 or older and who do not have adequate housing.	
Housing Choice Voucher Family Self-Sufficiency Coordinator Program	To continue funds to retain the services of a coordinator to increase the number of Housing Choice Voucher families participating in the Family Self-Sufficiency program, as part of the Progress Center.	\$69,000
Public and Indian Housing Family Self-Sufficiency Program Coordinators	To continue funds to retain services of a coordinator to improve efforts at helping Public Housing families achieve greater level of self-sufficiency, as part of the Progress Center.	\$69,000
Capital Fund Education and Training Community Facilities Program	To provide capital funding for facilities to provide early childhood education, adult education, and/or job training programs for Public Housing residents based on an identified need.	Up to \$5 million
Project-Based HUD-Veterans Affairs Supportive Housing Vouchers (VASH)	To provide project-based vouchers for homeless veterans.	Up to 10 Vouchers

FISCAL IMPACT:

The FCRHA will be the recipient of the discretionary grants. If awarded, the Housing Choice Voucher Family Self-Sufficiency Coordinator Program funding, the Family Unification Program funding, and the Veterans Affairs Supportive Housing (VASH) funding will be placed in Fund 966, Section 8 Annual Contribution. The Public Housing Family Self-Sufficiency program funding will be placed in Fund 965, Housing Grants. Capital Fund Education and Training Community Facilities Program funding will be placed in Fund 969, Public Housing Modernization.

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CREATION OF NEW POSITIONS:

The Public Housing and Housing Choice Voucher Family Self-Sufficiency grants are renewal programs and the current staffing plan will be maintained.

ENCLOSED DOCUMENTS:

None

STAFF:

Patricia Harrison, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Mary A. Stevens, Deputy Director, HCD
John Payne, Deputy Director, Real Estate, HCD
Carol Erhard, Rental Services, HCD
Elisa L. Johnson, Management Analyst III, HCD

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Consider Adoption of an Ordinance that Provides for a Special Assessment to be Levied on the Properties within the Mosaic District Community Development Authority (Providence District)

ISSUE:

Board authorization to advertise a Public Hearing on the adoption of an Ordinance that provides for a Special Assessment to be levied on the properties within the Mosaic District Community Development Authority in accordance with a revised Rate and Method for calculating the Special Assessment on individual parcels within the District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on the proposed Ordinance and revised Rate and Method, to be held on February 8, 2011 at 3:30 pm.

TIMING:

Authorization on January 11, 2011, will permit the public hearing to be held on this issue on February 8, 2011, thus allowing bonds that will finance portions of the public infrastructure to be sold in March. At that same February 8th meeting, Staff plans to recommend that the Board also approve a number of other documents relating to the Mosaic District, including some amended versions of previously-approved documents, although none of those additional approvals will require a public hearing.

BACKGROUND:

On October 15, 2007, The Board of Supervisors approved RZ 2005-PR-041, a request by Edens & Avant to rezone approximately 31 acres of land to the PDC and PRM Districts in order to develop a Project in a portion of Merrifield designated as the town center in the Comprehensive Plan. The Project is located south of Lee Highway/Rt. 29, west of Yates Way, east of Eskridge Road, and north of the Luther Jackson Middle School. The Project was approved for approximately 1000 dwelling units, a multi-plex theatre, 125,000 square feet of office space, 500,000 square feet of other non-residential uses and a 150 room hotel. Among the public improvements to be constructed as part of the Project are two parks, the realignment and widening of Eskridge Road, the widening of Lee Highway, improvements to the Lee Highway/Gallows Road intersection and construction of a grid of streets. Virtually all parking will be provided in structures.

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Upon petition of Eskridge (E&A), LLC (“Eskridge”), the owner of property subject to the above cited rezoning, on April 27, 2009, the Board by ordinance adopted a new Appendix P to the County Code. Appendix P, as adopted and subsequently amended on April 27, 2010, created the Mosaic District Community Development Authority (the “Authority”) and defined the boundaries of the Mosaic District (the “District”) to encompass property owned by Eskridge. The purpose of the Authority and District is to pay for specified public improvements (the “Public Improvements”) to be constructed with the Project.

A Memorandum of Understanding (“MOU”) approved by the Board on April 27, 2010, was entered into as of May 12, 2010, by the County, the Authority, Eskridge, and a related Eskridge company called Eskridge Properties (E&A), LLC (“Eskridge Properties”) (Eskridge and Eskridge Properties collectively referred to as “Developer”). The MOU sets forth, among other things, the process for financing certain Public Improvements through the issuance of Authority bonds; approximately 30 million dollars of public improvements will be funded through an approximately 30 year bond to be issued by the Authority whose debt service will be paid by a self assessment on properties within the District, and approximately 42 million dollars of public improvements will be funded through an approximately 22 year bond also issued by the Authority whose debt service will be paid through incremental real estate tax revenues and back stopped by a special assessment on properties in the District. Liability for the debt service will be secured by the Community Development Authority (CDA) not the County

Paragraph 5(f) of the MOU contemplates that, pursuant to a “Special Assessment Agreement” to be entered into by and between the Authority’s Commission, landowners in the District, and the trustee or trustees under an indenture or indentures for Authority bonds, an annual Special Assessment will be levied in accordance with Va. Code Ann. §§ 15.2-2405 and -5158(A)(5) on real property in the District. The MOU further states that the amount of the annual Special Assessment apportioned to each parcel in the District will be determined in accordance with a Rate and Method of Apportionment of Special Assessment (“Rate and Method”) that bases such allocation on a formula calculated to reflect the peculiar benefit of the Public Improvements to each parcel.

A Rate and Method was attached as Exhibit D to the MOU, but is in the process of being refined through ongoing negotiations among County staff, outside advisors and the Developer and as a result of input received from the Board of the CDA on December 29, 2010. In addition, it now appears that several other amendments to the MOU would be helpful and appropriate. Accordingly, staff plans to recommend that the Board approve an amended and restated MOU that, among other things, includes a revised Rate and Method. The same revised Rate and Method will be an exhibit to the Special Assessment Agreement, and staff plans to recommend that the Board also approve the Special Assessment Agreement.

Accordingly, the proposed Ordinance (Attachment 1) refers to the Rate and Method that will be included as an exhibit to both the MOU and Special Assessment Agreement to be

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presented to the Board for its approval on February 8th. The current draft of the Rate and Method is Attachment 2.

The Rate and Method provides the methodology allocating the assessment among the various parcels in the District. The Rate and Method will include Special Assessment rolls for the various properties in the District applicable to each of the two kinds of Authority bonds currently contemplated. A Special Assessment Report also is being prepared that will provide an explanation of the nature and relative magnitude of benefits that will accrue to properties in the District as a result of the Special Assessment. Staff will recommend that the Special Assessment report also be approved and adopted by the Board on February 8th.

In order to levy a Special Assessment in the District, the Board must adopt an Ordinance providing for that levy. Accordingly, County staff recommends that the Board authorize the advertisement of a public hearing on the adoption of the proposed Ordinance (Attachment 1 - the "Special Assessment Ordinance"), which provides for a Special Assessment to be levied in the District in accordance with the Rate and Method.

On December 29, 2010, the Board of the CDA met and recommended that the Board adopt the proposed Ordinance.

FISCAL IMPACT:

Adoption of the proposed Ordinance and approval of the Rate and Method will have no fiscal impact.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Special Assessment Ordinance

Attachment 2: Current draft of the Rate and Method

STAFF:

Anthony H. Griffin, County Executive

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment

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**PROPOSED ORDINANCE TO AMEND APPENDIX P (MOSAIC DISTRICT
COMMUNITY DEVELOPMENT) OF THE FAIRFAX COUNTY CODE**

February 8, 2011

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:

That, in accordance with Sections 15.2-2405 and -5158(A)(5) of the Code of Virginia, the Memorandum of Understanding originally entered into as of May 12, 2010, by and between the County, the Mosaic District Development Authority, Eskridge (E&A), LLC, and Eskridge Properties (E&A), LLC, as amended and restated as approved this day by the Board of Supervisors (the "MOU"), and the Special Assessment Agreement and Declaration of Notice of Special Assessment approved this day by the Board of Supervisors that will be entered into by and between the County, the Mosaic District Community Development Authority, the owner or owners of assessable property within the Mosaic District, and the trustee or trustees under one or more indentures of trust between the Authority and such trustee or trustees, Appendix P (Mosaic District Community Development Authority) of the County Code is amended by the addition of a Section 3D as follows:

§ 3D. Special assessments to pay the costs of public improvements to be provided within the Mosaic District are established and apportioned in accordance with the Rate and Method of Apportionment of Special Assessments attached as an exhibit to the amended and restated Memorandum of Understanding approved by the Board of Supervisors on February 8, 2011, and also as an exhibit to the Special Assessment

Agreement and Declaration of Notice of Special Assessments approved by the Board of Supervisors on the same date (the "Rate and Method"). These special assessments shall become effective upon the date that the Special Assessment Agreement and Declaration of Notice of Special Assessment is caused by the Mosaic District Community Development Authority to be recorded in the Circuit Court of Fairfax County, Virginia, against the taxable real property in the Mosaic District, and shall be payable as determined in accordance with the Rate and Method. The Mosaic District Community Development Authority shall cause notice of the special assessments to be reported to the County's Department of Tax Administration. The special assessments shall be liens on the taxable real property in the Mosaic District in accordance with the provisions of Sections 15.2-2404 *et seq.* of the Code of Virginia.

GIVEN under my hand this ____ day of _____ 2011.

Nancy Vehrs
Clerk to the Board of Supervisors

MOSAIC DISTRICT COMMUNITY DEVELOPMENT AUTHORITY
FAIRFAX COUNTY, VIRGINIA

Rate And Method of Apportionment
Of Special Assessments

A. INTRODUCTION

Special Assessments shall be imposed on and collected from real property within the Mosaic District Community Development Authority (“CDA”), created by the Board by the Ordinance, through the application of the procedures described below. The Board of Directors of the CDA or their designee shall make all determinations in this Rate and Method of Apportionment of Special Assessments unless stated otherwise.

The Special Assessments are being accounted for in two parts: the Special Assessment Part A and Special Assessment Part B, as defined below. These separate parts of the Special Assessments are an accounting convention utilized to account for the portion of the Special Assessments to repay each series of Bonds, with the Special Assessment Part A applied to repay the Tax Increment Bonds and the Special Assessment Part B applied to repay the Special Assessment Bonds.

The Special Assessment for each Parcel represents the total obligation of a Parcel, including the Parcel's share of principal and interest on the Bonds and Administrative Expenses of the CDA related to the Bonds. The Special Assessments may be prepaid at any time as the Principal Portion of the Special Assessment. If not prepaid, the Special Assessments are payable annually as the Annual Installments. Tax Increment Revenues may be available to apply to the repayment of the Tax Revenue Bonds. As a result, it may not be necessary to collect the full amount of the Annual Installment Part A to repay the Tax Revenue Bonds. The portion of the Annual Installment required to be collected each year to repay the Bonds and to pay Administrative Expenses is the Annual Payment.

Terms used herein and not otherwise defined shall have the meanings assigned to such terms in the Memorandum of Understanding.

B. DEFINITIONS

The terms used herein shall have the following meanings:

“**Act**” means the Virginia Water and Waste Authorities Act, beginning with §15.2-5100 *et seq.* of the Code of Virginia, 1950, as it may be amended from time to time.

“**Adjusted Annual Installment Part A**” means the amount calculated as the Adjusted Annual Installment Part A for each Parcel pursuant to Section D.2.

“Administrative Expenses” means the following costs directly related to the administration of the CDA: the actual costs of computing the Annual Payments; the actual costs of collecting the Annual Payments (whether by the County or otherwise); the actual costs of remitting the Annual Payments to the Trustee; the actual costs of the Administrator and Trustee (including legal counsel) in the discharge of their duties; the costs of the CDA of complying with arbitrage rebate requirements; the costs of the CDA of complying with securities disclosure requirements; and any other costs of the CDA or the County in any way related to the administration and operation of the CDA, including, without limitation, the costs of official meetings of the CDA, the costs of legal counsel and other consultants and advisors, and costs related to commencing foreclosure and pursuing collection of delinquent Annual Payments.

“Administrator” means the official or designee of the CDA who shall be responsible for determining the Annual Revenue Requirement, calculating the Equivalent Units, preparing the update of the Special Assessment Roll, and such other responsibilities as provided herein, in the Bond Indenture, or by the Board of Directors.

“Annual Part A Credit” means the amount calculated as the Annual Credit for each Parcel pursuant to Section D.3.

“Annual Installment” means the Annual Installment Part A and the Annual Installment Part B.

“Annual Installment Part A” means the portion of the Special Assessment Part A to be set forth in the Special Assessment Roll A that may be collected each Assessment Year from all Parcels in the CDA pursuant to Virginia Code section 15.2-5158(A)(5) and the provisions herein. The Annual Installment Part A for each year as shown on the Special Assessment Roll A may be revised by the Board of Directors to better match the expenses of the CDA as long as the total of the Special Assessment Part A is not exceeded.

“Annual Installment Part B” means the portion of the Special Assessment Part B to be set forth in the Special Assessment Roll B that may be collected each Assessment Year from all Parcels in the CDA pursuant to Virginia Code section 15.2-5158(A)(5) and the provisions herein. The Annual Installment Part B for each year as shown on the Special Assessment Roll B may be revised by the Board of Directors to better match the expenses of the CDA as long as the total of the Special Assessment Part B is not exceeded.

“Annual Parcel Installment” means either or both of the Annual Parcel Installment Part A and the Annual Parcel Installment Part B.

“Annual Parcel Installment A” means the allocation of the Annual Installment Part A to each Parcel pursuant to Section C.

“Annual Parcel Installment B” means the allocation of the Annual Installment Part B to each Parcel pursuant to Section C.

“Annual Payment” means either or both the Annual Payment Part A and the Annual Payment Part B. The Annual Payment for any Parcel may be less than but may not exceed the Annual Installment for such Parcel for any Assessment Year.

“Annual Payment Part A” means the portion of the Annual Installment Part A to be collected each Assessment Year as determined by the provisions of Section D.1.

“Annual Payment Part B” means the portion of the Annual Installment Part B to be collected each Assessment Year as determined by the provisions of Section D.4.

“Annual Revenue Requirement” means either or both the Annual Revenue Requirement Part A and the Annual Revenue Requirement Part B.

“Annual Revenue Requirement Part A” means, for any Assessment Year, the sum of the following: (1) debt service on the Tax Revenue Bonds; (2) periodic costs associated with the Tax Revenue Bonds, including but not limited to, rebate payments and credit enhancement on the Tax Revenue Bonds; (3) Administrative Expenses; and (4) a contingency as determined reasonable by the Board of Directors; less (5) Tax Increment Revenues to be made available to the CDA by the County as provided for in the Memorandum of Understanding, whether or not appropriated by the Board for such purposes; (6) any credits to be applied under the Bond Indenture, such as capitalized interest or interest earnings on any account balances, and (7) any other funds available to the CDA that may be applied to the Annual Revenue Requirement Part A.

“Annual Revenue Requirement Part B” means, for any Assessment Year, the sum of the following: (1) debt service on the Special Assessment Bonds; (2) periodic costs associated with the Special Assessment Bonds, including but not limited to, rebate payments and credit enhancement on the Special Assessment Bonds; (3) Administrative Expenses; and (4) a contingency as determined reasonable by the Board of Directors; less (5) any credits to be applied under the Bond Indenture, such as capitalized interest or interest earnings on any account balances, and (6) any other funds available to the CDA that may be applied to the Annual Revenue Requirement Part B.

“Area Median Income” means, for each calendar year the metropolitan statistical area median family income as published by the United States Department of Housing and Urban Development for the Washington Standard Metropolitan Statistical Area.

“Assessed Property” means, for any Assessment Year, Parcels within the CDA other than Non-Benefited Property.

“Assessment Year” means the annual cycle in which the Annual Payment is determined each year for each Parcel, the Annual Payment is collected, and these revenues are applied to the payments on the Bonds each year.

“Base Real Property Taxes” means the difference in the total real property taxes and the Tax Increment Revenues for any Assessment Year.

“Board” means the Board of Supervisors of Fairfax County, Virginia.

“Board of Directors” means the Board of Directors of the CDA.

“Bond Indenture” means the indenture or similar document setting forth the terms and other provisions relating to the Bonds, as modified, amended and/or supplemented from time to time.

“Bonds” means either or both of the Tax Revenue Bonds and the Special Assessment Bonds issued pursuant to the Bond Indenture.

“Building Square Footage” or **“BSF”** means the actual or, for property not yet developed, the estimated enclosed building area as shown on the building permit, architectural plans or other available documents, as estimated by the Administrator. If no information is available on the estimated enclosed building area, Building Square Footage may be estimated by net usable land area and the estimated or allowable floor to area ratio for the property.

“County” means the County of Fairfax, Virginia.

“Equivalent Units” means, for Land Use Class 1, 2, 3, 4, and 5, the Building Square Footage in 1,000s of square feet built or that may be built on a Parcel, for Land Use Class 6, the guest rooms built or that may be built on a Parcel, and for Land Use Class 7, 8, 9, 10, 11, 12 and 13 the number of dwelling units built or that may be built on a Parcel, multiplied by the factors for each land use class shown below, which represent an allocation of the costs of the Public Improvements funded by the Bonds:

Land Use Class 1	0.64 per 1,000 BSF
Land Use Class 2	1.26 per 1,000 BSF
Land Use Class 3	2.11 per 1,000 BSF
Land Use Class 4	0.90 per 1,000 BSF
Land Use Class 5	1.23 per 1,000 BSF
Land Use Class 6	0.66 per room
Land Use Class 7	1.00 per unit
Land Use Class 8	0.36 per unit
Land Use Class 9	0.69 per unit
Land Use Class 10	2.78 per unit
Land Use Class 11	2.53 per unit
Land Use Class 12	2.25 per unit
Land Use Class 13	1.88 per unit

The computation of Equivalent Units for each Parcel shall be based on the expected development, which may be measured by actual development, development plans, the legal maximum development allowed, the acreage of a Parcel and reasonable density ratios, or other reasonable methods.

“Land Use Class 1” means Assessed Property used or intended to be used primarily for retail sales to the general public consisting of a retailer in excess of 75,000 BSF, including any ancillary uses thereto.

“Land Use Class 2” means Assessed Property used or intended to be used primarily for retail sales to the general public consisting of a retailer between 12,500 and 74,999 square feet BSF, including any ancillary uses thereto.

“Land Use Class 3” means Assessed Property used or intended to be used primarily for retail and/or restaurant sales to the general public, not including Assessed Property classified as Land Use Class 1 or Land Use Class 2, including any ancillary uses thereto.

“Land Use Class 4” means Assessed Property used or intended to be used primarily for a theater space, including any ancillary uses thereto, and any Assessed Property that is not classified as one of the other land use classes.

“Land Use Class 5” means Assessed Property used or intended to be used primarily as office space, including any ancillary uses thereto, and any Assessed Property that is not classified as one of the other land use classes.

“Land Use Class 6” means Assessed Property used or intended to be used primarily as a hotel, including any ancillary uses thereto.

“Land Use Class 7” means Residential Rental Property used or intended to be used primarily as market rate rental units, including any ancillary uses thereto, excluding Land Use Class 6 and Land Use Class 7.

“Land Use Class 8” means Residential Rental Property used or intended to be used primarily as low income rental units as determined pursuant to the Fairfax County Affordable Dwelling Unit Program as defined in Section 2-8111, Part 8, Article 2 of Chapter 112 Zoning Ordinance of the Fairfax County Code, including any ancillary uses thereto.

“Land Use Class 9” means Residential Rental Property used or intended to be used primarily as workforce rental units and limited to households with incomes not exceeding a certain percentage of Area Median Income for workforce rental housing to be established by the County, including any ancillary uses thereto.

“Land Use Class 10” means Residential Property developed or intended to be developed with Townhouse units with living area larger than 2,200 square feet, including any ancillary uses thereto.

“Land Use Class 11” means Residential Property developed or intended to be developed with Townhouse units with living area between 2,000 and 2,199 square feet, including any ancillary uses thereto.

“Land Use Class 12” means Residential Property developed or intended to be developed with Townhouse units with living area up to 1,999 square feet, including any ancillary uses thereto.

“Land Use Class 13” means Residential Property developed or intended to be developed as Stacked Flats, including any ancillary uses thereto.

“Mandatory Special Assessments Prepayment” shall mean a mandatory prepayment of Special Assessments pursuant to Section J.

“Maximum Special Assessment” means the Maximum Special Assessment Part A per Equivalent Unit and the Maximum Special Assessment Part B per Equivalent Unit, if any, as set forth in the Bond Indenture.

“Memorandum of Understanding” means the memorandum of understanding or similar document among the County, the CDA, and the Developer, as defined therein, setting forth the terms and other provisions relating to the Bonds, as modified, amended and/or supplemented from time to time.

“Non-Benefited Property” means Public Property, Owner Association Property, or easements that create an exclusive use for a public utility provider.

“Ordinance” means the ordinance adopted by the Board on April 27, 2009, as amended by ordinance dated April 27, 2010, creating the CDA and the CDA District.

“Owner Association Property” means Parcels within the boundaries of the CDA owned by or irrevocably offered for dedication to a property owners’ association (if not used in a trade or business) and available for use by property owners in general.

“Parcel” means a lot or parcel of real property within the CDA with a parcel number assigned by the County for real property tax purposes.

“Principal Portion of Special Assessments” means either or both of the Principal Portion of Special Assessment Part A and the Principal Portion of Assessment Part B.

“Principal Portion of Special Assessment Part A” means the portion of the Special Assessments equal to the outstanding principal amount of the Tax Revenue Bonds. The Principal Portion of Special Assessment Part A shall initially be allocated to Assessed Property proportionate to the Special Assessment Part A as set forth in Section C hereof. The Principal Portion of Special Assessment Part A may be increased for each Parcel of Assessed Property pro rata to the Equivalent Units of each Parcel for refunding bonds or other reasons as long as the total of the Special Assessment Part A is not increased to more than the amount set forth in the Special Assessment Roll A.

“Principal Portion of Special Assessment Part B” means the portion of the Special Assessments equal to the outstanding principal amount of the Special Assessment Bonds. The Principal Portion of Special Assessment Part B shall initially be allocated to Assessed Property proportionate to the Special Assessment Part B as set forth in Section C hereof. The Principal Portion of Special Assessment Part B may be increased for each Parcel of Assessed Property pro rata to the Equivalent Units of each Parcel for refunding bonds or other reasons as long as the total of the Special Assessment Part B is not increased to more than the amount set forth in the Special Assessment Roll B.

“Public Improvements” means those improvements that the CDA has been authorized to provide pursuant to the Memorandum of Understanding.

“Public Property” means, for any Assessment Year, property within the boundaries of the CDA owned by or irrevocably offered for dedication to the federal government, Commonwealth of Virginia, the County, the CDA, or any other public agency, political subdivision, or entity, whether in fee simple or any other property ownership interest that creates a substantially exclusive use by the public entity in the property.

“Residential Property” means Assessed Property used or intended for use primarily for residential dwelling units, including any ancillary uses thereto.

“Residential Rental Property” means Residential Property, all the units of which within a project are under common management, including any ancillary uses thereto.

“Special Assessment Bonds” means any bonds issued pursuant to the Bond Indenture payable from and secured by revenues derived from the imposition and collection of the Special Assessment Part B, whether in one or more series, including any bonds issued to refund such bonds.

“Special Assessments” means the Special Assessments on each Parcel as shown on the Special Assessment Roll as permitted by Virginia Code Ann. § 15.2-5158(A)(5) (Supp. 2010) and as calculated by the Administrator and confirmed by the Board of Directors pursuant to the provisions of Section C.1., as it may be reapportioned or reduced according to the provisions herein.

“Special Assessment Part A” means a portion of the Special Assessments, which is to be shown on the Special Assessment Roll A, as determined by the Board of Directors pursuant to the provisions of Section C.1., as it may be reapportioned or reduced according to the provisions herein.

“Special Assessment Part B” means a portion of the Special Assessments, which is to be shown on the Special Assessment Roll B, as determined by the Board of Directors pursuant to the provisions of Section C.1., as it may be reapportioned or reduced according to the provisions herein.

“Special Assessment Roll” means the document attached hereto as Appendix A, as updated from time to time by the Board of Directors of the CDA in accordance with the procedures set forth herein, which shall include both of the Special Assessment Roll A and the Special Assessment Roll B.

“Special Assessment Roll A” means the document attached hereto as Appendix A-1, as updated from time to time by the Board of Directors of the CDA in accordance with the procedures set forth herein.

“**Special Assessment Roll B**” means the document attached hereto as Appendix B-1, as updated from time to time by the Board of Directors of the CDA in accordance with the procedures set forth herein.

“**Stacked Flats**” means Residential Property that consists of a structure containing two or more attached dwelling units that are primarily stacked with units above or below other units, excluding Residential Rental Property.

“**Tax Increment Financing Fund**” means the fund by that name as provided for in the Memorandum of Understanding.

“**Tax Increment Revenues**” means the County Advanced Revenues to be deposited into the Tax Increment Financing Fund by the County and available to the CDA to repay the Tax Revenue Bonds as provided for in the Memorandum of Understanding.

“**Tax Revenue Bonds**” means any bonds issued pursuant to the Bond Indenture payable from and secured by revenues derived from the imposition and collection of the Special Assessment Part A and Tax Increment Revenues, whether in one or more series, including any bonds issued to refund such bonds.

“**Townhouse**” means Residential Property that consists of a structure containing two or more attached dwelling units that are primarily side by side.

“**Trustee**” means the trustee pursuant to the Bond Indenture for the Tax Revenue Bonds, the trustee pursuant to the Bond Indenture for the Special Assessment Bonds, or both, as appropriate in context.

C. SPECIAL ASSESSMENTS

1. The Amount of the Special Assessments

The total of the Special Assessments is equal to the amounts set forth in the Special Assessment Roll as it may be updated from time to time as provided for herein. The Special Assessments for each Parcel shall be set by the Board of Directors prior to the issuance of the Bonds and shall not be changed thereafter except pursuant to the provisions herein. The Board of Directors shall set the Special Assessments on each Parcel according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Special Assessments for a Parcel

B = the total of the Special Assessments for all Parcels as shown in the Special Assessment Roll

C = the Equivalent Units of a Parcel

D = the sum of the Equivalent Units of all of the Parcels in the CDA

The Special Assessments allocated to the Special Assessment Part A and the Special Assessment Part B shall be set by the Board of Directors prior to the issuance of the Bonds and shall not be changed thereafter except pursuant to the provisions herein. The Board of Directors shall set the Special Assessment Part A in the amount required to repay the Tax Increment Bonds and the Special Assessment Part B in the amount required to repay the Special Assessment Bonds, in each case including Administrative Expenses allocated to each series of Bonds.

2. Reapportionment of Special Assessments

a. Subdivision of a Parcel

Upon the subdivision of any Parcel, the Special Assessments of the Parcel prior to the subdivision shall be reallocated to each new Parcel in proportion to the Equivalent Units of each Parcel and the Special Assessments for the Parcel prior to the subdivision. The reapportionment of the Special Assessments shall be represented by the formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Special Assessments of the Parcel

B = the Special Assessments of the Parcel prior to the subdivision

C = the Equivalent Units of a Parcel

D = the sum of the Equivalent Units of all of the new Parcels of Assessed Property that result from the subdivision

The computation of the Equivalent Units shall be calculated by the Administrator based on the information available regarding the Parcel. The Administrator shall use consistent standards in preparing the calculations and shall prepare and keep in the records of the CDA the computations made according to this section.

The Special Assessment Part A and the Special Assessment Part B shall be calculated separately for purposes of reallocating the Special Assessments. In all cases, the Special Assessment Part A and Special Assessment Part B after the subdivision of a Parcel shall equal the sum of the Special Assessment Part A and Special Assessment Part B, respectively, before the subdivision of the Parcel.

b. Consolidation of a Parcel

Upon the consolidation of two or more Parcels, the Special Assessments for the consolidated Parcel shall equal the sum of the Special Assessments for the Parcels prior to the consolidation.

The Special Assessment Part A and the Special Assessment Part B shall be calculated separately for purposes of consolidating the Special Assessments. In all cases, the sum of the Special Assessment Part A and the Special Assessment Part B after the consolidation of two or more Parcels shall equal the total of the Special Assessment Part A and the Special Assessment Part B, respectively, before the consolidation of the Parcels.

c. Request of a Parcel Owner

The Special Assessments on some or all of the Parcels may be reallocated upon the unanimous request of the owners of the Parcels for which the Special Assessments are to be reallocated if there has been a change in the estimate of the Equivalent Units applicable to one of the Parcels.

The reallocation of the Special Assessments shall be made pursuant to the following formula, with the Special Assessment Part A and the Special Assessment Part B calculated separately:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Special Assessment for each Parcel for which the Special Assessments are being reallocated
- B = the Special Assessment of the Parcel or Parcels prior to the reallocation
- C = the Equivalent Units of the Parcel
- D = the sum of the Equivalent Units for all of the Parcels for which the Special Assessments are being reallocated

In all cases, the sum of the Special Assessment Part A and the Special Assessment Part B after the reallocation of Special Assessments shall equal the total of the Special Assessment Part A and Special Assessment Part B prior to such reallocation of Special Assessments.

d. Principal Portion of Special Assessments and Annual Installment

The Principal Portion of Special Assessments and Annual Installment shall be set and reallocated in the same manner as the Special Assessments.

3. Reduction in the Special Assessments

a. Reduction in Costs

If the Board of Directors resolves that the total actual costs to be incurred by the CDA, including the costs of the Public Improvements and the costs related to the issuance and repayment of the Bonds, including refunding Bonds, and Administrative Expenses are less than the total amount of the Special Assessments, then the Board of Directors shall reduce the Special Assessments such that the sum of Special Assessments equals the total costs incurred or to be incurred. The Special Assessments shall be reduced for every Parcel of Assessed Property in the CDA in the following manner.

First, if the Public Improvements were not completed and, in the judgment of the Board of Directors, any Parcels were not fully improved by the Public Improvements, the Special Assessments shall be reduced on these Parcels to represent what the Board of Directors, in the reasonable exercise of its discretion, determines to be the Public Improvements made to these Parcels compared to the Public Improvements made to the other Parcels. The Board of Directors may provide for the reduction in the Special Assessments by equal percentage for each Parcel or

some other means if the Board of Directors determines this would be the most fair or practical method of reducing the Special Assessments.

Second, if additional reductions are to be made in the Special Assessments, the Special Assessments shall be reduced by an equal percentage such that the sum of the resulting Special Assessments for every Parcel equals the actual costs to be incurred by the CDA.

The Special Assessments as reduced according to the provisions of this section shall not be reduced to an amount that is less than the outstanding amount of the Bonds, debt service on the outstanding Bonds, and estimated Administrative Expenses.

The reduction in Special Assessments is to be applied to the Special Assessment Part A and Special Assessment Part B according to which Bonds are called or reduced, pursuant to the Bond Indenture for each series of Bonds.

The Principal Portion of Special Assessments shall be reduced in the same manner as the reduction in the Special Assessments such that the total of the Principal Portion of the Assessments is equal to the total principal of the outstanding Bonds and any to be issued (including refunding Bonds).

b. Repayment of the Bonds

The Special Assessments and the Annual Installment applicable to any Parcel shall be reduced each Assessment Year in an amount equal to the Annual Payment collected from such Parcel. The Principal Portion of Special Assessments shall be reduced for the principal portion of the Annual Payments collected from each Parcel.

c. Prepayment of Special Assessment

The Special Assessments and the Principal Portion of Special Assessments applicable to any Parcel shall be reduced or eliminated, as the case may be, as the result of any prepayment of Special Assessments for the Parcel.

D. METHOD OF DETERMINING THE ANNUAL PAYMENT

Commencing with the Annual Payment to be collected in the 2011-2012 Assessment Year and for each following Assessment Year, the Administrator shall calculate and the Board of Directors shall confirm the Annual Payment on each Parcel pursuant to the following provisions.

1. The Annual Payment Part A

The Annual Payment Part A shall be paid each year for any Parcel for which the Special Assessment Part A has not been paid in full in an amount equal to the lesser of (i) the Annual Installment Part A for the Parcel, and (ii) an amount calculated pursuant to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Annual Payment Part A for a Parcel
- B = the Annual Revenue Requirement Part A for the Assessment Year for which the Annual Payment Part A is being calculated;
- C = the Adjusted Annual Installment Part A for the Parcel;
- D = the Adjusted Annual Installment Part A for all Parcels in the CDA.

2. The Adjusted Annual Installment Part A

The Adjusted Annual Installment Part A for a Parcel shall equal the Annual Installment Part A for such Parcel less the Annual Part A Credit for the Parcel.

3. The Annual Part A Credit

The Annual Part A Credit for each Parcel for each Assessment Year shall be equal to the Tax Increment Revenues included in the calculation of the Annual Revenue Requirement Part A for that Assessment Year produced by that Parcel. For purposes of calculating the Tax Increment Revenues for each Parcel, the base year tax revenues for each tax included in the Tax Increment Revenues shall be allocated to each Parcel on the basis of the total of the tax revenues from which the Tax Increment Revenues are calculated. For example, the base real property tax revenues would be allocated to each Parcel in proportion to the total real property tax revenues of the Parcel divided by the total real property taxes of all Parcels in the CDA (using the total real property tax revenues from which the Tax Increment Revenues are calculated).

The Annual Part A Credit for each Parcel for each Assessment Year shall be an amount calculated pursuant to the following formula:

$$A = B - C - D$$

Where the terms have the following meanings:

- A = the Annual Part A Credit for a Parcel
- B = the real property taxes to be collected from the Parcel as included in the calculation of the Tax Increment Revenues for the Assessment Year;
- C = the Base Real Property Taxes as allocated to the Parcel by the formula below;
- D = any unpaid real property taxes for which the Annual Part A Credit was based in the previous Assessment Year for the Parcel.

The Base Real Property Taxes allocated to a Parcel shall be an amount calculated pursuant to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Base Real Property Taxes allocated to a Parcel for an Assessment Year
- B = the Base Real Property Taxes for the Assessment Year;
- C = the real property assessed value for the Parcel as used to determine the real property taxes in the formula for the Annual Part A Credit for the Parcel in the formula above;
- D = the real property assessed value for all Parcels as used to determine the Tax Increment Revenues for that Assessment Year

4. The Annual Payment Part B

The Annual Payment Part B shall be paid each year for any Parcel for which the Special Assessment Part B has not been paid in full in an amount equal to the lesser of (i) the Annual Installment Part B for the Parcel, and (ii) an amount calculated pursuant to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Annual Payment Part B for an Parcel
- B = the Annual Revenue Requirement Part B for the Assessment Year for which the Annual Payment Part B is being calculated;
- C = the Annual Installment Part B for the Parcel;
- D = the Annual Installment Part B for all Parcels in the CDA

E. UPDATING THE ASSESSMENT ROLL

The Board of Directors shall update the Special Assessment Roll from time to time in accordance with the provisions herein in order to maintain records for the collection of Special Assessments. The Special Assessment Roll shall be updated each Assessment Year to reflect (i) the current Parcels in the CDA, (ii) the Special Assessments allocated to each Parcel, including any adjustments to the Special Assessments as provided for herein, (iii) the Principal Portion of Special Assessments for each Parcel; (iv) the Annual Installment for each Parcel for the Assessment Year, (v) the Annual Payment for each Parcel for the Assessment Year, (vi) prepayments of Special Assessments, (vii) termination of the collection of Special Assessments, and (viii) any other information helpful to the collection of Special Assessments. All information shall be updated for the Special Assessment Part A and the Special Assessment Part B.

F. MANNER OF COLLECTION OF THE ANNUAL PAYMENT

The Annual Payment shall be collected in the same manner and at the same time as regular property taxes of the County and shall be subject to the same penalties, procedures, sale, and lien priorities in case of delinquencies as are provided for regular property taxes of the County. The CDA shall notify the County of the amount of the Annual Payment to be collected on each Parcel each Assessment Year in a timely manner to allow the collection of the Annual Payment by the County. The Board of Directors may provide for other means of collecting the Annual Payment, to the extent permitted under the Act and agreed to by the County's Board.

G. ADMINISTRATIVE REVIEW

An owner of a lot claiming that a calculation error has been made in the update of Special Assessment Roll in any Assessment Year shall send a written notice describing the error to the Board of Directors not later than one year after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Board of Directors shall promptly review the notice, and if necessary, meet with the property owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Board of Directors determines that a calculation error has been made that requires the Special Assessment Roll to be modified or changed in favor of the property owner, a cash refund may not be made for any amount previously paid by the owner (except for the final Assessment Year during which the Special Assessment shall be collected or if a determination is made that there will otherwise be sufficient funds available to meet the Annual Revenue Requirement for an Assessment Year), but an adjustment shall be made in the amount of the Annual Payment to be paid in the following Assessment Year. The decision of the Board of Directors regarding a calculation error relating to the Special Assessment Roll shall be conclusive as long as there is a reasonable basis for the determination.

H. TERMINATION OF COLLECTION OF SPECIAL ASSESSMENTS

Except for any delinquent Annual Payment and related penalties and interest, the Annual Payment may be collected for a term not to exceed the term of all of the Bonds. In no event shall the Annual Payment be collected beyond the period in which the Special Assessments or the Bonds are fully paid as provided for herein.

After the retirement of all Bonds, and the collection of any delinquent Annual Payment, penalties and interest, the CDA shall provide each owner of a Parcel a recordable document (or provide for the recordation of such document) evidencing the termination of the imposition and collection of Special Assessment.

I. PREPAYMENT OF SPECIAL ASSESSMENT

The Special Assessments on any Parcel may be fully paid at any time, the Special Assessments reduced to zero, and the obligation to pay the Annual Installments permanently satisfied by payment of an amount calculated according to the following provisions:

1. A sum equal to the Principal Portion of the Special Assessments for the Parcel, as it may have been set, reapportioned or reduced pursuant to the provisions of Sections C.1., C.2., C.3., and C.4; less,
2. A credit for any reductions in the bonds to be issued or bonds outstanding due to the redemption of bonds as a result of the prepayment; plus,
3. A sum equal to (a) the amount needed to pay interest on the outstanding Bonds to be redeemed less the investment earnings on the prepayment amount until the Bonds can be called and redeemed, after taking into consideration the Annual Payment paid or to be paid but not accounted for in the calculation of the Principal Portion of the Special Assessments in Step 1 and (b) expenses of the CDA related to the prepayment.

The amounts calculated in the preceding steps shall be paid to the CDA and shall be distributed by the CDA to pay costs related to the prepayment and according to the Bond Indenture. Upon the payment of such prepayment amount to the CDA, the obligation to pay the Special Assessments for such Parcel shall be deemed to be permanently satisfied, the Special Assessments for such Parcel shall be reduced to zero, the Annual Installment shall not be collected on the Parcel thereafter, and the CDA shall provide to the owner (or cause to be recorded) a recordable notice of the payment of the Special Assessments within a reasonable period of time of receipt of such prepayment amount.

The Special Assessments may be prepaid in part (including only the Special Assessment Part A or the Special Assessment Part B) in an amount sufficient to allow for a convenient redemption of Bonds as determined by the Administrator.

J. MANDATORY PREPAYMENT OF SPECIAL ASSESSMENTS

1. Prepayment of Special Assessments for Non-Benefited Property

A Mandatory Prepayment of Special Assessments shall be required on any Parcel that is acquired by an entity that results in the Parcel being classified as Non-Benefited Property, if the Special Assessments may not be reapportioned to a Parcel of Assessed Property pursuant to the provisions of Section C.2. In the event an entire Parcel becomes Non-Benefited Property such that the Special Assessment cannot be reallocated to any other Parcel pursuant to the provisions of Section C, the Special Assessments shall become immediately due and payable and shall be collected from proceeds of a sale, condemnation, or other form of compensation for the property or from any other legally available source of funds. The prepayment of the Special Assessment shall be calculated as set forth in Section I.

2. Prepayment of Special Assessments Resulting From a Reduction in Equivalent Units

The Special Assessments shall be prepaid in part upon a reduction of the Equivalent Units that results in the Principal Portion of the Special Assessments exceeding the Maximum Special Assessment. The Mandatory Prepayment shall be due from the Parcel (or any resultant Parcels) that results in the application of the provisions of this section.

The Mandatory Prepayment shall be calculated as set forth in Section I, with the Principal Portion of the Special Assessments being prepaid to the amount necessary such that the Principal Portion of the Special Assessments does not exceed the Maximum Special Assessment.

The Mandatory Prepayment shall be due prior to the recordation, conveyance, or other action that results in a change to any Parcel that results in a Mandatory Prepayment. The Mandatory Prepayment shall have the same sale and lien priorities as provided for by law for the Assessments.

The Mandatory Prepayment shall not exceed the principal amount of the outstanding Bonds plus any other amounts owed on the Bonds, including accrued interest and redemption fees.

K. AMENDMENTS

Immaterial amendments may be made to this Rate and Method of Apportionment of Special Assessments by the Board of Directors without further approval by the Board and without further notice under the Act to owners of Assessed Property within the CDA. Immaterial amendments shall be those that (i) clarify or correct minor inconsistencies in the matters set forth herein, (ii) provide for lawful procedures for the collection and enforcement of Special Assessments and other charges imposed herein so as to assure their efficient collection, and (iii) otherwise improve the ability of the CDA to fulfill its obligations to impose and collect Special Assessments and charges imposed herein and to make it available for the payment of the Bonds, Administrative Expenses, and other costs of the CDA.

Amendments may not be made to this Rate and Method of Apportionment of Special Assessments pursuant to the procedure described above that would increase the total of the Special Assessments or charges as set forth herein.

L. INTERPRETATION OF PROVISIONS

The Board of Directors shall make all interpretations and determinations related to the application of this Rate and Method of Apportionment of Special Assessments, unless stated otherwise herein or in the Bond Indenture, and as long as there is a rational basis for the determination made by the Board of Directors, such determination shall be conclusive.

M. SEVERABILITY

If any section or part of a section of this Rate and Method of Apportionment of Special Assessments is declared invalid or unenforceable, the validity, force, and effect of any other section or part of a section herein shall not thereby be affected or impaired unless such other section or part of a section herein is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unenforceable.

**Mosaic District Community Development Authority
Fairfax County, Virginia**

APPENDIX A

SPECIAL ASSESSMENTS

Tax Parcel Number	Equivalent Units	Special Assessment Part A & B	Principal Portion of Special Assessment Part A & B	Annual Installment Part A & B (2011-2012 Assessment Year) (To Be Updated Annually)		
				Annual Installments	Annual Credit	Annual Payment
0493 01 0080 A-D	1,969	\$205,524,007	\$85,550,155	\$5,921,774	\$0	\$0
0493 01 0081 A	33	\$3,419,413	\$1,423,344	\$98,524	\$0	\$0
0493 01 0082 A-B	15	\$1,572,458	\$654,542	\$45,307	\$0	\$0
Parcel B Anchor	108	\$11,231,032	\$4,674,960	\$323,600	\$0	\$0
Total	2,124	\$221,746,909	\$92,303,000	\$6,389,205	\$0	\$0

**Mosaic District Community Development Authority
Fairfax County, Virginia**

APPENDIX A

TOTAL ANNUAL INSTALLMENTS

Assessment Year Beginning	Principal	Interest	Administrative Expense	Annual Installment Part A & B
2010	\$0	\$0	\$0	\$0
2011	\$0	\$6,309,205	\$80,000	\$6,389,205
2012	\$0	\$6,309,205	\$80,000	\$6,389,205
2013	\$0	\$6,309,205	\$80,000	\$6,389,205
2014	\$421,000	\$6,309,205	\$81,600	\$6,811,805
2015	\$545,000	\$6,279,735	\$83,232	\$6,907,967
2016	\$777,000	\$6,241,585	\$84,897	\$7,103,482
2017	\$971,000	\$6,187,675	\$86,595	\$7,245,270
2018	\$1,182,000	\$6,120,425	\$88,326	\$7,390,751
2019	\$1,409,000	\$6,038,665	\$90,093	\$7,537,758
2020	\$1,656,000	\$5,941,290	\$91,895	\$7,689,185
2021	\$1,922,000	\$5,826,930	\$93,733	\$7,842,663
2022	\$2,209,000	\$5,694,275	\$95,607	\$7,998,882
2023	\$2,520,000	\$5,541,880	\$97,520	\$8,159,400
2024	\$2,855,000	\$5,368,095	\$99,470	\$8,322,565
2025	\$3,216,000	\$5,171,265	\$101,459	\$8,488,724
2026	\$3,606,000	\$4,949,605	\$103,489	\$8,659,094
2027	\$4,025,000	\$4,701,120	\$105,558	\$8,831,678
2028	\$4,477,000	\$4,423,810	\$107,669	\$9,008,479
2029	\$4,963,000	\$4,115,410	\$109,823	\$9,188,233
2030	\$5,487,000	\$3,773,575	\$112,019	\$9,372,594
2031	\$6,051,000	\$3,395,690	\$114,260	\$9,560,950
2032	\$6,656,000	\$2,979,005	\$116,545	\$9,751,550
2033	\$7,307,000	\$2,520,695	\$118,876	\$9,946,571
2034	\$8,006,000	\$2,017,595	\$121,253	\$10,144,848
2035	\$8,758,000	\$1,466,400	\$123,678	\$10,348,078
2036	\$2,216,000	\$863,460	\$47,307	\$3,126,767
2037	\$2,421,000	\$719,420	\$48,253	\$3,188,673
2038	\$2,642,000	\$562,055	\$49,218	\$3,253,273
2039	\$2,877,000	\$390,325	\$50,203	\$3,317,528
2040	\$3,128,000	\$203,320	\$51,207	\$3,382,527
Total	\$92,303,000	\$126,730,125	\$2,713,784	\$221,746,909

**Mosaic District Community Development Authority
Fairfax County, Virginia**

APPENDIX A-1

SPECIAL ASSESSMENT PART A

Tax Parcel Number	Equivalent Units	Special Assessment Part A	Principal Portion of Special Assessment A	Annual Installment Part A (2011-2012 Assessment Year)		
				(To Be Updated Annually)		
				Annual Installments	Annual Credit	Annual Payment
0493 01 0080 A-D						
0493 01 0081 A						
0493 01 0082 A-B						
Parcel B Anchor						
<hr/>						
Total						
<hr/> <hr/>						

**Mosaic District Community Development Authority
Fairfax County, Virginia**

APPENDIX A-1

TOTAL ANNUAL INSTALLMENT PART A

Assessment Year Beginning	Principal	Interest	Administrative Expense	Annual Installment Part A
2010				
2011				
2012				
2013				
2014				
2015				
2016				
2017				
2018				
2019				
2020				
2021				
2022				
2023				
2024				
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
Total				

**Mosaic District Community Development Authority
Fairfax County, Virginia**

APPENDIX B-1

SPECIAL ASSESSMENT PART B

Tax Parcel Number	Equivalent Units	Special Assessment Part B	Principal Portion of Special Assessment B	Annual Installment Part B (2011-2012 Assessment Year)		
				(To Be Updated Annually)		
				Annual Installments	Annual Credit	Annual Payment
0493 01 0080 A-D						
0493 01 0081 A						
0493 01 0082 A-B						
Parcel B Anchor						
<hr/>						
Total						
<hr/> <hr/>						

**Mosaic District Community Development Authority
Fairfax County, Virginia**

APPENDIX B-1

TOTAL ANNUAL INSTALLMENT PART B

Assessment Year Beginning	Principal	Interest	Administrative Expense	Annual Installment Part B
2010				
2011				
2012				
2013				
2014				
2015				
2016				
2017				
2018				
2019				
2020				
2021				
2022				
2023				
2024				
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				
2036				
2037				
2038				
2039				
2040				
Total				

Board Agenda Item
January 11, 2011

ACTION – 1

Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2011

ISSUE:

Board approval of its meeting schedule for January through December, 2011.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the meeting schedule for January through December, 2011.

TIMING:

The Board should take action on January 11, 2011, in order that the calendar can be implemented immediately.

BACKGROUND:

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2011 calendar is presented for Board approval. The section further states that "meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year."

Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need arises.

At the September 14, 2010, meeting, the Board approved a draft 2011 meeting calendar. For the month of November, the draft calendar shows a meeting on November 15th. However, it is now proposed that date be eliminated and that the November board meeting date be scheduled on November 1st. Board committee meetings will continue to be scheduled on non-board meeting Tuesdays.

ENCLOSED DOCUMENTS:

Attachment 1 - January-December, 2011 Schedule for Board of Supervisors' Meetings

STAFF:

Catherine A. Chianese, Assistant County Executive

2011 Board of Supervisors Meeting Schedule

DRAFT

January 11, 2011
January 25, 2011
February 8, 2011
February 22, 2011 Public Comment
March 8, 2011
March 29, 2011 9:30 to 6:00 pm Board Meeting 6:00 pm – Budget Public Hearings
March 30-March 31, 2011 3:00 pm Budget Public Hearings
April 12 2011 Budget Markup
April 26, 2011 Budget Adoption/ Public Comment
May 10, 2011
May 24, 2011

June 7, 2011
June 21, 2011 Public Comment
July 12, 2011
July 26, 2011 Public Comment
August 2, 2011 No Afternoon Public Hearings
September 13, 2011
September 27, 2011
October 18, 2011 Public Comment
November 1, 2011
December 6, 2011 Public Comment

Please note that Board Meeting dates are on Tuesdays

Approved
(72)

ACTION – 2

Sale of General Obligation Public Improvement and Refunding Bonds, Series 2011

ISSUE:

Board approval of a resolution (Attachment I) to authorize the sale of General Obligation Public Improvement and Refunding Bonds on or about January 25, 2011.

RECOMMENDATION:

The County Executive recommends approval of the sale of General Obligation Public Improvement Bonds that will generate \$182.3 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

The County Executive also recommends approval of the sale of General Obligation Public Improvement Refunding Bonds to refund certain outstanding maturities of the Series 2002A bonds, Series 2003B bonds, Series 2004A bonds, Series 2004B bonds, Series 2005A bonds, Series 2007A bonds, Series 2008A bonds and Series 2009A bonds. While the actual amount of the refunding sale will be dependent on the bond market conditions, at this time, the best refunding candidates total approximately \$15.0 million from the Series 2002A bonds.

The Board should take the following action:

Approve the resolution authorizing the issuance of the General Obligation Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution delegates to the County Executive or Deputy County Executive/Chief Financial Officer authority to award the bonds to the lowest responsive bidder. This resolution also allows for any bonds to be issued as Build America Bonds and delegates to the County Executive or Deputy County Executive/Chief Financial Officer the authority to evidence the County's irrevocable election to apply Section 54AA(g) of the Tax Code to any bonds to be issued as Build America Bonds. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement, and authorizes the Chairman and/or Vice Chairman to sign the Official Statement.

TIMING:

Board action is requested on January 11, 2011.

BACKGROUND:

The Proposed Bond Sale Schedule (Attachment 2) indicates a sale on or about January 25, 2011 for the refunding and new money bonds, although this is subject to market conditions. The closing date for the refunding and new money bonds is scheduled for the week of February 7, 2011.

Refunding Sale

The County's Financial Advisor has conducted a refunding analysis of existing General Obligation bonds. Even though the Bond Resolution would permit bonds from up to eight prior issues to be refunded should market conditions permit; only one candidate is currently within savings parameters. Assuming market conditions as of December 6, 2010, a refunding of certain outstanding maturities of the Series 2002A bonds, totaling \$14.81 million would produce savings exceeding the County's minimum savings threshold. The refunding would generate net present value savings of approximately \$1.01 million or 6.81 percent of the refunded par amount. Actual savings will be dependent upon bond market conditions at the time of the sale.

Consistent with prior refunding sales, the County's Resolution includes provisions that delegate to the County Executive or the Chief Financial Officer authority to take certain actions and make certain determinations. These actions include determining the refunding candidates to be chosen (subject to the 3 percent or \$1.0 million present value test); determining the final terms and structure of the refunding series; and finalizing any associated legal documentation. Since 1989, the County has refunded over \$2.17 billion of the outstanding General Obligation and Lease Revenue debt for cumulative Net Present Value savings of approximately \$111.0 million.

New Money Sale

Staff is presenting the Board with the necessary documents to proceed with the new money bond sale to meet FY 2011 capital funding requirements for on-going projects. The County staff, Bond Counsel, and the County's Financial Advisor added flexibility to the bond resolution to provide the County with increased bond sale options. This flexibility will allow staff to structure the parameters of the sale to possibly shorten the maturities, bifurcate the sale into smaller dollar amounts with several series issued to increase the number of firms bidding, and thereby obtain the lowest possible interest rates. Also, the resolution allows for a negotiated sale rather than only a competitive sale. Increasing the County's options is a sound strategy for weathering this challenging financial market and ensuring the County has market access at favorable interest rates.

In addition, the American Reinvestment and Recovery Act authorized a new Federal assistance program for State and local governments called Build America Bonds (BABs). This new type of bond, which allowed a local government to receive a 35 percent rebate on the interest costs for taxable bonds, expired on December 31, 2010. BABs, though taxable, are required to meet the guidelines for tax exemption in all other respects. If the BABs program is extended by Congress and if the taxable rate less the rebate is less costly than

Board Agenda Item
January 11, 2011

the tax exempt rate, it would be economically advantageous to sell the BABs. This resolution will allow the County the flexibility to take advantage of the Federal program should it be extended and if it is economically advantageous to the County.

The General Obligation Bond sale of \$182.3 million includes an amount of \$130.0 million in bond sales for school facilities plus \$1.5 million from the 2007 School bond referendum for the Newington Bus Garage to be expended out of Fund 311, County Bond Construction, \$20.1 million for Metro Capital, primarily from the referendum recently approved in November 2010, and \$32.20 million for general County projects including: \$13.9 million for County and regional park projects, and \$16.8 million for transportation projects. The Schedule of Bond Purposes is attached as Attachment 3. The School Board resolution requesting the sale of bonds on behalf of the School system is included as Attachment 4. The School Board approved a resolution at the December 2, 2010 School Board meeting.

Staff has structured the size of this sale to the level necessary to support the capital construction program in FY 2011, without altering any of the schedules of the projects in progress and previously approved by the Board of Supervisors. The bond sale amount was sized to the smallest amount of bond funding possible. County policy is to only sell the bonds when the projects require the cash. Bonds being sold in this sale of new money bonds for the School Construction Fund make up approximately 71.3 percent of the sale and bonds for Metro Capital requirements make up an additional 11.0 percent.

This sale of \$182.3 million is within the adjusted total maximum sales in the revised Ten Principles of Sound Financial Management. The FY 2011 Adopted Budget Plan states that the annual sale of bonds will be \$275 million or \$1.375 billion over a five-year period, with a technical limit not to exceed \$300 million in a single year. Consistent with previous bond sales, the County's Resolution (Attachment 1) includes a provision which would permit the County Executive or Deputy County Executive/Chief Financial Officer to award the bonds to the best responsive bidder within the guidelines established by the Board. The maximum interest rate permitted on the bonds as established in the Bond Resolution is 6.5 percent (including any refundable credits to be received from the Secretary of the Department of the Treasury of the United States under Section 6431 of the Tax Code in respect of Build America Bonds). In addition, for a competitive sale, staff will use the electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachment 5), and Preliminary Official Statement, Series 2011A and 2011B (Attachment 6). The sale will again utilize the book-entry-only system for the handling of principal and interest payments. If a negotiated sale is used, the County will select an underwriter from the previously established underwriting pool and will coordinate closely with Bond Counsel and the County's Financial Advisor to determine the most financially advantageous approach for the County.

It should be noted that Attachments 2 through 6 may be subject to minor changes to satisfy final legal review and to provide the most current information possible for bidders. Any material changes will be noted and forwarded to the Board of Supervisors.

FISCAL IMPACT:

Based on market conditions as of December 6, 2010, the refunding totals \$14.81 million and is estimated to generate net present value savings of \$1.01 million. If interest rates rise 25 basis points (0.25 percent) then the net present value savings would be approximately \$882,000 or 5.95 percent (the refunding candidates would remain at \$14.81 million). If interest rates rise 50 basis points (0.50 percent) then the net present value savings would be approximately \$584,000 or 5.95 percent (the refunding candidates will fall to \$9.81 million).

The estimated debt service budget requirement for the new money bond sale, based on a conservative 4.0 percent True Interest Cost estimate, is \$3.6 million for County purposes and \$9.4 million for School purposes commencing in FY 2012. A 100 basis point savings would result in a \$976,000 reduction in annual debt service requirements.

The County's last new money bond sale in the amount of \$269.095 million occurred on October 14, 2009. Fairfax County sold General Obligation bonds, Series 2009D (tax-exempt) and Series 2009E (Taxable Build America Bonds) to J.P. Morgan Securities, Inc, and Barclays Capital, respectively, at the blended interest rate of 2.89 percent (tax-exempt adjusted rate for Taxable Build America Bonds). This interest rate was the lowest recorded interest rate achieved by Fairfax County for 20-year new money bonds. The combination of positive market conditions and the continued strength of the County's financial management resulted in such a low interest rate. The reception of Fairfax County bonds in the market continues to compare favorably both nationally and locally.

The County has held a Aaa rating from Moody's since 1975, a AAA rating from Standard and Poor's since 1978 and a AAA rating from Fitch Ratings since 1997. As of October 14, 2010, eight states, 37 counties, and 37 cities have a triple-A bond rating from all three major rating agencies. As a result of the County's excellent triple-A bond rating, the County has saved an estimated \$452.47 million from County bond and refunding sales.

ENCLOSED DOCUMENTS:

Attachment 1: 2011 County Public Improvement Bond Resolution

Attachment 2: 2011 Bond Sale Schedule of Events

Attachment 3: Schedule of Bond Purposes

Attachment 4: School Board Resolution Requesting Sale of Bonds (School Board Approved on December 2, 2010)

Attachment 5: Notice of Sale, Series 2011

Attachment 6: Draft of the Preliminary Official Statement, Series 2011 (Copy available in the Office of the Clerk to the Board.)

STAFF:

Edward L. Long, Jr., Deputy County Executive

Victor L. Garcia, Director, Department of Finance

Leonard P. Wales, County Debt Manager

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 January 11, 2011, at which meeting a quorum was present and voting, the following resolution was adopted:

A RESOLUTION AUTHORIZING THE ISSUANCE OF PUBLIC IMPROVEMENT BONDS AND REFUNDING BONDS, IN ONE OR MORE SERIES, OF FAIRFAX COUNTY, VIRGINIA, PROVIDING FOR THE SALE OF SUCH BONDS AND DELEGATING TO THE COUNTY EXECUTIVE OR THE DEPUTY COUNTY EXECUTIVE/CHIEF FINANCIAL OFFICER AUTHORITY TO DETERMINE CERTAIN DETAILS OF SUCH BONDS AND ACCEPT OFFERS FOR THE PURCHASE OF SUCH BONDS.

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia:

Section 1(a). Public Improvement Bonds. The Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors"), has found and determined and does hereby declare that:

(i) **School improvements - \$131,500,000.** At an election duly called and held on November 8, 2005, a majority of the qualified voters of Fairfax County, Virginia (the "County"), voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$246,325,000.

The purpose of the school bonds stated in the election was for the purpose of providing funds, in addition to funds provided from school bonds previously authorized and any other available funds, to finance the costs of school improvements, including the costs of acquiring, renovating, and/or building additional property, including acquiring and completing improvements to sites, constructing new buildings or additions to buildings, renovating or otherwise improving existing buildings, and furnishing and equipping buildings or additions to buildings.

The Circuit Court of Fairfax County, Virginia, has duly entered its Final Order authorizing the Board of Supervisors to carry out the wishes of the voters of the County as expressed at said election, and to contract a debt, borrow money, and issue school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$246,325,000.

The Board of Supervisors has heretofore issued \$151,685,000 of the school bonds authorized at the election held on November 8, 2005.

The Board of Supervisors deems it advisable to authorize the \$94,640,000 balance of the school bonds issuance authorized at the November 8, 2005 election, and to sell the bonds at this time.

At an election duly called and held on November 6, 2007, a majority of the qualified voters of Fairfax County, Virginia, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$365,200,000.

The purpose of the school bonds stated in the election was for purposes of providing up to \$315,200,000, in addition to funds from school bonds previously authorized and any other available funds, to finance the costs of additional capital improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and providing up to \$50,000,000, in addition to any other available funds, to finance the cost of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school buses, school vehicles and other County vehicles.

The Board of Supervisors at the request of the School Board of Fairfax County, Virginia has heretofore issued \$84,470,000 of the school bonds authorized at the election held on November 6, 2007.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$35,360,000 school bonds to finance the costs of additional capital improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and \$1,500,000 schools bonds for financing the costs of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school busses, school vehicles and other County vehicles purposes authorized at the November 6, 2007 election, and to sell the bonds at this time.

The issuance of such school bonds is contingent upon the adoption by the County School Board of a resolution, in a form acceptable to the County's bond counsel, consenting to the issuance of such school bonds.

(ii) **Transportation improvements and facilities - \$36,900,000.** At an election duly called and held on November 2, 2004, a majority of the qualified voters of Fairfax County, Virginia, voting on the question approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in the maximum aggregate principal amount of \$165,000,000 for the purpose of providing funds for the cost of providing additional transportation improvements and facilities, to finance the cost of constructing, reconstructing, improving and acquiring transportation improvements, including highways in the primary and secondary systems of State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of necessary land, transit facilities and equipment in the Washington metropolitan area allocable to Fairfax County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow

money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$165,000,000 for such purpose.

The Board of Supervisors has heretofore issued \$155,430,000 transportation improvement and facilities bonds authorized at the November 2, 2004 election.

The Board of Supervisors deems it advisable to authorize the \$9,570,000 balance of the of such transportation improvements and facilities bonds authorized at the November 2, 2004 election and to sell the bonds at this time.

At an election duly held on November 6, 2007, a majority of the qualified voters of Fairfax County, approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in addition to the bonds previously authorized for transportation improvements and facilities and any other available funds, in the maximum aggregate principal amount of \$110,000,000 for the purpose of providing funds for the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of necessary land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$110,000,000 for such purpose.

The Board of Supervisors has heretofore issued \$1,540,000 transportation improvement and facilities bonds authorized at the November 6, 2007 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$16,800,000 of such transportation improvement and facilities bonds authorized at the November 6, 2007 election and to sell the bonds at this time.

At an election duly held on November 2, 2010, a majority of the qualified voters of Fairfax County, approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in addition to the bonds previously authorized for transportation improvements and facilities, in the maximum aggregate principal amount of \$120,000,000 for the purpose of providing funds for the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of necessary land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow

money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$120,000,000 for such purpose.

The Board of Supervisors has not issued any of the \$120,000,000 transportation improvements and facilities bonds authorized at the election duly called and held on November 2, 2010.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$10,530,000 of such transportation improvement and facilities bonds authorized at the November 2, 2010 election and to sell the bonds at this time.

(iii) **Parks and park facilities - \$13,900,000.** At an election duly called and held on November 4, 2008, a majority of the qualified voters of Fairfax County, approved contracting a debt, borrowing money and issuing bonds of Fairfax County, Virginia, in addition to the parks and park facilities bonds previously authorized, in the maximum aggregate principal amount of \$77,000,000 for the purpose of providing funds to finance the cost of providing additional parks and park facilities including the acquisition, construction, development and equipment of additional parks and park facilities, and the purchase of easements for the preservation of open-space land and the development and improvement of existing parks and park facilities by the Fairfax County Park Authority, and including an amount not to exceed \$12,000,000 allocable to the County as its share of the cost of parks and park facilities to be acquired, constructed, developed and equipped by the Northern Virginia Regional Park Authority.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of Fairfax County, Virginia, in the aggregate principal amount of \$77,000,000 for such purpose.

The Board of Supervisors has heretofore authorized the issuance of and has issued \$10,165,000 parks and park facilities bonds for the Fairfax County Park Authority and \$6,300,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the November 4, 2008 election.

The Board of Supervisors deems it advisable to authorize the issuance of up to \$11,200,000 parks and park facilities bonds for the Fairfax County Park Authority and \$2,700,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the November 4, 2008 election and to sell the bonds at this time.

Section 1(b). Prior bond issues. The Board of Supervisors has been advised that certain bonds of certain series of its outstanding public improvement bonds and public improvement and refunding bonds, in certain favorable market conditions, may be refunded to achieve substantial present value debt service savings.

The Board of Supervisors deems it advisable to authorize the issuance of public improvement refunding bonds to achieve such savings, if available.

The Board of Supervisors has further found and determined and does hereby declare that:

(i) **Series 2002 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, neighborhood improvements, public library facilities and public safety facilities, and to refund certain Series 1992 B and Series 1995 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$258,935,000, designated “Public Improvement and Refunding Bonds, Series 2002 A” (the “Series 2002 A Bonds”), dated as of June 1, 2002, including certain outstanding callable Series 2002 A Bonds, maturing on June 1 in the years and amounts and bearing interest as follows:

Year of Maturity	Principal Amount	Interest Rate
2011	\$15,035,000	4.00%
2012	14,970,000	4.125
2013	14,905,000	4.125
2014	14,835,000	4.25
2015	14,770,000	4.375

The Series 2002 A Bonds which mature on or before June 1, 2010 are not subject to redemption before maturity. Series 2002 A Bonds which mature after June 1, 2010 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days’ notice mailed to the registered owners, on any date not earlier than June 1, 2010, in whole or in part (in integral multiples of \$5,000), upon payment of the following redemption prices (expressed as a percentage of the principal amount of bonds to be redeemed) plus accrued interest to the redemption date:

<u>Redemption Period (both dates inclusive)</u>	<u>Redemption Price</u>
June 1, 2010 through May 31, 2011	101%
June 1, 2011 through May 31, 2012	100.5
June 1, 2012 and thereafter	100

(ii) **Series 2003 B Bonds.** For the purpose of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, neighborhood improvements, adult detention facilities, community and redevelopment area improvements, public safety facilities, juvenile detention facilities and storm drainage facilities, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$195,170,000, designated “Public Improvement Bonds, Series 2003 B” (the “Series 2003 B Bonds”), dated as of May 15, 2003, including certain outstanding callable Series 2003 B Bonds, maturing on June 1 in the years and amounts and bearing interest as follows:

Year of Maturity	Principal Amount	Interest Rate
2019	\$9,750,000	4.00%
2020	9,745,000	4.00
2021	9,745,000	4.125
2022	9,745,000	4.75
2023	9,745,000	4.75

The Series 2003 B Bonds which mature on or before June 1, 2013 are not subject to redemption before maturity. Series 2003 B Bonds which mature after June 1, 2013 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than June 1, 2013, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(iii) **Series 2004 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, neighborhood improvements, transportation improvements and facilities, adult detention facilities, juvenile detention facilities, commercial and redevelopment area improvements and storm drainage improvements, and to refund certain Series 1996 A and Series 1997 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$329,110,000, designated "Public Improvement and Refunding Bonds, Series 2004 A" (the "Series 2004 A Bonds"), dated as of April 14, 2004, including certain outstanding callable Series 2004 A Bonds, maturing on April 1 in the years and amounts and bearing interest as follows:

Year of Maturity	Principal Amount	Interest Rate
2019	\$9,185,000	4.00%
2020	9,185,000	4.00

The Series 2004 A Bonds which mature on or before April 1, 2014 are not subject to redemption before maturity. Series 2004 A Bonds which mature after April 1, 2014 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2014, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(iv) **Series 2004 B Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public safety facilities and commercial and redevelopment area improvements, and to refund certain Series 1997 B, Series 1998 A and Series 1999 B outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$311,810,000, designated "Public Improvement and Refunding Bonds, Series 2004 B" (the "Series 2004 B Bonds"), dated as of October 19, 2004, including certain outstanding callable Series 2004 B Bonds, maturing on October 1 in the years and amounts and bearing interest as follows:

Year of Maturity	Principal Amount	Interest Rate
2015	\$19,815,000	5.00 %
2020	9,270,000	4.50

The Series 2004 B Bonds which mature on or before October 1, 2014 are not subject to redemption before maturity. Series 2004 B Bonds which mature after October 1, 2014 may be

redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than October 1, 2014, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(v) **Series 2005 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities, human services facilities and adult detention facilities, and to refund certain Series 1999 A, Series 2000 A, Series 2000 B, Series 2001 A and Series 2002 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$543,585,000, designated "Public Improvement and Refunding Bonds, Series 2005 A" (the "Series 2005 A Bonds"), dated as of August 16, 2005, including certain outstanding callable Series 2005 A Bonds, maturing on October 1 in the years and amounts and bearing interest as follows:

Year of Maturity	Principal Amount	Interest Rate
2016	\$40,075,000	5.00 %
2019	32,170,000	4.25
2020	27,470,000	4.25

The Series 2005 A Bonds which mature on or before October 1, 2015 are not subject to redemption before maturity. Series 2005 A Bonds which mature after October 1, 2015 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than October 1, 2015, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(vi) **Series 2007 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities, human services facilities, commercial and redevelopment area improvements and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$234,600,000, designated "Public Improvement Bonds, Series 2007 A" (the "Series 2007 A Bonds"), dated as of February 7, 2007, including certain outstanding callable Series 2007 A Bonds, maturing on April 1 in the years and amounts and bearing interest as follows:

Year of Maturity	Principal Amount	Interest Rate
2017	\$11,730,000	4.00%
2018	11,730,000	4.00
2019	11,730,000	4.125
2020	11,730,000	4.25

The Series 2007 A Bonds which mature on or before April 1, 2015 are not subject to redemption before maturity. Series 2007 A Bonds which mature after April 1, 2015 may be

redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2015, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(vii) **Series 2008 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$234,475,000, designated "Public Improvement Bonds, Series 2008 A" (the "Series 2008 A Bonds"), dated as of January 30, 2008, including certain outstanding callable Series 2008 A Bonds, maturing on April 1 in the years and amounts and bearing interest as follows:

Year of Maturity	Principal Amount	Interest Rate
2019	\$11,725,000	5.00%
2020	11,720,000	5.00
2021	11,720,000	5.00

The Series 2008 A Bonds which mature on or before April 1, 2018 are not subject to redemption before maturity. Series 2008 A Bonds which mature after April 1, 2018 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2018, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(viii) **Series 2009 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities, human services facilities and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of \$199,510,000, designated "Public Improvement Bonds, Series 2009 A" (the "Series 2009 A Bonds"), dated as of January 28, 2009, including certain outstanding callable Series 2009 A Bonds, maturing on April 1 in the years and amounts and bearing interest as follows:

Year of Maturity	Principal Amount	Interest Rate
2020	\$9,975,000	4.00%

The Series 2009 A Bonds which mature on or before April 1, 2019 are not subject to redemption before maturity. Series 2009 A Bonds which mature after April 1, 2019 may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2019, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(ii) The Board of Supervisors has determined to provide for the issuance of refunding bonds of Fairfax County, Virginia, for the purpose of providing funds, with other available funds, to refund all or a portion of all or any of the following outstanding bonds of Fairfax County, Virginia (collectively, the “Refunding Candidates”), all as hereinafter provided:

\$74,515,000 Series 2002 A Bonds maturing June 1 in the years 2011 to 2015, inclusive, which are first subject to, and shall be called for, redemption between 30 and 60 days after issuance of the refunding bonds,

\$48,730,000 Series 2003 B Bonds maturing June 1 in the years 2019 to 2023, inclusive, which are first subject to, and shall be called for, redemption on June 1, 2013,

\$18,370,000 Series 2004 A Bonds maturing April 1 in the years 2019 and 2020, which are first subject to, and shall be called for, redemption on April 1, 2014,

\$29,085,000 Series 2004 B Bonds maturing October 1 in the years 2015 and 2020, which are first subject to, and shall be called for, redemption on October 1, 2014,

\$99,715,000 Series 2005 A Bonds maturing October 1 in the years 2016, 2019 and 2020, which are first subject to, and shall be called for, redemption on October 1, 2015,

\$46,920,000 Series 2007 A Bonds maturing April 1 in the years 2017 to 2020, inclusive, which are first subject to, and shall be called for, redemption on April 1, 2015,

\$35,165,000 Series 2008 A Bonds maturing April 1 in the years 2019 to 2021, inclusive, which are first subject to, and shall be called for on April 1, 2018, and

\$9,975,000 Series 2009 A Bonds maturing April 1 in the year 2020, which are first subject to, and shall be called for redemption on April 1, 2019.

Section 2. Authorization of bonds. The Board of Supervisors has determined that it is in the best interests of Fairfax County to consolidate for the purposes of the sale the bond authorizations mentioned above into one or more series of public improvement and/or refunding bonds of Fairfax County, Virginia. The bonds shall be designated as appropriate “Public Improvement [Federally Taxable - Build America Bonds] [and/or] Refunding Bonds, Series 2011[A], [B], [C]”. The bonds shall be dated, shall be stated to mature in certain amounts on such dates, subject to the right of prior redemption, and shall bear interest until their payment at a rate or rates and on such semi-annual dates as shall hereafter be determined by the Board of Supervisors by resolution or by either the County Executive or Deputy County Executive/Chief Financial Officer pursuant to the delegation to each of them contained in this resolution. The first interest payment date of such bonds shall be no later than December 1, 2011. The bonds shall be issuable in fully registered form in the denomination of \$5,000 or any multiple thereof and shall be appropriately numbered all as hereinafter provided. All or a portion of the public improvement bonds may be issued as Build America Bonds (Federally Taxable) (cash subsidy payment from the United States Treasury) or other appropriate designation, if such bond program or similar bond program is authorized by the federal government, pursuant to the election and designation of any or all the bonds as “Federally Taxable -- Build America Bonds” by either the

County Executive or Deputy County Executive/Chief Financial Officer pursuant to the delegation to each of them contained in this resolution.

The Board of Supervisors deems it advisable at this time to authorize the sale of such bonds pursuant to the terms of this Resolution.

The bonds issued for the purpose of providing funds for school improvements, transportation improvements and facilities and parks and park facilities shall have an aggregate principal amount not to exceed \$182,300,000.

The bonds issued for the purpose of providing funds, with other available funds, to refund all or a portion of all or any of the Refunding Candidates (the Refunding Candidates so refunded, the "Refunded Bonds") shall have such principal amounts as shall hereafter be determined by the Board of Supervisors by resolution or by either the County Executive or Deputy County Executive/Chief Financial Officer pursuant to the delegation to each of them contained in this resolution, to produce overall present value debt service savings for the County.

If none of the proceeds of the bonds as authorized should be used for refunding any of the Refunding Candidates, then the bonds shall be designated as appropriate "Public Improvement Bonds, Series 2011, [A], [B], [C] [Federally Taxable – Build America Bonds]". If a series of bonds are issued and none of the proceeds is used for providing funds for public improvement purposes, then the bonds shall be designated "Public Improvement Refunding Bonds, Series 2011 [A] [B], [C].

The Board of Supervisors hereby determines that in the event that financial market conditions dictate, and it is determined by the County Executive or Deputy County Executive/Chief Financial Officer to be in the best interests of the County, bond anticipation notes may be issued in anticipation of the issuance of the bonds. Any such bond anticipation notes shall have a first interest payment date no later than July 1, 2012 and a final maturity no later than July 1, 2014. All other provisions in this Resolution setting forth the terms and details of bonds as well as delegations provided shall apply to such bond anticipation notes if the context requires.

Each bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which case it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which case it shall bear interest from its date; provided, however, that if at the time of authentication interest on any bond is in default, such bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof. The principal of and any redemption premium on each bond shall be payable to the registered owner thereof or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each bond shall be made by the Bond Registrar on each

interest payment date to the person appearing (hereafter provided) on the registration books of the County as the registered owner of such bond (or the previous bond or bonds evidencing the same debt as that evidenced by such bond) at the close of business on the record date for such interest, which, unless otherwise determined pursuant to the delegation of authority contained in this resolution, shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed or by wire transfer to such person at his address as it appears on such registration books.

The bonds initially issued will be in fully registered form and registered in the name of Cede & Co., a nominee of The Depository Trust Company, New York, New York (“DTC”), and immobilized in the custody of DTC. One fully registered bond for the original principal amount of each maturity will be registered to Cede & Co. Beneficial owners will not receive physical delivery of bonds. Individual purchases of bonds may be made in book-entry form only in original principal amounts of \$1,000 or \$5,000 and integral multiples of \$1,000 or \$5,000, respectively. Payments of the principal of and premium, if any, and interest on the bonds will be made to DTC or its nominee as registered owner of the bonds on the applicable payment date.

So long as Cede & Co., or its successor, as nominee of DTC, is the registered owner of the bonds, references in this resolution to the holders of the bonds mean Cede & Co. and do not mean the beneficial owners of the bonds.

Replacement bonds (the “Replacement Bonds”) will be issued directly to beneficial owners of bonds rather than to DTC, or its nominee, but only in the event that:

- (1) DTC determines not to continue to act as securities depository for the bonds;
- (2) The County has advised DTC of its determination that DTC is incapable of discharging its duties; or
- (3) The County has determined that it is in the best interests of the beneficial owners of the bonds not to continue the book-entry system of transfer.

Upon occurrence of the events described in clause (1) or (2), the County will attempt to locate another qualified securities depository. If DTC makes the determination described in clause (1) and the County fails to select another qualified securities depository to replace DTC, the County will execute and the Bond Registrar will authenticate and deliver to the participants in DTC (“Participants”) the Replacement Bonds to which the Participants are entitled. In the event the County makes the determination described in clause (2) or (3) (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit the County to make any such determination) and, in the case of the determination under clause (2), the County has failed to designate another qualified securities depository and has made provisions to notify the beneficial owners of the bonds by mailing an appropriate notice to DTC, the County will execute and the Bond Registrar will authenticate and deliver to the Participants the appropriate Replacement Bonds to which the Participants are entitled. The Bond Registrar is entitled to rely on the records provided by DTC as to the Participants entitled to receive Replacement Bonds.

Section 3. Sale of Bonds. Pursuant to the delegation set forth within this Resolution, bonds (which includes any bond anticipation notes) to be issued may be sold in a competitive sale pursuant to bids received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system or through a negotiated sale to one or more underwriters chosen in compliance with County guidelines and regulations. Bonds authorized to be issued under this Resolution may be sold in one or more series and on one or more dates on any date up to June 30, 2011. The authorization and approvals of the documents set forth in this Resolution (as long as the documents used in such sale are in the form approved herein) shall apply to each bond sale.

Section 4. Notice of Sale; Bids. If bonds (or bond anticipation notes) are determined to be sold in a competitive sale, the Clerk of the Board of Supervisors is hereby authorized, if recommended by the Financial Advisor of the County to be beneficial for the sale of the bonds, to cause one or more notices calling for bids for the purchase of the bonds, to be published once in *The Bond Buyer*, a financial journal published in New York, New York, and devoted primarily to municipal bonds, such publication to be prior to the date fixed for the receipt of bids. Such notices shall be substantially in the form of the Notice of Sale(s) annexed to this resolution. Alternatively, the Clerk may cause to be published a summary of the principal terms of the notices. Bids shall be received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system.

Section 5. Official Statement. The drafts of the Preliminary Official Statement(s) of the County relating to the tax-exempt bonds and Federally Taxable - Build America Bonds presented at the meeting at which this resolution is adopted, and the circulation thereof, the completion thereof with the results of the sale and the printing and delivery to the winning bidder(s) in a competitive sale or the underwriter(s) in a negotiated sale of a reasonable number of copies thereof as so completed (the "final Official Statement(s)") are hereby approved and authorized, and the Chairman, Vice Chairman of the Board of Supervisors, County Executive or the Deputy County Executive/Chief Financial Officer is hereby authorized and directed to deem final the Preliminary Official Statement(s) for purposes of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, and to execute and deliver the final Official Statement(s), both the Preliminary Official Statement(s) and the final Official Statement(s) to be in substantially the form of the related draft Preliminary Official Statements presented at this meeting with the changes contemplated hereby and such other changes as the Chairman, Vice Chairman, County Executive or the Deputy County Executive/Chief Financial Officer may approve, his or her signature on the final Official Statement to be conclusive evidence of the signer's approval thereof. The Preliminary Official Statement(s) and the final Official Statement(s) may be disseminated or otherwise made available through electronic means.

Section 6. Delegation and Standard. (a) *Competitive Sale Delegation* -- The Board of Supervisors has determined that there may be unplanned occasions when it is not possible for some of the members of the Board of Supervisors to attend a special meeting for the purpose of receiving bids for the purchase of bonds of Fairfax County offered for sale at competitive bidding and that the accepted practice of the bond markets dictates that the lowest bid be speedily determined and the bonds be promptly awarded or that all bids be rejected.

The Board of Supervisors delegates to each of the County Executive and the Deputy County Executive/Chief Financial Officer (each a “delegate”), the authority to accept the lowest bid (determined in accordance with the Notice of Sale) for the bonds (or any bond anticipation notes), being offered for sale by the Board of Supervisors at competitive bidding on a date(s) not later than June 30, 2011, subject to the following conditions: (i) a delegate shall have determined that the bid conforms in all material respects to the requirements of the Notice of Sale, (ii) a delegate shall have determined that the bid to be accepted is the lowest bid conforming to the terms of the Notice of Sale, (iii) the Financial Advisor to Fairfax County shall have recommended that the lowest conforming bid be accepted, (iv) the true interest cost, net of any federal subsidy interest payments for any Federally Taxable – Build America Bonds, of such bid shall not exceed 6.50% for any bonds and (v) the Board of Supervisors shall not then be in special session called for the purpose of accepting bids (the Board not to be deemed in special session if less than a quorum is present and voting).

(b) *Negotiated Sale Delegation* – The Board of Supervisors delegates to each of the County Executive and the Deputy County Executive/Chief Financial Officer, the authority to sell the bonds (or any bond anticipation notes) in a negotiated sale to one or more underwriters on a date not later than June 30, 2011, subject to the following conditions: (i) the Financial Advisor to Fairfax County shall have recommended that due to financial market conditions such a negotiated sale best serves the interest of the County, (ii) the true interest cost, net of any federal subsidy interest payments for any Federally Taxable – Build America Bonds, of such bid shall not exceed 6.50% for any bonds and (iii) the underwriter(s) of the bonds shall have been chosen pursuant to County guidelines and regulations.

In the event of a negotiated sale, the Chairman or Vice Chairman of the Board of Supervisors, the County Executive and the Deputy County Executive/Chief Financial Officer, or such other officer or officers of the County as may be designated by any one of them, is hereby authorized and directed to execute a bond purchase agreement setting forth the terms of the sale of the bonds. Such bond purchase agreement shall only be executed (i) if such agreement does not contain any terms contradictory to the terms of this Resolution and (ii) the Financial Advisor to the County shall recommend to the County the execution of such agreement.

(c) *Additional Delegation* -- The Board of Supervisors hereby further delegates to each of the County Executive and the Deputy County Executive/Chief Financial Officer, subject to the limitations contained herein, powers and duties to determine the following, such delegation to be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting):

- (1) The series designations of such bonds;
- (2) The aggregate principal amount of the bonds issued for public improvement purposes, such amount not to exceed the sum of the amount required to provide a minimum purchase price to the County for the bonds of \$182,300,000 plus all or any portion of costs of issuance;
- (3) The aggregate principal amount of bonds issued for refunding of the Refunded Bonds; provided, however, that the present value of the debt service savings to be obtained from

the refunding of the Refunded Bonds is not less than 3.0% of the principal amount of the Refunded Bonds or at least \$1,000,000;

(4) The determination of the bonds as serial or term bonds;

(5) The respective annual maturity dates and any mandatory redemption dates of the bonds, and the respective principal amounts of the bonds to mature or be redeemed on such dates, provided that the first maturity date of bonds for public improvement purposes shall occur no later than December 1, 2012, and the final maturity date shall not be later than December 1, 2031;

(6) The dated date of the bonds provided, however, the bonds shall be dated their date of issue or as of a customary date preceding their date of issue;

(7) The semi-annual interest payment dates, or such other interest payment dates deemed applicable, for the bonds and the record date for the bonds;

(8) The redemption provisions, if any, of the bonds as further set forth in Section 8 of this resolution;

(9) To determine that all or any portion of the bonds shall be issued as tax-exempt or to make an irrevocable election to treat all or a portion of the public improvement bonds as "Build America Bonds" (or similar federal bond program) under Section 54AA of the Internal Revenue Code of 1986, as amended (the "Code"), for which the County will receive, pursuant to Sections 54AA(g) and 6431 of the Code, a cash subsidy payment from the United States Treasury equal to the amount allowed under legislation providing for the Build America Bonds on the interest payable by the County on such bonds;

(10) To determine the defeasance provisions of Federally Taxable – Build America Bonds subject to Section 13 of this resolution; and

(11) If necessary, upon the refunding of the Refunded Bonds, (i) to approve and execute an escrow agreement with an escrow agent or letter of instructions (such escrow agreement or letter of instructions to be executed only upon the recommendation of Bond Counsel to Fairfax County and the Financial Advisor to Fairfax County), (ii) to appoint a verification agent and an escrow agent and (iii) to determine the particular escrow securities and the form thereof and the terms of any related agreement (including a forward purchase agreement for the delivery of open-market escrow securities), with respect thereto that in his judgment, upon the recommendation of the County's Financial Advisor, will improve the efficiency of the escrow securities in defeasing the Refunded Bonds.

The Board of Supervisors hereby further delegates to each of the County Executive and the Deputy County Executive/Chief Financial Officer authority to allocate any premium received upon the sale of the bonds to (i) fund interest payments on the bonds which relate to projects financed that are under construction through a time period no later than December 1, 2012, (ii) pay costs of issuance of the bonds or (iii) as to any or all of the public improvement bonds, taking into account, among other things, the reoffering prices for the various maturities of the bonds, reduce the principal amount of the bonds to which such allocation is made

proportionately as to produce proceeds approximately equal to the respective amounts authorized to be issued for such purposes by Section 1(a) and paragraph (c)(2) of this Section 6.

Section 7. Forms of bonds. The bonds shall bear the facsimile signatures of the Chairman or Vice Chairman and the Clerk of the Board of Supervisors and a facsimile of the official seal of the Board shall be imprinted on the bonds. The certificate of authentication of the Bond Registrar to be endorsed on all bonds shall be executed as provided hereinafter.

In case any officer of Fairfax County whose facsimile signature shall appear on any bonds shall cease to be such officer before the delivery of such bonds, such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if she or he had remained in office until such delivery, and any bond may bear the facsimile signatures of such persons at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

No bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The bonds and the endorsement thereon shall be substantially in the following form:

[Depository Legend]

(Face of Bond)

No. _____ \$ _____

United States of America
Commonwealth of Virginia

FAIRFAX COUNTY

Public Improvement [and/or Refunding] Bond, Series 2011 [A], [B], [C], [D][Federally Taxable – Build America Bonds]

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Dated Date</u>	<u>CUSIP</u>
[_____]	_____ %	_____, 2011	_____

Fairfax County, Virginia, is justly indebted and for value received hereby promises to pay to

or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Director of the

Department of Finance of Fairfax County, Virginia (the "Bond Registrar"), in Fairfax County, Virginia, the principal sum of

_____ **DOLLARS**

and to pay interest on such principal sum from the date hereof or from the [____ 1 or ____ 1] next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an [____ 1 or a ____ 1] to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable [semiannually] on the 1st days of _____ and _____ in each year, the first interest payment date being _____, 2011, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by wire transfer, at the discretion of the County, or check mailed to such person at his address as it appears on the bond registration books of the County. Both the principal of and the interest on this bond shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged.

This bond and the bonds of the series of which it is one are issued under and pursuant to a resolution duly adopted by the Board of Supervisors of Fairfax County, Virginia on [January 11, 2011] (the "Resolution"), for (i) the purpose of providing funds, with other available funds, for school improvements, transportation improvements and facilities and parks and park facilities, [and (ii) refunding portions of [] outstanding series of bonds of Fairfax County, Virginia designated []].

[optional redemption provisions tax exempt bonds -- The bonds of this series which mature on or before _____, 20__ are not subject to redemption before maturity. Bonds which mature after _____ 1, 20__ may be redeemed, at the option of the County, before their respective maturities on any date not earlier than _____ 1, 20__, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.] *[add make whole redemption provisions if applicable]*

[redemption provisions Federally Taxable -- Build America Bonds --

The bonds of this series which mature on or before _____, 20__ are not subject to redemption before maturity. Bonds which mature after _____ 1, 20__ may be redeemed, at the option of the County, before their respective maturities on any date not earlier than _____ 1, 20__, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

[and/or]

The bonds of this series are subject to extraordinary optional redemption prior to maturity at the option of the County, in whole or in part, on any date upon the occurrence of an

Extraordinary Event (as defined herein), at a redemption price equal to the greater of (1) 100% of the principal amount of the bonds of this series to be redeemed and (2) the sum of the present value of the remaining scheduled payments of principal and interest to the maturity date of bonds of this series to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date on which the bonds of this series are to be redeemed, discounted to the date on which the Bonds are to be redeemed on a semiannual basis, assuming a 360-day year consisting of twelve 30-day months, at the Treasury Rate, plus ___ basis points; plus, in each case, accrued interest on the bonds of this series to be redeemed to the redemption date.

An “Extraordinary Event” will have occurred if a material adverse change has occurred to Section 54AA or 6431 of the Code [or any other relevant Code section added pursuant to the authorization of an applicable federal bond program] (as such Sections were added by Section 1531 of the American Recovery and Reinvestment Act of 2009, pertaining to “Build America Bonds”) pursuant to which the County’s cash subsidy payment from the United States Treasury is reduced or eliminated.

The “Treasury Rate” will be as of the redemption date, the yield to maturity as of such redemption date of United States Treasury securities (excluding inflation indexed securities) with a constant maturity (as compiled and published in the most recent Federal Reserve Statistical Release H.15 (519) that has become publicly available at least two (2) Business Days, but not more than 45 calendar days, such date to be selected by the County, prior to the redemption date (or, if such Statistical Release is no longer published, any publicly available source of similar market data) most nearly equal to the period from the redemption date to the maturity date of the bonds of this series to be redeemed; provided, however, that if the period from the redemption date to such maturity date is less than one (1) year, the weekly average yield on actually traded United States Treasury securities adjusted to a constant maturity of one (1) year will be used.

The redemption price of the bonds of this series to be redeemed at the option of the County will be determined by an independent accounting firm, investment banking firm or financial advisor retained by the County at the County’s expense to calculate such redemption price. The Bond Registrar and the County may conclusively rely on the determination of such redemption price by such independent accounting firm, investment banking firm or financial advisor and will not be liable for such reliance.

[In addition, the term bonds of this series stated to mature on _____ 1, 20__ shall be called for mandatory redemption in the amounts of the amortization requirements established pursuant to the delegation of authority contained in the Resolution on _____ 1, 20__ and on each _____ 1 thereafter at a redemption price equal to the principal amount thereof plus accrued interest to the date of redemption and without premium.]

[*Tax exempt bonds* -- Term bonds of this series purchased or redeemed pursuant to a partial optional redemption by the County may be credited against the amortization requirements therefor as the County in its sole discretion may determine.]

[Federally Taxable -- Build America Bonds -- The bonds maturing _____, 20__ and _____, 20__ are subject to mandatory redemption in part, on a pro rata basis, on ___ in the years shown below, at a redemption price equal to the principal amount thereof, plus accrued interest, if any, on the dates and in the amounts set forth below:

<u>Term Bond Maturing _____, 20__</u>	<u>Sinking Fund Installments</u>
<u>Years</u>	

[Tax exempt bonds -- If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by the County in such manner as the County in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the County shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.]

[Federally Taxable -- Build America Bonds -- In the case of redemptions of bonds at the option of the County, the County will select the maturities of the bonds to be redeemed.

If the bonds are not registered in book-entry only form, any redemption of less than all of a maturity of the bonds shall be effected by the Bond Registrar among owners on a pro-rata basis subject to increments of \$5,000 or whole multiples thereof. The particular bonds to be redeemed shall be determined by the Bond Registrar, using such method as it shall deem fair and appropriate.

If the bonds are registered in book-entry only form and so long as DTC or a successor securities depository is the sole registered owner of the Bonds, if less than all of the bonds of a maturity are called for prior redemption, the particular Bonds or portions thereof to be redeemed shall be selected on a “Pro Rata Pass-Through Distribution of Principal” basis in accordance with DTC procedures, provided that, so long as the bonds are held in book-entry form, the selection for redemption of such bonds shall be made in accordance with the operational arrangements of DTC then in effect that currently provide for adjustment of the principal by a factor provided by the Bond Registrar pursuant to DTC operational arrangements. If the Bond Registrar does not provide the necessary information and identify the redemption as on a Pro Rata Pass-Through Distribution of Principal basis, the bonds will be selected for redemption in accordance with DTC procedures by lot.]

It is the County’s intent that redemption allocations relating to the bonds made by DTC, the DTC Participants or such other intermediaries that may exist between the County and the Beneficial Owners be made on a “Pro Rata Pass-Through Distribution of Principal” basis as described above. However, the County can provide no assurance that DTC, the DTC Participants or any other intermediaries will allocate redemptions among Beneficial Owners on such basis. If the DTC operational arrangements do not allow for the redemption of the bonds on

a Pro Rata Pass-Through Distribution of Principal basis as discussed above, then the bonds will be selected for redemption in accordance with DTC procedures by lot.

Bonds may be redeemed only in increments of \$5,000 or whole multiples thereof. If a portion of a Bond is called for redemption, a new Bond in a principal amount equal to the unredeemed portion thereof will be issued to the bondholder upon the surrender thereof.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each bond to be redeemed in whole or in part at his address appearing upon the registration books of the County, but failure to mail such notice or any defect therein shall not affect the validity of the redemption. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or his legal representative upon the surrender hereof.

Any notice of optional redemption of the bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with the Trustee or a depository (either, a “depository”) for the purpose of paying such bonds, then on the redemption date the bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the bonds called for redemption, thereafter no interest will accrue on those bonds, and a bondholder’s only right will be to receive payment of the redemption price upon surrender of those bonds.

The County shall give notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to all organizations registered with the Securities and Exchange Commission as securities depositories, and to one or more information services of national recognition which disseminate redemption information with respect to municipal securities.

The bonds are issuable in fully registered form in the denomination of \$5,000 or any multiple thereof. At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, bonds may be exchanged for an equal aggregate principal amount of bonds of the same series and maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at its office the books of the County for the registration of transfer of bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same series and maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond called for redemption in whole or in part pursuant to the Resolution.

This bond is one of a series issued under the authority of and in full compliance with the Constitution and laws of Virginia, particularly the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia, 1950, as amended, and pursuant to votes of a majority of the qualified voters of Fairfax County, Virginia, voting at elections duly called and held under the provisions of the Code of Virginia, 1950, as amended, and under orders of the Circuit Court of Fairfax County, Virginia, authorizing the Board of Supervisors of the County to proceed to carry out the wishes of the voters as expressed at such elections, and pursuant to resolutions duly adopted by the Board of Supervisors and the School Board of the County.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of Virginia to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in due time, form and manner as so required, that the total indebtedness of Fairfax County, Virginia, including this bond, does not exceed any constitutional or statutory limitation thereon, and that provision has been made for the levy and collection of an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on this bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the resolution mentioned hereinafter until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Board of Supervisors of Fairfax County, Virginia, has caused this bond to be issued in the name of Fairfax County, Virginia, and the Board has caused this bond to bear the facsimile signatures of its Chairman and Clerk and a facsimile of the official seal of the Board to be imprinted hereon, all as of the ____ day of _____, 2011.

(Facsimile signature)

(Facsimile signature)

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

**Chairman, Board of Supervisors
of Fairfax County, Virginia**

(Facsimile seal)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds of the series designated herein and described in the within mentioned Resolution.

**Director of the Department of Finance of
Fairfax County, Virginia as Bond Registrar**

By _____
Authorized Signature

Date of authentication: _____, 2011

(Form of Assignment)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned registered owner hereby sells, assigns and transfers unto

Please insert social security or
other identifying number of assignee

(Please Print or Typewrite Name and Address of Transferee)

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed* by: _____

*Signature(s) must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Trustee which requirements will include membership or participation in STAMP or such other “signature guarantee program” as may be determined by the Trustee in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Section 8(a). Optional redemption tax exempt bonds. The Board of Supervisors hereby delegates to each of the County Executive and the Deputy County Executive/Chief Financial Officer the authority, subject to the limitations contained herein, to determine the optional redemption provisions of any tax exempt bonds pursuant to the delegation set forth in Section 6(c)(8). The first optional call date for the tax exempt bonds must be no earlier than 8 years and no later than 10.5 years after the date of issue of such bonds. The maximum redemption price for the bonds may not exceed 102% of the principal amount of the bonds to be redeemed. Bonds of a different series may contain different optional redemption provisions. Such delegation shall be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting). The bonds which are subject to optional redemption may be redeemed, at the option of Fairfax County, Virginia, before their respective maturities on any date not earlier than the optional redemption date, determined as set forth above, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price, determined as set forth above, plus accrued interest to the redemption date. The County Executive or the Deputy County Executive/Chief Financial Officer, upon the recommendation of the Financial Advisor to the County, may determine that the public improvement refunding bonds shall not be subject to optional redemption prior to their maturity.

Section 8(b). Redemption Build America Bonds (Federally Taxable). The Board of Supervisors hereby delegates to each of the County Executive and the Deputy County Executive/Chief Financial Officer the authority, subject to the limitations contained herein, to determine the redemption provisions of any bonds elected to be treated as Federally Taxable -- Build America Bonds pursuant to the delegation set forth in Section 6(c)(8) herein. Based on the recommendation of the Financial Advisor to the County and on financial market considerations any Federally Taxable -- Build America Bonds may (i) be optionally redeemed no earlier than 8 years and no later than 10.5 years after the date of issue of such bonds at a price for the bonds that may not exceed 102% of the principal amount of the bonds to be redeemed, (ii) have a

“make whole redemption” price if recommended by the Financial Advisor of the County based on current financial market conditions or (iii) upon the occurrence of an “Extraordinary Event” be optionally redeemed on any business day. Such delegation shall be effective only if the Board of Supervisors shall not then be in session (the Board not to be deemed in session if less than a quorum is present and voting). The bonds which are subject to such redemption may be redeemed, at the option of Fairfax County, Virginia, before their respective maturities on any date not earlier than the redemption date, determined as set forth above, in whole or in part (in integral multiples of \$1,000 or \$5,000), upon payment of the redemption price, determined as set forth above, plus accrued interest to the redemption date.

An “Extraordinary Event” will have occurred if a material adverse change has occurred to Section 54AA or 6431 of the Code [or any other relevant Code section added pursuant to the authorization of an applicable federal bond program] (as such Sections were added by Section 1531 of the American Recovery and Reinvestment Act of 2009, pertaining to “Build America Bonds”) pursuant to which the County’s cash subsidy payment from the United States Treasury is reduced or eliminated.

Section 8(c). Mandatory redemption. The term bonds of any tax-exempt bond series, if any, shall be called for redemption, in part, in the principal amounts equal to the respective amortization requirements for the term bonds of such series (less the principal amount of any term bond of this series retired by purchase or optional redemption) at a price of par plus accrued interest thereon to the date fixed for redemption on a date specified pursuant to the delegation of authority contained in this resolution, preceding their maturity for which there is an amortization requirement.

The term bonds of any Federally Taxable -- Build America Bonds, shall be called for redemption, pro rata, on the dates and amounts specified pursuant to the delegation of authority contained in this resolution at a price of par plus accrued interest thereon to the date fixed for redemption or in a manner that the County Financial Advisor deems appropriate based on financial market considerations.

In the event of a partial optional redemption or purchase of any such term bonds, the County will credit the principal amount of such term bonds so purchased or redeemed against the amortization requirements for the remaining term bonds outstanding in such amount and in such years as it in its sole discretion shall determine.

Section 8(d). Redemption provisions in general. If less than all of the tax exempt bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by the County in such manner as the County in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of the minimum authorized denomination or some multiple thereof and that, in selecting bonds for redemption, the County shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by such minimum authorized denomination.

In the case of redemptions of bonds at the option of the County, the County will select the maturities of the bonds to be redeemed.

If the Federally Taxable -- Build America Bonds are not registered in book-entry only form, any redemption of less than all of a maturity of the bonds shall be effected by the Bond Registrar among owners on a pro-rata basis subject to increments of \$5,000 or whole multiples thereof. The particular Federally Taxable -- Build America Bonds to be redeemed shall be determined by the Bond Registrar, using such method as it shall deem fair and appropriate.

If the Federally Taxable -- Build America Bonds are registered in book-entry only form and so long as DTC or a successor securities depository is the sole registered owner of the Bonds, if less than all of the Federally Taxable -- Build America Bonds of a maturity are called for prior redemption, the particular Federally Taxable -- Build America Bonds or portions thereof to be redeemed shall be selected on a "Pro Rata Pass-Through Distribution of Principal" basis in accordance with DTC procedures, provided that, so long as the Federally Taxable -- Build America Bonds are held in book-entry form, the selection for redemption of such Federally Taxable -- Build America Bonds shall be made in accordance with the operational arrangements of DTC then in effect that currently provide for adjustment of the principal by a factor provided by the Bond Registrar pursuant to DTC operational arrangements. If the Bond Registrar does not provide the necessary information and identify the redemption as on a Pro Rata Pass-Through Distribution of Principal basis, the Federally Taxable -- Build America Bonds will be selected for redemption in accordance with DTC procedures by lot.

It is the County's intent that redemption allocations relating to the Federally Taxable -- Build America Bonds made by DTC, the DTC Participants or such other intermediaries that may exist between the County and the Beneficial Owners be made on a "Pro Rata Pass-Through Distribution of Principal" basis as described above. However, the County can provide no assurance that DTC, the DTC Participants or any other intermediaries will allocate redemptions among Beneficial Owners on such basis. If the DTC operational arrangements do not allow for the redemption of the Federally Taxable -- Build America Bonds on a Pro Rata Pass-Through Distribution of Principal basis as discussed above, then the Federally Taxable -- Build America Bonds will be selected for redemption in accordance with DTC procedures by lot.

The Board of Supervisors hereby delegates to each of the County Executive and the Deputy County Executive the authority to modify the redemption provisions relating to the selection of bonds to be redeemed based upon the recommendation of the County's financial advisor of current financial market considerations.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the County shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each bond to be redeemed in whole or in part at his address appearing upon the registration books of the County, but failure to mail such notice or any defect therein shall not affect the validity of the redemption. Each such notice shall set forth the date designated for redemption, the redemption price to be paid, the maturities of the bonds to be redeemed and, if less than all of the bonds of any one maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such bonds to be redeemed and, in the case of any bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any bond is to be redeemed in part only, the notice of redemption shall state also

that on or after the redemption date, upon surrender of such bond, a new bond or bonds in principal amount equal to the unredeemed portion of such bond will be issued.

Any notice of optional redemption of the Bonds may state that it is conditioned upon there being available an amount of money sufficient to pay the redemption price plus interest accrued and unpaid to the redemption date, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of any such condition so specified is not satisfied. If a redemption does not occur after a conditional notice is given due to an insufficient amount of funds on deposit by the County, the corresponding notice of redemption shall be deemed to be revoked.

If the County gives an unconditional notice of redemption, then on the redemption date the Bonds called for redemption will become due and payable. If the County gives a conditional notice of redemption, and the amount of money to pay the redemption price of the affected Bonds shall have been set aside with the escrow agent or a depository (either, a “depository”) for the purpose of paying such Bonds, then on the redemption date the Bonds will become due and payable. In either case, if on the redemption date the County holds money to pay the Bonds called for redemption, thereafter no interest will accrue on those Bonds, and a bondholder’s only right will be to receive payment of the redemption price upon surrender of those Bonds.

The County shall give notice as contemplated by Securities Exchange Act of 1934 Release No. 34-23856, dated December 3, 1986, including the requirement that notice be given to all organizations registered with the Securities and Exchange Commission as securities depositories, and to one or more information services of national recognition which disseminate redemption information with respect to municipal securities.

[On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of and the redemption premium, if any, on the bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.]

If a portion of a bond shall be called for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the bond so surrendered, a bond or bonds of the same series and maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 9. Exchange; registration of transfer; Bond Registrar. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same series and maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the County upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same series and maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The County or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any bond called for redemption in whole or in part pursuant to Section 8 of this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including the redemption premium, if any, and the interest thereon, to the extent of the sum or sums so paid.

The County shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to then current commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the bonds. The Director of the Department of Finance of Fairfax County, Virginia, is hereby appointed the registrar, transfer agent and paying agent for the bonds (collectively the "Bond Registrar"), subject to the right of the Board of Supervisors of the County to appoint another Bond Registrar, and as such shall keep at his office the books of the County for the registration, registration of transfer, exchange and payment of the bonds as provided in this resolution.

Section 10. Full faith and credit pledged. For the prompt payment of the principal of and the interest on the bonds authorized by this resolution as the same shall become due, the full faith and credit of Fairfax County, Virginia, are hereby irrevocably pledged, and each year while any of the bonds shall be outstanding, to the extent other funds of the County are not lawfully available and appropriated for such purpose, there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and the interest on the bonds as such principal and interest shall become due, which tax shall be without limitation and in addition to all other taxes authorized to be levied in the County.

Section 11. Continuing Disclosure Agreement. The Chairman or Vice Chairman of the Board of Supervisors, the County Executive and the Deputy County Executive/Chief Financial Officer, or such officer or officers of the County as may be designated, is hereby authorized and directed to execute a Continuing Disclosure Agreement, in the form contained in the draft Preliminary Official Statement presented at this meeting, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

Section 12. Tax covenant. The County covenants to take all action, and to refrain from taking any action, necessary under the Internal Revenue Code of 1986, as amended, to ensure that interest on the tax-exempt bonds will remain not includable in gross income for Federal income tax purposes to the same extent as it is not includable on the date of closing on the bonds. For any Federally Taxable – Build America Bonds, the County covenants to comply with Section 54AA and Section 6431 and any other relevant sections of the Code.

Section 13. Defeasance. The County Executive and the Deputy County Executive/Chief Financial Officer may determine based on the recommendation of the Financial Advisor of the County and approval of the County’s bond counsel the legal defeasance provisions for any Federally Taxable -- Build America Bonds. Such legal defeasance provisions (i) may allow for a legal defeasance which will be treated as a taxable exchange of such Federally Taxable – Build America Bonds on which gain or loss, if any, will be recognized to a holder of Federally Taxable – Build America Bonds without any corresponding receipt of cash or, the timing and character of amounts includable in gross income by a holder of Federally Taxable – Build America Bonds could differ from the timing and character of the amounts that would have been includable in gross income in respect of such Federally Taxable – Build America Bonds had the legal defeasance not occurred or (ii) only allow for a legal defeasance of Federally Taxable – Build America Bonds if the County obtains an opinion of counsel to the effect that the owners thereof will not recognize income, gain or loss for federal income tax on the same amounts, in the same manner and at the same times as would have been the case if such legal defeasance has not occurred.

Section 14. Certificate concerning delegation. The County Executive or the Deputy County Executive/Chief Financial Officer shall execute a Certificate or Certificates evidencing determinations or other actions taken pursuant to the authority granted in this resolution, and any such Certificate shall be conclusive evidence of the action or determination of such County Executive or Deputy County Executive/Chief Financial Officer as stated therein. The delegations of authority in this resolution to the County Executive and the Deputy County Executive/Chief Financial Officer are to each of them severally, and any action taken by either the County Executive or the Deputy County Executive/Chief Financial Officer pursuant to such delegations of authority is sufficient for all purposes of this resolution.

Section 15. Authority of officers. The officers and agents of Fairfax County are hereby authorized and directed to do all the acts and things required of them by the bonds and by this resolution for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and in this resolution.

Section 16. Certification and filing. The Clerk of the Board of Supervisors is hereby authorized and directed to file a certified copy of this resolution and a certified copy of the resolution of the School Board of the County with the Circuit Court of Fairfax County, Virginia.

A Copy - Teste:

Clerk to the Board of Supervisors

Attachment 2
DRAFT Critical Path Events
Fairfax County, Virginia
Public Improvement and Refunding Bonds, Series 2011

November 2010							December 2010							January 2011							February 2011						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6	5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	1	2	3	4	5
7	8	9	10	11	12	13	12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19
14	15	16	17	18	19	20	19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26
21	22	23	24	25	26	27	26	27	28	29	30	31	23	24	25	26	27	28	29	27	28						
28	29	30											30	31													

Week of	Activity & Event	Responsible Party
November 15 th	Monday, November 15 th – Bond Information Item to School Board First draft of Bond Documents distributed	FX SA
November 22 nd	Thursday, November 25 th – Thanksgiving Day	--
November 29 th	Comments due on Bond Documents Wednesday, December 2 nd – Bond Action Item to School Board	All FX
December 6 th	Second draft of Bond Documents distributed	SA
December 13 th	Comments due on Bond Documents Monday, December 13 th – Board Title due Wednesday, December 15 th – Board Item due	All FX FX
December 20 th	Friday, December 24 th – Christmas Eve	--
December 27 th	Friday, December 31 st – New Year's Eve Draft Bond Documents sent to Rating Agencies	-- PFM
January 3 rd	Finalize Rating Agency Presentation Bond Documents sent to County Board Thursday, January 6 th – Rating Agency Conference Calls 9:30 AM – Standard & Poor's 11:00 AM – Moody's Investors Service 1:00 PM – Fitch Ratings	FX FX FX, PFM -- -- --
January 10 th	Tuesday, January 11 th – Board considers Bond Documents Friday, January 14 th – POS and NOS distributed	FX SA, PFM
January 17 th	Monday, January 17 th – Martin Luther King Day Ratings received Pre-market Bonds	-- -- PFM
January 25 th	Tuesday, January 25 th – Bond Sale	FX, PFM
January 31 st	Finalize and mail OS and closing documents	All
February 7 th	Thursday, February 10 th – Closing and investment of bond proceeds	All

Legend:

FX = Fairfax County
SA = Sidley Austin, Bond Counsel
PFM = Public Financial Management, Financial Advisor

Schedule of Bond Purposes
FY 2011 Bond Sale Series 2011A
(In Millions)

<u>Fund - Purpose</u>	<u>Ref Date</u>	<u>Authorized But Unissued Balance</u>	<u>FY 2010 Bond Sale Projection</u>	<u>Authorized But Unissued Balance</u>
<i>Fund 302, Library Facilities</i>	11/2/04	\$11.380	\$0.000	\$11.380
<i>Fund 304, Road Bond Construction</i>	11/6/07	108.460	16.800	\$91.660
<i>Fund 306, NOVA Reg. Park Authority</i>	11/4/08	5.700	2.700	\$3.000
<i>Fund 309, Transportation Facilities</i>	11/2/04 11/2/10	9.570 120.000	9.570 10.530	\$0.000 \$109.470
<i>Fund 311, County Construction - Human Services Facilities</i>	11/2/04	7.800	0.000	\$7.800
<i>Fund 311, Newington Bus Garage</i>	11/6/07	47.000 *	1.500	\$45.500
<i>Fund 312, Public Safety Facilities</i>	11/7/06	93.580	0.000	\$93.580
<i>Fund 315, Commercial Revitalization Program</i>	11/8/88	2.260	0.000	\$2.260
<i>Fund 317, Capital Renewal Public Safety</i>	11/7/06	9.000	0.000	\$9.000
<i>Fund 340, Housing Redevelopment Area</i>	11/8/88	4.370	0.000	\$4.370
<i>Fund 370, Park Authority</i>	11/4/08	54.835	11.200	\$54.835
<i>Fund 200/201, Debt Service COI</i>				
Subtotal County		\$353.955	\$52.300	\$301.655
<i>Fund 390, School Construction</i>				
	11/8/05	94.640	\$94.640	\$0.000
	11/6/07	233.730 **	35.360	\$198.370
	11/3/09	232.580	0.000	\$232.580
Subtotal Schools		\$560.950	\$130.000	\$430.950
Total County and Schools		\$914.905	\$182.300	\$732.605

*Newington School Bus Garage renovation funding approved as part of 11-6-07 School Bond Referendum

** School Bond Referendum less \$50.0 million approved for Newington School Bus Garage renovations

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA, TO ISSUE AND SELL SCHOOL BONDS OF
FAIRFAX COUNTY, VIRGINIA, TOTALING \$131,500,000 AND APPROVING THE FORM
OF A TAX CERTIFICATE AND AUTHORIZING THE EXECUTION THEREOF

WHEREAS, at an election duly called and held on November 8, 2005, a majority of the qualified voters of Fairfax County, Virginia (the "County"), voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$246,325,000 (the "2005 Referendum"); and

WHEREAS, the Circuit Court of Fairfax County, Virginia, has duly entered its Final Order authorizing the Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors") , to carry out the wishes of the voters of the County as expressed at said election, and to contract a debt, borrow money, and issue school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$246,325,000; and

WHEREAS, the stated purpose of the school bonds authorized in the referendum was for the purpose of providing funds, in addition to funds provided from school bonds previously authorized and any other available funds, to finance the costs of school improvements, including the costs of acquiring, renovating, and/or building additional property, including acquiring and completing improvements to sites, constructing new buildings or additions to buildings, renovating or otherwise improving existing buildings, and furnishing and equipping buildings or additions to buildings; and

WHEREAS, the Board of Supervisors has heretofore issued \$151,685,000 of the bonds authorized by the 2005 Referendum, leaving a balance of \$94,640,000 authorized but unissued bonds; and

WHEREAS, at an election duly called and held on November 6, 2007, a majority of the qualified voters of Fairfax County, Virginia, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of Fairfax County, Virginia, in the aggregate principal amount of \$365,200,000 (the "2007 Referendum"); and

WHEREAS, the stated purpose of the school bonds authorized in the referendum was for purposes of providing up to \$315,200,000, in addition to funds from school bonds previously authorized and any other available funds, to finance the costs of additional capital improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system and providing up to \$50,000,000, in addition to any other available funds, to finance the cost of expanding, renovating, improving, furnishing and equipping facilities for the repair and other servicing of school buses, school vehicles and other County vehicles; and

WHEREAS, the Board of Supervisors has heretofore issued \$84,470,000 of the bonds authorized by the 2007 Referendum, leaving a balance of \$280,730,000 authorized but unissued bonds; and

WHEREAS, the School Board of Fairfax County, Virginia (the "School Board") deems it advisable for the Board of Supervisors to (i) issue school bonds from the November 8, 2005 referendum from which the proceeds from the sale of such school bonds will equal \$94,640,000 and to issue school bonds from the November 6, 2007 referendum from which the proceeds from the sale of such school bonds will equal \$36,860,000 (collectively the "School Bonds"); (ii) to determine certain pricing and sale details of the School Bonds, including issuing the School Bonds as Federally Taxable -- Build America Bonds (federally taxable bonds with cash subsidy payment from the United States Treasury) or similar federal bond program and (iii) to determine whether to refund any prior public improvement bonds of Fairfax County, Virginia which were issued for school improvements (the "Board of Supervisors Actions"); and

WHEREAS, the School Board recognizes that it will be necessary for it to make certain certifications regarding the use of the proceeds of the School Bonds and any refunding bonds for federal income tax purposes;

NOW, THEREFORE, BE IT RESOLVED by the School Board of Fairfax County, Virginia:

Section 1. For the purpose of providing funds, in addition to funds provided from school bonds previously authorized and any other available funds, to finance the costs of school improvements, including the costs of acquiring, renovating, and/or building additional property, including acquiring and completing improvements to sites, constructing new buildings or additions to buildings, renovating or otherwise improving existing buildings, and furnishing and equipping buildings or additions to buildings, the Board of Supervisors, Virginia, is hereby requested to issue the School Bonds, subject to the Board of Supervisors Actions, from which the proceeds from the sale of such School Bonds will equal \$131,500,000 and provide for the sale of such bonds and any refunding bonds at this time.

Section 2. The form of a certificate attached to this resolution as Appendix A (the "School Board Tax Certificate") to be executed by the School Board in connection with the issuance of the School Bonds and any refunding bonds is approved in all respects and the Chairman, Vice Chairman or any other member or officer of the School Board designated in writing by the Chairman of the School Board is hereby authorized and directed to approve, by execution and delivery, the School Board Tax Certificate in substantially the form presented to this meeting together with such changes, modifications, insertions and deletions as the Chairman, Vice Chairman or such designated member or officer, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the School Board.

Section 3. The Clerk of the School Board is hereby authorized and directed to file two certified copies of this resolution with the Board of Supervisors.

CERTIFICATE OF THE SCHOOL BOARD

This certificate is provided to the County of Fairfax, Virginia (the “County”) by the School Board of the County of Fairfax, Virginia (the “School Board”) in connection with the issuance by the County of its \$ __, __, 000 Public Improvement [and Refunding] Bonds, Series 2011 [] [] [Federally Taxable -- Build America Bonds] (the “Bonds”), the proceeds of which will be used to finance the cost of constructing, furnishing, acquiring and equipping school improvements (the “[New School Projects]”) [and to refinance school projects that were financed with the proceeds of the County’s _____ Bonds and _____ Bonds (the “Refunded School Projects” and together with the New School Projects, the “School Projects”)],

The School Board recognizes that some of the representations made by the County in its Tax Certificate dated _____, 2011 and executed in connection with the issuance of the Bonds (the “Tax Certificate”) must be based on the representations and certifications of the School Board and that the exclusion from gross income of the interest on the Bonds for federal income tax purposes depends on the use of proceeds of the Bonds.

Accordingly, the School Board certifies that it has reviewed the representations set forth in Section 1 of Part B of the Tax Certificate to which this certificate is attached regarding the use of proceeds of the Bonds and the School Projects and that such representations, to the extent they relate to the School Projects, are true and correct, except as follows: (i) with respect to paragraph (d) (“Definition of Private Use”), in the second paragraph, fourth line, after (“General Public Use”), there shall be deemed to be inserted “or other than as is excepted as private use by U.S. Treasury Regulations,” and (ii) with respect to paragraph (e) (“Management and Service Contracts”), the references to Revenue Procedure 97-13 shall be deemed to include “or other applicable law.” Furthermore, such representations are hereby incorporated by reference in this certificate and shall be treated as representations made by the School Board with respect to the School Projects as if set forth herein. The School Board shall not take any action that is inconsistent with such representations.

The School Board further covenants that:

(a) it shall not sell or otherwise dispose of the School Projects prior to the final maturity date of the Bonds of [____ 1, 20__] except as shall be permitted in the opinion of an attorney or firm of attorneys, acceptable to the County, nationally recognized as experienced with respect to matters pertaining to the exclusion of interest on obligations of States and political subdivisions from gross income for federal income tax purposes; and

(b) it shall not knowingly take any action which will, or fail to take any action which failure will, cause the interest on the Bonds to become includable in the gross income of the owners of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations promulgated thereunder in effect on the date of

original issuance of the Bonds and for purposes of assuring compliance with Section 141 of the Code.

School Board of the County of Fairfax, Virginia

Name:

Title:

Date: _____, 2011

I hereby certify the above is a true and correct copy of a resolution adopted by the School Board of Fairfax County, Virginia, at a regular meeting held on _____, 2010 at _____, Virginia.

Date

Pamela Goddard, Clerk
School Board of
Fairfax County, Virginia

NOTICE OF SALE

\$ _____ *

FAIRFAX COUNTY, VIRGINIA**[Public Improvement and Refunding] Bonds, Series 2011 [A]**

Electronic Bids, BiDCOMP/Parity Competitive Bidding System (“BiDCOMP/Parity”) only, will be received by the Board of Supervisors of Fairfax County, Virginia, until 11 o’clock a.m., Fairfax, Virginia Time, on

[January 25, 2011*]

for the purchase of [\$ _____ * Public Improvement and Refunding Bonds], Series 2011 [A], of Fairfax County, Virginia (the “Series 2011A Bonds”), dated the date of their delivery and maturing, subject to the right of prior redemption as hereinafter set forth, on the 1st day of _____ in the following years and in the following amounts, respectively:

Initial Maturity Schedule *

<u>Year of Maturity</u>	<u>Principal Amount</u>
[2013	\$
2014	
2015	
2016]	

The County reserves the right to change the date for receipt of bids (the “Scheduled Bid Date”) in accordance with the section of this Notice of Sale entitled “Change of Bid Date and Closing Date; Other Changes to Notice of Sale.”

Changes to Initial Maturity Schedule

The Initial Maturity Schedule set forth above represents an estimate of the principal amount of Series 2011A Bonds to be sold. The County hereby reserves the right to change the Initial Maturity Schedule, based on market conditions prior to the sale, by announcing any such change not later than 30 minutes prior to the announced time and date for receipt of bids via TM3 (www.tm3.com). The resulting schedule of maturities will become the “Bid Maturity Schedule.” If no such change is announced, the Initial Maturity Schedule will become the Bid Maturity Schedule.

* Preliminary, subject to change.

Changes to Bid Maturity Schedule

The County hereby further reserves the right to change the Bid Maturity Schedule after the determination of the winning bidder, by increasing or decreasing the aggregate principal amount of the Series 2011A Bonds, subject to the limitation of no more than a 20% increase or decrease in the aggregate principal amount of the Series 2011A Bonds.

THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING TERMS (AS HEREAFTER DEFINED) AS A RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS. The dollar amount bid by the successful bidder will be adjusted to reflect any adjustments in the final aggregate principal amount of the Series 2011A Bonds. Such adjusted bid price will reflect changes in the dollar amount of the underwriters' discount and original issue discount/premium, if any, but will not change the selling compensation per \$1,000 of par amount of Series 2011A Bonds from the selling compensation that would have been received based on the purchase price in the winning bid and the Initial Reoffering Terms. The interest rates specified by the successful bidder for the various maturities at the Initial Reoffering Terms will not change. The County anticipates that the final annual principal amounts and the final aggregate principal amount of the Series 2011A Bonds will be communicated to the successful bidder within twenty-four hours of the County's receipt of the initial public offering prices and yields of the Series 2011A Bonds (the "Initial Reoffering Terms").

Book-Entry System

The Series 2011A Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence beneficial ownership interests of the Series 2011A Bonds in the principal amount of \$5,000 and any multiple thereof, with transfers of beneficial ownership interests effected on the records of DTC participants and, if necessary, in turn by DTC pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Series 2011A Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., nominee of DTC. Interest on the Series 2011A Bonds will be payable on each _____ and _____, the first interest payment date being _____, 2011, and principal of and any redemption premium on the Series 2011A Bonds will be payable at maturity or upon prior redemption, to DTC or its nominee as registered owner of the Series 2011A Bonds. Transfer of principal, interest and any redemption payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption payments to beneficial owners of the Series 2011A Bonds by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Series 2011A Bonds or (b) the County determines that continuation of the book-entry system of evidence and transfer of ownership of the Series 2011A Bonds would adversely affect the

interests of the beneficial owners of the Series 2011A Bonds, the County will discontinue the book-entry system with DTC. If the County fails to select another qualified securities depository to replace DTC, the County will deliver replacement Series 2011A Bonds in the form of fully registered certificates.

The Series 2011A Bonds

The Series 2011A Bonds will be general obligations of Fairfax County, Virginia, and all taxable property therein will be subject to the levy of an annual ad valorem tax sufficient in amount to provide for the payment of the principal of and the interest on the bonds as the same become due, which tax will be without limitation as to rate or amount and will be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purposes.

The Series 2011A Bonds are being issued as a series of bonds authorized for the purpose of providing funds, with other available funds, for providing funds (i) [together with funds provided from the sale of the County's Public Improvement Bonds, Series ___] for School Improvements (\$131,500,000), Transportation Improvements and Facilities (\$36,900,000) and Parks and Park Facilities (\$11,200,000) and (ii) together with other available funds, for refunding a portion of certain of the County's outstanding, callable Public Improvement and Refunding Bonds, Series 2002 A (the "Refunding Candidates").

The County intends to refund the Refunding Candidates in order to achieve present value debt service savings. Depending upon market conditions on the date of sale, the County may decide to refund none of the Refunding Candidates, or only certain Refunding Candidates if refunding such Refunding Candidates enables the County to achieve, in its judgment, appropriate levels of present value debt service savings. The County may announce changes to the Refunding Candidates at the same time that it announces changes to the Initial Maturity Schedule.

No Redemption

[The Series 2011A Bonds are not subject to redemption before maturity.]

Electronic Bidding and Bidding Procedures

Registration to Bid

All prospective bidders must be contracted customers of i-Deal LLC's BiDCOMP/Parity Competitive Bidding System. If you do not have a contract with BiDCOMP/Parity, call (212) 404-8102 to become a customer. By submitting a bid for the Series 2011A Bonds, a prospective bidder represents and warrants to the County that such bidder's bid for the purchase of the Series 2011A Bonds (if a bid is submitted in connection with the sale) is submitted for and on behalf of such prospective bidder by an officer or agent who is duly authorized to bind the prospective bidder to a legal, valid and enforceable contract for the purchase of the Series 2011A Bonds. By contracting with BiDCOMP/Parity a prospective bidder is not obligated to submit a bid in connection with the sale.

IF ANY PROVISIONS OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BiDCOMP/Parity AS APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE OF SALE, AS IT MAY BE AMENDED BY THE COUNTY AS DESCRIBED WITHIN, SHALL CONTROL. Further information about BiDCOMP/Parity, including any fee charged, may be obtained from BiDCOMP/Parity at (212) 404-8102.

Disclaimer

Each prospective bidder shall be solely responsible to register to bid via BiDCOMP/Parity. Each qualified prospective bidder shall be solely responsible to make necessary arrangements to access BiDCOMP/Parity for purposes of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the County nor BiDCOMP/Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder, and neither the County nor BiDCOMP/Parity shall be responsible for a bidder's failure to register to bid or for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, BiDCOMP/Parity. The County is using BiDCOMP/Parity as a communication mechanism, and not as the County's agent, to conduct the electronic bidding for the Series 2011A Bonds. The County is not bound by any advice and determination of BiDCOMP/Parity to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Specifications" hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their registration and submission of bids via BiDCOMP/Parity are the sole responsibility of the bidders; and the County is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in registering to bid or submitting, modifying or withdrawing a bid for the Series 2011A Bonds, it should telephone BiDCOMP/Parity and notify Public Financial Management, Inc., the County's financial advisor, by telephone at (703) 741-0175. After receipt of bids is closed, the County through BiDCOMP/Parity will indicate the apparent successful bidder. Such message is a courtesy only for viewers and does not constitute the award of the Series 2011A Bonds. Each bid will remain subject to review by the County to determine its true interest cost rate and compliance with the terms of this Notice of Sale.

Bidding Procedures

Bids must be submitted electronically for the purchase of the Series 2011A Bonds (all or none) by means of the Fairfax County, Virginia AON Bid Form (the "Bid Form") via Parity. Bids must be communicated electronically to Parity by 11:00 a.m., Fairfax, Virginia Time on the Scheduled Bid Date unless postponed as described herein (see "Change of Bid Date and Closing Date"). Prior to that time, a prospective bidder may input and save the proposed terms of its bid in BiDCOMP. Once the final bid has been saved in BiDCOMP, the bidder may select the final bid button in BiDCOMP to submit the bid to Parity. Once the bids are released electronically via Parity to the County, each bid will constitute an irrevocable offer to purchase the Series 2011A Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on BiDCOMP shall constitute the official Fairfax, Virginia Time. For information purposes only, bidders are requested to state in their bids the true interest cost to the County, as

described under “Award of Series 2011A Bonds” below, represented by the rate or rates of interest and the bid price specified in their respective bids.

No bids will be accepted in written form, by facsimile transmission or in any other medium or on any system other than by means of the Bid Form via Parity. No bid will be received after the time for receiving such bids specified above.

Bid Specifications

Bidders are to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%. Each bidder must specify in its bid a rate for each maturity of Series 2011A Bonds. The Series 2011A Bonds maturing on the same date must bear interest at the same rate.

Any number of interest rates may be named, provided that (a) for all Series 2011A Bonds, the highest interest rate for any maturity may not exceed [____]%, and (b) the price bid for the Series 2011A Bonds may be no less than __% nor more than __% of the principal amount thereof. No bid for less than all of the Series 2011A Bonds offered or for less than __% of the principal amount of the Series 2011A Bonds will be entertained.

After receipt of bids is closed and prior to the award, the apparent successful bidder indicated on BidCOMP/Parity must submit a good faith deposit (Deposit) for \$_____ to the County by wire transfer. The award to the apparent successful bidder is contingent upon receipt of the Deposit and the Series 2011A Bonds will not be awarded to such bidder until the County has confirmation of receipt of the Deposit.

Wire instructions for the Deposit are as follows:

[Bank Name: Bank of America
ABA: 026009593
Account Number: 000008513805
Contact Information: Tammy Kennedy-Nichols, 410-547-4320]

Award or rejection of bids will be made by or on behalf of the Board of Supervisors of Fairfax County, Virginia, on the date above stated for the receipt of bids. The proceeds of the Deposit will be held as security for the performance of its bid and applied to the purchase price of said bonds, but, in the event the successful bidder shall fail to comply with the terms of its bid, the proceeds will be retained as and for full liquidated damages. No interest will be allowed thereon.

Award of Series 2011A Bonds

Award or rejection of bids will be made by the County prior to 5:00 p.m., Fairfax, Virginia Time on the date of receipt of bids. ALL BIDS SHALL REMAIN FIRM UNTIL 5:00 P.M., FAIRFAX, VIRGINIA TIME, ON THE DATE OF RECEIPT OF BIDS. An award of the Series 2011A Bonds, if made, will be made by the County within such six-hour period of time (11:00 a.m. – 5:00 p.m.).

The Series 2011A Bonds will be awarded to the bidder offering to purchase the Series 2011A Bonds at the lowest “True or Canadian” interest cost, such cost to be determined by doubling the semiannual interest rate (compounded semiannually) necessary to discount to the price bid the payments of the principal of and the interest on the Series 2011A Bonds from their payment dates to the dated date of the Series 2011A Bonds.

Change of Bid Date and Closing Date; Other Changes to Notice of Sale

The County reserves the right to postpone, from time to time, the date and time established for the receipt of bids and will undertake to announce any such change via TM3 (www.tm3.com).

Any postponement of the bid date will be announced via TM3 not later than 10:00 a.m., Fairfax, Virginia Time on the announced date for receipt of the bids. An alternative bid date and time will be announced via TM3 18 hours prior to such alternative bid date.

On such alternative bid date and time, the County will accept bids for the purchase of the Series 2011A Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for bidding and any other changes announced via TM3 at the time the bid date and time are announced.

The County may change the scheduled delivery date for the Series 2011A Bonds by notice given in the same manner as set forth for a change in the date for the receipt of bids.

The County reserves the right to otherwise change this Notice of Sale. The County anticipates that it would communicate any such changes via TM3 by 4:00 p.m., Fairfax, Virginia Time on the date prior to the scheduled date for receipt of bids but no later than 30 minutes prior to the scheduled time and date for receipt of bids.

Conflict Waiver

Sidley Austin LLP is serving as Bond Counsel in connection with the issuance and sale of the Series 2011A Bonds. By placing a bid, each bidder represents that it understands that Sidley Austin LLP, in its capacity as Bond Counsel, represents the County, and the successful bidder agrees to waive any conflict of interest that Sidley Austin LLP’s involvement in connection with the issuance and sale of the Series 2011A Bonds to such successful bidder presents.

Undertakings of the Successful Bidder

The successful bidder shall make a bona fide public offering of all of the Series 2011A Bonds to the general public (excluding bond houses, brokers, or similar persons acting in the capacity of underwriters or wholesalers who are not purchasing for their own account as ultimate purchasers without a view to resell) and will, within 30 minutes after being notified of the award of the Series 2011A Bonds, advise the County in writing (via facsimile transmission) of the Initial Reoffering Terms. Prior to the delivery of the Series 2011A Bonds, the successful bidder will furnish a certificate acceptable to Bond Counsel as to the “issue price” of the Series 2011A Bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended. It will be the responsibility of the successful bidder to institute such syndicate reporting

requirements, to make such investigation, or otherwise to ascertain the facts necessary to enable it to make such certification with reasonable certainty.

Delivery

The Series 2011A Bonds will be delivered on or about _____, 2011 in New York, New York, at DTC against payment of the purchase price therefor (less the amount of the Deposit) in Federal Reserve funds.

The approving opinion of Sidley Austin LLP, New York, New York, in substantially the form appearing in the Preliminary Official Statement, will be furnished without cost to the successful bidder. There will also be furnished the usual closing papers, including certifications as to the Official Statement and no-litigation.

CUSIP Numbers

CUSIP numbers are to be applied for by the successful bidder with respect to the Series 2011A Bonds. The County will assume no obligation for the assignment of such numbers or for the correctness of such numbers, and no error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery or make payment for the Series 2011A Bonds.

Official Statements

Copies of the Preliminary Official Statement may be obtained without cost via the Internet at www.i-dealprospectus.com. The Preliminary Official Statement at its date is “deemed final” by the County for purposes of SEC Rule 15c2-12 but is subject to revision, amendment and completion.

After the award of the Series 2011A Bonds, the County will prepare copies of the Official Statement (no more than 300) and will include therein such additional information concerning the reoffering of the Series 2011A Bonds as the successful bidder may reasonably request; provided, however, that the County will not include in the Official Statement a “NRO” (“not reoffered”) designation with respect to any maturity of the Series 2011A Bonds. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering. The County expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Series 2011A Bonds and to The Electronic Municipal Market Access System (“EMMA”) administered by the Municipal Securities Rulemaking Board (“MSRB”). The successful bidder will be required to acknowledge receipt of such Official Statement, to certify that it has made delivery of the Official Statement to EMMA and to acknowledge that the County expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Series 2011A Bonds and to certify that the Series 2011A Bonds will only be offered pursuant to such Official Statement and only in states where the offer is legal. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering.

The Securities and Exchange Commission adopted Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the “Rule”). In general, the Rule prohibits an underwriter from purchasing or selling municipal securities, such as the Series 2011A Bonds, unless it has determined that the issuer of such securities has committed to provide annually certain information, including audited financial information, and notice of various events described in the Rule, if material. The County will provide to EMMA annual information respecting the County, including audited financial statements. In addition, the County will provide to EMMA notice of the occurrence of any events described in the Rule if material.

Official Statements will be provided within seven (7) business days after the date of the award of the Series 2011A Bonds in such quantities as may be necessary for the successful bidder’s regulatory compliance.

Further information will be furnished upon application to Public Financial Management, Inc. at (703) 741-0175.

Reservation of Rights

The right to reject any or all bids and to waive any irregularity or informality in any bid is reserved.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: Nancy Vehrs, Clerk

NOTICE OF SALE

\$ _____ *

FAIRFAX COUNTY, VIRGINIA

Public Improvement Bonds, Series 2011 B [Tax-Exempt] *or*

Public Improvement Bonds, Series 2011 B [Federally Taxable – Build America Bonds]

Bidders may submit bids for the purchase of all Series 2011B Bonds as Tax-Exempt Bonds and/or for the purchase of all the Series 2011B Bonds as Taxable Build America Bonds; however, each bid must be either for all Tax-Exempt Bonds or all Taxable Build America Bonds.

Electronic Bids, BiDCOMP/Parity Competitive Bidding System (“BiDCOMP/Parity”) only, will be received by the Board of Supervisors of Fairfax County, Virginia, until 11 a.m., Fairfax, Virginia Time, on

_____, 2011*

for the purchase of \$ _____ * Public Improvement Bonds, Series 2011 B [Tax-Exempt] *or* [Federally Taxable – Build America Bonds], of Fairfax County, Virginia (the “Series 2011B Bonds”), dated the date of their delivery and maturing, subject to the right of prior redemption as hereinafter set forth, on the 1st day of _____ in the following years and in the following amounts, respectively:

Initial Maturity Schedule *

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
20__	\$	20__	\$
20__		20__	
20__		20__	
20__		20__	
20__		20__	
20__		20__	
20__		20__	
20__		20__	
20__		20__	
20__		20__	

* Preliminary, subject to change.

The County reserves the right to change the date for receipt of bids (the “Scheduled Bid Date”) in accordance with the section of this Notice of Sale entitled “Change of Bid Date and Closing Date; Other Changes to Notice of Sale.”

Changes to Initial Maturity Schedule

The Initial Maturity Schedule set forth above represents an estimate of the principal amount of Series 2011B Bonds to be sold. The County hereby reserves the right to change the Initial Maturity Schedule, based on market conditions prior to the sale, by announcing any such change, not later than 30 minutes prior to the scheduled time and date for receipt of bids, via TM3 (www.tm3.com). The resulting schedule of maturities will become the “Bid Maturity Schedule.” If no such change is announced, the Initial Maturity Schedule will become the Bid Maturity Schedule. Prospective bidders may request notification by facsimile transmission of any such changes in the Initial Maturity Schedule by so advising, and furnishing their telecopier numbers to, Public Financial Management, Inc., at 703-741-0175 on the business day prior to the Scheduled Bid Date.

Changes to Bid Maturity Schedule

The County hereby further reserves the right to change the Bid Maturity Schedule after the determination of the winning bidder, by increasing or decreasing the aggregate principal amount of the Series 2011B Bonds, subject to the limitation of no more than a 15% increase or decrease in the aggregate principal amount of the Series 2011B Bonds.

THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING TERMS (AS HEREAFTER DEFINED) AS A RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS. The dollar amount bid by the successful bidder will be adjusted to reflect any adjustments in the final aggregate principal amount of the Series 2011B Bonds. Such adjusted bid price will reflect changes in the dollar amount of the underwriters’ discount and original issue discount/premium, if any, but will not change the selling compensation per \$1,000 of par amount of Series 2011B Bonds from the selling compensation that would have been received based on the purchase price in the winning bid and the Initial Reoffering Terms. The interest rates specified by the successful bidder for the various maturities at the Initial Reoffering Terms will not change. The County anticipates that the final annual principal amounts and the final aggregate principal amount of the Series 2011B Bonds will be communicated to the successful bidder within twenty-four hours of the County’s receipt of the initial public offering prices and yields of the Series 2011B Bonds (the “Initial Reoffering Terms”).

Book-Entry System

The Series 2011B Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York (“DTC”), and

immobilized in its custody. The book-entry system will evidence beneficial ownership interests of the Series 2011B Bonds in the principal amount of \$5,000 and any multiple thereof, with transfers of beneficial ownership interests effected on the records of DTC participants and, if necessary, in turn by DTC pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Series 2011B Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., nominee of DTC. Interest on the Series 2011B Bonds will be payable on each _____ and _____, the first interest payment date being _____, 2011, and principal of and any redemption premium on the Series 2011B Bonds will be payable at maturity or upon prior redemption, to DTC or its nominee as registered owner of the Series 2011B Bonds. Transfer of principal, interest and any redemption payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption payments to beneficial owners of the Series 2011B Bonds by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Series 2011B Bonds or (b) the County determines that continuation of the book-entry system of evidence and transfer of ownership of the Series 2011B Bonds would adversely affect the interests of the beneficial owners of the Series 2011B Bonds, the County will discontinue the book-entry system with DTC. If the County fails to select another qualified securities depository to replace DTC, the County will deliver replacement Series 2011B Bonds in the form of fully registered certificates.

The Series 2011B Bonds

The Series 2011B Bonds will be general obligations of Fairfax County, Virginia, and all taxable property therein will be subject to the levy of an annual ad valorem tax sufficient in amount to provide for the payment of the principal of and the interest on the Series 2011B Bonds as the same become due, which tax will be without limitation as to rate or amount and will be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purposes.

The Series 2011B Bonds are being issued as a consolidated series of bonds authorized for the purpose of providing funds [together with funds provided from the sale of the County's Public Improvement Bonds, Series ___] and other available funds, for School Improvements (\$131,500,000), Transportation Improvements and Facilities (\$36,900,000) and Parks and Park Facilities (\$11,200,000).

[All of Series 2011B Bonds will be issued as either (a) tax-exempt bonds ("Tax-Exempt Bonds") the interest on which will be excludable from the gross income of the registered owners for federal income tax purposes, or (b) [taxable "Build America Bonds (Direct Payment) ("Taxable Build America Bonds") pursuant to Section 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code"), which was added by the provisions of the American Recovery and Reinvestment Act of 2009. Interest on the Taxable Build America Bonds will be includable

in the gross income of the registered owners for federal income tax purposes. The County will elect to receive the tax credit payment pursuant to Section 54AA(g) of the Code.]

Term Bonds and Mandatory Redemption

The successful bidder may designate two or more of the consecutive serial maturities as term bond maturities equal in aggregate principal amount, and with sinking fund requirements corresponding, to such designated serial maturities.

Redemption

Tax-Exempt Bonds

The Tax Exempt Bonds that mature on or before _____, 20__ are not subject to redemption before maturity. The Tax Exempt Bonds that mature after _____, 20__ may be redeemed, at the option of the County, before their respective maturities on any date not earlier than _____, 20__, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

Taxable Build America Bonds

The Taxable Build America Bonds which mature on or before _____, 20__ are not subject to redemption before maturity. Bonds which mature after _____ 1, 20__ may be redeemed, at the option of the County, before their respective maturities on any date not earlier than _____ 1, 20__, in whole or in part (in integral multiples of \$5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

[Any make-whole redemption]

The Taxable Build America Bonds are also subject to extraordinary optional redemption prior to maturity at the option of the County, in whole or in part, on any date upon the occurrence of an Extraordinary Event (as defined herein), at a redemption price equal to the greater of (1) 100% of the principal amount of the bonds of this series to be redeemed and (2) the sum of the present value of the remaining scheduled payments of principal and interest to the maturity date of bonds of this series to be redeemed, not including any portion of those payments of interest accrued and unpaid as of the date on which the bonds of this series are to be redeemed, discounted to the date on which the Taxable Build America Bonds are to be redeemed on a semiannual basis, assuming a 360-day year consisting of twelve 30-day months, at the Treasury Rate, plus 100 basis points; plus, in each case, accrued interest on the bonds of this series to be redeemed to the redemption date.

An “Extraordinary Event” will have occurred if a material adverse change has occurred to Section 54AA or 6431 of the Code (as such Sections were added by Section 1531 of the American Recovery and Reinvestment Act of 2009, pertaining to “Build America Bonds”) pursuant to which the County’s [35%] cash subsidy payment from the United States Treasury is reduced or eliminated.

The “Treasury Rate” will be as of the redemption date, the yield to maturity as of such redemption date of United States Treasury securities with a constant maturity (as compiled and

published in the most recent Federal Reserve Statistical Release H.15 (519) that has become publicly available at least five (5) Business Days prior to the redemption date (excluding inflation indexed securities) (or, if such Statistical Release is no longer published, any publicly available source of similar market data) most nearly equal to the period from the redemption date to the maturity date of the bonds of this series to be redeemed; provided, however, that if the period from the redemption date to such maturity date is less than one (1) year, the weekly average yield on actually traded United States Treasury securities adjusted to a constant maturity of one (1) year will be used.

The redemption price of the bonds of this series to be redeemed at the option of the County will be determined by an independent accounting firm, investment banking firm or financial advisor retained by the County at the County's expense to calculate such redemption price. The paying agent of the and the County may conclusively rely on the determination of such redemption price by such independent accounting firm, investment banking firm or financial advisor and will not be liable for such reliance.

Selection of Bonds for Redemption

If less than all of Tax Exempt Bonds of any one maturity shall be called for redemption, the particular Series 2011B Bonds to be redeemed shall be selected by DTC and its participants by lot so long as a book-entry system with DTC is continued. Notice of redemption shall be given by certified or registered mail to DTC or its nominee as the registered owner of the Taxable Build America Bonds. Such notice shall be mailed not more than 60 nor less than 30 days prior to the date fixed for redemption. The County will not be responsible for mailing notices of redemption to anyone other than DTC or its nominee.

If the Taxable Build America Bonds are not registered in book-entry only form, any redemption of less than all of a maturity of the bonds shall be effected by the Bond Registrar among owners on a pro-rata basis subject to increments of \$5,000 or whole multiples thereof. The particular Taxable Build America Bonds to be redeemed shall be determined by the Bond Registrar, using such method as it shall deem fair and appropriate.

If the Taxable Build America Bonds are registered in book-entry only form and so long as DTC or a successor securities depository is the sole registered owner of the Bonds, if less than all of the Taxable Build America Bonds of a maturity are called for prior redemption, the particular Taxable Build America Bonds or portions thereof to be redeemed shall be selected on a "Pro Rata Pass-Through Distribution of Principal" basis in accordance with DTC procedures, provided that, so long as the Taxable Build America Bonds are held in book-entry form, the selection for redemption of such Taxable Build America Bonds shall be made in accordance with the operational arrangements of DTC then in effect that currently provide for adjustment of the principal by a factor provided by the Bond Registrar pursuant to DTC operational arrangements. If the Bond Registrar does not provide the necessary information and identify the redemption as on a Pro Rata Pass-Through Distribution of Principal basis, the Taxable Build America Bonds will be selected for redemption in accordance with DTC procedures by lot.

It is the County's intent that redemption allocations relating to the Taxable Build America Bonds made by DTC, the DTC Participants or such other intermediaries that may exist between the County and the Beneficial Owners be made on a "Pro Rata Pass-Through

Distribution of Principal” basis as described above. However, the County can provide no assurance that DTC, the DTC Participants or any other intermediaries will allocate redemptions among Beneficial Owners on such basis. If the DTC operational arrangements do not allow for the redemption of the Taxable Build America Bonds on a Pro Rata Pass-Through Distribution of Principal basis as discussed above, then the Taxable Build America Bonds will be selected for redemption in accordance with DTC procedures by lot.

Electronic Bidding and Bidding Procedures

Registration to Bid

All prospective bidders must be contracted customers of i-Deal LLC’s BiDCOMP/Parity Competitive Bidding System. If you do not have a contract with BiDCOMP/Parity, call (212) 404-8102 to become a customer. By submitting a bid for the Series 2011B Bonds, a prospective bidder represents and warrants to the County that such bidder’s bid for the purchase of the Series 2011B Bonds (if a bid is submitted in connection with the sale) is submitted for and on behalf of such prospective bidder by an officer or agent who is duly authorized to bind the prospective bidder to a legal, valid and enforceable contract for the purchase of the Series 2011B Bonds. By contracting with BiDCOMP/Parity a prospective bidder is not obligated to submit a bid in connection with the sale.

IF ANY PROVISIONS OF THIS NOTICE OF SALE SHALL CONFLICT WITH INFORMATION PROVIDED BY BiDCOMP/Parity AS APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE OF SALE, AS IT MAY BE AMENDED BY THE COUNTY AS DESCRIBED WITHIN, SHALL CONTROL. Further information about BiDCOMP/Parity, including any fee charged, may be obtained from BiDCOMP/Parity at (212) 404-8102.

Disclaimer

Each prospective bidder shall be solely responsible to register to bid via BiDCOMP/Parity. Each qualified prospective bidder shall be solely responsible to make necessary arrangements to access BiDCOMP/Parity for purposes of submitting its bid in a timely manner and in compliance with the requirements of the Notice of Sale. Neither the County nor BiDCOMP/Parity shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder, and neither the County nor BiDCOMP/Parity shall be responsible for a bidder’s failure to register to bid or for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by, BiDCOMP/Parity. The County is using BiDCOMP/Parity as a communication mechanism, and not as the County’s agent, to conduct the electronic bidding for the bonds. The County is not bound by any advice and determination of BiDCOMP/Parity to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the “Bid Specifications” hereinafter set forth. All costs and expenses incurred by prospective bidders in connection with their registration and submission of bids via BiDCOMP/Parity are the sole responsibility of the bidders; and the County is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in registering to bid or submitting, modifying or withdrawing a bid for the Series 2011B Bonds, it should

telephone BiDCOMP/Parity and notify Public Financial Management, Inc., the County's financial advisor, by telephone at (703) 741-0175. After receipt of bids is closed, the County through BiDCOMP/Parity will indicate the apparent successful bidder. Such message is a courtesy only for viewers and does not constitute the award of the Series 2011B Bonds. Each bid will remain subject to review by the County to determine its true interest cost rate and compliance with the terms of this Notice of Sale.

Bidding Procedures

Bids must be submitted electronically for the purchase of the Series 2011B Bonds (all or none) by means of the Fairfax County, Virginia AON Bid Form (the "Bid Form") via Parity. Bids must be communicated electronically to Parity by 11:00 a.m., Fairfax, Virginia Time on the Scheduled Bid Date unless postponed as described herein (see "Change of Bid Date and Closing Date"). Prior to that time, a prospective bidder may input and save the proposed terms of its bid in BiDCOMP. Once the final bid has been saved in BiDCOMP, the bidder may select the final bid button in BiDCOMP to submit the bid to Parity. Once the bids are released electronically via Parity to the County, each bid will constitute an irrevocable offer to purchase the Series 2011B Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on BiDCOMP shall constitute the official Fairfax, Virginia Time. For information purposes only, bidders are requested to state in their bids the true interest cost to the County, as described under "Award of Series 2011B Bonds" below, represented by the rate or rates of interest and the bid price specified in their respective bids.

No bids will be accepted in written form, by facsimile transmission or in any other medium or on any system other than by means of the Bid Form via Parity. No bid will be received after the time for receiving such bids specified above.

Bid Specifications

Bidders are to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%. Each bidder must specify in its bid a rate for each maturity of Series 2011B Bonds. The Series 2011B Bonds maturing on the same date must bear interest at the same rate. **Bidders may submit bids for the purchase of all Series 2011B Bonds as Tax-Exempt Bonds and/or for the purchase of all the Series 2011B Bonds as Taxable Build America Bonds; however, each bid must be either for all Tax-Exempt Bonds or all Taxable Build America Bonds.**

For the Tax-Exempt Bonds, any number of interest rates may be named, provided that (a) the highest interest rate for any maturity may not exceed ___% and (b) the public offering price for any maturity of the Tax-Exempt Bonds shall not be less than ___% of the par value of such maturity. No bid for less than all of the Tax-Exempt Bonds offered or for less than ___% of the principal amount of the Tax-Exempt Bonds will be entertained.

[For the Taxable Build America Bonds, any number of interest rates may be named, provided that (a) the public offering price for any maturity cannot exceed the par amount of the maturity by more than 0.25 percent multiplied by the number of whole years to the maturity date and (b) the public offering price for any maturity of the Taxable Build America Bonds shall not

be less than 100% of the par value of such maturity. No bid for less than all of the Taxable Build America Bonds offered will be entertained.]

After receipt of bids is closed and prior to the award, the apparent successful bidder indicated on BidCOMP/Parity must submit a good faith deposit (Deposit) for \$_____ to the County by wire transfer. The award to the apparent successful bidder is contingent upon receipt of the Deposit and the Series 2011B Bonds will not be awarded to such bidder until the County has confirmation of receipt of the Deposit.

Wire instructions for the Deposit are as follows:

Bank Name: Bank of America
ABA: 026009593
Account Number: 000008513805
Contact Information: Tammy Kennedy-Nichols, 410-547-4320

Award or rejection of bids will be made by or on behalf of the Board of Supervisors of Fairfax County, Virginia, on the date above stated for the receipt of bids. The proceeds of the Deposit will be held as security for the performance of its bid and applied to the purchase price of said bonds, but, in the event the successful bidder shall fail to comply with the terms of its bid, the proceeds will be retained as and for full liquidated damages. No interest will be allowed thereon.

Award of Series 2011B Bonds

Award or rejection of bids will be made by the County prior to 5 p.m., Fairfax, Virginia Time on the date of receipt of bids. ALL BIDS SHALL REMAIN FIRM UNTIL 5 P.M., FAIRFAX, VIRGINIA TIME, ON THE DATE OF RECEIPT OF BIDS. An award of the Series 2011B Bonds, if made, will be made by the County within such six hour period of time (11 a.m. – 5:00 p.m.).

The Series 2011B Bonds will be awarded to the bidder offering to purchase the Series 2011B Bonds at the lowest “True or Canadian” interest cost, such cost to be determined by doubling the semiannual interest rate (compounded semiannually) necessary to discount to the price bid the payments of the principal of and the interest on the Series 2011B Bonds from their payment dates to the dated date of the Series 2011B Bonds (less [35%] of the amount of such payments in respect of interest for bids for Taxable Build America Bonds).

Change of Bid Date and Closing Date; Other Changes to Notice of Sale

The County reserves the right to postpone, from time to time, the date and time established for the receipt of bids and will undertake to announce any such change via TM3 (www.tm3.com). Prospective bidders may request notification by facsimile transmission of such changes in the date or time for the receipt of bids by so advising, and furnishing their facsimile numbers to Public Financial Management, Inc., at (703) 741-0175 by 5 p.m., Fairfax, Virginia Time, on the business day prior to the date established for the receipt of bids.

Any postponement of the bid date will be announced via TM3 not later than 30 minutes prior to the announced date and time for receipt of the bids. An alternative bid date and time will be announced via TM3 18 hours prior to such alternative bid date.

On such alternative bid date and time, the County will accept bids for the purchase of the Series 2011B Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for bidding and any other changes announced via TM3 at the time the bid date and time are announced.

The County may change the scheduled delivery date for the Series 2011B Bonds by notice given in the same manner as set forth for a change in the date for the receipt of bids.

The County reserves the right to otherwise change this Notice of Sale. The County anticipates that it would communicate any such changes via TM3 by 4 p.m., Fairfax, Virginia Time on the date prior to the scheduled date for receipt of bids but no later than 30 minutes prior to the scheduled time and date for receipt of bids.

Conflict Waiver

Sidley Austin LLP is serving as Bond Counsel in connection with the issuance and sale of the Series 2011B Bonds. By placing a bid, each bidder represents that it understands that Sidley Austin LLP, in its capacity as Bond Counsel, represents the County, and the successful bidder agrees to waive any conflict of interest that Sidley Austin LLP's involvement in connection with the issuance and sale of the Series 2011B Bonds to such successful bidder presents.

Undertakings of the Successful Bidder

The successful bidder shall make a bona fide public offering of all of the Series 2011B Bonds to the general public (excluding bond houses, brokers, or similar persons acting in the capacity of underwriters or wholesalers who are not purchasing for their own account as ultimate purchasers without a view to resell) and will, within 30 minutes after being notified of the award of the Series 2011B Bonds, advise the County in writing (via facsimile transmission) of the Initial Reoffering Terms. Prior to the delivery of the Series 2011B Bonds, the successful bidder will furnish a certificate acceptable to Bond Counsel as to the "issue price" of the Series 2011B Bonds within the meaning of Section 1273 of the Internal Revenue Code of 1986, as amended. It will be the responsibility of the successful bidder to institute such syndicate reporting requirements, to make such investigation, or otherwise to ascertain the facts necessary to enable it to make such certification with reasonable certainty.

Delivery

The Series 2011B Bonds will be delivered on or about _____, 2010 in New York, New York, at DTC against payment of the purchase price therefor (less the amount of the Deposit) in Federal Reserve funds.

The approving opinion of Sidley Austin LLP, New York, New York, in substantially the form appearing in the Preliminary Official Statement, will be furnished without cost to the successful bidder. There will also be furnished the usual closing papers, including certifications as to the Official Statement and no-litigation.

CUSIP Numbers

CUSIP numbers are to be applied for by the successful bidder with respect to the Series 2011B Bonds. The County will assume no obligation for the assignment of such numbers or for the correctness of such numbers, and no error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery or make payment for the Series 2011B Bonds.

Official Statements

Copies of the Preliminary Official Statement may be obtained without cost via the Internet at www.i-dealprospectus.com. The Preliminary Official Statement at its date is “deemed final” by the County for purposes of SEC Rule 15c2-12 but is subject to revision, amendment and completion.

After the award of the Series 2011B Bonds, the County will prepare copies of the Official Statement (no more than 300) and will include therein such additional information concerning the reoffering of the Series 2011B Bonds as the successful bidder may reasonably request; provided, however, that the County will not include in the Official Statement a “NRO” (“not reoffered”) designation with respect to any maturity of the Series 2011B Bonds. The successful bidder will be responsible to the County in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering. The County expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Series 2011B Bonds and to The Electronic Municipal Market Access System (“EMMA”) administered by the Municipal Securities Rulemaking Board (“MSRB”). The successful bidder will be required to acknowledge receipt of such Official Statement, to certify that it has made delivery of the Official Statement to EMMA and to acknowledge that the Authority expects the successful bidder to deliver copies of such Official Statement to persons to whom such bidder initially sells the Series 2011B Bonds and to certify that the Series 2011B Bonds will only be offered pursuant to such Official Statement and only in states where the offer is legal. The successful bidder will be responsible to the Authority in all respects for the accuracy and completeness of information provided by such successful bidder with respect to such reoffering.

The Securities and Exchange Commission adopted Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the “Rule”). In general, the Rule prohibits an underwriter from purchasing or selling municipal securities, such as the Series 2011B Bonds, unless it has determined that the issuer of such securities has committed to provide annually certain information, including audited financial information, and notice of various events described in the Rule, if material. The County will provide to EMMA annual information respecting the County, including audited financial statements. In addition, the County will provide to EMMA notice of the occurrence of any events described in the Rule if material.

Official Statements will be provided within seven (7) business days after the date of the award of the Series 2011B Bonds in such quantities as may be necessary for the successful bidder’s regulatory compliance.

Further information will be furnished upon application to Public Financial Management, Inc. at (703) 741-0175.

Reservation of Rights

The right to reject any or all bids and to waive any irregularity or informality in any bid is reserved.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: Nancy Vehrs, Clerk

Board Agenda Item
January 11, 2011

ACTION – 3

Adoption of the Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan
(Dranesville, Mason, Lee and Mount Vernon Districts)

ISSUE:

Board adoption of the Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan.

TIMING:

Routine. Board Action is requested on January 11, 2011.

BACKGROUND:

The Board of Supervisor's environmental agenda, *Environmental Excellence for Fairfax County—A 20-Year Vision*, adopted in 2004, identifies the preparation of watershed management plans as a statement of commitment to the stormwater management program. The watershed management planning process has been supported by the Board of Supervisors since its inception in 2003.

The environmental plan provides insight and a vision for the implementation of the watershed management plans. The Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan is helps to fulfill the vision identified by the Board.

Since the late 1970s, the County has utilized watershed management plans to manage the planning, design, and implementation of stormwater control projects. The initial planning effort projected stormwater program needs until the year 2000.

Only 20 percent of the County's streams are in good to excellent biological health condition based on the stream monitoring conducted between 1999 and 2009. One of the primary objectives of the watershed planning initiative is to improve these conditions. In addition, the watershed plan addresses Fairfax County's commitment to the Chesapeake Bay Program and the Cool Counties goals.

Starting with the Little Hunting Creek Watershed Management Plan, the County embarked on a watershed planning initiative that assessed watershed needs and proposed improvements for the next 25 years. The County has completed and adopted six watershed plans between 2004 and 2008 as part of the first round of plans to be developed. The Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan is the one of the remaining seven of 13 watershed plans to be completed. The County's watershed planning initiative is a substantial step forward in starting the process of restoring and preserving the County's watersheds.

The County is developing watershed management plans to help achieve the following aims:

1. Regulatory Compliance
These include County ordinances and policies, Virginia's Chesapeake Bay Initiatives and the federal Clean Water Act. The County has an individual Municipal Separate Storm Sewer System (MS4) Permit under the Virginia Pollutant Discharge Elimination System (VPDES). This permit requires the creation of watershed management plans to facilitate compliance with the Clean Water Act. In addition, by developing these plans, the County is doing its part to fulfill Virginia's commitment to the Chesapeake Bay 2000 Agreement to restore the ecological health of the Chesapeake Bay Watershed.
2. Good Stewardship of the County's Streams
Fairfax County is developing watershed plans to restore and protect the County's streams by identifying and addressing the specific cause of degradation. Applying a top-down approach (starting at the headwaters and working downstream) will both restore the stream quality by reducing the negative effects of excess stormwater at its source and ensure a sustainable stream environment. Watershed planning will also provide the framework to encourage and sustain community involvement in watershed issues.
3. Update to Watershed Management Plans
The original environmental baseline and subsequent master plan for flood control and drainage for Belle Haven/Dogue Creek/Four Mile Run was completed in 1976. The plan recommended immediate and future projects to address many watershed issues through the year 2000. By updating the plan using newer monitoring data, advanced modeling techniques and promoting innovative technology, the County will have a better understanding of the issues for stormwater improvement projects for the next 25 years.
4. Chesapeake Bay Restoration
Virginia has signed agreements with other states and federal agencies to work toward restoring the Chesapeake Bay. The *Chesapeake 2000 Agreement* includes the goal of developing watershed plans for two-thirds of the Bay's watersheds by 2010. The County has done its part to meet this goal by

developing 13 watershed management plans, which encompass all 30 watersheds for the entire jurisdiction.

However, the intent of the original Chesapeake Bay 2000 agreement has been superseded by the May 12, 2009 Presidential Executive Order (#13508) and the EPA's effort to develop a Total Maximum Daily Load (TMDL) or pollution diet for the Chesapeake Bay and its major tributaries by the end of 2010. The TMDL will provide a regulatory framework and mandate for achieving specific reductions in pollutant loads for nitrogen, phosphorus and sediment. The targeted load reductions are not expected to be available for localities until the state's Phase II Watershed Implementation Plans (WIPs) are developed in the fall of 2011.

Although the County's watershed management plans will establish a series of projects and recommendations to achieve pollutant reductions, the plans were initiated between 2003 and 2007, well before development of the Bay TMDL started and thus is not using the TMDL reduction goals as endpoints. Currently, it appears that the preliminary reduction goals that are being developed as part of the TMDL will be greater than the reductions realized from these watershed plans if all projects in the plans were implemented. However, the plans provide a strong foundation and systematic approach for identifying and addressing sources of pollution in the County's watersheds. This will enable the County to achieve some degree of reductions of these TMDL pollutants in an effective and efficient manner.

Public Involvement

A consistent approach for public involvement was a key component of the planning process in support of the final watershed management plan. The plan was supported by two levels of public involvement. The first level consisted of two meetings open to the public: the Introductory and Issues Scoping Forum, where residents were invited to learn about watershed issues and helped to identify areas of concern to their community, and the Draft Plan Forum, where Fairfax County staff presented the draft plan to the public followed by a 30-day comment period. The second level of public involvement was provided by the Watershed Advisory Group (WAG), which met five times over the course of the development process. The WAG was made up of local stakeholders who advised the planning team about community outreach opportunities, key issues affecting the watersheds and feedback on potential projects. Additionally, internal review of the draft plan was conducted by various County agencies (DPZ, FCPA, FDOT, DPWES and others).

Watershed Restoration Strategies

The Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan offers a range of project options to reduce non-point source pollution and sediment in the streams, improve stream habitat and reduce stormwater runoff peak flows in the primary tributaries. These types of projects include:

- New/Retrofit Stormwater Management Ponds
- Stream Restoration Projects
- Area-Wide Drainage Improvements
- Culvert Retrofits
- New/Retrofit BMP/LID
- Flood Protection/Mitigation
- Outfall Improvements
- Non-Structural Projects/Programs
 - Buffer restoration
 - Education and Outreach
 - Rain Barrels
 - Street sweeping
 - Dump site cleanups

Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan

The Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan was prepared by the engineering firm KCI Technologies, Inc. The plan provides for 89 structural and 17 non-structural stormwater management and improvement projects within the watershed group.

Hydrologic, hydraulic and water quality models were created in order to quantify the benefits of the proposed projects in these plans. Based on these models, the complete implementation of the proposed structural projects would provide the following benefits to these watersheds:

- 1) Annual reductions in pollutant loads resulting in improved stream water quality:
[total suspended sediments (TSS), total nitrogen (TN) and total phosphorus (TP)]

Plan	Reduction (25-Year Plan)		
	TSS (ton/yr)	TN (lb/yr)	TP (lb/yr)
Belle Haven/Dogue Creek/ Four Mile Run	796 (22%)	2,543 (3%)	711 (6%)

2) Reductions in peak stormwater discharges, resulting in reductions in house, road, and yard flooding and reductions in stream velocities and bank erosion

In addition to these benefits, implementation of this plan would also achieve many secondary, unquantified benefits such as significant habitat improvement, reduction of other types of pollutants not mentioned above, reduced maintenance of certain types of stormwater facilities, implementation of several non-structural programs as mentioned above, and educational opportunities for the residents of Fairfax County.

FISCAL IMPACT:

No direct fiscal impact will result from approval of the Belle Haven/Dogue Creek/Four Mile Watershed Management Plan. Projects and other recommendations of the plan will be initiated and funded through the annual budget process. The total cost of complete implementation of the Belle Haven/Dogue Creek/Four Mile Run over 25 years is estimated at \$34.2 million. It is anticipated that projects will be primarily funded from Fund 125, Stormwater Management Program, as well as from Fund 316, Pro Rata Share Drainage Construction.

ENCLOSED DOCUMENTS:

Attachment 1: Copy of the Belle Haven/Dogue Creek/Four Mile Run Watershed Management Plan Executive Summary (the complete plan is available online at <http://www.fairfaxcounty.gov/dpwes/watersheds>)

STAFF:

Robert A. Stalzer, Deputy County Executive

James Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Randolph W. Bartlett, Deputy Director, DPWES

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Executive Summary

The *Belle Haven, Dogue Creek, and Four Mile Run Watersheds Management Plan* provides a summary of the current and future conditions of these three watersheds and presents a strategy for restoring and preserving their water resources. The plan was initiated by Fairfax County as part of a multi-year, multi-objective program to preserve and restore the County's natural environment and aquatic resources, and is consistent with the Fairfax County Board of Supervisors' Environmental Agenda adopted in June 2004. It has also been prepared as part of the process of compliance with state and federal laws and mandates, including Virginia's Chesapeake Bay Initiatives and the federal Clean Water Act.

Fairfax County has a long history of planning at the watershed scale. The County's first set of watershed plans were completed in the 1970s. Since that time, land use has changed significantly and there have been many advances in the fields of stormwater management and ecological restoration. These advances have been reflected in the countywide goals for the program, which are consistent across all County watershed plans:

1. Improve and maintain watershed functions in Fairfax County, including hydrology, water quality, and habitat.
2. Protect human health, safety, and property by reducing stormwater impacts.
3. Involve stakeholders in the protection, maintenance and restoration of County watersheds.

This watershed management plan is unique in that it combines an assessment of three non-contiguous watersheds into one document: Belle Haven, Dogue Creek and the Fairfax County portion of the Four Mile Run watershed. These watersheds are located in southeastern and eastern Fairfax County.

To develop the plan, watersheds were subdivided into Watershed Management Areas (WMAs) approximately four square miles in size. As much as possible, WMAs were delineated to encompass the drainage area, and are named after, the major tributaries. They were further divided into subwatersheds, ranging in size from 100 to 300 acres, which represent the smallest assessment unit for the watershed plans.

The Dogue Creek watershed was divided into five WMAs: Barnyard Run, Piney Run, North Fork, Mainstem and Potomac. Due to their smaller size, the Belle Haven and Four Mile Run watersheds were not divided into WMAs and thus the entire watershed for each was treated as a single WMA.

Watershed Planning Process

The watershed management planning process consisted of the following six steps:

1. Review and synthesis of previous studies and data compilation
2. Public involvement to gain input, provide education and build community support
3. Evaluation of current watershed conditions and evaluation of stormwater runoff and other impacts from present and ultimate development conditions
4. Development of non-structural and structural watershed improvement projects
5. Development of preliminary cost estimates, cost/benefit analysis and prioritization of capital projects

6. Adoption of the final watershed management plan by the Board of Supervisors

A set of measurable indicators was used in order to develop a consistent project identification and prioritization process across watersheds. These indicators were used to assess the extent that a reduction of a particular watershed impact, sought by the goals and objectives, was achieved to quantify the presence of potential stresses or pollutant sources and to assess the outcomes from the plan.

The indicators were the key method by which the conditions of the watersheds were assessed -- comparing conditions at the subwatershed level and ranking them from best condition to worst. They provided a quantifiable method to determine why a particular subwatershed was in poor condition, whether from stream impacts, flooding, lack of buffers, forest, or wetlands, or high levels of stormwater pollution. This ranking, in turn, helped to focus the effort of identifying appropriate improvement projects and finally provided a method of measuring and prioritizing which projects would be most effective.

Previous Studies and Data Compilation

The 1970s watershed plans provided useful background information for land use changes, problems identified in the watersheds earlier and proposed projects for solutions. The County's land use and parcel mapping data provided a method of determining the pattern of development and confirming that significant areas were constructed before stormwater management regulations were in place. GIS layers were also used as the basis for developing watershed models. Monitoring results provided much of the data needed for the indicators described above, including information from the County's ongoing bioassessments, the 2005 Stream Physical Assessment and water quality sampling results from the County Health Department and Virginia Department of Environmental Quality.

Public Involvement

The watershed plan was supported by two levels of public involvement. The first level consisted of two meetings open to the public. These were the Issues Scoping Forum that kicked off the public involvement process, held at the Huntley Meadows Nature Center in January 2009, and the Draft Plan Review Workshop, held at Mount Vernon High School in August 2010. The second level of public involvement was provided by the Watershed Advisory Group (WAG), which met five times over the course of the project. The WAG was made up of local stakeholders who advised the planning team about community outreach opportunities, key issues affecting the watersheds and feedback on potential projects.

Watershed Conditions and Runoff Impacts

Belle Haven The Belle Haven watershed is 2.7 square miles in area. Sixty-nine percent of the watershed is developed with the majority, 41 percent, in various residential land uses. Existing imperviousness is 32 percent and is expected to increase by approximately 1.5 percent from future development. The Stream Physical Assessment indicated that the streams in the watershed were unstable and suffered from poor habitat quality. Based on habitat score, the Belle Haven watershed was rated the poorest quality watershed in the County.

The results of the subwatershed ranking analysis showed that all the subwatersheds in the Belle Haven watershed were impaired in some form. All except one were among the lowest ranking for the composite score of impacts and sources. In terms of overall ranking, Belle Haven had the four highest priority subwatersheds for the overall project.

Flooding hazards are a significant issue in the Belle Haven watershed. One road crossing was modeled as overtopping for the 10-year event. Modeled water quality showed high pollutant loads for nitrogen, phosphorus, and sediment, primarily from commercial, transportation, single and multi-family residential land uses that predate stormwater management regulations.

Dogue Creek The Dogue Creek watershed is approximately 19.5 square miles with 6.3 square miles of the watershed located in areas outside of the County jurisdiction in the Fort Belvoir Military Reservation and other U.S. government installations. Approximately 70 percent of the watershed is developed, primarily in the headwaters of Dogue Creek, Barnyard Run and Piney Run, as well as most of the North Fork WMA. Overall, the Dogue Creek watershed is 19 percent impervious and is expected to increase by approximately 1.5 percent due to future development.

There are 888 acres of wetlands in the Dogue Creek watershed, primarily located in Huntley Meadows Park in the Mainstem and Barnyard Run WMAs. The large areas of undeveloped land on Fort Belvoir Military Reservation and Huntley Meadows Park help to protect the overall quality of the mainstem of Dogue Creek.

The Stream Physical Assessment indicated that 50 percent of the stream channels were either unstable or experiencing active bank erosion. Habitat was determined to be primarily in the fair to poor range. In comparison with the rest of the County, the Dogue Creek watershed is in the lower range of quality.

The subwatershed ranking analysis showed that most of the subwatersheds in three of the WMAs were in good condition: Barnyard Run, Piney Run and the Mainstem. This is due, in no small part, to the influence of undeveloped areas of four large parcels: Huntley Meadows Park, Woodlawn Plantation, Greendale Golf Course and Fort Belvoir.

In North Fork, however, all but two of the subwatersheds were impaired in some form. Impairments included low ratings in stream assessment, with many streams channelized with a concrete channel and several ranked poor for aquatic habitat. There were a number of reaches described as unstable and actively eroding. Three road crossings were modeled as overtopping for the 10-year event.

Four Mile Run The Four Mile Run watershed is approximately 20 square miles; however, 17 square miles of the watershed is located in areas outside of Fairfax County. Approximately 95 percent of the watershed study area is developed, with only small portions of open space along the headwaters of Four Mile Run and the mainstem of Upper Long Branch. The Four Mile Run watershed is 36 percent impervious and this is expected to increase by approximately 1.5 percent from future development. The results of the subwatershed ranking analysis showed that all the subwatersheds in Four Mile Run were impaired in some form. All but one were among the lowest ranking for the composite score of impacts and sources. A considerable length of Upper Long Branch (tributary to Four Mile Run) has been channelized with concrete. No road crossings were flooded beyond the design level-of-service. Water quality modeling showed high pollutant loads for nitrogen, phosphorus and sediment throughout Four Mile Run.

Watershed Improvement Projects

Development of watershed restoration strategies involved two elements: first, to determine where to prioritize restoration and preservation efforts, and second, to identify the specific practices and locations where improvements could be made.

The purpose of prioritizing was to focus limited resources in the most effective way, as there were some geographic areas within each watershed where the same improvement could have a greater impact than in others. Once prioritization was complete, specific restoration and preservation sites were identified at a subwatershed scale.

The overall strategy for restoring and protecting the Belle Haven, Dogue Creek and Four Mile Run watersheds was developed with the assistance and input of the Watershed Advisory Group (WAG). The group suggested focusing project recommendations to identify impaired headwater areas and concentrate restoration efforts in these subwatersheds. These improvements will reduce the stress and subsequent damage to downstream channels. This strategy recognized that improvements in headwater areas have the potential to improve conditions throughout the stream network.

Specific restoration practices were in one of two categories: structural or non-structural. Structural practices are physical structures which generally involve budgeting through the Capital Improvement Plan followed by engineering, design and construction. Non-structural practices are programmatic in nature and usually focus on controlling stormwater runoff at the source.

Structural practices included:

- New Stormwater Management Ponds or Stormwater Pond Retrofits
- Stream Restoration
- Area-Wide Drainage Improvements
- Culvert Retrofits
- New BMP/LID or BMP/LID Retrofits
- Flood Protection Mitigation
- Outfall Improvements

Non-structural practices included:

- Buffer restoration
- Rain barrel and impervious disconnection programs
- Dumpsite and obstruction removals
- Community outreach and public education
- Land conservation coordination projects
- Inspection and enforcement programs
- Street sweeping programs
- Studies, surveys, and assessments

To find potential project locations, a desktop assessment was first conducted to identify sites for implementing structural practices in the three watersheds. This initial assessment focused on sites for storage retrofits to reduce or modify peak flows and on-site retrofits primarily to provide water quality. The storage retrofit sites consisted of existing ponds and areas above culverts.

The onsite retrofit sites consisted of parking lots, rooftops, outfalls and inlets. In addition, potential projects for stream restoration, flood mitigation and buffer restoration were identified. In all, over 240 candidate sites were flagged for follow-up.

Non-structural sites were identified from field assessment of potential pollutant sources in a sampling of residential and commercial areas.

Candidate sites for stormwater retrofits and stream restoration were subsequently assessed in the field to identify any site constraints that would prevent improvements from being implemented. The result of the field assessment was either a rough concept for the improvement or a decision that the project was either not feasible or the constraints outweighed the potential benefits. Planning-level cost estimates were developed for the feasible projects and smaller projects were grouped together based on cost and location.

Prioritization, Benefits and Costs of Plan Implementation

The projects were prioritized for implementation using a weighted average of the indicators and other factors to give each a score, as follows: impact indicators (30 percent), source indicators (30 percent), location in a priority subwatershed (10 percent), upstream/downstream sequencing (20 percent) and implementability (10 percent). The final score was used to determine whether the projects fell into a one of two priority phases; high or low. Those projects in the higher priority phase would be constructed in the 0 to 10 year timeframe, and those in a lower priority phase in an 11 to 25 year timeframe

As a result of the prioritization, 60 higher priority (0 – 10 year timeframe) projects were taken forward for concept design and cost estimate. All project information was then summarized in a project fact sheet. These fact sheets provide a description of the project, benefits and considerations, a schematic design and a cost estimate and can be found in Section 5.

In order to assess the benefits of the Belle Haven, Dogue Creek and Four Mile Run Watershed Management Plan, hydrologic, hydraulic and pollutant loading modeling was conducted for future conditions with the proposed projects. All projects were modeled for pollutant loading reductions. Only the 10-year projects were modeled for hydrologic and hydraulic benefits.

The 60 priority projects in the 10-year plan will reduce total suspended solids by 744 tons per year, total nitrogen by 2,076 pounds per year and total phosphorus by 597 pounds per year. The full 25-year plan identifies an additional 29 structural projects for a total of 92, whose overall benefits include eliminating the overtopping of four road crossings and restoring almost five miles of streams and one half-mile of forested buffer. Full plan implementation will reduce pollutant loads by as much as 797 tons per year of total suspended solids, 2,544 pounds per year of total nitrogen and 711 pounds per year of total phosphorus. These benefits will help meet the County's goals for water quality and stream improvements and provide a positive impact on the residents and conditions of the watersheds.

The total estimated cost for the structural projects for the 10-year plan is \$26.7 million. This includes all three watersheds; \$7.5 million for Belle Haven, \$13.7 million for Dogue Creek and \$5.5 million for Four Mile Run. Implementation of the 11-25 year structural projects adds \$7.5 million for a total of \$34.2 million; an additional \$7.1 million for Dogue Creek and \$0.4 million for Four Mile Run. All proposed projects are presented in the Table ES-1.

Table ES- 1: Master Project List

Priority Structural Projects (Ten Year Implementation Plan)				
Project #	Project Type	WMA	Location	Cost
BE9100	Stormwater Pond Retrofit	Belle Haven	West Potomac High School	\$174,000
BE9102	New Stormwater Pond	Belle Haven	Belle View Elementary School	\$277,000
BE9103	New Stormwater Pond	Belle Haven	Fairchild Property	\$750,000
BE9200	Stream Restoration	Belle Haven	Belle Haven Park between Richmond Hwy Foxcroft Rd, and Edgewood Ter	\$1,614,000
BE9201	Stream Restoration	Belle Haven	Behind Belle View Dr	\$883,000
BE9202	Stream Restoration	Belle Haven	Shields Av	\$388,000
BE9203	Stream Restoration	Belle Haven	Downstream of Quander Rd	\$1,122,000
BE9500	BMP/LID	Belle Haven	Shops at Huntington Gateway	\$105,000
BE9501	BMP/LID	Belle Haven	Wal-Mart and Chuck E. Cheese parking lot	\$283,000
BE9502	BMP/LID	Belle Haven	Quander Road School	\$69,000
BE9503	BMP/LID	Belle Haven	River Towers	\$251,000
BE9504	BMP/LID	Belle Haven	Belle View Shopping Center	\$145,000
BE9505	BMP/LID	Belle Haven	14th St	\$83,000
BE9506	BMP/LID	Belle Haven	Belle View Blvd	\$91,000
BE9507	BMP/LID	Belle Haven	Belle View Shopping Center	\$257,000
BE9508	BMP/LID	Belle Haven	Belle View Elementary School	\$62,000
BE9509	BMP/LID	Belle Haven	Mount Vernon Recreation Center	\$241,000
BE9510	BMP/LID	Belle Haven	West Potomac High School	\$85,000
BE9600	Flood Protection/Mitigation	Belle Haven	Culvert under Yale Drive	\$593,000
DC9100	New Stormwater Pond	Dogue Creek - North Fork	Mount Vernon High School	\$480,000
DC9106	Stormwater Pond Retrofit	Dogue Creek - Barnyard Run	Groveton Woods Condominium	\$89,000
DC9201	Stream Restoration	Dogue Creek - North Fork	Between Presidential Dr and Volunteer Dr	\$646,000
DC9202	Stream Restoration	Dogue Creek - North Fork	Between Sulgrave Dr and Adrienne Dr	\$925,000
DC9203	Stream Restoration	Dogue Creek - North Fork	Upstream of Mount Zephyr Dr near Maryland St	\$744,000
DC9204	Stream Restoration	Dogue Creek - North Fork	George Washington Park	\$859,000
DC9207	Stream Restoration	Dogue Creek - North Fork	Behind Colony Dr	\$646,000

Priority Structural Projects (Ten Year Implementation Plan)				
Project #	Project Type	WMA	Location	Cost
DC9210	Stream Restoration	Dogue Creek - Barnyard Run	Between Parsons Ct and Stover Dr	\$547,000
DC9211	Stream Restoration	Dogue Creek - Barnyard Run	Between Bedrock Ct and Vantage Drive	\$578,000
DC9213	Stream Restoration	Dogue Creek - Mainstem	Greendale Golf Course	\$1,228,000
DC9214	Stream Restoration	Dogue Creek - Mainstem	Greendale Golf Course	\$1,261,000
DC9215	Stream Restoration	Dogue Creek - Piney Run	Behind Rockcliff La	\$1,480,000
DC9217	Stream Restoration	Dogue Creek - Mainstem	Between Old Mill Rd and Richmond Hwy	\$707,000
DC9218	Stream Restoration	Dogue Creek - Piney Run	Banks Property	\$872,000
DC9400	Culvert Retrofit	Dogue Creek - Mainstem	North side, Telegraph Rd	\$27,000
DC9500	BMP/LID	Dogue Creek - North Fork	Smitty's Building Supply	\$262,000
DC9501	BMP/LID	Dogue Creek - North Fork	Various	\$69,000
DC9503	BMP/LID	Dogue Creek - North Fork	Riverside Elementary School	\$74,000
DC9504	BMP/LID	Dogue Creek - North Fork	Mount Vernon High School	\$189,000
DC9505	BMP/LID	Dogue Creek - North Fork	Mount Vernon High School	\$209,000
DC9506	BMP/LID	Dogue Creek - Piney Run	Alderman Dr	\$145,000
DC9507	BMP/LID	Dogue Creek - Piney Run	Parking lots along Westcott Way	\$121,000
DC9508	BMP/LID	Dogue Creek - Piney Run	Shoppers parking lot	\$240,000
DC9510	BMP/LID	Dogue Creek - Mainstem	Hayfield Secondary School	\$223,000
DC9511	BMP/LID	Dogue Creek - Mainstem	Hayfield Plaza	\$228,000
DC9512	BMP/LID	Dogue Creek - Barnyard Run	Groveton Gardens	\$34,000
DC9513	BMP/LID	Dogue Creek - Barnyard Run	Groveton Elementary School	\$45,000
DC9518	BMP/LID	Dogue Creek - Mainstem	Kingstowne Village	\$46,000
DC9519	BMP/LID	Dogue Creek - Mainstem	Kingstowne Village	\$58,000
DC9520	BMP/LID	Dogue Creek - Mainstem	Church of Jesus Christ of Latter Day Saints	\$163,000
DC9522	BMP/LID	Dogue Creek - Mainstem	Along Clames Rd	\$21,000
DC9523	BMP/LID	Dogue Creek - Mainstem	Virginia Presbyterian Church	\$48,000

Priority Structural Projects (Ten Year Implementation Plan)				
Project #	Project Type	WMA	Location	Cost
DC9600	Flood Protection/Mitigation	Dogue Creek - North Fork	Culvert under Ashboro Dr	\$488,000
FM9102	New Stormwater Pond	Four Mile Run	Hollybrook II Condos	\$2,326,000
FM9104	Stormwater Pond Retrofit	Four Mile Run	Hampton Inn off 14th St and Leesburg Pike	\$99,000
FM9105	New Stormwater Pond	Four Mile Run	Off Carlin Springs Rd	\$498,000
FM9300	Area-wide Drainage Improvements	Four Mile Run	North of Williamsburg Blvd and Custis Memorial Pkwy and south of Haycock Rd	\$1,833,000
FM9500	BMP/LID	Four Mile Run	St. Andrews Parish	\$92,000
FM9501	BMP/LID	Four Mile Run	St. Katherine's Greek Orthodox	\$52,000
FM9502	BMP/LID	Four Mile Run	Target Greatland	\$479,000
FM9503	BMP/LID	Four Mile Run	Korean Cultural Center	\$79,000
Total Cost				\$26,683,000
Long Term Structural Projects (25 Year Implementation Plan)				
Project #	Project Type	WMA	Location	
BE9701	Outfall Improvement	Belle Haven	Quander Road School	
DC9101	Stormwater Pond Retrofit	Dogue Creek - North Fork	End of Purks Ct	
DC9102	Stormwater Pond Retrofit	Dogue Creek - Piney Run	Kingstowne Fire Station	
DC9104	Stormwater Pond Retrofit	Dogue Creek - Piney Run	Kingstowne Village Pkwy at Ashby Ln	
DC9105	Stormwater Pond Retrofit	Dogue Creek - Piney Run	Manchester Lake Dr	
DC9107	Stormwater Pond Retrofit	Dogue Creek - Mainstem	Devereux West	
DC9108	Stormwater Pond Retrofit	Dogue Creek - Mainstem	Crossroads Residential School	
DC9109	Stormwater Pond Retrofit	Dogue Creek - Mainstem	Church of Jesus Christ of Latter Day Saints	
DC9110	Stormwater Pond Retrofit	Dogue Creek - Mainstem	Virginia Presbyterian Church	
DC9200	Stream Restoration	Dogue Creek - North Fork	Robertson Blvd	
DC9205	Stream Restoration	Dogue Creek - North Fork	Between Oak Leaf Dr and McNair Dr	
DC9206	Stream Restoration	Dogue Creek - North Fork	Rosemont Ave and Rosemont Cir	
DC9208	Stream Restoration	Dogue Creek - Mainstem	8822 Richmond Highway (between Old Mill Rd and Sacramento Dr)	
DC9209	Stream Restoration	Dogue Creek - Mainstem	Upstream of Old Mill Rd (Close to Pope Leighy House)	
DC9212	Stream Restoration	Dogue Creek - Mainstem	Wickford Park	

Long Term Structural Projects (25 Year Implementation Plan)			
Project #	Project Type	WMA	Location
DC9216	Stream Restoration	Dogue Creek - Piney Run	Rock Ridge Ln
DC9401	Culvert Retrofit	Dogue Creek - North Fork	Lawrence St between Central Park and Ashboro Dr
DC9502	BMP/LID	Dogue Creek - North Fork	KinderCare Learning Center, Buckman Rd
DC9509	BMP/LID	Dogue Creek - Piney Run	Calvary Baptist Church and Christian School
DC9514	BMP/LID	Dogue Creek - Barnyard Run	Faith United Methodist Church
DC9515	BMP/LID	Dogue Creek - Mainstem	The Shops at Telegraph
DC9516	BMP/LID	Dogue Creek - Mainstem	Crossroads Residential School
DC9517	BMP/LID	Dogue Creek - Mainstem	Kinder Care Learning Center, May Blvd
DC9521	Stormwater Pond Retrofit	Dogue Creek - Mainstem	Franconia Rd at Morning Glory Dr
DC9701	Outfall Improvement	Dogue Creek - Piney Run	Behind 6115 Summer Park Ln
DC9702	Outfall Improvement	Dogue Creek - Piney Run	Rock Ridge Ln
DC9703	Outfall Improvement	Dogue Creek - Barnyard Run	Harrison Ln
FM9100	Stormwater Pond Retrofit	Four Mile Run	Fallswood Glen Ct
FM9101	Stormwater Pond Retrofit	Four Mile Run	Along Arlington Blvd near Kelsey Ct
FM9103	Stormwater Pond Retrofit	Four Mile Run	Commercial center at Arlington Blvd and Wilson Blvd
FM9106	Stormwater Pond Retrofit	Four Mile Run	Diehl Ct
FM9200	Stream Restoration	Four Mile Run	Upstream of Henry Dr and Brook Dr
Non-Structural Projects			
Project #	Project Type	WMA	Location
DC9800	Buffer Restoration	Dogue Creek - Mainstem	Buffer restoration adjacent to commercial / industrial site, Dogue Ct
DC9801	Buffer Restoration	Dogue Creek - Mainstem	Stream adjacent to Huntley Meadows near Sheridonna La. Reach DCPY006
DC9802	Buffer Restoration	Dogue Creek - Piney Run	Hilltop Golf Course
DC9803	Wetland Mitigation	Dogue Creek – North Fork	Riverside Elementary School
DC9901	Rain Barrel Programs – Downspout Disconnection	Multiple	Watershed-wide
DC9902	Rain Barrel Programs – Rain Barrels	Multiple	Watershed-wide
DC9903	Community Outreach/ Public Education – Lawn Care Outreach	Multiple	Watershed-wide

Non-Structural Projects			
Project #	Project Type	WMA	Location
DC9904	Community Outreach /Public Education – Storm Drain Marking	Multiple	Watershed-wide
DC9905	Community Outreach/ Public Education – Tree Planting	Multiple	Watershed-wide
DC9906	Community Outreach/ Public Education – Turf Management	Multiple	Watershed-wide
DC9907	Inspection/Enforcement Enhancement Project – Dumpster Maintenance	Multiple	Watershed-wide
DC9908	Inspection/Enforcement Enhancement Project – Outdoor Mat'l Storage	Multiple	Watershed-wide
DC9909	Inspection/Enforcement Enhancement Project – Vehicle Maintenance	Multiple	Watershed-wide
DC9910	Inspection/Enforcement Enhancement Project – Litter/Trash Enforcement	Multiple	Watershed-wide
DC9911	Dumpsite/Obstruction Removal – Obstruction Removal	Multiple	Watershed-wide
DC9912	Street Sweeping Program	Multiple	Watershed-wide
DC9913	Studies, Surveys and Assessments – Floatables Control	Multiple	Watershed-wide

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ACTION - 4

Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the Fairfax City Police Department

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police Department and the Fairfax City Police Department authorizing the use of polygraph examinations for Fairfax City police officer applicants.

RECOMMENDATION:

The County Executive recommends the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department and the Fairfax City Police Department.

TIMING:

Board of Supervisors' action is requested on January 11, 2011.

BACKGROUND:

The Fairfax City Police Department currently conducts its own pre-employment polygraph examinations using one examiner who also is a detective carrying a full caseload. Their department has recently encountered a large applicant pool for multiple positions, all requiring polygraph examinations. To conduct examinations in a timely manner, they have requested the assistance of the Fairfax County Police Department.

Under this agreement, the Fairfax County Police Department polygraph examiners will perform only pre-employment polygraph examinations authorized under law and departmental orders, and remain under the administrative supervision of the Fairfax County Police Department.

In consideration for the polygraph examiner assignments in an overtime capacity, Fairfax City Police Department has agreed to pay the Fairfax County Police Department \$250.00 per examination for each examiner assigned a polygraph examination. A \$50.00 charge will be made for each examination scheduled where the person to be examined fails to show for his or her examination. It is agreed that these fees will be reviewed and revised annually as necessary based on Fairfax County Police Department salary compensation changes, with the first revision to occur on July 1,

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2011. The Fairfax County Police Department will notify the Fairfax City Police Department in writing 30 days prior to any change in the fees identified in this agreement.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding between Fairfax County Police Department and the Fairfax City Police Department

Staff:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Karen L. Gibbons, Senior Assistant County Attorney

MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF FAIRFAX POLICE DEPARTMENT
AND
THE FAIRFAX COUNTY POLICE DEPARTMENT

1. This Memorandum of Understanding (MOU) will establish an agreement for Pre-Employment Polygraph examination services to be provided for by the Fairfax County Police Department (FCPD) for the Fairfax City Police Department (CFPD).
2. All pre-employment examinations conducted by FCPD for CFPD will be conducted at the FCPD polygraph section located at 4100 Chain Bridge Rd., Fairfax, Virginia. These examinations will be conducted at the end of the normal business day or weekend days in order to not conflict with the normal business operations of FCPD. Pre-employment examinations may be conducted at other times and/or locations by mutual agreement of FCPD and CFPD.
3. Each examination will be conducted by FCPD examiners who are all licensed polygraph examiners with the Commonwealth of Virginia, Department of Professional and Occupational Regulation. The FCPD shall make determination as to the availability and selection of the examiner assigned each examination pursuant to this agreement. Examiners participating in the MOU will perform only pre-employment polygraph examinations authorized under law and Departmental orders, and remain under the administrative supervision of the FCPD. Each examination will include a thorough review of all documentation provided on each examinee by the examiner administering the examination. All examinations will be audio and video recorded and available upon request to CFPD. An in-depth pre-employment pretest interview will be conducted with a minimum of two polygraph charts collected. All charts collected will be quality reviewed by a second FCPD licensed examiner. A detailed report with all information collected during the polygraph examination will be generated for each examination by each examiner. The report will be thoroughly reviewed by the FCPD polygraph supervisor for approval and forwarded to CFPD.
4. In consideration for the polygraph examiner assignments in an overtime capacity, CFPD agrees to pay FCPD \$250.00 per examination for each examiner assigned a polygraph examination. A \$50.00 charge will be made for each examination scheduled where the person to be examined fails to show for his or her examination. FCPD shall bill CFPD for services provided on a monthly basis or quarterly basis, as mutually agreed by the parties. It is agreed that the above-listed fees will be revised on every July 1 based on FCPD salary compensation changes. The first revision will be July 1, 2011. The FCPD will notify CFPD in writing 30 days prior to any change in the fees identified in this agreement.
5. It is mutually agreed that this MOU shall be in effect until one or both parties formally request, in writing, that this agreement be terminated. The term of this agreement shall begin on October 11, 2010.

6. This agreement shall remain in effect notwithstanding the continued tenure of the representatives whose signatures appear hereon.

Richard J. Rappoport, Chief
Fairfax City Police Department

David M. Rohrer, Chief
Fairfax County Police Department

Date

Date

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ACTION - 5

Renewal of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Marshals Service

ISSUE:

Board renewal of a Memorandum of Understanding and between the Fairfax County Police Department and the United States Marshals Service, authorizing the assignment of the Fairfax County Fugitive Section to the Capital Area Regional Fugitive Task Force (CARFTF).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Chief of Police to renew the Memorandum of Understanding between the Police Department and the United States Marshals Service.

TIMING:

Board action is requested on January 11, 2011.

BACKGROUND:

The United States Marshals Service developed the CARFTF due to the growing number of fugitives absconding from the law within Fairfax County and the surrounding metropolitan area.

Under the proposed Memorandum of Understanding, the Fairfax County Police Department and the United States Marshals Service will work together on the CARFTF. The task force will work to apprehend wanted criminals who are living or temporarily staying in Fairfax County and the surrounding jurisdictions. To accomplish the objectives of the CARFTF, the Fairfax County Police Department's Fugitive Section will continue to work out of the task force area office, located in Fairfax County, for not less than one year.

One detective will be assigned on a full-time basis while all remaining Fugitive Section detectives will be part-time members of the task force as they will be expected to continue with their existing Fairfax County workload. When time permits, these detectives will assist the United States Marshals Service with task force cases. The

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United States Marshal Service will in turn assist the Fugitive Section with Fairfax County cases when time permits.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding Capital Area Regional Fugitive Task Force (CARFTF)

STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Karen L. Gibbons, Senior Assistant County Attorney

**United State Marshals Service
Regional Fugitive Task Force**



Capital Area Regional Fugitive Task Force

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by,

Agency Name: Fairfax County, VA Police Department

and the,

United States Marshals Service (USMS)

pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent Regional Fugitive Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. (*See also*) "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice, Office of Legal Counsel, dated February 21, 1995. (*See also*) Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995. (*See also*) 42 U.S.C. § 16941(a)(the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

MISSION:

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Each participating agency agrees to refer cases for investigation by the RFTF (Regional Fugitive Task Force). Cases will be adopted by the RFTF at the discretion of the RFTF Chief Inspector. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the RFTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their

fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the RFTF.

Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.

SUPERVISION:

The RFTF will consist of law enforcement and administrative personnel from federal, state, and local law enforcement agencies. Agency personnel must be approved by the RFTF Chief Inspector prior to assignment to the RFTF. Agency personnel may be removed at any time at the discretion of the RFTF Chief Inspector.

Direction and coordination of the RFTF shall be the responsibility of the USMS RFTF Chief Inspector. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel.

A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS RFTF personnel, may be established at the discretion of the RFTF Chief Inspector and will meet and confer as necessary to review and address issues concerning operational matters within the RFTF.

PERSONNEL:

In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals. Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State or local task force officers traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.

REIMBURSEMENT:

If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS RFTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state and local investigators in direct support of state and local investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided.

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of

25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the RFTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost. The request for reimbursement must be submitted to the RFTF Chief Inspector, who will review the request for reimbursement, stamp and sign indicating that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

VEHICLES AND EQUIPMENT:

Notwithstanding the above, pending the availability of asset forfeiture funding and approval by the USMS in advance of any purchase, the USMS may reimburse or make direct payments to qualified third party vendors for vehicles and equipment purchased by the undersigned state or local agency in support of full time state and local investigators assigned to the RFTF involved in joint law enforcement operations. Such vehicle and equipment purchases are to be contracted for and titled in the name of the state or local law enforcement agency and must comply with requirements prescribed by the USMS pursuant to this MOU and applicable policies of the United States Department of Justice. Vehicles and equipment purchased by state and local law enforcement agencies with asset forfeiture monies provided by the USMS must remain available for exclusive use of the task force officers assigned to the RFTF by the undersigned participant agency for the duration of the task force. Upon termination of the agreement, usage and disposition of such vehicles are at the discretion of the undersigned state or local law enforcement agency.

Pending the availability of funds and equipment, the USMS will issue USMS radios, telephones, and other communication devices to each task force officer to be used for official RFTF business. All equipment used by or assigned to task force officers by the USMS or an agency will remain the property of the agency issuing the equipment and will be returned to that agency upon termination of the task force, or upon agency request.

RECORDS AND REPORTS:

Original reports of investigation, evidence, and other investigative materials generated, seized, or collected by the RFTF shall be retained by the agency in the RFTF responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, rules, and regulations. Task force statistics will be maintained in the USMS Justice Detainee Information System (JDIS) - Warrant Information Network (WIN). Statistics will be made available to any participating agency upon request.

INFORMANTS:

Pending the availability of funds, the USMS may provide funding for the payment of informants. However, all payments of informants utilizing USMS funding shall comply with USMS policy.

USE OF FORCE:

All members of the RFTF shall comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-lethal devices. Copies of all applicable firearms, deadly force, and less-lethal policies shall be provided to the RFTF Chief Inspector and each concerned task force officer. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s).

NEWS MEDIA

Media inquires will be referred to the RFTF Chief Inspector. A press release may be issued and press conference held, upon agreement and through coordination with participant agencies' representatives. All press releases will exclusively make reference to the task force.

RELEASE OF LIABILITY:

Each agency shall be responsible for the acts or omissions of its employees. Participating agencies or their employees shall not be considered as the agents of any other participating agency. Nothing herein waives or limits sovereign immunity under federal or state statutory or constitutional law.

EFFECTIVE DATE AND TERMINATION:

This MOU is in effect once signed by a law enforcement participant agency. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the RFTF Chief Inspector.

Signed by: _____
John Hackman
U.S. Marshal
Eastern District of Virginia

Date

Signed by: _____
David M. Rohrer
Chief of Police
Fairfax County, VA Police Department

Date

Signed by: _____
T. Michael Earp
Assistant Director, Investigative Operations Division
United States Marshals Service

Date

INFORMATION – 1

Contract Awards – Basic Ordering Agreements for Flood Mitigation and Monitoring, Dam Safety, and Dredging Program

The Department of Public Works and Environmental Services (DPWES) requires consulting engineering services to provide assistance with dam safety, flood mitigation and stormwater improvement projects. These services will be provided on a task order basis. Two initial Basic Ordering Agreement (BOA) contracts will be established for one 12-month term with the option for four additional 12-month terms (up to 48 months). Pursuant to Virginia State Code, BOAs have a maximum of \$5 million per year, with no individual task order exceeding a total value of \$1 million per year. However, these contracts are not anticipated to exceed a total value of \$1 million per year in the first two years and \$1.5 million in subsequent years.

Fairfax County DPWES and the Fairfax County Park Authority together own and maintain 22 state regulated impoundment structures, including six dams constructed by the National Resources Conservation Service (NRCS) under the authority of Public Law 83-566, the Watershed Protection and Flood Protection Act of 1954. In addition, Fairfax County owns or maintains numerous retention and detention stormwater management facilities of various sizes and capacities. The newly adopted Virginia Impoundment Structures Regulations require more detailed hydrologic and hydraulic analyses for dam certification submissions. Engineering services may also be required in support of the County's dredging and pond retrofit efforts, the Countywide flood warning system, and the design and implementation of flood mitigation projects of varying scopes.

In January 2010, DPWES issued a Request for Qualifications indicating that one or more contracts be awarded. A total of six engineering firms were interviewed by the Selection Advisory Committee. Subsequently, Michael Baker, Jr., Inc. and Gannett Fleming, Inc. were selected for contract negotiations in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that Michael Baker, Jr., Inc. and Gannett Fleming, Inc. have the appropriate Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award BOA contracts to Michael Baker, Jr., Inc. and Gannett Fleming, Inc. in the amount not-to-exceed \$1 million per year in the first two years and \$1.5 million per year in the third and fourth years.

Board Agenda Item
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FISCAL IMPACT:

Funding for these contracts will be available from the applicable projects for which the engineering services are required. The amount of funding and the funding source will be determined prior to authorizing each task. DPWES will authorize individual task orders as they are identified.

ENCLOSED DOCUMENTS:

Attachment 1: List of Awardees and Other Firms Considered
(Contract available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patterson, Director, Department of Public Works and Environmental Services (DPWES)
Randolph W. Bartlett, Deputy Director, DPWES

List of Awardees and Other Firms Considered

Awardees:

Michael Baker Jr., Inc.
3601 Eisenhower Avenue, Suite 600
Alexandria, Virginia 22304

And

Gannett Fleming
4401 Fair Lakes Court
Fairfax, Virginia 22033

Other firms considered:

Dewberry & Davis LLC
Kurt R. Thompson, PE
8401 Arlington Boulevard
Fairfax, Virginia 22031-4666

GKY & Associates
4229 Lafayette Center Drive, Suite 1850
Chantilly, VA 20151

URS Group, Inc.
13825 Sunrise Valley Drive, Suite 250
Herndon, VA 20171

Schnabel Dam Engineering, Inc.
46020 Manekin Plaza, Suite 110
Sterling, VA 20166

Morton Thomas and Associates, Inc.
14900 Conference Center Drive, Suite 180
Chantilly, VA 20151

PBS&J
3859 Centerview Drive, Suite 160
Chantilly, VA 20151

Hurt & Proffitt Incorporated
2524 Langhorne Road
Lynchburg VA 24501

Timmons Group
1001 Boulders Pkwy., Ste 300
Richmond, VA 23255

ATCS, P.L.C.
304 Harry S. Truman Parkway, Suite F
Annapolis, MD 21401

Urban, Ltd.
7712 Little River Turnpike
Annandale, VA 22003

Charles P. Johnson & Associates, Inc.
1751 Elton Rd
Silver Spring, MD 20903

Rummel, Klepper & Kahl, LLP
10306 Eaton Place, Willow Wood II, Suite 240
Fairfax, VA 22030

Rinker Design Associates, PC
9300 West Courthouse Road, Suite 300
Manassas, VA 20110

Angler Environmental
12811 Randolph Ridge Lane
Manassas, VA 20109

Board Agenda Item
January 11, 2011

INFORMATION - 2

Planning Commission Action on Application 2232-B10-15, T-Mobile Northeast, L.L.C.
(Braddock District)

On Thursday, December 9, 2010, the Planning Commission voted unanimously (Commissioners de la Fe, Hall and Sargeant absent from the meeting) to approve 2232-B10-15.

The Commission noted that the application, as amended, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the *Code of Virginia*, as amended.

Application 2232-B10-15 sought approval to construct a telecommunications facility consisting of a 120-foot monopole, nine panel antennas, and related equipment, located at the Ravensworth Industrial Park, 5405 Port Royal Road in Springfield. (Tax Map 79-2 ((4)) A2.) The facility will accommodate collocation for up to three additional future service providers.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim

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. Lipka, Executive Director, Planning Commission Office

2232-B10-15 – T-MOBILE NORTHEAST, LLC (Ravensworth Industrial Park)

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Ms. Harsel, please.

Commissioner Harsel: Thank you, Mr. Chairman. Like I said, this particular site is an addition to one site that has been in existence, I think, since 1986. There is one particular place, if you look on your map, at Ellet Road and Queensberry, right on those corner lots you could see the balloon; however, really the impact of that one balloon is lost in the ugly site, which we saw earlier. Notifications were sent to homeowners in the Ravensworth area, which is this residential area, and the North Springfield area, which is across the road. I consulted with Commissioner Hall since she is also visible and we have not heard from anyone, nor has anyone expressed concerns. This is in an industrial area. This is at the very edge right by the Beltway, so people driving up and down the Beltway should be able to get all of the reception that they want and they can even watch movies in the back on their new Bayberrys (sic) or whatever it is. Therefore, Mr. Chairman, IN ACCORDANCE WITH *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE PROPOSAL BY T-MOBILE NORTHEAST, LLC, TO DEVELOP A COMMUNICATIONS (sic) FACILITY, WHICH IS ONE FACILITY, A 120-FOOT MONOPOLE AND ONE EQUIPMENT CABINET, LOCATED AT RAVENSWORTH, 5405 PORT ROYAL ROAD, SPRINGFIELD, IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN, AND FULFILLS THE REQUIREMENTS OF CHARACTER, EXTENT, AND LOCATION.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? All those in favor of the motion to approve 2232-B10-15, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Harsel: And I'd like to thank Ms. Capps, who has - - we've had a couple of cancelled balloon flights, for the work and thoroughness on this application. It is minor to one she's working on in January.

Chairman Murphy: Okay.

Commissioner Harsel: Oh no. It's been - - it's moving.

Chairman Murphy: And I hope I get a new "Bayberry" for Christmas. I - - my own - -

Commissioner Harsel: I know.

Chairman Murphy: My own "Bayberry" is wearing out. I don't - - the third - -

Commissioner Harsel: I still don't want one.

//

(The motion carried unanimously with Commissioners de la Fe, Hall, and Sargeant absent from the meeting.)

KAD

PLANNING DETERMINATION

Section 15.2 -2232 of the Code of Virginia



Number: 2232-B10-15

District: Braddock

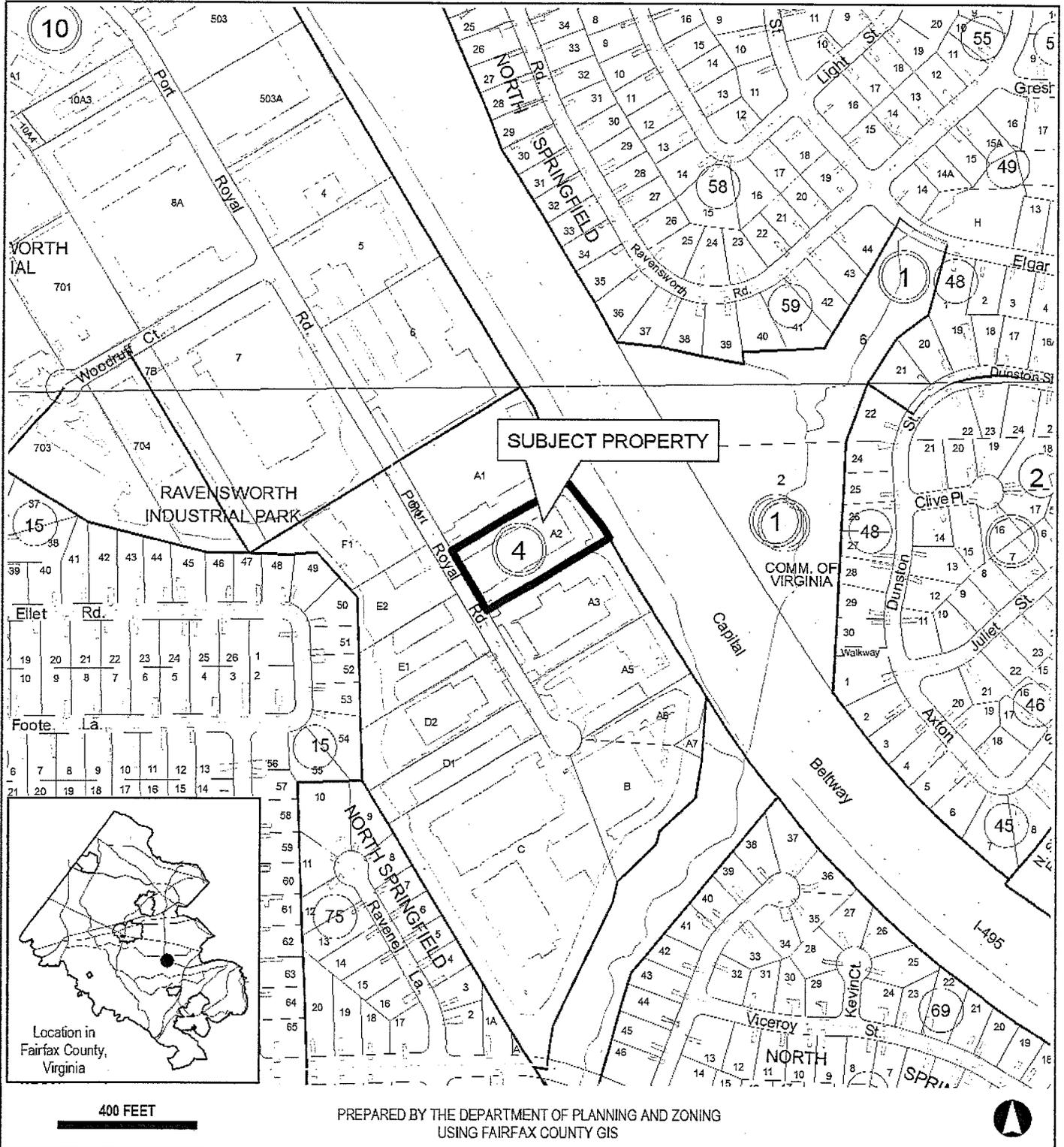
Acreage: 1.83 Ac.

Applicant: T-Mobile Northeast, L.L.C.

Subject Property: 79-2 ((4)) A2

Planned Use: Industrial Use

Proposed Use: Telecommunications facility



Board Agenda Item
January 11, 2011

11:15 a.m.

Matters Presented by Board Members

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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. *Louise Root v. County of Fairfax, et al.*, Case No. 10-406 (U.S. Sup. Ct.)
 - 2. *Jermaine Ridgley v. Fairfax County Department of Family Services*, Record No. 2560-09-4 (Va. Ct. App.)
 - 3. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Case No. CL-2009-0013426 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 4. *New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. The Fairfax County Board of Supervisors*, Civil Action No. 1:10cv283 (E.D. Va.) (Mount Vernon District)
 - 5. *T-Mobile Northeast LLC v. Fairfax County, Virginia, and the Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:10cv117 (E.D. Va.) (Dranesville District)
 - 6. *Board of Supervisors of Fairfax County, Virginia v. NewPath Networks, LLC*, Case No. CL-2010-0005141 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 7. *Taesuk Lee Campbell v. Fairfax County, Virginia, Ivan Roeske, M. F. Colorado and Does 1-5, inclusive*, Civil Action No. 1:10-cv-1245 (E.D. Va.)
 - 8. *Stacey Bailey v. Fairfax County, Virginia*, Case No.1:10cv01031 (E.D. Va.)

9. *The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the Certificate Holders of CWABS, Inc. Asset-Backed Certificate Series 2004-15 v. Fairfax County Redevelopment and Housing Authority*, Case No. CL-2010-0015209 (Fx. Co. Cir. Ct.) (Springfield District)
10. *Ellen S. Boer, Trustee v. Scott A. Crabtree, Phyllis P. Crabtree, Ray Pylant, Building Official for Fairfax County, Virginia, and Paul M. Lynch, Acting Building Official for Fairfax County, Virginia*, Case No. CL-2010-0014981 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *LM 734 LC, t/a Comstock Tree Farm v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2010-0011474 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *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)
13. *Kenneth R. Andersen v. Zoning Administrator of Fairfax County*, Case No. CL-2010-0017593 (Fx. Co. Cir. Ct.) (Hunter Mill District)
14. *Mohammed Moosavi v. Fairfax County Tax Administration, et al.*, Case No. CL-2010-0011690 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *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)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iris Y. Villalobos Aguilar*, Case No. CL-2009-0010920 (Fx. Co. Cir. Ct.) (Lee District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison, Jr.*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *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)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Naomi E. Winkler*, Case No. CL-2010-0007025 (Fx. Co. Cir. Ct.) (Braddock District)
21. *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)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bernard C. Cox*, Case No. CL-2010-0016983 (Fx. Co. Cir. Ct.) (Providence District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonel A. Romero and Nora E. Martinez*, Case No. CL-2009-0012157 (Fx. Co. Cir. Ct.) (Braddock District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos*, Case No. CL-2010-0001725 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bahram Forouzanfar*, Case No. CL-2010-0009636 (Fx. Co. Cir. Ct.) (Mason District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Thinh V. Luong and Thuy T. Trinh*, CL-2010-0008779 (Fx. Co. Cir. Ct.) (Mason District)
27. *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)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Konstantino M. Pappaminas and Josephine M. Pappaminas*, Case No. CL-2006-0005204 (Fx. Co. Cir. Ct.) (Providence District)
29. *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)
30. *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)

31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcos C. Vieira and Maria Elena Vieira*, Case No. CL-2010-0005428 (Fx. Co. Cir. Ct.) (Mason District)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Grace Y. Hurr*, Case No. CL-2010-0006141 (Fx. Co. Cir. Ct.) (Providence District)
33. *Board of Supervisors of Fairfax County, Virginia v. Harold D. Spain and Wells Fargo Bank, NA*, Case No. CL-2010-0009720 (Fx. Co. Cir. Ct.) (Hunter Mill District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Todd Keller and Lori A. Keller*, Case No. CL-2010-0012764 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolyn A. Studds*, Case No. CL-2010-0017283 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *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)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nowsherwan A. Davis and Karina Davis*, Case No. CL-2010-0010033 (Mason District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aaron T. Knight and Mary F. Knight*, Case No. CL-2010-0009322 (Fx. Co. Cir. Ct.) (Lee District)
39. *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)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pong Y. Oclarien*, Case No. CL-2010-0013636 (Fx. Co. Cir. Ct.) (Mason District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aubrey H. Burrow, Jr.*, Case No. CL-2010-0016330 (Fx. Co. Cir. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alice Madge Ramsay*, Case No. CL-2010-0016626 (Fx. Co. Cir. Ct.) (Providence District)

43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alfred M. Araujo, Lore K. Araujo, the Alfred M. Araujo Trust, Alfred M. Araujo, Trustee, Lore K. Araujo, Trustee, Stephen Kurt Araujo, Trustee, and Makram Jamil Malaeb, Case No. CL-2010-0016997 (Fx. Co. Cir. Ct.) (Mason District)*
44. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Christine M. Antal, Case No. CL-2010-0016994 (Fx. Co. Cir. Ct.) (Sully District)*
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Mondino and Marta M. Mondino, Case No. CL-2010-0017077 (Fx. Co. Cir. Ct.) (Dranesville District)*
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bao Quoc Nguyen and Bang Si Nguyen, Case No. CL-2010-0017149 (Fx. Co. Cir. Ct.) (Mason District)*
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos, Case No. CL-2010-0017148 (Fx. Co. Cir. Ct.) (Mason District)*
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farah Sharifi, Case No. CL-2010-0017146 (Fx. Co. Cir. Ct.) (Mason District)*
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hanh Thi My Huynh and Sinh Nhan Ha, Case No. CL-2010-0017150 (Fx. Co. Cir. Ct.) (Mason District)*
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Annandale Boys Club, Inc., d/b/a Annandale Boys' & Girls' Club, Inc., Case No. CL-2010-0017226 (Fx. Co. Cir. Ct.) (Mason District)*
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Evelin Y. Mendoza, Sulma Patricia Flores de Sanchez, and Beltran Sanchez Carbajal, Case No. CL-2010-0017224 (Fx. Co. Cir. Ct.) (Mason District)*
52. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose R. Loza and Maria C. Loza, Case No. CL-2010-0017377 (Fx. Co. Cir. Ct.) (Mason District)*
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Samphy Iep and Sorn K. Iep, Case No. CL-2010-0017544 (Fx. Co. Cir. Ct.) (Mason District)*

54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Brennan*, Case No. CL-2010-0017543 (Fx. Co. Cir. Ct.) (Lee District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mirsad Obradovac and Alisa Obradovac*, Case No. CL-2010-0017676 (Fx. Co. Cir. Ct.) (Lee District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel H. Shin and Seong J. Shin*, Case No. CL-2010-0017656 (Fx. Co. Cir. Ct.) (Mason District)
57. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. George L. Ruecroft and Robert C. Ruecroft, Trustees of the George Ruecroft Trust*, Case No. CL-2010-0017674 (Fx. Co. Cir. Ct.) (Mason District)
58. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mehdi Molaei, a.k.a. Molaei Mehdi*, Case No. CL-2010-0017937 (Fx. Co. Cir. Ct.) (Hunter Mill District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harvey Ray Williams, Jr., and Jason Williams*, Case No. CL-2010-0017992 (Fx. Co. Cir. Ct.) (Braddock District)
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan D. Cuenca*, Case Nos. 10-0021713 and 10-0021714 (Fx. Co. Gen. Dist. Ct.) (Sully District)
62. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patrick L. Reich*, Case Nos. 10-0029237 and 10-0029238 (Fx. Co. Gen. Dist. Ct.) (Mason District)
63. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hossein Nilforoush*, Civil Case Nos. 10-0028993 and 10-0028994 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

Board Agenda Item
January 11, 2011

3:30 p.m.

Public Hearing on SE 2010-SU-012 (Headquarters 2, LLC) to Permit a Hotel, Located on Approximately 4.07 Acres Zoned I-5 and WS, Sully District.

The application property is located in the northeast quadrant of the intersection of George Carter Way and Lee Road, Tax Map 34-3 ((14)) 2 pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 18, 2010, the Planning Commission voted unanimously (Commissioner Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2010-SU-012, subject to the Development Conditions dated November 4, 2010; and
- Waiver of the trail requirement along Lee Road, in favor of the existing and proposed sidewalks shown on the SE Plat.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4333537.PDF>

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting
November 18, 2010
Verbatim Excerpt

SE 2010-SU-012 – HEADQUARTERS 2, LLC

After the Close of the Public Hearing

Chairman Murphy: The public hearing is closed; recognize Mr. O'Donnell.

Commissioner Hart: No.

Commissioner de la Fe: No, you recognize Commissioner Litzenberger.

Chairman Murphy: Yes. I wanted him to do something tonight.

Commissioner Litzenberger: No, you will.

Chairman Murphy: All right. Mr. Litzenberger. Sorry about that.

Commissioner Litzenberger: Mr. Murphy, the - - there are two applications and they're being - -

Chairman Murphy: We'll do one at a time.

Commissioner Litzenberger: Want to do one at a time?

Commissioner Hall: Yes.

Commissioner Litzenberger: Okay.

Chairman Murphy: Two different cases.

Commissioner Litzenberger: First, I'd like to thank Mr. O'Donnell for his fine staff work once again on these two projects. I'd also like to thank the applicant, Mr. Tom Nutt, who with his counsel, Sara Mariska, visited Sully no fewer than nine times to meet with the citizens and staff to make sure all the issues were heard. I sincerely appreciate their efforts. That said, I'd like to MOVE THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-SU-012, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 4, 2010.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2010-SU-012, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE TRAIL REQUIREMENT ALONG LEE ROAD, IN FAVOR OF THE EXISTING AND PROPOSED SIDEWALKS SHOWN ON THE SE PLAT.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motions carried unanimously with Commissioner Sargeant absent from the meeting.)

KAD

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Board Agenda Item
January 11, 2011

3:30 p.m.

Public Hearing on SE 2010-SU-013 (Headquarters 2, LLC) to Permit a Hotel, Located on Approximately 4.44 Acres Zoned I-5 and WS, Sully District

The application property is located at the terminus of George Carter Way on the west side of Sully Road, Tax Map 34-3 ((14)) 4.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 18, 2010, the Planning Commission voted unanimously (Commissioner Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2010-SU-013, subject to the Development Conditions dated November 4, 2010; and
- Waiver of the service drive requirement along Sully Road (Route 28), in favor of the interparcel access to the adjacent property to the south.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at

<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4333366.PDF>

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting
November 18, 2010
Verbatim Excerpt

SE 2010-SU-013 – HEADQUARTERS 2, LLC

After the Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed. And this time, we will recognize Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-SU-013, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 4, 2010.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by 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 SE 2010-SU-013, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG SULLY ROAD, WHICH IS ROUTE 28, IN FAVOR OF THE INTER-PARCEL ACCESS TO THE ADJACENT PROPERTY TO THE SOUTH.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Thank you, Mr. Chairman.

Chairman Murphy: Thank you.

//

(The motions carried unanimously with Commissioner Sargeant absent from the meeting.)

KAD

Board Agenda Item
January 11, 2011

3:30 p.m.

Public Hearing on SE 2010-DR-002 (District of Columbia Water and Sewer Authority, (DCWASA)) to Permit a Sewage Pumping/Odor Abatement Facility and Uses in a Floodplain, Located on Approximately 2.1 Acres Zoned R-E, Dranesville District

The application property is located at the terminus of River Park Lane, Tax Map 4-3 ((1)) 2 pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 9, 2010, the Planning Commission voted unanimously (Commissioner Alcorn not present for the votes; Commissioners de la Fe, Hall, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2010-DR-002, subject to the Development Conditions dated December 9, 2010, with the addition of a new Condition 29 to read as follows:

“Prior to the beginning of any site preparation work or construction at the site, the applicant shall perform baseline well water testing for total coliform levels on wells located on six parcels that abut the project site [4-3 ((8)) 10, 11, 23 and 4-3 ((7)) 16A, 17A, 18A]. The test results shall be provided in writing to the homeowners. In the event of a sewage spill or leak during work on the project, the applicant shall perform additional well water testing for total coliform.”

- Modification of the transitional screening yard and waiver of the barrier requirements for all property lines, in favor of the existing vegetation and topographic features.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4335063.PDF>

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, DPZ

Planning Commission Meeting
December 9, 2010
Verbatim Excerpt

SE 2010-DR-002 – DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

Decision Only During Commission Matters
(Public Hearing held on November 18, 2010)

Commissioner Donahue: Thank you, Mr. Chairman. Mr. Chairman, on November 18th, the Planning Commission conducted a public hearing on SE 2010-DR-002, a proposal by the District of Columbia Water and Sewer Authority to permit construction of a sewage line odor abatement facility on a lot zoned R-E, which is in floodplain. The very minimal initial questions about the need for this project have been resolved, and there is no one we are aware of who any longer questions the need for this facility; support for its construction is virtually universal. The remote location of the facility near the Potomac River creates challenges of access to the construction site and raises environmental and traffic and safety issues in addition to environmental issues caused by the construction project itself. These issues are discussed in the staff report and were addressed by a number of residents who testified on November 18th, and I want to thank them for sharing their concerns and ideas with the Commission. I believe these concerns have been resolved by the development conditions dated now December 9, 2010, with the exception of a need for a well water testing, which I will move be added to - - this evening and to which the applicant has - - has no problem, he's agreed that they are willing to take this addition. Staff noted in the November 12th report the planned slip-lining project the applicant will construct subsequent to the construction of the odor abatement facility. The slip-lining project is not subject to this Special Exception. The applicant is to be commended for its November 30, 2010 letter agreeing to comply with most of the development conditions during construction of the slip-lining project. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-DR-002, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 9, 2010, WITH THE FOLLOWING CONDITION ADDED: CONDITION NUMBER 29, "PRIOR TO THE BEGINNING OF ANY PREPARATION WORK OR CONSTRUCTION AT THE SITE, THE APPLICANT SHALL PERFORM BASELINE WELL WATER TESTING FOR TOTAL COLIFORM LEVELS ON WELLS LOCATED ON SIX PARCELS THAT ABUT THE PROJECT SITE: 4-3 ((8)) 10, 11, AND 23; 4-3 ((7)) 16A, 17A, AND 18A. THE TEST RESULTS SHALL BE PROVIDED IN WRITING TO THE HOMEOWNERS. IN THE EVENT OF A SEWAGE SPILL OR LEAK DURING WORK ON THE PROJECT, THE APPLICANT SHALL PERFORM ADDITIONAL WELL WATER TESTING FOR TOTAL COLIFORM."

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 approve SE 2010-DR-002, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: Thank you, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING YARD AND A WAIVER OF THE BARRIER along - - FOR ALL PROPERTY LINES, IN FAVOR OF THE EXISTING VEGETATION AND TOPOGRAPHIC FEATURES.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: Thank you, Mr. Chairman.

Chairman Murphy: Okay. Thank you very much.

Commissioner Donahue: I do want to thank a number of people for the work that they did on the application. Suzie Zottl, first off, because this has been a long one, very - - extremely detailed. She was helped by Peter Braham at certain times. All sorts of people from the Great Falls Citizens Association who held meetings in order to inform the community and make sure that everybody understood pretty much what was going on. And the applicant itself, who was also very patient, very helpful in explaining what they had to do and agreeing to various things that put residents much more at ease and also helped the success of this application. So, thanks to all those folks.

//

(The motions carried unanimously with Commissioner Alcorn not present for the votes; Commissioners de la Fe, Hall, and Sargeant absent from the meeting.)

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Board Agenda Item
January 11, 2011

4:00 p.m.

Public Hearing to Convey a Portion of County-Owned Property to the Virginia Department of Transportation for the Stringfellow Road Project (Sully District)

ISSUE:

Public hearing to convey a portion of County-owned property to the Virginia Department of Transportation (VDOT) for the Stringfellow Road Project.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey a portion of County-owned property to VDOT for the Stringfellow Road Project.

TIMING:

On December 7, 2010, the Board of Supervisors authorized the advertisement of a public hearing to convey County-owned property to VDOT.

BACKGROUND:

The Board of Supervisors is the owner of property located at 4000 Stringfellow Road, Chantilly, Virginia 20151-2628 and identified as Tax Map No. 0451 01 0007. The Chantilly Regional Library and three baseball diamonds are located on the subject property.

The Virginia Department of Transportation ("VDOT") has proposed to acquire from Parcel 0451 01 0007, 3,354 square feet of land in fee simple, as well as certain permanent and temporary easements, required to construct and maintain a portion of the Stringfellow Road Project. This Project will widen Stringfellow Road between Fair Lakes Boulevard and Route 50 from two lanes to four divided lanes with a raised median, as well as provide a planned traffic signal and pedestrian improvements in front of the Chantilly Library and Chantilly High School. VDOT has presented an offer of compensation of \$102,583 for the transaction. Since the project is 100 percent funded by the County through transportation bond funds approved by the voters, and the Commercial and Industrial property tax for transportation (C&I), the Department of Transportation recommends, and the Facilities Management Department concurs, that there should be no charge for the required land rights.

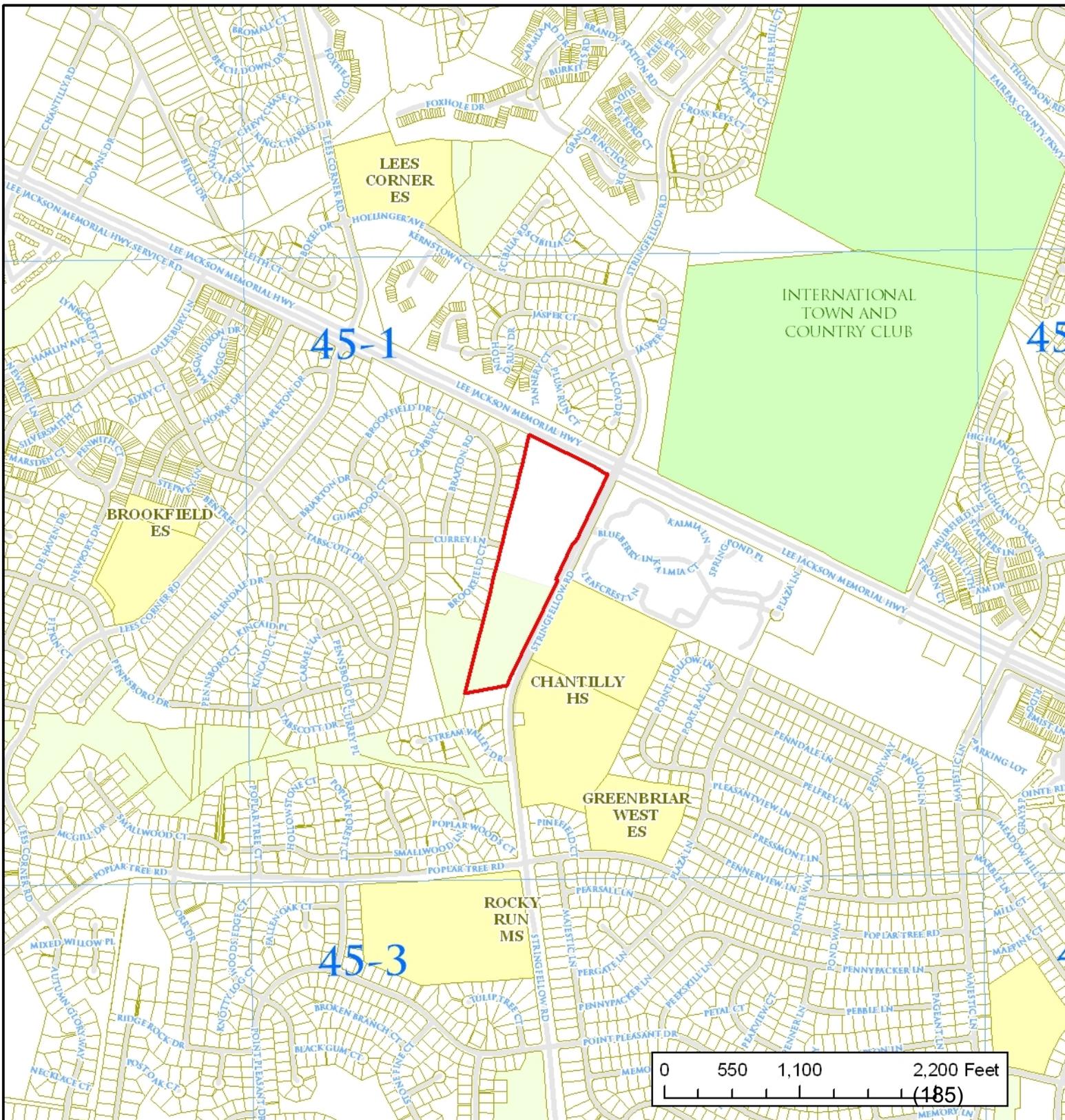
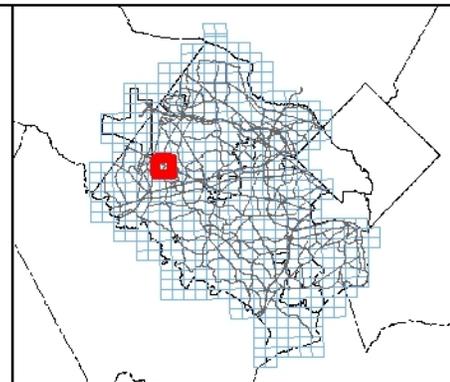
Board Agenda Item
January 11, 2011

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment A: Location Tax Map 45-1

STAFF:
Jose A. Comayagua, Director, Facilities Management Department
Katharine Ichter, Director, Department of Transportation

0451 01 0007



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Board Agenda Item
January 11, 2011

4:00 p.m.

Public Hearing on a Proposal to Abandon Part of Arrowhead Park Drive (Springfield and Sully Districts)

ISSUE:

Public hearing on a proposal to abandon part of Arrowhead Park Drive.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order (Attachment III) for abandonment of the subject right-of-way.

TIMING:

On December 7, 2010, the Board authorized the public hearing to consider the proposed abandonment for January 11, 2011 at 4:00 p.m.

BACKGROUND:

The applicant, Pulte Homes, is requesting that part of Arrowhead Park Drive adjacent to the Faircrest subdivision be abandoned. Arrowhead Park Drive is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 645).

The request is being made in compliance with proffer 11(d) of zoning case RZ 2000-SU-029 approved by the Board on March 5, 2001. This proffer requires the applicant to request the abandonment as the relocation of Stringfellow Road has made this right-of-way redundant.

Traffic Circulation and Access

The abandonment will have no long-term impact on vehicle circulation and access. All adjacent parcels have alternate means of access and there is no through traffic.

Easements

Public easement needs have been identified by the Fairfax County Water Authority. Dominion Virginia Power has also identified facilities within the area to be abandoned. The applicants have provided easements and agreements in forms acceptable to this agency & company. No other easement needs were identified.

Board Agenda Item
January 11, 2011

This proposal to vacate this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment I: Statement of Justification
- Attachment II: Notice of Intent to Abandon
- Attachment III: Order of Abandonment
- Attachment IV: Metes and Bounds Description
- Attachment V: Abandonment Plat
- Attachment VI: Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Donald Stephens, FCDOT

LETTER OF REQUEST AND JUSTIFICATION

November 7, 2009

Board of Supervisors of Fairfax County
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

As part of the redevelopment of the area now known as Centreville Farms/Faircrest Development, Stringfellow Road was realigned between Centreville Farms Road and current Stringfellow Road, resulting in Arrowhead Park Drive, Route 645.

Proffer 11(d) of approved Rezoning Application RZ 2000-SU-029 for Centreville Farms/Faircrest Development states:

Arrowhead Park Drive. At the time that the Spine Road is connected to Stringfellow Road and in use, Arrowhead Park Drive north of the Spine Road shall be vacated, removed, regraded and seeded. Along the Arrowhead Park Drive frontage of the Subject Property south of Leland Road, the Applicant shall dedicate right-of-way in fee simple as shown on the CDP-FDP at the time of subdivision plan approval or upon demand from the Board, whichever event first occurs.

Centreville Farms Road is connected to Stringfellow Road and in use and the removal, regrading and seeding of Arrowhead Park Drive is complete. The Applicant of the rezoning, Pulte Home Corporation, is requesting the abandonment of Arrowhead Park Drive as required by Proffer 11(d). Arrowhead Park Drive is a prescriptive easement so an abandonment would be appropriate instead of a vacation.

NOTICE OF INTENT TO ABANDON

ARROWHEAD PARK DRIVE

SPRINGFIELD DISTRICT and SULLY DISTRICT,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on January 11, 2011, at 4:00 PM during its regular meeting in the Board Auditorium at the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA, pursuant to Virginia Code 33.1-151, to consider the proposed abandonment of a public road known as Arrowhead Park Drive, from Centreville Farms Road to Stringfellow Road, a distance of 210.34 feet containing approximately 7,512 square feet, and a trapezoid-shaped protrusion containing approximately 1,371 square feet. The road is located on Tax Map 55-1, and is described and shown on the metes and bounds schedules dated November 3 and 4, 2009, both revised November 15, 2010, and plat prepared by VIKA Incorporated, dated October 29, 2009 and revised through November 4, 2009, all of which are on file with the Fairfax County Department of Transportation, Suite 400, 4050 Legato Road, Fairfax, Virginia 22033, Telephone Number 703-877-5600.

SPRINGFIELD DISTRICT and SULLY DISTRICT.

Section 33.1-151

ORDER OF ABANDONMENT

ARROWHEAD PARK DRIVE

SPRINGFIELD DISTRICT and SULLY DISTRICT
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 11th day of January, 2011, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code Section 33.1-151, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

WHEREFORE, BE IT ORDERED:

That Arrowhead Park Drive from Centreville Farms Road to Stringfellow Road, a distance of approximately 210.34 feet containing approximately 7,512 square feet, and a trapezoid-shaped protrusion containing approximately 1,371 square feet, located on Tax Map 55-1, and described and shown on the metes and bounds schedules dated November 3 and 4, 2009, both revised November 15, 2010, and the plat prepared by VIKA Incorporated dated October 29, 2009 and revised through November 4, 2009, which is attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code Section 33.1-151.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowners.

A Copy Teste:

Nancy Vehrs
Clerk to the Board

Section 33.1-151



NOVEMBER 4, 2009
REVISED NOVEMBER 15, 2010

**DESCRIPTION OF
 A PORTION OF
 ARROWHEAD PARK DRIVE – ROUTE 645
 DEED BOOK 9967 PAGE 636
 SULLY DISTRICT AND SPRINGFIELD DISTRICT
 FAIRFAX COUNTY, VIRGINIA**

Being a portion of Arrowhead Park Drive – Route 645 (variable width right-of-way), formerly known as Stringfellow Road, as shown on a plat entitled “Plat Showing Dedications for Public Street Purposes, Acquisition Area, Storm Drainage Easements, Sight Distance Easements, Guardrail Easement, and Grading and Temporary Construction Easements Thru Parcel 24B, The Property of Stringfellow L.C.” recorded in Deed Book 9967 at Page 636 among the Land Records of Fairfax County, Virginia and being more particularly described as follows:

Beginning for the same at a point lying North 36°16'43” East, 69.03 feet from a remote point lying on the southeasterly right-of-way line of the aforementioned Arrowhead Park Drive – Route 645 (variable width right-of-way), said remote point also marking the southwesterly corner of the property of the Board of Supervisors of Fairfax County (Tax Map #055-1-01-0032) as recorded in Deed Book 9967 at Page 636 and Deed Book 12763 at Page 1263 all among the aforementioned Land Records; thence running so as to cross and include a portion of said Arrowhead Park Drive – Route 645

1. North 36°16'43” East, 69.83 feet to a point lying on the aforesaid southeasterly right of way line of Arrowhead Park Drive; thence running with a portion of said southeasterly right of way line of Arrowhead Park Drive
2. South 13°59'51” East, 41.46 feet to a point; thence
3. South 35°51'58” West, 16.00 feet to a point; thence
4. South 85°46'41” West, 42.09 feet to the point of beginning containing 1,371 square feet or 0.03147 acres of land.

X:\DATA\6000-6999\V6107AA\Description\Arrowhead Park Drive Abandoment Street Dedication DB 9967 PG 636 Metes and Bounds REVISED.doc



8180 Greensboro Drive, Suite 200 • McLean, Virginia 22102 • 703.442.7800 Fax 703.761.2787
 McLean, VA • Germantown, MD • Washington, DC

www.vika.com

NOTES:

1. THE ADJOINING PROPERTIES SHOWN HEREON ARE IDENTIFIED ON FAIRFAX COUNTY TAX ASSESSMENT MAP AS NUMBER 055-1-01-0032, ZONED PDH-2 AND AS NUMBER 055-1-26-B, ZONED PDH-8.
2. RESIDUE PARCEL 32 (TM#055-1-01-0032) IS CURRENTLY IN THE NAME OF BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA AS RECORDED IN DEED BOOK 9967 AT PAGE 636. PARCEL B, FAIRCREST (TM#055-1-26-B) IS CURRENTLY IN THE NAME OF FAIRCREST HOMEOWNERS ASSOCIATION AS RECORDED IN DEED BOOK 13483 AT PAGE 371 ALL AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
3. THE PROPERTY SHOWN HEREON APPEARS TO LIE IN ZONE "X", (AREAS DETERMINED TO BE OUTSIDE THE 500-YR FLOOD PLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL 515525 0025 D AND DATED MARCH 5, 1990.
4. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD RUN BOUNDARY SURVEY PERFORMED BY VIKI, INC. LAST FIELD DATE: FEB., 2001.
5. THE HORIZONTAL DATUM SHOWN HEREON IS BASED VIRGINIA STATE GRID NORTH (DB 12763 PG 1263).
6. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS OR OTHER INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN ON THIS PLAT.
7. THE ABANDONMENT OF ARROWHEAD PARK DRIVE SHOWN HEREON IS IN CONJUNCTION WITH REZONING CASE NUMBER RZ 2000-SU-029 (PROFFER 11(d)). SHOULD ANY OF THE EXISTING UTILITIES LOCATED WITHIN THE EXISTING RIGHT-OF-WAY OF THE ABOVE MENTIONED PUBLIC ROAD REMAIN IN USE AND REQUIRE EASEMENTS AFTER THE RIGHT-OF-WAY IS ABANDONED, SUCH EASEMENTS WOULD BE GRANTED IN CONJUNCTION WITH THE APPROVED ENGINEERING SITE PLANS.

APPROX. LOCATION C/L
V.E.P.C.O. ESM'T
DB 2126 PG 564

N 6993941.3257
E 1795559.2952

N 6993893.8918
E 1795563.0266

7,512 SQ. FT OF EXISTING
ARROWHEAD PARK DRIVE
(HEREBY ABANDONED)

1,371 SQ. FT OF EXISTING
ARROWHEAD PARK DRIVE
(HEREBY ABANDONED)

APPROX. LOCATION C/L
V.E.P.C.O. ESM'T
DB 2119 PG 544

TM# 055-1-26-B
PARCEL B
LANDBAY 1, SECTION 2
FAIRCREST
132,557 SF OR 3.0431 AC.
DB 13483 PG 371

TM# 055-1-01-0032
RESIDUE
BOARD OF SUPERVISORS
DB 9967 PG 636
10,885 SF OR 0.24988 AC.

EX. GRADING AND TEMP.
CONSTRUCTION ESM'T
(DB 12763 PG 1263)

8,937 S.F. PREVIOUSLY DEDICATED
FOR PUBLIC STREET PURPOSES
DB 12763 PG 1263

CENTREVILLE FARMS ROAD
ROUTE 1210
(VARIABLE WIDTH R-O-W)
(D.B. 12458 PG. 852)

ARROWHEAD PARK DRIVE
(VARIABLE WIDTH R-O-W)
(DB 9967 PG 636)

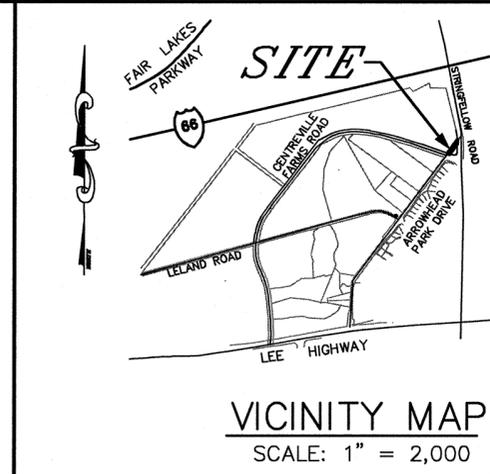
STRINGFELLOW ROAD
(VARIABLE WIDTH R-O-W)
(DB 9967 PG 636)

LISA DAWN LANE - ROUTE 10098
(VARIABLE WIDTH R-O-W)
(DB 9967 PG 636)

PARCEL C-2
FAIRCREST

FAIRFAX COUNTY PROJECT #64151
C/L PER FAIRFAX COUNTY PROJECT #64151

LOT 46
THE WOODLANDS OF FAIR LAKES - SECTION 3



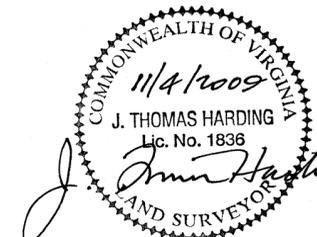
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHD BRG	CHORD
C1	47.58'	1374.89'	1°58'59"	23.79'	S04°29'52"E	47.58'
C2	34.45'	522.00'	3°46'52"	17.23'	N69°15'58"W	34.44'

SURVEYOR'S CERTIFICATION:

I, J. THOMAS HARDING, A LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED ON THIS PLAT OF ABANDONMENT AND THAT IT IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THAT IT IS A PORTION OF ARROWHEAD PARK DRIVE AS RECORDED IN DEED BOOK 9967 AT PAGE 636 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

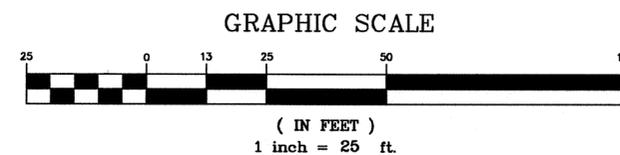
I FURTHER CERTIFY THAT THE LAND EMBRACED BY THIS VACATION LIES ENTIRELY WITHIN THE BOUNDS OF THE ORIGINAL TRACT, THAT THIS PLAT REPRESENTS AN ACCURATE SURVEY OF THE SAME AND THAT ALL COURSES ARE REFERENCED TO VIRGINIA STATE GRID NORTH (DB 12763 PG 1263) IN ACCORDANCE WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY SUBDIVISION ORDINANCE.



J. THOMAS HARDING
LICENSED LAND SURVEYOR
VIRGINIA #1836

SHEET 1 OF 1
PLAT SHOWING
**THE ABANDONMENT OF
A PORTION OF
ARROWHEAD PARK DRIVE**

PRESCRIPTIVE RIGHT-OF-WAY
DEED BOOK 9967 AT PAGE 636
SULLY DISTRICT AND SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 25' DATE: 10/29/2009
REVISED: 11/4/09

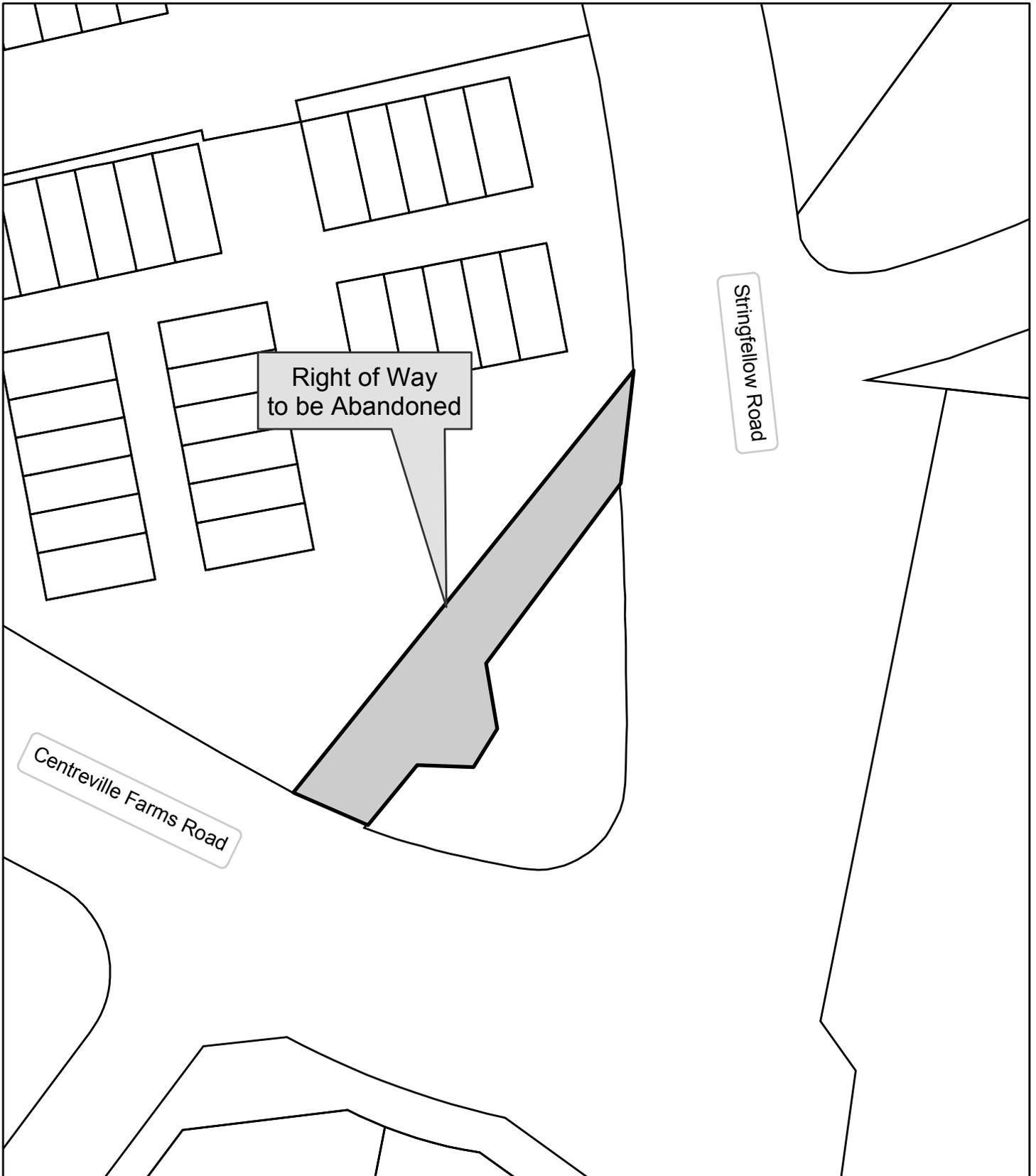


ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

VIKI INCORPORATED
8180 GREENSBORO DRIVE SUITE 200 ■ McLEAN, VIRGINIA 22102
(703)442-7800 ■ FAX (703)761-2787
McLEAN, VA FREDERICK, MD

P:\Surveys\LD03-PROJECTS\6107-rp.dwg\6107637 ARROWHEAD ABANDONMENT.dwg 10/29/2009 6:15:30 PM EDT

Vicinity Map - Tax Map 55-1



Board Agenda Item
January 11, 2011

4:00 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 3, Regarding Technical Changes to the Employees', Uniformed and Police Officers Retirement Systems Required to Update IRS Qualification of the Plans

ISSUE:

Board of Supervisors approval of amendments to Articles 2, 3, and 7 of Chapter 3, County Employees. These changes to the Employees', Uniformed and Police Officers Retirement Systems are necessary to update the IRS qualification status of the plans and to conform with the provisions of the Heroes Earnings Assistance and Relief Tax Act (the HEART Act) and the Worker, Retiree and Employer Recovery Act (WRERA).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed amendments to Chapter 3 of the County Code.

TIMING:

Board action is requested on January 11, 2011. The Public Hearing was authorized for advertisement on December 7, 2010.

BACKGROUND:

Fairfax County Retirement Systems last received tax qualification letters from the Internal Revenue Service (IRS) in 2002. IRS tax qualification letters are issued based on a review of the plan provisions and IRS regulations in place at the time plans are submitted for review. As such, a determination letter issued by the IRS cannot be relied on indefinitely as plans and regulations change over time. Since the last IRS review of the Fairfax County plans, a number of regulations and plan provisions have changed. In preparation for submitting the plan documents (Article 2, 3 and 7 of Chapter 3) to the IRS for an updated qualification letter, the plan documents were reviewed by counsel and necessary code changes were identified. These changes are necessary in order to be in technical compliance with the HEART Act and WRERA.

The HEART Act requires that 1) military differential pay be included in compensation for purposes of applying the benefit limitations under the Internal Revenue Code (IRC) Section 415 and 2) a member who dies during qualified military service be deemed to have been reemployed the day before such death for purposes of death benefits

Board Agenda Item
January 11, 2011

provided under the retirement system. WRERA requires plans to offer rollover distributions to non-spousal beneficiaries (to inherited IRAs), expands the definition of eligible retirement plan for rollover purposes to include a Roth IRA under IRC 408A, and clarifies that an eligible retirement plan for purposes of rollovers includes 403(b) and 457(b) plans.

The Boards of Trustees of the Employees', Uniformed and Police Officers Retirement Systems have reviewed the changes for their respective systems and have recommended that they be approved by the Board of Supervisors.

FISCAL IMPACT:

There is no actuarial cost and no fiscal impact associated with these changes.

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County Code, Sections 3-2-38, 3-2-52 and 3-2-54

Attachment 2: Fairfax County Code, Sections 3-3-39, 3-3-44, 3-3-53, 3-3-55 and 3-3-57(e)(1)(B)

Attachment 3: Fairfax County Code, Sections 3-7-41, 3-7-48, 3-7-50 and 3-7-52(e)(1)(B)

Attachment 4: Letter from Fiona Liston, Cheiron, to Robert Mears dated November 17, 2010 Re: Employees' Retirement System

Attachment 5: Letter from Fiona Liston, Cheiron, to Robert Mears dated November 17, 2010 Re: Uniformed Retirement System

Attachment 6: Letter from Fiona Liston, Cheiron, to Robert Mears dated November 17, 2010 Re: Police Officers Retirement System

STAFF:

Edward L. Long, Jr., Deputy County Executive

Robert L. Mears, Executive Director, Fairfax County Retirement Systems

DRAFT

Proposed Amendment to Sections 3-2-38, 3-2-52, and 3-2-54 to comply with qualified retirement plan requirements under the Internal Revenue Code.

Section 3-2-38. Refund of contributions upon withdrawal or death; and deferred vested benefits.

- (a) If a member has ceased to be an employee, otherwise than by death or by retirement under the provisions of this Article, and has fewer than five years of creditable service on his date of separation, he shall be eligible for a refund of the total of his accumulated contributions (with interest) which have been reduced by the amount of any retirement allowances previously received by him under any of the provisions of this Article. The member must file a written application with the Board for such refund and the application must include an election by the member directing the System to have the refund paid directly to the member or to transfer the refund amount to another plan identified by the member as permitted under the provisions of the Internal Revenue Code.
- (b) If a member has five or more years of creditable service on his date of separation from the County, the member may leave his accumulated contributions in the fund and receive a deferred annuity payable beginning the date the member attains age 65, or in an actuarially reduced amount payable at the optional early retirement age, in accordance with applicable provisions of this Article. In lieu of a deferred vested annuity, a member with five or more years of creditable service may elect to receive a refund of his accumulated contributions (with interest) reduced by the amount of any retirement allowance previously received under any of the provisions of this Article. The member must file a written application with the Board on separation, or at any time thereafter, so long as he has not yet begun to receive a deferred vested annuity. The application must include an election by the member directing the System to have the refund paid directly to the

member or to transfer the amount to another plan identified by the member as permitted under the provisions of the Internal Revenue Code. The refund shall be made not later than 90 days after the receipt of the application.

- (c) Should death occur to a member in service who has completed less than 15 years of creditable service or to a member on retirement, the amount of his accumulated contributions, reduced by the amount of any retirement allowance previously received by him under any of the provisions of this Article, shall then be payable in a lump sum to a designated beneficiary, or in the absence of a designated beneficiary, to his estate; provided no benefit is payable under subparagraph (c) of Section 3-2-32. Such designated beneficiary may be changed from time to time by written notice by the member, signed and filed with the Board.
- (d) Should death occur to a member in service who has completed 15 years of creditable service and if the member's designated beneficiary, duly approved, acknowledged and filed with the Board, is not the member's spouse, a lump sum payment equaling the member's accumulated contribution, as provided in Section 3-2-28(c), shall be paid to the designated beneficiary.
- (e) Should death occur to a member in service who has completed 15 years of creditable service and has no designated beneficiary, a lump sum payment equaling the member's contribution shall be paid to the member's estate; provided that, if such member's spouse is the sole person entitled under the laws of Virginia to the benefits provided hereunder then said spouse shall have the same right to elect benefits as is provided to spouses in Section 3-2-42.
- (f) All refunds shall be mailed to the last address on record with the Board. Refunds that have not been claimed within six months shall become the property of the System.

- (g) A member who becomes eligible for membership in either the Virginia Retirement System and the Educational Employees Supplemental Retirement System (Article 4), the Fairfax County Police Officers Retirement System (Article 7), or the Uniformed Retirement System (Article 3) prior to receipt of any refund amount to which he is entitled may elect in writing to transfer the amount of his refund directly from this System to the system for which he has become eligible for membership, under such rules and regulations as are adopted by the Board and by the board of the system for which he has become eligible for membership. In the alternative, to the extent that a refund is an "eligible rollover distribution" within the meaning of Internal Revenue Code Section 402(f)(2)(A), such a member may (a) pursuant to the rules and regulations of the system of which he is eligible to become a member, elect in writing to roll over the portion of his refund which represents such an eligible rollover distribution directly from this System to the system for which he has become eligible for membership or (b) elect in writing to roll over the portion of his refund which is such an eligible rollover distribution directly to an individual retirement account. (20-81-3; 34-81-3; 5-85-3; 27-90-3; 45-93-3; 10-01-3; 40-08-3.)
- (h) Effective on and after January 1, 2007, if a member dies while performing "qualified military service" as defined in Section 414(u) of the Internal Revenue Code, any additional benefits that would have been provided under the System if the member had resumed employment on the day prior to his death and then terminated employment due to death shall be paid to such member's designated beneficiary or, if applicable, estate. This provision shall also apply to Section 3-2-42 regarding spouse retirement allowances.

Section 3-2-52. Limitation on annual retirement allowance.

Notwithstanding any other provision of this Article, the annual retirement allowance to which any member may be entitled shall not exceed the limits on benefits set forth in Section 415 of the Internal Revenue Code and the Treasury Regulations issued thereunder, and in calculating such limits a member's compensation shall include any differential wage payments for military service as defined under Section 3401(h)(2) of the Internal Revenue

Code and paid on or after January 1, 2009. Notwithstanding any provision of this Internal Revenue Code to the contrary, the limitations imposed by this Section apply only to retirement allowances granted under this Article and not to any retirement allowance provided to any employee under any other Article of this Chapter. Such limits shall be applied annually for the 12-month period commencing each July 1 and ending the following June 30. A benefit payable other than in the form of an annuity shall not exceed the amount which, when converted to an actuarial equivalent annual benefit, does not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code. Effective June 30, 2000, the mortality tables prescribed by the Uruguay Round Agreement Acts (GATT), as set forth in Internal Revenue Service Rev. Rul. 2001-62 (superseding and modifying Rev. Rul. 95-29), or as further updated or modified by the Internal Revenue Service, shall be used in determining the actuarial equivalent amount of such benefit. (27-90-3, § 2; 10-91-3; 21-96-3; 8-03-3.)

Section 3-2-54. Direct rollovers to other plans.

- (a) *General.* This Section 3-2-54 applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this Section 3-2-54, a distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. However, to the extent that any portion of the amount of the rollover is comprised of after-tax contributions, the distribution may only be rolled over to an eligible retirement plan that separately accounts for after-tax contributions.
- (b) *Definition.*
- (1) *Eligible rollover distribution.* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the

distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.

- (2) *Eligible retirement plan.* An eligible retirement plan is any one of the following that accepts the distributee's eligible rollover distribution: an individual retirement account described in Section 408(a) of the Internal Revenue Code; an individual retirement annuity described in Section 408(b) of the Internal Revenue Code; an annuity plan described in Section 403(a) of the Internal Revenue Code; ~~or~~ a qualified trust described in Section 401(a) of the Internal Revenue Code; an annuity contract described in Section 403(b) of the Internal Revenue Code; an eligible deferred compensation plan described in Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state; or effective for distributions made after December 31, 2007, a Roth IRA described in Section 408A of the Internal Revenue Code, provided the eligible rollover distribution is considered a "qualified rollover contribution" under Section 408A(e) of the Internal Revenue Code ~~that accepts the distributee's eligible rollover distribution.~~ However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.
- (3) *Distributee.* A distributee includes a member or former member. In addition, the member's or former member's surviving spouse and the member's or former member's spouse or former spouse who is entitled to receive benefits from the System, are distributees with regard to the interest of the spouse or former spouse. Effective for distributions on or after January 1, 2010, a distributee includes a non-spouse beneficiary of a deceased member or former member who may make an eligible rollover distribution in a direct trustee-to-trustee transfer to an "inherited" individual retirement account.

- (4) *Direct rollover.* A direct rollover is a payment by the System to the eligible retirement plan specified by the distributee. (45-93-3; 21-96-3; 8-03-3)

DRAFT

Proposed Amendment to Sections 3-3-39, 3-3-44, 3-3-53, 3-3-55 and 3-3-57(e)(1)(B) to comply with qualified retirement plan requirements under the Internal Revenue Code.

Section 3-3-39. Refund of contributions upon withdrawal or death; and deferred vested benefits.

- (a) If a member has ceased to be an employee, otherwise than by death or by retirement under the provisions of this Article, and has fewer than five (5) years of creditable service on his date of separation, he shall be eligible for a refund of the total of his accumulated contributions (with interest) which have been reduced by the amount of any retirement allowances previously received by him under any of the provisions of this Article. The member must file a written application with the Board for such refund and he shall be paid the amount to which he is entitled not later than ninety (90) days after receipt of his application by the Board. Should a member or a person retirement die, the amount of his accumulated contributions reduced by the amount of any retirement allowance previously received by him under any of the provisions of this Article shall then be payable in a lump sum to a designated beneficiary or in the absence of a designated beneficiary to his estate, provided no benefit is payable under Subparagraph (c) of Section 3-3-33. Such designated beneficiary may be changed from time to time by written notice by the member, signed and filed with the Board.
- (b) If a member has five (5) or more years of creditable service on his date of separation from the County, the member may leave his accumulated contributions in the fund and receive a deferred annuity payable beginning the date the member attains age fifty-five (55). Members who choose a deferred vested annuity are not eligible to receive the Social Security supplement.
- (c) A member who becomes eligible for membership in either the Virginia Retirement System and the Educational Employees Supplemental Retirement System (Article 4), the Fairfax

County Employees' Retirement System (Article 2), or the Fairfax County Police Officers Retirement System (Article 7) prior to receipt of a refund amount may, under such rules and regulations as are adopted by the Board and by the board of the system of which he is eligible to become a member, elect in writing to transfer the amount of his refund directly from this System to the system for which he has become eligible for membership. In the alternative, to the extent that a refund is an "eligible rollover distribution" within the meaning of Internal Revenue Code Section 402(f)(2)(A), such a member may (a) under rules and regulations of the system of which he is eligible to become a member, elect in writing to roll over the amount of his refund directly from this System to the system for which he has become eligible for membership or (b) elect in writing to roll over the portion ~~amount~~ of his refund which is such an eligible rollover distribution directly to an individual retirement account.

- (d) All refunds shall be mailed to the last address on record with the Board. Refunds that have not been claimed within six (6) months shall become the property of the System. (1961 Code, § 9-109; 11-74-9; 20-81-3; 34-81-3; 5-85-3; 36-88-3; 45-93-3; 10-01-3).

Section 3-3-44. Spouse retirement allowance

- (a) Should death occur to a member in service who has completed five (5) years of creditable service, a retirement allowance shall be payable to the member's spouse if said spouse is the designated beneficiary duly approved, acknowledged and filed with the Board. The annual retirement allowance, payable monthly for life shall be 50 percent of the annual retirement allowance provided in the first sentence of Subparagraph (a) of Section 3-3-33, with creditable service and final compensation being determined as of the date of the member's death. Said spouse shall elect within 90 days after notice by the Board of Trustees of the option of receiving the benefits outlined above in this Section or a lump sum payment of the member's accumulated contributions as provided in Section 3-3-39 herein, or within 180 days of the death of the member, whichever first occurs. If death is due to a service-connected accident as defined in Section 3-3-38, and the designated

beneficiary under Section 3-3-38(1)(A) is the member's spouse, the spouse shall elect in writing within 90 days after the notice by the Board of Trustees, or within 180 days of the death of the member, whichever first occurs, to receive either the benefits contained in this Section or those contained in Section 3-3-38(1)(A). In the event of the spouse's death prior to receiving allowances under this Section equaling the sum of the member's accumulated contribution, said sum, reduced by the amount of any retirement allowances previously paid under this Section, shall be paid to the spouse's designated beneficiary duly approved, acknowledged and filed with the Board, otherwise the spouse's estate.

- (b) Should death occur to a member in service who has completed five (5) years of creditable service and if the member's designated beneficiary, duly approved, acknowledged and filed with the Board, is not the member's spouse, a lump sum payment equaling the member's accumulated contribution as provided in Section 3-3-29(c), shall be paid to the designated beneficiary.
- (c) Should death occur to a member in service who has completed five (5) years of creditable service and the member has no designated beneficiary, a lump sum payment equaling the member's accumulated contribution shall be paid to the member's estate; provided that, if such member's spouse is the sole person entitled under the laws of Virginia to the benefits provided hereunder, then said spouse shall have the same right to elect benefits as is provided to spouses in Section 3-3-44(a) above. (1961 Code, § 9-113; 11-74-9; 28-77-3; 20-81-3; 5-85-3; 29-09-3.)
- (d) Effective on and after January 1, 2007, if a member dies while performing "qualified military service" as defined in Section 414(u) of the Internal Revenue Code, any additional benefits that would have been provided under the System if the member had resumed employment on the day prior to his death and then terminated employment due to death shall be paid to such member's designated beneficiary or, if applicable, estate.

Section 3-3-53. Limitation on annual retirement allowance.

Notwithstanding any other provision of this Article, the annual retirement allowance to which any member may be entitled shall not exceed the limits on benefits set forth in Section 415 of the Internal Revenue Code and the Treasury Regulations issued thereunder, and in calculating such limits a member's compensation shall include any differential wage payments for military service as defined under Section 3401(h)(2) of the Internal Revenue Code and paid on or after January 1, 2009. Such limits shall be applied annually for the 12-month period commencing each July 1 and ending the following June 30. A benefit payable other than in the form of an annuity shall not exceed the amount which, when converted to an actuarial equivalent annual benefit, does not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code. Effective June 30, 2000, the mortality tables prescribed by the Uruguay Round Agreement Acts (GATT), as set forth in Internal Revenue Service Rev. Rul. 2001-62 (superseding and modifying Rev. Rul. 95-29), or as further updated or modified by the Internal Revenue Service, shall be used in determining the actuarial equivalent amount of such benefit. (27-90-3, § 4; 21-96-3; 8-03-3.)

Section 3-3-55. Direct rollovers to other plans.

(a) *General.* This Section 3-3-55 applies to distributions made on or after January 1, 1993.

Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this Section 3-3-55, a distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. However, to the extent that any portion of the amount of the rollover is comprised of after-tax contributions, the distribution may only be rolled over to an eligible retirement plan that separately accounts for after-tax contributions.

(b) *Definition.*

(1) *Eligible rollover distribution.* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover

distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.

- (2) *Eligible retirement plan.* An eligible retirement plan is any one of the following that accepts the distributee's eligible rollover distribution: an individual retirement account described in Section 408(a) of the Internal Revenue Code; an individual retirement annuity described in Section 408(b) of the Internal Revenue Code; an annuity plan described in Section 403(a) of the Internal Revenue Code; ~~or~~ a qualified trust described in Section 401(a) of the Internal Revenue Code; an annuity contract described in Section 403(b) of the Internal Revenue Code; an eligible deferred compensation plan described in Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state; or effective for distributions made after December 31, 2007, a Roth IRA described in Section 408A of the Internal Revenue Code, provided the eligible rollover distribution is considered a "qualified rollover contribution" under Section 408A(e) of the Internal Revenue Code ~~that accepts the distributee's eligible rollover distribution.~~ However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.
- (3) *Distributee.* A distributee includes a member or former member. In addition, the member's or former member's surviving spouse and the member's or former member's spouse or former spouse who is entitled to receive benefits from the System, are distributees with regard to the interest of the spouse or former spouse. Effective for distributions on or after January 1, 2010, a distributee includes a non-spouse beneficiary of a deceased

member or former member who may make an eligible rollover distribution in a direct trustee-to-trustee transfer to an "inherited" individual retirement account.

- (4) *Direct rollover.* A direct rollover is a payment by the System to the eligible retirement plan specified by the distributee. (45-93-3; 21-96-3; 8-03-3)

Section 3-3-57(e)(1)(B). Deferred Retirement Option Program – Cessation of County employment.

- (B) The member may elect to roll over his or her DROP account balance into ~~a~~ an "eligible ~~qualified~~ retirement plan", as defined in Section 3-3-55(b)(2). ~~such as an IRA.~~

DRAFT

Proposed Amendment to Sections 3-7-41, 3-7-48, 3-7-50 and 3-7-52(e)(1)(B) to comply with qualified retirement plan requirements under the Internal Revenue Code.

Section 3-7-41. Benefits to surviving spouse and children of members deceased before or during ordinary service retirement.

- (a) The surviving spouse of a member who dies before retirement or while receiving a service pension shall be entitled to receive relief from the System in an amount equal to \$1,000.00 per month. Any surviving children of such member under 18 years of age shall be entitled to receive relief in an amount equal to \$400.00 per month; and any child under the age of 23 years who is a full-time student in an accredited college or secondary school shall also receive such relief; and any handicapped child shall receive such relief during the child's lifetime. Upon death of the surviving spouse, a surviving handicapped child, if any, shall be entitled to receive continued relief from the System as if that child were a surviving spouse, in addition to any other relief he is entitled to as a surviving child. Relief granted any child, not handicapped, shall cease upon said child's marriage or said child's becoming self-supporting, whichever shall occur first. Relief granted to a handicapped child shall cease if said child becomes self-supporting or if said child is determined by the Board no longer to be permanently mentally incompetent or permanently physically handicapped based on evidence available to the Board in accordance with Section 3-7-41(b). No combination of the relief previously granted shall be paid to the spouse or handicapped child, as the case may be, and children of any one member in an amount exceeding \$2,000.00 per month. Benefit amounts as listed above shall be adjusted on July 1 of each year after enactment by the lesser of four percent and the percentage corresponding to the percentage increase in the Consumer Price Index during the 12-month calendar period ending with the March immediately preceding the July in which the increase is effective. For the purpose of this Section, "Consumer Price Index" shall mean the Washington, DC-MD-VA index of the Consumer Price Index for all Urban Consumers (CPI-U) as issued by the Bureau of Labor

Statistics of the U.S. Department of Labor. Benefits conferred upon a surviving spouse pursuant to this Section shall extend to the surviving spouses of service retirees who died prior to the enactment of this Article.

- (b) Once each year during the first five years following the Board's commencement of payments to the handicapped child, and once every three-year period thereafter, the Board shall require such handicapped child to undergo medical examinations by the same physicians as specified in the selection process set forth in Section 3-7-30, if available. Should any such physician be unavailable, a successor shall be designated, as previously determined in Section 3-7-30.

Each physician shall independently examine such handicapped child and submit a written report of findings and recommendations to the Board. In the event that such handicapped child fails to submit to these medical examinations, benefits shall be discontinued until the handicapped child submits to the examinations; and should the failure continue for one year, all rights to benefits under this Article shall terminate. The Board is authorized to determine that the handicapped child no longer qualifies as such, based on such written report and other evidence acceptable to the Board in its sole discretion.

- (c) Handicapped children receiving an allowance pursuant to Section 3-7-39 shall submit by May 30th of each year a copy of that portion of their Federal income tax returns showing the amount of their earned income and copies of W-2 forms (wage statements) provided by their employers to the Board for the previous calendar year. Failure to submit such documentation on request shall result in the loss of allowance until the documentation is provided; and should a handicapped child's failure continue for one year, all rights to benefits shall cease. (20-81-3; 8-82-3; 28-89-3; 13-92-3; 29-09-3.)

- (d) Effective on and after January 1, 2007, if a member dies while performing "qualified military service" as defined in Section 414(u) of the Internal Revenue Code, any benefits

under this Section 3-7-41(a) that would have been provided under the System if the member had resumed employment on the day prior to his death and then terminated employment due to death shall be paid to such member's designated beneficiary or, if applicable, estate.

Section 3-7-48. Limitation on annual retirement allowance.

Notwithstanding any other provision of this Article, the annual retirement allowance to which any member may be entitled shall not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code and the Treasury Regulations issued thereunder, and in calculating such limits a member's compensation shall include any differential wage payments for military service as defined under Section 3401(h)(2) of the Internal Revenue Code and paid on or after January 1, 2009. Such limits shall be applied annually for the 12-month period commencing each July 1 and ending the following June 30. A benefit payable other than in the form of an annuity shall not exceed the amount which, when converted to an actuarial equivalent annual benefit, does not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code. Effective June 30, 2000, the mortality tables prescribed by the Uruguay Round Agreement Acts (GATT), as set forth in Internal Revenue Service Rev. Rul. 2001-62 (superseding and modifying Rev. Rul. 95-29), or as further updated or modified by the Internal Revenue Service, shall be used in determining the actuarial equivalent amount of such benefit. (27-90-3, § 6; 21-96-3; 8-03-3.)

Section 3-7-50. Direct rollovers to other plans.

- (a) *General.* This Section 3-7-50 applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this Section 3-7-50, a distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. However, to the extent that any portion of the amount

of the rollover is comprised of after-tax contributions, the distribution may only be rolled over to an eligible retirement plan that separately accounts for after-tax contributions.

(b) *Definition.*

- (1) *Eligible rollover distribution.* An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.
- (2) *Eligible retirement plan.* An eligible retirement plan is any one of the following that accepts the distributee's eligible rollover distribution: an individual retirement account described in Section 408(a) of the Internal Revenue Code; an individual retirement annuity described in Section 408(b) of the Internal Revenue Code; an annuity plan described in Section 403(a) of the Internal Revenue Code; a defined contribution plan described in Section 401(k) of the Internal Revenue Code; ~~or an annuity contract described in Section 403(b) of the Internal Revenue Code;~~ an eligible deferred compensation plan described in Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state; ~~a state and local government plan described in Section 457 of the Code, or~~ a qualified trust described in Section 401(a) of the Internal Revenue Code; or effective for distributions made after December 31, 2007, a Roth IRA described in Section 408A of the Internal Revenue Code, provided the eligible rollover distribution is considered a "qualified rollover contribution" under Section 408A(e) of the Internal Revenue Code ~~that accepts the distributee's eligible rollover distribution.~~ However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

- (3) *Distributee*. A distributee includes a member or former member. In addition, the member's or former member's surviving spouse and the member's or former member's spouse or former spouse who is entitled to receive benefits from the System, are distributees with regard to the interest of the spouse or former spouse. Effective for distributions on or after January 1, 2010, a distributee includes a non-spouse beneficiary of a deceased member or former member who may make an eligible rollover distribution in a direct trustee-to-trustee transfer to an "inherited" individual retirement account.
- (4) *Direct rollover*. A direct rollover is a payment by the System to the eligible retirement plan specified by the distributee. (45-93-3; 21-96-3; 8-03-3)

Section 3-7-52(e)(1)(B). Deferred Retirement Option Program – Cessation of County employment.

- (B) The member may elect to roll over his or her DROP account balance into ~~a~~ an "eligible ~~qualified~~ retirement plan", as defined in Section 3-7-50(b)(2). ~~such as an IRA.~~



Classic Values, Innovative Advice

November 17, 2010

Mr. Robert Mears
Executive Director
Fairfax County Retirement Systems
10680 Main Street, Suite 280
Fairfax, Virginia 22030-3812

**Re: Actuarial Impact on Employees' Retirement System – Proposed Ordinance
Changes including Provisions of the HEART Act and WRERA**

Dear Bob:

As requested, we are writing to provide an actuarial cost estimate for a proposed change in the Fairfax County Employees' Retirement System to provide spousal benefit protection to members who die while performing qualified military service as required by the HEART Act. We are also providing costs associated with changes required by WRERA.

The Heroes Earnings Assistance and Relief Tax Act of 2008 (the HEART Act), requires plans to provide a death benefit to those who die during qualified military service as if they had been reemployed the day prior to death. It also requires that military differential pay be included in compensation for purposes of applying the benefit limitations under IRC Section 415. Neither of these provisions is expected to have an impact on the cost of the Retirement System.

The Worker, Retiree, and Employer Recovery Act of 2009 (WRERA) requires the ordinance to be amended to provide expanded options to those rolling over money from the System. None of these provisions are expected to have an impact on the cost of the Retirement System.

Please call if you have any questions or comments.

Sincerely,
Cheiron

Fiona E. Liston, FSA
Consulting Actuary





Classic Values, Innovative Advice

November 17, 2010

Mr. Robert Mears
Executive Director
Fairfax County Retirement Systems
10680 Main Street, Suite 280
Fairfax, Virginia 22030-3812

Re: *Actuarial Impact on Uniformed Retirement System – Proposed Ordinance Changes including Provisions of the HEART Act and WRERA*

Dear Bob:

As requested, we are writing to provide an actuarial cost estimate for a proposed change in the Fairfax County Uniformed Retirement System to provide spousal benefit protection to members who die while performing qualified military service as required by the HEART Act. We are also providing costs associated with changes required by WRERA.

The Heroes Earnings Assistance and Relief Tax Act of 2008 (the HEART Act), requires plans to provide a death benefit to those who die during qualified military service as if they had been reemployed the day prior to death. It also requires that military differential pay be included in compensation for purposes of applying the benefit limitations under IRC Section 415. Neither of these provisions is expected to have an impact on the cost of the Retirement System.

The Worker, Retiree, and Employer Recovery Act of 2009 (WRERA) requires the ordinance to be amended to provide expanded options to those rolling over money from the System. None of these provisions are expected to have an impact on the cost of the Retirement System.

Please call if you have any questions or comments.

Sincerely,
Cheiron

Fiona E. Liston, FSA
Consulting Actuary





Classic Values, Innovative Advice

November 17, 2010

Mr. Robert Mears
Executive Director
Fairfax County Retirement Systems
10680 Main Street, Suite 280
Fairfax, Virginia 22030-3812

**Re: Actuarial Impact on Police Officers Retirement System – Proposed Ordinance
Changes including Provisions of the HEART Act and WRERA**

Dear Bob:

As requested, we are writing to provide an actuarial cost estimate for a proposed change in the Fairfax County Police Officers Retirement System to provide spousal benefit protection to members who die while performing qualified military service as required by the HEART Act. We are also providing costs associated with changes required by WRERA.

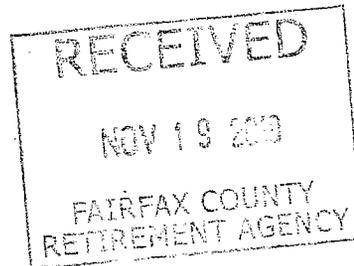
The Heroes Earnings Assistance and Relief Tax Act of 2008 (the HEART Act), requires plans to provide a death benefit to those who die during qualified military service as if they had been reemployed the day prior to death. It also requires that military differential pay be included in compensation for purposes of applying the benefit limitations under IRC Section 415. Neither of these provisions is expected to have an impact on the cost of the Retirement System.

The Worker, Retiree, and Employer Recovery Act of 2009 (WRERA) requires the ordinance to be amended to provide expanded options to those rolling over money from the System. None of these provisions are expected to have an impact on the cost of the Retirement System.

Please call if you have any questions or comments.

Sincerely,
Cheiron

Fiona E. Liston, FSA
Consulting Actuary



Board Agenda Item
January 11, 2011

4:30 p.m.

Public Hearing on Proposed Area Plans Review (APR) Item 09-IV-19MV, Located on the Southeast Side of Richmond Highway Generally Near the Forest Place Intersection (Mount Vernon District)

ISSUE:

South County Area Plans Review (APR) nomination 09-IV-19MV proposes to amend the Comprehensive Plan for Area 3 and Area 6 of the Suburban Neighborhood Areas between the South County Center CBC and the Woodlawn CBC. Both Areas 3 and 6 are planned for residential use at a density of 5-8 du/ac. As an option, Area 6 is planned for residential use at a density up to 8-12 du/ac on 75% of the land area, and retail and office use at an intensity up to .35 FAR on 25% of the land area. An additional option for Areas 3 and 6 allows retail and office use at an intensity up to .50 FAR with full consolidation. An urban/town center concept is proposed with substantial parcel consolidation in these areas. Seventy-five percent of the land area would be developed as residential use at 16-20 du/ac. The remaining land area would be developed with retail and office uses at an intensity up to .35 FAR or .50 FAR.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 28, 2010, the Planning Commission voted unanimously (Commissioner Harsel not present for the vote) to recommend that the Board of Supervisors adopt the staff alternative to APR 09-IV-19MV, as set forth in Attachment I. The staff alternative recommends eliminating the proposed .35 FAR option, as there are no additional requirements to achieve the .50 FAR option. Areas 3 and 6 would be combined into one recommendation, Area 3. The recommendation clarifies the percentage of nonresidential to residential uses to reflect a maximum of 25% non-residential uses. Adequate on-site park facilities and connectivity to nearby parks are recommended. Redevelopment should not degrade the transportation network in the vicinity of the site. Pedestrian, but not vehicular, connection is recommended to the Mount Zephyr Community. LEED Silver certification for office buildings and residential buildings is recommended.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for 09-IV-19MV as shown in Attachment I.

Board Agenda Item
January 11, 2011

TIMING:

Planning Commission public hearing- July 14, 2010
Planning Commission mark-up session- July 28, 2010
Board of Supervisors' public hearing deferred- September 28, 2010
Board of Supervisors' public hearing deferred- October 19, 2010
Board of Supervisors' public hearing deferred- December 7, 2010
Board of Supervisors' public hearing- January 11, 2011

BACKGROUND:

The Board of Supervisors designated 2009-2010 as the years to review and evaluate recommendations contained in the Comprehensive Plan for the southern part of the County.

The staff analysis and recommendation for South County APR item 09-IV-19MV are found in Attachment II. The Mount Vernon APR Task Force Report is shown in Attachment III. The Task Force supported the nomination as submitted, with the addition of a condition related to transportation improvements.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim and Recommendation
Attachment II: Staff Report for South County APR item 09-IV-19MV (available on line at <http://www.fairfaxcounty.gov/dpz/apr/2009southcounty/finalstaffreports/19MV.pdf>)
Attachment III: Mount Vernon District APR Task Force Report for South County APR Item 09-IV-19MV (available on line at <http://www.fairfaxcounty.gov/dpz/apr/2009southcounty/taskforcereports/19mv.pdf>)

STAFF:

Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Chief, Policy and Plan Development Branch, Planning Division (PD), DPZ
Kimberly M. Rybold, Planner II, Policy and Plan Development Branch, PD, DPZ

Planning Commission Meeting
 July 28, 2010
 Verbatim Excerpt

APR Item #09-IV-19MV – Mount Vernon District

Markup Session (Public Hearing held on July 14, 2010)

Chairman Murphy: APR 09-IV-19MV.

Commissioner Flanagan: Yes. The South County APR Item 09-IV-19MV is located southeast side of Richmond Highway, generally near the Forest Place intersection. Mr. Chairman, the Mount Vernon Council submitted South County APR Item 09-IV-19MV. The nomination proposes to modify existing options for the subject property, allowing for an urban/town center concept with substantial parcel consolidation. Seventy-five percent of the land area would be developed as residential at 16 to 20 dwelling units per acre, resulting in up to 396 low-rise multi-family residential units. The remaining land area would be developed with retail and office uses at an intensity up to .35 FAR, with approximately 40 percent office use and 60 percent retail use. As an option, the retail and office uses at an intensity up to .50 FAR on the remaining land area would be permitted. The nomination, however, does not indicate additional conditions or requirements needed to increase the option for the non-residential use to an intensity of .50 FAR from .35 FAR. The proposed nomination would allow for a better mix of uses, including residential use, in these Suburban Neighborhood Areas, while maintaining a similar level of intensity as is currently recommended by the maximum Comprehensive Plan option for the subject property. Because there is no substantive difference between the two proposed options, staff recommends approval of a staff alternative that would eliminate the .35 FAR option, and combine Areas 3 and 6 into one recommendation area. The staff alternative would add language regarding the transportation impacts, park facilities, and pedestrian access from the Mount Zephyr Community. This mix of uses would generate a similar number of average daily trips as the Plan maximum option - - current Plan maximum option. In the nominated text, staff recommends clarifying the percentage of non-residential to residential uses to reflect a maximum of 25 percent non-residential uses, to be consistent with staff's understanding of the nomination as reflected in the transportation analysis. The proposed condition regarding LEED Silver certification for office buildings was modified to include residential buildings as well. Therefore, Mr. Chairman, FOR SOUTH COUNTY APR NOMINATION 09-IV-19MV, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE STAFF ALTERNATIVE, AS SHOWN ON PAGES 445-447 OF THE STAFF REPORT BOOK DATED JULY 14, 2010 AND ON PAGES 9 THROUGH 11 OF THE STAFF REPORT.

Chairman Murphy: Without objection.

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(The motion carried unanimously with Commissioner Harsel not present for the vote.)

KAD

RECOMMENDATION

The proposed nomination would allow for a better mix of uses, including residential use, in these Suburban Neighborhood Areas, while maintaining a similar level of intensity as is currently recommended by the maximum Comprehensive Plan option for the subject property. As a result of this mix of uses, the average daily trips generated would be approximately the same as the Plan maximum option. Staff supports the nomination with some changes that are outlined in the recommended alternative. This alternative would eliminate the proposed .35 FAR option, as there are no additional requirements recommended to achieve the .50 FAR option. In the nominated text, staff recommends clarifying the percentage of nonresidential to residential uses to reflect a maximum of 25% non-residential uses. This percentage is consistent with staff's understanding of the nomination as reflected in the transportation analysis. Due to the joint nature of the recommendations for Areas 3 and 6, the staff alternative would combine these areas into one recommendation, Area 3. Recommendations regarding parks and recreation were added so as to ensure adequate on-site park facilities and connectivity to nearby parks. A recommendation regarding transportation impacts was modified to clarify that proposed redevelopment should not degrade the transportation network in the vicinity of the site. The proposed condition regarding LEED Silver certification for office buildings was modified to include residential buildings as well. Additionally, the condition regarding access to the Mount Zephyr Community was modified to specify vehicular access, so as to not preclude pedestrian access from being provided from the subject property.

PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN

Staff recommends the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strike through~~.

MODIFY: Fairfax County Comprehensive Plan, 2007 Edition, Area IV, Mount Vernon Planning District, as amended through 3-9-2010, Richmond Highway Corridor Area, pages 58-60:

Note: Areas 3 and 6 will be combined to create a new Area 3. Area 6 will be deleted.

**“SUBURBAN NEIGHBORHOOD AREAS
 BETWEEN SOUTH COUNTY CENTER CBC AND WOODLAWN CBC
 (Refer to Figure 12 for recommendations 1-409)**

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3. ~~The area located on the east side of Richmond Highway south of Potomac Square Center to Parcel 101 3((1))31C north of the Engleside Trailer Park is planned for residential use at 5-8 dwelling units per acre. This area includes the Engleside Trailer Park and Ray's Mobile Colony north of the intersection of Forest Place and Richmond Highway and commercial uses fronting on Richmond Highway. This area is planned for residential use at 5-8 dwelling units per acre. Residential uses should be designed to provide for a transition to the adjacent single-family residential neighborhood by providing the required buffering and screening to adjacent neighborhoods. Any redevelopment of this area is encouraged to comply with the County's voluntary relocation guidelines. No vehicular access should be~~

provided to any proposed development from existing streets in the Mount Zephyr community. ~~See recommendation #6 for additional recommendations.~~

If substantial consolidation is achieved, this area may be appropriate for a mixed-use development using an urban/town center design concept with residential, office and retail uses. Approximately seventy-five percent of the total development should be developed as residential at 16-20 dwelling units per acre with a component of up to 25 percent of the total site area developed with retail and office uses at an intensity of .50 FAR. In addition, the following conditions should be met:

- The proposed “urban/town center” concept’s site design should enable the creation of a cohesive and walkable environment.
- High-quality architecture should be provided.
- Buildings should be oriented to internal/external streets and sidewalks, and sufficient open space should be interspersed with retail, residential, and office uses to provide usable public gathering areas.
- Building tapering, vegetative buffering and screening should be provided as needed on the periphery to create a transition to the surrounding areas. Lighting and sound from any development should be designed so that it is not intrusive to adjacent residential development.
- Any freestanding office or residential building is encouraged to meet at least U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Silver standards or other comparable programs with third party certification. Retail users are encouraged to meet applicable LEED standards, or other comparable programs, in design and construction to promote sustainable development. The impervious nature of hard surfaces should be offset through approaches such as providing vegetated planting strips in surface parking lots.
- Multi-story office buildings should include ground-floor retail use and other services where possible. To the extent possible, the new retail uses should be located in places that would encourage public usage, activate the town center, and reduce vehicular traffic. Such new retail uses should also be distributed throughout the site in the ground floors of the residential buildings and at prominent entrance points to the town center.
- The residential units should be distributed in buildings across the site in a manner that is well-integrated into the town center. The residential uses also should have convenient access to open space, community-serving retail uses, and other services. Affordable and workforce housing should be provided through compliance with the Affordable Dwelling Unit Ordinance and other County policies.
- Usable open spaces such as pocket parks, plazas, common greens and recreation-focused urban parks should be integrated into the development with supporting pedestrian connectivity.
- Internal roadways, trails, sidewalks, and street crossings should connect buildings and open spaces. Trails and sidewalks should link the site to adjoining communities. It is especially desirable to develop a strong pedestrian link from the site to Mount Vernon Manor Park to allow the future town center residents access to the park. Streetscape treatments should include trees, landscaping, sidewalks, bicycle facilities, street furniture, and various paving textures, to the extent possible.
- The impact on parks and recreation levels of service should be offset per Objective 6 of the Parks and Recreation Section of the Policy Plan through the provision of on-site urban park amenities, parkland dedication, provision of active recreation facilities and/or improvements to existing nearby parks.

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- Transportation improvements should be provided that ensure that the impact of the proposed development is mitigated so that there is no overall degradation of the transportation network in the vicinity of the site.
 - Bus transit stops and accompanying shelters should be provided along Richmond Highway.
 - No vehicular access from this community should be provided into the Mount Zephyr Community.

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6. ~~This area includes the Engleside Trailer Park and Ray's Mobile Colony north of the intersection of Forest Place and Richmond Highway and commercial uses fronting on Richmond Highway. This area is planned for residential use at 5-8 dwelling units per acre. If full consolidation is achieved, this area may be appropriate for a mixed-use development with residential, office and retail uses. At least seventy five percent of the total development should be developed as residential at 8-12 dwelling units per acre with a component of up to 25 percent of the total site area developed with retail and office uses at an intensity of .35 FAR. Any redevelopment of this area is encouraged to comply with the County's voluntary relocation guidelines. If Areas 3 and 6 are fully consolidated, an option for mixed use including retail and office uses at an intensity up to .50 FAR may be appropriate."~~

(Subsequent conditions in Plan text will be renumbered accordingly, and Figure 11 revised to show the new recommendation numbers)

NOTE: The Comprehensive Plan Map would be changed to show the density of a small section of parcel 30B as planned for a density of 5-8 du/ac. It is currently shown as planned for a density of 2-3 du/ac.