

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JULY 12, 2011**

AGENDA

9:30 **Done** Presentations

10:30 **Done** Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1 **Approved** Approval of Traffic Calming Measures as Part of the Residential
Traffic Administration Program (Providence District)

2 **Approved
w/amendment** Authorization to Advertise a Public Hearing to Consider Two
Ordinances Amending Fairfax County Code Chapter 7 Relating
to Election Precincts

3 **Approved** Streets into the Secondary System (Mount Vernon, Providence,
and Springfield Districts)

4 **Approved** Authorization for the McLean Community Center to Grant a
License to the Specially Adapted Resource Clubs to Use the
Teen Center Located in the Old Fire Station in McLean During
Non-School Hours (Dranesville District)

5 **Approved** Authorization to Advertise a Public Hearing to Convey Board-
Owned Property to the Fairfax County Park Authority

6 **Approved** Authorization for the Department of Neighborhood and
Community Services to Apply for and Accept Grant Funding
from the United States Centers for Disease Control and
Prevention for a Community Transformation Grant

7 **Approved** Authorization to Advertise a Public Hearing on Proposed
Revisions to Section 3-1-1 and 3-1-21 of Chapter 3 of the Code
of Fairfax County

ACTION ITEMS

1 **Approved** Approval of 2011 Zoning Ordinance Amendment Work Program

2 **Approved** Endorsement of the Proposed Fairfax County Fair Housing
Analysis of Impediments Five-Year Fair Housing Planning
Document (2011-2015) (Proposed Local Plan)

3 **Approved** Board Approval of the FY 2013 and FY 2014 Funding Priorities
for the Consolidated Community Funding Pool

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JULY 12, 2011**

ACTION ITEMS

(continued)

- | | | |
|---|-----------------|---|
| 4 | Approved | Adoption of a Resolution for the Industrial Development Authority to Issue Health Care Revenue Bonds (Inova Health System Project) |
| 5 | Approved | Authorization to Terminate the Agreement with the Town of Herndon to Share Expenses and Space for the Herndon Neighborhood Resource Center (Dranesville District) |

**CONSIDERATION
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Amendments to the Bylaws for the Fairfax County Commission for Women (CFW) |
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**INFORMATION
ITEMS**

- | | | |
|-------|--------------|---|
| 1 | Noted | Contract Award – Financial Consultant for the Wastewater Management Program |
| 11:00 | Done | Matters Presented by Board Members |
| 11:50 | Done | Closed Session |

**PUBLIC
HEARINGS**

- | | | |
|------|--|--|
| 3:30 | Approved | Board Decision on Proposed Amendments to the Public Facilities Manual Re: Design of Public Streets and Sidewalks |
| 3:30 | Approved | Public Hearing on SE 2011-MA-001 (Homan Solemaninejad) (Mason District) |
| 3:30 | Public hearing deferred to 7/26/11 at 3:00 p.m. | Public Hearing on SE 2010-MA-032 (Hillbrook Real Estate Holdings, LLC) (Mason District) |
| 3:30 | Public hearing deferred to 7/26/11 at 3:00 p.m. | Public Hearing on SE 2010-MA-031 (Hillbrook Real Estate Holdings, LLC) (Mason District) |
| 4:00 | Approved | Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law |



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
July 12, 2011

9:30 a.m.

PRESENTATIONS

RECOGNITIONS

- CERTIFICATE – To recognize the Citizens Redistricting Committee for its work in the process of redistricting. Requested by Supervisor McKay.
- CERTIFICATE – To recognize the Mount Vernon District Visioning Task Force for its service and report providing a concept of where the district should be in 25 years. Requested by Supervisor Hyland.
- RESOLUTION – To recognize James Percoco for being named to the National Teachers Hall of Fame. Requested by Supervisor Herryty.
- RESOLUTION – To recognize Tom Schafer for his years of service at St. Bernadette Catholic Church. Requested by Supervisor Herryty.

DESIGNATIONS

- PROCLAMATION – To designate June 2011 as Refugee Month in Fairfax County and acknowledge the 60th anniversary of the Refugee Protection Act. Requested by Chairman Bulova.

STAFF:

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

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Board Agenda Item
July 12, 2011

10:30 a.m.

Items Presented by the County Executive

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Board Agenda Item
July 12, 2011

ADMINISTRATIVE - 1

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Board endorsement of traffic calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Marshall Street and Jefferson Avenue (Attachment I), consisting of the following:

- One speed hump on Marshall Street (Providence District)
- Three speed humps on Jefferson Avenue (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 July 12, 2011.

BACKGROUND:

As part of the R-TAP, 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, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria for Marshall Street and Jefferson Avenue. A task force was formed with the community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for all the roads under review was adopted and approved by staff, the plan was submitted for approval to residents of the ballot area in the adjacent community. On June 3, 2011, the Department of Transportation received verification from the local supervisor confirming community support for the referenced traffic calming plan.

Board Agenda Item
July 12, 2011

FISCAL IMPACT:

The estimated cost of \$23,000 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Marshall Street and Jefferson Avenue

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Acting 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

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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Consider Two Ordinances Amending Fairfax County Code Chapter 7 Relating to Election Precincts

ISSUE:

Authorization to advertise a public hearing to consider two ordinances that propose to amend Chapter 7 of the Fairfax County Code relating to election precincts. The first proposed ordinance will be effective for the August 23, 2011, primary election and will permanently move the polling place for the Skyline precinct in Mason District. The second proposed ordinance will be effective for the November 8, 2011, general election and will (1) create 14-15 new precincts, (2) rename 13 existing precincts (3) adjust the boundaries of 58 precincts, (4) abolish 8 existing precincts through consolidations, and (5) move 10 polling places to new locations. These proposed changes will conform the precinct boundaries to the boundaries of the newly adopted election districts for the Virginia Senate and House of Delegates that were enacted by the General Assembly and signed by the Governor on April 29, 2011, and for the newly adopted Supervisor Districts.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, July 26, 2011, at 5:00 p.m., to consider the two ordinances.

TIMING:

Board action is requested on July 12, 2011, to provide sufficient time to advertise the proposed public hearing for adoption of the two ordinances on July 26, 2011, and to complete the federal preclearance process thereafter in advance of the August 23, 2011, primary elections and the November 8, 2011, general election.

BACKGROUND:

The decennial reapportionments of Virginia General Assembly and Fairfax County election districts have been completed and the United States Department of Justice has completed the preclearance review required by Section 5 of the Federal Voting Rights Act of 1965, as amended. As a result of these reapportionments, the Office of Elections is recommending adjustments to a number of voting precincts in order to conform them to the new district boundaries adopted by the General Assembly and the Board of Supervisors.

Virginia Code allows the governing body of each county and city to establish, by ordinance, as many precincts as it deems necessary with one polling place for each precinct. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries and polling place locations subject to the requirements of Virginia Code Sections 24.2-305, 24.2-307, 24.2-310 and 24.2-310.1. However, precincts and polling places cannot be changed within the 60 days preceding a general election. The Virginia Code requires that each of these election districts and precincts have clearly defined and observable boundaries.

The Office of Elections, with the assistance of the County's Geographic Information Services (GIS), has conducted a review of existing precincts, and staff recommends the following changes to ensure conformity of the precinct boundaries to the new district boundaries and to establish convenient, accessible facilities for polling places. In making the following recommendations, the Office of Elections has attempted to minimize the number of voters relocated while trying to optimize use of available facilities, voting equipment, and election officers.

As required by the Virginia Code, the General Registrar will send new Virginia Voter Information Cards to all active registered voters who are affected by any change in their polling places or voting districts. The Office of Elections will be asking the assistance of the Office of Public Affairs, Channel 16, local news agencies, the political parties, neighborhood associations and other organizations to publicize these mailings.

It should be noted that additional precinct boundary adjustments may be necessary after the General Assembly completes the redistricting process for the U. S. House of Representatives.

Attachment 3 contains a summary of the proposed changes and Attachment 4 contains maps of the present and proposed boundaries and polling places, as well as the descriptions of the affected precincts in the following Supervisor districts:

Braddock District recommendations:

(1) Divide Kings Park precinct to conform to the new boundary between the 35th and 37th Senate Districts and create a new precinct to be named "Danbury." The polling place for Danbury precinct will be established at the Kings Glen Elementary School located at 5401 Danbury Forest Drive, Springfield. The polling place for Kings Park precinct will remain at Kings Park Elementary school.

(2) Divide Lake Braddock precinct to conform to the new boundary between the 34th and 37th Senate Districts and the 39th and 41st Delegate Districts. The 180 voters in the 34th Senate and 41st Delegate Districts will be moved into Olley precinct and the 268 voters in the 34th Senate and 39th Delegate Districts will be moved into Long Branch precinct.

The polling place for Lake Braddock precinct will remain at Lake Braddock Secondary School. The Olley and Long Branch precincts are recommended for consolidation in items (4) and (5) below.

(3) At the May 24, 2011, Board of Supervisors meeting, the Board unanimously directed staff to work with George Mason University (Mason) to consider the establishment of an on-campus polling location and/or the creation of a new "University" precinct. A proposed polling place location was recently identified and supported by Mason, but was not finalized until after the board item addressing county-wide precinct and polling locations was prepared. At the May 24, 2011, Board Meeting, the Board further directed that if supported by Mason and found to be feasible, the establishment of an on-campus polling location and creation of a new university precinct be presented to the Board for consideration. This Board directive is the basis for this revised board item. Based on the Board request and conversations with Mason, the proposal is to divide the Woodson precinct to conform to the new boundary between the 37th and 41st Delegate Districts and create a new precinct from the western portion of Woodson precinct to be named "University." The polling place for University precinct would be established at George Mason University's University Hall located at 4441 George Mason Boulevard, Fairfax.

(4) Consolidate the eastern portion of Woodson precinct with Olley and Olde Creek precincts. Olley precinct will be abolished and the reconfigured Olde Creek precinct will be renamed "Little Run." The polling place for the reconfigured Little Run precinct will be established at the Little Run Elementary School located at 4511 Olley Lane, Fairfax, and the reconfigured Woodson precinct will continue to vote at Woodson High School.

(5) Combine Long Branch and Oak Hill precincts into one precinct to conserve resources. Oak Hill precinct will be renamed "Canterbury" and Long Branch precinct will be abolished. The Canterbury precinct polling place will remain at the Canterbury Woods Elementary School which previously served as the polling place for both Long Branch and Oak Hill precincts.

Hunter Mill District recommendations:

(1) Divide Flint Hill precinct to conform to the new boundary between the 32nd and 34th Senate and the 35th and 36th Delegate Districts and create a new precinct to be named "Madison." The polling place for Madison precinct will be established at Madison High School located at 2500 James Madison Drive, Vienna. The polling place for Flint Hill precinct will remain at Flint Hill Elementary School.

Dranesville District recommendation:

(1) Divide Salona precinct to conform to the new boundary between the 34th and 48th Delegate Districts. Salona will be renamed "Salona #1" and the new precinct will be named "Salona #2". The polling place for Salona #2 will be established at the Franklin Sherman Elementary School located at 6630 Brawner Street, McLean, which also serves as the polling place for Salona #1.

Lee District recommendations:

(1) Reconfigure the boundaries between Hayfield and Rose Hill precincts to conform to the boundary between the 30th and 36th Senate and the 43rd and 44th Delegate Districts and realign boundaries with Villages precinct. The reconfigured Hayfield, Rose Hill and Villages precincts will continue to vote at Hayfield Elementary School, Rose Hill Elementary School and Hayfield Secondary School, respectively.

(2) Divide Wilton precinct to conform to the boundary between the 30th and 36th Senate Districts and consolidate precincts. The eastern portion of Wilton will be combined with Mount Eagle precinct, the western portion of Wilton will be combined with Virginia Hills precinct and Wilton will be abolished. Mount Eagle and Virginia Hills precincts will continue to vote at the Mount Eagle Elementary School and the Virginia Hills Center, respectively.

(3) Divide Groveton precinct to conform to the boundary between the 30th and 36th Senate Districts and create a new precinct to be named "Hybla Valley." The polling place for Hybla Valley precinct will be established at the Hybla Valley Elementary School located at 3415 Lockheed Boulevard, Alexandria. The polling place for the Groveton precinct will be moved from Hybla Valley Elementary School to Groveton Elementary School located at 6900 Harrison Lane, Alexandria.

(4) Reconfigure the boundaries of Fairfield precinct and Pinewood precinct to balance the sizes of the precincts. Both Fairfield and Pinewood precincts will continue to vote at Mount Vernon Woods Elementary School.

(5) Move the polling place for Van Dorn precinct from Franconia Elementary School to Key Middle School located at 6402 Franconia Road, Springfield. The new location will provide a larger parking area and additional space for voters.

(6) Move the polling place for Franconia precinct from the Snyder Center (a private community center) to Edison High School located at 5801 Franconia Road, Alexandria. The new location will provide a larger parking area and additional space for voters.

Mason District recommendations:

(1) Divide Sleepy Hollow precinct to conform to the boundary between the 35th and 37th Senate Districts and reconfigure the Sleepy Hollow, Barcroft, Masonville and Ravenwood boundaries. The reconfigured Sleepy Hollow, Barcroft, Masonville and Ravenwood precincts will continue to vote at Beech Tree Elementary School, Sleepy Hollow Elementary School, Westminster School (private) and Stuart High School, respectively.

(2) Consolidate and reconfigure Edsall, Leewood and Weyanoke precincts to conserve resources. Leewood precinct will be abolished. The reconfigured Edsall and Weyanoke precincts will continue to vote at Saint John's United Methodist Church and Holmes Middle School, respectively.

(3) Combine Whittier, Walnut Hill #1 and Walnut Hill #2 into one precinct to conserve resources. Walnut Hill #1 will be renamed "Walnut Hill" and Whittier and Walnut Hill #2 will be abolished. The Walnut Hill polling place will be located at the Alan Leis Center at Walnut Hill located at 7423 Camp Alger Avenue, Falls Church, which previously has served as the polling place for both Walnut Hill #1 and Walnut Hill #2 precincts.

(4) Combine Glen Forest #1 and Glen Forest #2 precincts and adjust the boundary with Skyline precinct. Glen Forest #1 will be renamed "Glen Forest" and Glen Forest #2 will be abolished. The polling place for Glen Forest will remain at the Glen Forest Elementary School located at 5829 Glen Forest Drive, Falls Church. The polling place Skyline precinct will move from the National Association of Power Engineers building, which is no longer available, to the Goodwin House Bailey's Crossroads located at 3440 South Jefferson Street, Falls Church. The Skyline polling place move will be effective for the August 23, 2011, primary election, although the boundary adjustment between Glen Forest and Skyline precinct will not take effect until September 1, 2011.

(5) Combine Holmes #1 and Holmes #2 precincts to conserve resources. The Holmes #1 precinct will be renamed "Holmes" and Holmes #2 will be abolished. The polling place for Holmes precinct will remain at Bailey's Elementary School, located at 6111 Knollwood Drive, Falls Church.

Mount Vernon District recommendations:

(1) Reconfigure the boundary between the Belle Haven and Belleview precincts to conform to the boundary between the 44th and 45th Delegate Districts. The reconfigured Belle Haven and Belleview precincts will continue to vote at West Potomac High School and Belle View Elementary School, respectively.

(2) Change the name of Whitman precinct to “Riverside” to coincide with the name of its polling place located at the Riverside Elementary School.

(3) Reconfigure the boundary between Hollin Hall and Sherwood precincts to reunite the community. The reconfigured Hollin Hall and Sherwood precincts will continue to vote at Hollin Hall Center and Whitman Middle School, respectively.

(4) Reconfigure the boundary between Grosvenor and Huntington precincts to conform to the boundary between the 43rd and 45th Delegate Districts. The reconfigured Grosvenor and Huntington Precincts will continue to vote at the Huntington Community Center and the Fairhaven Community Center, respectively.

(5) Reconfigure the boundary between Fort Hunt and Stratford precincts to conform to the boundary between the 30th and 36th Senate Districts. The reconfigured Fort Hunt and Stratford precincts will continue to vote at Fort Hunt Elementary School and Stratford Landing Elementary School, respectively.

(6) Reconfigure the boundary between Gunston and Westgate precincts to conform to the boundary between the 30th and 36th Senate Districts. The reconfigured Gunston and Westgate precincts will continue to vote at Gunston Elementary School and Washington Mill Elementary School, respectively.

Providence District recommendations:

(1) Divide the Mosby precinct to conform to the new boundary between the 35th and 37th Delegate Districts and create a new precinct to be named “Hunters Branch.” The polling place for Hunters Branch will be established at the Mosby Woods Elementary School located at 9819 Five Oaks Road, Fairfax. The polling place for Mosby precinct will remain at the Mosby Woods Elementary School, also.

(2) Move the polling place for Tysons precinct from The Fountains of McLean to the Providence Committee Meeting Room located at 7921 Jones Branch Road, McLean. The new location will provide a larger parking area and better accessibility for voters.

(3) Reconfigure the boundary between Greenway and Fort Buffalo precincts to reunite a neighborhood. The reconfigured Greenway and Fort Buffalo precincts will continue to vote at Timber Lane Elementary School and the James Lee Community Center, respectively.

Springfield District recommendations:

(1) Divide the Centerpointe precinct to conform to the new boundary between the 34th and 37th Delegate Districts and create a new precinct to be named “Cedar Lake.” The

polling place for Cedar Lake will be established at the Centerpointe Church located at 4104 Legato Road, Fairfax. The polling place for Centerpointe precinct will remain at the Centerpointe Church, also.

(2) Divide Willow Springs precinct to conform to the boundary between the 37th and 40th Delegate Districts and combine the northern portion of the divided Willow Springs with Fair Oaks precinct. The reconfigured Willow Springs and Fair Oaks precincts will continue to vote at Willow Springs Elementary School and the Fair Oaks Community Center, respectively.

(3) Divide the Popes Head precinct to conform to the new boundary between the 34th and 37th Senate Districts and create a new precinct to be named "Colchester." The polling place for Colchester precinct will be established at the Mott Community Center located at 12111 Braddock Road, Fairfax. The polling place for Popes Head precinct will remain at Living Savior Church.

(4) Reconfigure the boundaries of Fairfax Station, Woodyard, Silverbrook and South Run precincts to conform to the new boundaries between the 37th and 39th Senate Districts and the 40th and 42nd Delegate Districts. Move the polling place for Fairfax Station precinct from the Antioch Baptist Church to the St. Peters in the Woods Church located at 5911 Fairview Woods Drive, Fairfax Station, and move the polling place for Woodyard precinct from the Virginia Korean Baptist Church to the Antioch Baptist Church located at 6531 Little Ox Road, Fairfax Station. The reconfigured Silverbrook and South Run precincts will continue to vote at Silverbrook Elementary School and the South Run Recreation Center, respectively.

(5) Divide the Pohick and Hunt precincts to conform to the new boundaries between the 41st and 42nd Delegate Districts and create a new precinct to be named "Hunt Valley." The polling place for Hunt Valley will be established at the Hunt Valley Elementary School located at 7107 Sydenstricker Road, Springfield. The reconfigured Pohick and Hunt precincts will continue to vote at Saint Andrews Episcopal Church and the Hunt Valley Elementary School, respectively.

(6) Move the polling place for Clifton precinct from the Clifton Elementary School to the Clifton Presbyterian Church located at 12748 Richards Lane, Clifton.

Sully District recommendations:

(1) Divide the Vale precinct to conform to the new boundary between the 36th and 67th Delegate Districts, create a new precinct to be named "Difficult Run" and reconfigure the boundaries between Waples Mill and Vale precincts. The polling place for Difficult Run precinct will be established at the Church of the Good Shepherd located at 2351 Hunter Mill Road, Vienna. The polling place for Vale precinct will be moved from the Church of

the Good Shepherd to the Crossfield Elementary School located 2791 Fox Mill Road, Herndon. The Waples Mill precinct will continue to vote at Waples Mill Elementary School.

(2) Divide Kinross precinct to conform to the boundary between the 67th and 86th Delegate Districts. Kinross precinct will be renamed "Kinross East" and a new precinct will be created named "Kinross West." The polling place for Kinross West will be established at Oak Hill Elementary School located at 3210 Kinross Circle, Herndon, which also serves as the polling place for Kinross East.

(3) Move the polling place for Lees Corner East precinct from Lees Corner Elementary School to Chantilly High School, located at 4201 Stringfellow Road, Chantilly, and change the name of the precinct to "Chantilly."

(4) Divide the Lees Corner West precinct to conform to the new boundary between the 67th and 86th Delegate Districts. Lees Corner West will be renamed "Lees Corner #1" and a new precinct will be created named "Lees Corner #2." The polling place for Lees Corner #2 be established at the Lees Corner Elementary School located at 13500 Hollinger Avenue, Fairfax. Lees Corner #1 will continue to vote at Lees Corner Elementary School, also.

(5) Divide Franklin precinct to conform to the new boundary between the 67th and 86th Delegate Districts and create a new precinct to be named "Carson." The polling place for Carson precinct will be established at the Carson Middle School located at 13618 McLearen Road, Herndon. The Franklin precinct polling place will remain at Franklin Middle School.

(6) Divide the Stone precinct to conform to the new boundary between the 37th and 67th Delegate Districts. Stone precinct will be renamed "Stone North" and a new precinct to be named "Stone South" will be created. The polling place for Stone South will be established at the Stone Middle School located at 5500 Sully Park Drive, Centreville. Stone North will continue to vote and Stone Middle School, also.

(7) Divide Green Trails precinct to conform to the new boundary between the 37th and 39th Senate Districts and create a new precinct to be named "Compton." The polling place for Compton precinct will be established at the Centreville Elementary School located at 14330 Green Trails Boulevard, Centreville. Green Trails precinct will continue to vote at Centreville Elementary School, also.

(8) Reconfigure the London Towne East and London Towne West precincts to conform to the new boundary between the 37th and 40th Delegate Districts. London Towne East precinct will be renamed "London Towne #1" and London Towne West precinct will be renamed London Towne #2. The polling places for London Towne #1 and London

Towne #2 will remain at the London Towne Elementary School located at 6100 Stone Road, Centreville.

FISCAL IMPACT:

The General Registrar estimates a cost of \$400,000 to process, print and mail new Voter Information Cards to all registered voters affected by the new state and local district and precinct changes. The new precincts will require additional election officers, voting equipment, facilities and supplies. Since these expenses were anticipated in the FY 2012 Adopted Budget Plan, no additional funding is required at this time.

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code Pertaining to Precincts and Polling Places

Attachment 2 – Summary of 2011 State and Local Redistricting

Attachment 3 – Summary of Proposed Precinct Boundary and Polling Place Changes

Attachment 4 – Maps and Descriptions of Proposed Changes

Attachment 5 – Draft Ordinances

Attachments available online at:

http://www.fairfaxcounty.gov/eb/precinctchanges_july2011.pdf

STAFF:

Edgardo Cortés, General Registrar

Judy Flaig, Election Manager

Michael Long, Deputy County Attorney

Erin C. Ward, Assistant County Attorney

§ 24.2-305. Composition of election districts and precincts.

A. Each election district and precinct shall be composed of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.

B. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which is a part of the federal, state primary, or state secondary road system, (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/line files of the United States Bureau of the Census, or (iv) any other natural or constructed or erected permanent physical feature which is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census. No property line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/line files of the United States Bureau of the Census.

(1986, c. 593, § 24.1-40.7; 1990, c. 500; 1992, c. 425; 1993, c. 641; 2001, c. [614](#).)

§ 24.2-307. Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within any election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

(Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#).)

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city if the city is wholly contained within the county election district served by the precinct. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the electoral board to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The electoral board shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except (i) as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place or (ii) upon the approval of the local electoral board, inside the structure where the election is conducted, provided that a reasonable person would not observe any campaigning activities while inside the polling place. The local electoral board may approve campaigning activities inside the building where the election is conducted pursuant to clause (ii) when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#) for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

(Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#).)

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

FAIRFAX COUNTY REDISTRICTING		VA SENATE		DELEGATE		BOARD OF SUPERVISORS	
PCT NO		OLD	NEW	OLD	NEW	OLD	NEW
OLD / NEW	PRECINCT	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT
104	CHAPEL	35	37	39	39	BRADDOCK	BRADDOCK
105	FAIRVIEW	37	37	41	41	BRADDOCK	BRADDOCK
106	HERITAGE	35	37	39	38	BRADDOCK	BRADDOCK
108	KINGS PARK	35	35 / 37	39	39	BRADDOCK	BRADDOCK
109	OLDE CREEK	34	34	37	41	BRADDOCK	BRADDOCK
110	NO. SPRINGFIELD #1	35	35	39	39	BRADDOCK	BRADDOCK
111	NO. SPRINGFIELD #2	35	35	39	39	BRADDOCK	BRADDOCK
113	OAK HILL	34	34	39	39	BRADDOCK	BRADDOCK
115	RAVENSWORTH	35	35	39	39	BRADDOCK	BRADDOCK
116	WAKEFIELD	35	34	39	39	BRADDOCK	BRADDOCK
117	WOODSON	34	34	37	37 / 41	BRADDOCK	BRADDOCK
118	LAKE BRADDOCK	34	34 / 37	41	39 / 41	BRADDOCK	BRADDOCK
119	LAUREL	34	34	41	41	BRADDOCK	BRADDOCK
120	SIDEBURN	37	34	37	37	BRADDOCK	BRADDOCK
121	VILLA	34	34	37	37	BRADDOCK	BRADDOCK
122	LONG BRANCH	34	34	39	39	BRADDOCK	BRADDOCK
123	ROBINSON	34	34	37	41	BRADDOCK	BRADDOCK
124	OLLEY	34	34	39	41	BRADDOCK	BRADDOCK
125	SIGNAL HILL	34	37	41	41	BRADDOCK	BRADDOCK
126	BONNIE BRAE	37	34	37	41	BRADDOCK	BRADDOCK
127	BURKE CENTRE	37	37	41	41	BRADDOCK	BRADDOCK
128	CARDINAL	39	35	42	42	BRADDOCK	BRADDOCK
129	KEENE MILL	39	35	42	42	BRADDOCK	BRADDOCK
130	TERRA CENTRE	37	37	41	41	BRADDOCK	BRADDOCK
852 / 132	MONUMENT	37	37	35	37	SPRINGFIELD	BRADDOCK
853 / 131	EAGLE VIEW	37	37	35	37	SPRINGFIELD	BRADDOCK
202	FLINT HILL	34	32 / 34	35	35 / 36	HUNTER MILL	HUNTER MILL
203	FLORIS	33	32	86	86	HUNTER MILL	HUNTER MILL
208	RESTON #1	32	32	36	36	HUNTER MILL	HUNTER MILL
209	RESTON #2	32	32	36	36	HUNTER MILL	HUNTER MILL
213	VIENNA #1	34	34	35	35	HUNTER MILL	HUNTER MILL
214	VIENNA #2	34	34	35	35	HUNTER MILL	HUNTER MILL
216	VIENNA #4	34	34	35	35	HUNTER MILL	HUNTER MILL
218	VIENNA #6	34	34	35	35	HUNTER MILL	HUNTER MILL
219	WESTBRIAR	34	32	35	34	HUNTER MILL	HUNTER MILL
220	DOGWOOD	32	32	36	36	HUNTER MILL	HUNTER MILL
221	HUNTERS WOODS	32	32	36	36	HUNTER MILL	HUNTER MILL
222	RESTON #3	32	32	36	36	HUNTER MILL	HUNTER MILL
223	GLADE	32	32	36	36	HUNTER MILL	HUNTER MILL
224	SOUTH LAKES	32	32	36	36	HUNTER MILL	HUNTER MILL
225	TERRASET	32	32	36	36	HUNTER MILL	HUNTER MILL
226	WOLFTRAP	34	32	35	34	HUNTER MILL	HUNTER MILL
227	SUNRISE VALLEY	34	32	36	36	HUNTER MILL	HUNTER MILL
229	FOX MILL	33	32	36	86	HUNTER MILL	HUNTER MILL
233	NORTH POINT	32	32	36	36	HUNTER MILL	HUNTER MILL
234	ALDRIN	32	32	36	36	HUNTER MILL	HUNTER MILL
235	FRYING PAN	33	33	86	36	HUNTER MILL	HUNTER MILL
236	STUART	32	32	86	86	HUNTER MILL	HUNTER MILL
237	MCNAIR	33	33	86	36	HUNTER MILL	HUNTER MILL
238	CAMERON GLEN	32	32	36	36	HUNTER MILL	HUNTER MILL
330 / 240	COLVIN	34	31	34	34	DRANESVILLE	HUNTER MILL
301	CHAIN BRIDGE	32	31	34	34	DRANESVILLE	DRANESVILLE
302	CHESTERBROOK	32	31	34	48	DRANESVILLE	DRANESVILLE
303	CHURCHILL	32	31	34	34	DRANESVILLE	DRANESVILLE
304	COOPER	32	31	34	34	DRANESVILLE	DRANESVILLE
305	EL NIDO	32	32	34	48	DRANESVILLE	DRANESVILLE

PCT NO		OLD	NEW	OLD	NEW	OLD	NEW
OLD / NEW	PRECINCT	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT
306	GREAT FALLS	32	31	34	34	DRANESVILLE	DRANESVILLE
307	HAYCOCK	32	32	53	48	DRANESVILLE	DRANESVILLE
309	KENMORE	32	31	34	34	DRANESVILLE	DRANESVILLE
310	KIRBY	32	32	53	48	DRANESVILLE	DRANESVILLE
311	LANGLEY	32	31	34	34	DRANESVILLE	DRANESVILLE
312	LONGFELLOW	32	32	53	48	DRANESVILLE	DRANESVILLE
314	MCLEAN	32	32	53	48	DRANESVILLE	DRANESVILLE
315	PIMMIT	32	32	53	53	DRANESVILLE	DRANESVILLE
316	SALONA	32	31	34	34 / 48	DRANESVILLE	DRANESVILLE
317	WESTHAMPTON	32	32	53	53	DRANESVILLE	DRANESVILLE
318	WESTMORELAND	32	32	53	48	DRANESVILLE	DRANESVILLE
319	HERNDON #1	32	33	86	86	DRANESVILLE	DRANESVILLE
320	HERNDON #2	32	33	86	86	DRANESVILLE	DRANESVILLE
321	CLEARVIEW	32	31	34	86	DRANESVILLE	DRANESVILLE
322	FORESTVILLE	32	31	34	34	DRANESVILLE	DRANESVILLE
323	SHOUSE	34	31	34	34	DRANESVILLE	DRANESVILLE
324	HERNDON #3	32	33	86	86	DRANESVILLE	DRANESVILLE
325	HUTCHISON	32	33	86	86	DRANESVILLE	DRANESVILLE
327	SUGARLAND	32	31	34	86	DRANESVILLE	DRANESVILLE
328	HICKORY	32	31	34	34	DRANESVILLE	DRANESVILLE
329	SENECA	32	31	34	34	DRANESVILLE	DRANESVILLE
331	SPRING HILL	32	31	34	34	DRANESVILLE	DRANESVILLE
239 / 332	COATES	33	33	86	86	HUNTER MILL	DRANESVILLE
401	BUSH HILL	39	39	43	43	LEE	LEE
402	CAMERON	39	30	45	43	LEE	LEE
404	FRANCONIA	39	36	43	43	LEE	LEE
405	GROVETON	30	30 / 36	44	44	LEE	LEE
406	HAYFIELD	36	30 / 36	43	43 / 44	LEE	LEE
408	MOUNT EAGLE	30	30	45	43	LEE	LEE
409	PIONEER	39	39	43	39	LEE	LEE
410	ROSE HILL	39	30 / 39	43	43	LEE	LEE
411	VIRGINIA HILLS	36	30 / 36	43	43	LEE	LEE
413	FAIRFIELD	30 / 36	36	44	44	LEE	LEE
415	CRESTWOOD	39	35	39	39	LEE	LEE
417	GARFIELD	39	39	39	39	LEE	LEE
418	LYNBROOK	39	35	39	39	LEE	LEE
419	LANE	39	39	43	39 / 43	LEE	LEE
420	VILLAGES	36	30 / 36	43	43	LEE	LEE
421	KINGSTOWNE	39	39	43	43	LEE	LEE
422	VAN DORN	39	39	43	43	LEE	LEE
423	CLERMONT	39	30	43	43	LEE	LEE
424	HUNTLEY	36	36	43	43	LEE	LEE
425	WILTON	30	30 / 36	43	43	LEE	LEE
426	GREENSPRING	39	39	39	39	LEE	LEE
427	ISLAND CREEK	39	39	43	43	LEE	LEE
428	PINEWOOD	36	36	44	44	MOUNT VERNON	LEE
501	BAILEYS	31	35	49	38 / 49	MASON	MASON
502	BARCROFT	31	35	38	38	MASON	MASON
503	BELVEDERE	35	37	38	38	MASON	MASON
102 / 504	BRISTOW	35	37	39	38	BRADDOCK	MASON
505	GLEN FOREST #1	31	35	49	49	MASON	MASON
506	HOLMES #1	31	35	49	38	MASON	MASON
507	LINCOLNIA	35	35	38	38	MASON	MASON
508	MASONVILLE	35	37	38	38	MASON	MASON
510	PARKLAWN	35	35	38	38	MASON	MASON
511	RAVENWOOD	31	35	38	38	MASON	MASON
512	SLEEPY HOLLOW	35	35 / 37	38	38	MASON	MASON
513	SAINT ALBANS	35	37	38	38	MASON	MASON
515	WESTLAWN	35	35	38	38	MASON	MASON

PCT NO		OLD	NEW	OLD	NEW	OLD	NEW
OLD / NEW	PRECINCT	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT
516	WEYANOKE	35	35	38	38 / 39	MASON	MASON
517	WILLSTON	31	35	38	49	MASON	MASON
518	COLUMBIA	35	37	39	38	MASON	MASON
519	HUMMER	34	37	39	38	MASON	MASON
520	SKYLINE	31	35	46	49	MASON	MASON
521	BROOK HILL	35	35	39	38	MASON	MASON
522	CAMELOT	34	34	37	39 / 53	MASON	MASON
523	POE	35	35	38	38	MASON	MASON
524	WHITTIER	35	35	38	53	MASON	MASON
525	WALNUT HILL #1	35	35	53	53	MASON	MASON
526	BREN MAR	35	35	38	39	MASON	MASON
527	EDSALL	35	35	38	39	MASON	MASON
528	RIDGELEA	34	34	37	39	MASON	MASON
529	GLEN FOREST #2	31	35	38	49	MASON	MASON
530	HOLMES #2	31	35	38	38	MASON	MASON
531	LEEWOOD	35	35	39	39	MASON	MASON
728 / 532	WALNUT HILL #2	35	35	53	53	PROVIDENCE	MASON
601	BELLE HAVEN	30	30	44	44 / 45	MOUNT VERNON	MOUNT VERNON
602	BELLEVIEW	30	30	45	45	MOUNT VERNON	MOUNT VERNON
604	BUCKNELL	36	36	44	44	MOUNT VERNON	MOUNT VERNON
605	FORT HUNT	36	30	44	44	MOUNT VERNON	MOUNT VERNON
606	HOLLIN HALL	36	30 / 36	44	44	MOUNT VERNON	MOUNT VERNON
607	HUNTINGTON	30	30	44	43 / 45	MOUNT VERNON	MOUNT VERNON
608	KIRKSIDE	36	36	45	44	MOUNT VERNON	MOUNT VERNON
609	MARLAN	30	30	45	44	MOUNT VERNON	MOUNT VERNON
610	SHERWOOD	36	36	44	44	MOUNT VERNON	MOUNT VERNON
611	STRATFORD	36	30 / 36	44	44	MOUNT VERNON	MOUNT VERNON
612	WAYNEWOOD	36	30	44	44	MOUNT VERNON	MOUNT VERNON
613	WESTGATE	36	30	44	42	MOUNT VERNON	MOUNT VERNON
614	WHITMAN	36	30	44	44	MOUNT VERNON	MOUNT VERNON
615	WOODLEY	36	30 / 36	44	44	MOUNT VERNON	MOUNT VERNON
616	GUNSTON	36	30 / 36	42	42	MOUNT VERNON	MOUNT VERNON
617	LORTON	39	39	42	42 / 43	MOUNT VERNON	MOUNT VERNON
618	NEWINGTON	39	39	42	42	MOUNT VERNON	MOUNT VERNON
619	BELVOIR	36	36 / 39	43	43 / 44	MOUNT VERNON	MOUNT VERNON
621	GROSVENOR	30	30	45	45	MOUNT VERNON	MOUNT VERNON
622	LORTON STATION	36	39	42	43	MOUNT VERNON	MOUNT VERNON
623	ALBAN	39	39	39	39	MOUNT VERNON	MOUNT VERNON
625	LORTON CENTER	36	36	43	43	MOUNT VERNON	MOUNT VERNON
626	SARATOGA	39	39	42	39	MOUNT VERNON	MOUNT VERNON
627	WOODLAWN	36	36	44	44	MOUNT VERNON	MOUNT VERNON
628	LAUREL HILL	39	39	42	42	MOUNT VERNON	MOUNT VERNON
629	SOUTH COUNTY	39	39	42	42	MOUNT VERNON	MOUNT VERNON
700	FAIRFAX COURT	34	34	37	37	PROVIDENCE	PROVIDENCE
701	BLAKE	34	34	35	35	PROVIDENCE	PROVIDENCE
703	FORT BUFFALO	31	35	38	53	PROVIDENCE	PROVIDENCE
704	FREEDOM HILL	34	32	35	35	PROVIDENCE	PROVIDENCE
705	GRAHAM	35	35	38	53	PROVIDENCE	PROVIDENCE
706	GREENWAY	35	35	38	53	PROVIDENCE	PROVIDENCE
707	MANTUA	34	34	37	41	PROVIDENCE	PROVIDENCE
708	MARSHALL	32	35	53	53	PROVIDENCE	PROVIDENCE
709	MOSBY	34	34	37	35 / 37	PROVIDENCE	PROVIDENCE
710	PINE SPRING	35	35	53	53	PROVIDENCE	PROVIDENCE
711	PRICE	34	34	37	41	PROVIDENCE	PROVIDENCE
712	SHREVE	35	35	53	53	PROVIDENCE	PROVIDENCE
713	TIMBER LANE	35	35	53	53	PROVIDENCE	PROVIDENCE
714	WALKER	34	34	53	53	PROVIDENCE	PROVIDENCE
717	WOODBURN	35	37	53	53	PROVIDENCE	PROVIDENCE
718	PINE RIDGE	34	34	37	53	PROVIDENCE	PROVIDENCE

PCT NO		OLD	NEW	OLD	NEW	OLD	NEW
OLD / NEW	PRECINCT	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT	DISTRICT
719	STENWOOD	34	34	53	35	PROVIDENCE	PROVIDENCE
720	THOREAU	34	34	53	35	PROVIDENCE	PROVIDENCE
721	MERRIFIELD	35	35	53	53	PROVIDENCE	PROVIDENCE
726	MAGARITY	32	32	34	35	PROVIDENCE	PROVIDENCE
727	OAKTON	34	34	35	35	PROVIDENCE	PROVIDENCE
729	NOTTOWAY	34	34	35	35	PROVIDENCE	PROV/ HUN MILL
730	PENDERBROOK	34	34	35	35	PROVIDENCE	PROVIDENCE
731	TYSONS	32	32	34	35	PROVIDENCE	PROVIDENCE
732	OAK MARR	34	34	35	35	PROVIDENCE	PROVIDENCE
733	KILMER	34	34	35	35	PROVIDENCE	PROVIDENCE
801	BURKE	37	37	41	41	SPRINGFIELD	SPRINGFIELD
803	CLIFTON	39	39	40	40	SPRINGFIELD	SPRINGFIELD
805	FAIRFAX STATION	39	37 / 39	40	40	SPRINGFIELD	SPRINGFIELD
624 / 806	HUNT	39	37 / 39	42	42	MOUNT VERNON	SPRINGFIELD
811	POHICK	37	37	41	41 / 42	SPRINGFIELD	SPRINGFIELD
812	VALLEY	37	37	42	42	SPRINGFIELD	SPRINGFIELD
815	WOODYARD	39	39	41	40 / 42	SPRINGFIELD	SPRINGFIELD
824	ORANGE	37	37	41	42	SPRINGFIELD	SPRINGFIELD
825	CHERRY RUN	37	37	41	41	SPRINGFIELD	SPRINGFIELD
827	IRVING	39	35	42	42	SPRINGFIELD	SPRINGFIELD
833	WHITE OAKS	37	37	41	41	SPRINGFIELD	SPRINGFIELD
838	SANGSTER	37	37	41	42	SPRINGFIELD	SPRINGFIELD
839	SILVERBROOK	39	39	42	42	SPRINGFIELD	SPRINGFIELD
840	WEST SPRINGFIELD	39	39	42	42	SPRINGFIELD	SPRINGFIELD
841	POPES HEAD	37	34 / 37	40	40	SPRINGFIELD	SPRINGFIELD
842	PARKWAY	37	37	41	41	SPRINGFIELD	SPRINGFIELD
843	FAIR LAKES	37	37	67	67	SPRINGFIELD	SPRINGFIELD
844	CENTERPOINTE	37	34 / 37	67	35	SPRINGFIELD	SPRINGFIELD
845	FOUNTAINHEAD	39	39	42	42	SPRINGFIELD	SPRINGFIELD
846	GREENBRIAR EAST	37	34	67	67	SPRINGFIELD	SPRINGFIELD
847	GREENBRIAR WEST	37	34	67	67	SPRINGFIELD	SPRINGFIELD
848	FAIR OAKS	37	37	35	37	SPRINGFIELD	SPRINGFIELD
849	NEWGATE NORTH	39	39	40	40	SPRINGFIELD	SPRINGFIELD
850	SOUTH RUN	37	39	42	42	SPRINGFIELD	SPRINGFIELD
851	WILLOW SPRINGS	37	37	40	37 / 40	SPRINGFIELD	SPRGFLD / SULLY
854	NEWGATE SOUTH	39	39	40	40	SPRINGFIELD	SPRINGFIELD
901	CENTRE RIDGE	37	37	40	40	SULLY	SULLY
902	BROOKFIELD	37	33	67	67	SULLY	SULLY
903	CUB RUN	37	34	67	67	SULLY	SULLY
904	DULLES	37	37	67	67	SULLY	SULLY
905	FRANKLIN	33	32 / 33	86	67 / 86	SULLY	SULLY
908	KINROSS	33	32	36	67 / 86	SULLY	SULLY
910	LONDON TOWNE EAST	37	37	67	37	SULLY	SULLY
911	NAVY	33	32	67	67	SULLY	SULLY
913	ROCKY RUN	37	34	67	67	SULLY	SULLY
914	VALE	34	32	35	36 / 67	SULLY	SULLY
915	VIRGINIA RUN	37	37	40	40	SULLY	SULLY
916	WAPLES MILL	34	32	67	67	SULLY	SULLY
917	STONE	37	34	67	37 / 67	SULLY	SULLY
918	CENTREVILLE	37	37	40	40	SULLY	SULLY
919	GREEN TRAILS	37	37 / 39	40	40	SULLY	SULLY
920	LEES CORNER EAST	33	32	67	67	SULLY	SULLY
921	DEER PARK	37	34	40	40	SULLY	SULLY
923	BULL RUN	37	37	40	40	SULLY	SULLY
924	LONDON TOWNE WEST	37	37	40	37 / 40	SULLY	SULLY
925	OLD MILL	37	37	40	40	SULLY	SULLY
926	POWELL	37	37	40	37	SULLY	SULLY
927	LEES CORNER WEST	33	32	67	67 / 86	SULLY	SULLY
928	POPLAR TREE	37	34	67	67	SULLY	SULLY

2011 REDISTRICTING
PROPOSED PRECINCT BOUNDARY and POLLING PLACE CHANGES

SUPERVISOR DISTRICT	EXISTING PRECINCT(S)	REG. VOTERS*	EXISTING POLLING PLACE(S)	PROPOSED PRECINCT(S)	PROJECTED REG. VOTERS	PROPOSED POLLING PLACE(S)	NOTES ON PROPOSED CHANGES
BRADDOCK	KINGS PARK	3,135	Kings Park Elem. School	KINGS PARK "DANBURY"	2,431 704	Kings Park Elem. School Kings Glen Elem. School	Divide Kings Park to conform to boundary between the 35 th and 37 th Senate Districts.
BRADDOCK	LAKE BRADDOCK OLLEY LONG BRANCH	4,544 1,887 1,666	Lake Braddock Secondary Little Run Elem. School Canterbury Woods Elem.	LAKE BRADDOCK OLLEY LONG BRANCH	4,096 2,067 1,934	Lake Braddock Secondary Little Run Elem. School Canterbury Woods Elem.	Divide Lake Braddock to conform to boundaries between the 34 th and 37 th Senate and the 39 th and 41 st Delegate Districts.
BRADDOCK	WOODSON (western portion)	826	Woodson High School	"UNIVERSITY"	826	<u>GMU-University Hall</u>	Divide Woodson to conform to boundary between the 37 th and 41 st Delegate Districts.
BRADDOCK	WOODSON (east) OLLEY OLDE CREEK	2,281 2,067 2,489	Woodson High School Little Run Elem. School Olde Creek Elem. School	WOODSON "LITTLE RUN"	3,328 3,509	Woodson High School Little Run Elem. School	Consolidate and realign precincts to conserve resources.
BRADDOCK	LONG BRANCH OAK HILL	1,934 2,314	Canterbury Woods Elem. Canterbury Woods Elem.	"CANTERBURY"	4,248	Canterbury Woods Elem.	Consolidate precincts to conserve resources.
HUNTER MILL	FLINT HILL	4,170	Flint Hill Elementary School	FLINT HILL "MADISON"	3,242 928	Flint Hill Elementary School Madison High School	Divide Flint Hill to conform to boundary between the 32 nd and 34 th Senate and the 35 th and 36 th Delegate Districts.
DRANESVILLE	SALONA	2,721	Franklin Sherman Elem.	"SALONA #1" "SALONA #2"	994 1,727	Franklin Sherman Elem. Franklin Sherman Elem.	Divide Salona to conform to boundary between the 34 th and 48 th Delegate Districts.
LEE	HAYFIELD VILLAGES ROSE HILL	3,000 3,875 4,464	Hayfield Elem. School Hayfield Secondary School Rose Hill Elem. School	HAYFIELD VILLAGES ROSE HILL	2,461 4,399 4,479	Hayfield Elem. School Hayfield Secondary School Rose Hill Elem. School	Divide Hayfield and Rose Hill to conform to the boundary between the 30 th and 36 th Senate and the 43 rd and 44 ^h Delegate Districts and realign with Villages.
LEE	MOUNT EAGLE WILTON VIRGINIA HILLS	1,471 1,955 1,329	Mount Eagle Elem. School Mount Eagle Elem. School Virginia Hills Center	MOUNT EAGLE VIRGINIA HILLS	2,599 2,156	Mount Eagle Elem. School Virginia Hills Center	Divide Wilton to conform to the boundary between the 30 th and 36 th Senate Districts and consolidate precincts.

* Registered voters as of April 1, 2011

LEE	GROVETON	5,433	Hybla Valley Elem. School	GROVETON "HYBLA VALLEY"	2,116 3,317	Groveton Elem. School Hybla Valley Elem. School	Divide Groveton to conform to the boundary between the 30 th and 36 th Senate Districts.
LEE	FAIRFIELD PINEWOOD	5,146 503	Mount Vernon Woods Elem. Mount Vernon Woods Elem.	FAIRFIELD PINEWOOD	2,067 3,582	Mount Vernon Woods Elem. Mount Vernon Woods Elem.	Realign Fairfield and Pinewood precincts to balance the sizes of the precincts.
LEE	VAN DORN	3,902	Franconia Elem. School	VAN DORN	3,902	Key Middle School	Move polling place to a more suitable location.
LEE	FRANCONIA	3,564	Snyder Center	FRANCONIA	3,564	Edison High School	Move polling place to a more suitable location and rename precinct.
MASON	BARCROFT MASONVILLE SLEEPY HOLLOW RAVENWOOD	2,983 2,009 1,473 1,626	Sleepy Hollow Elem. School Westminster School (private) Beech Tree Elem. School Stuart High School	BARCROFT MASONVILLE SLEEPY HOLLOW RAVENWOOD	2,212 2,633 984 2,262	Sleepy Hollow Elem. School Westminster School (private) Beech Tree Elem. School Stuart High School	Divide Sleepy Hollow to conform to boundary between the 35 th and 37 th Senate Districts and reconfigure precincts.
MASON	EDSALL LEEWOOD WEYANOKE	1,709 942 2,431	St. John's UM Church St. John's UM Church Holmes Middle School	EDSALL WEYANOKE	1,615 1,690 1,777	St. John's UM Church Holmes Middle School	Consolidate and reconfigure precincts to conserve resources.
MASON	WALNUT HILL #1 WALNUT HILL #2 WHITTIER	838 816 1,866	Alan Leis Center Alan Leis Center	WALNUT HILL	3,520	Alan Leis Center	Consolidate precincts to conserve resources.
MASON	GLEN FOREST #1 GLEN FOREST #2 SKYLINE	1,873 1,720 3,711	Glen Forest Elem. School Glen Forest Elem. School Assn of Power Engineers	GLEN FOREST SKYLINE	2,720 4,584	Glen Forest Elem. School Goodwin House	Consolidate precincts and adjust boundaries to conserve resources.
MASON	HOLMES #1 HOLMES #2	707 1,807	Bailey's Elem. School Stuart High School	HOLMES	2,514	Bailey's Elem. School	Consolidate precincts to conserve resources.
MOUNT VERNON	BELLE HAVEN BELLVIEW	2,415 2,518	West Potomac High School Belle View Elem. School	BELLE HAVEN BELLVIEW	2,239 2,694	West Potomac High School Belle View Elem. School	Divide Belle Haven to conform to the boundary between the 44 th and 45 th Delegate Districts.
MOUNT VERNON	WHITMAN	2,147	Riverside Elem. School	"RIVERSIDE"	2,147	Riverside Elem. School	Change precinct name to coincide with polling place name.
MOUNT VERNON	HOLLIN HALL SHERWOOD	1,919 3,070 1,389	Hollin Hall Center Whitman Middle School	HOLLIN HALL SHERWOOD	3,966 2,412	Hollin Hall Center Whitman Middle School	Realign precinct boundaries to reunite neighborhood.

MOUNT VERNON	GROSVENOR HUNTINGTON	1,981 4,171	Huntington Community Ctr Fairhaven Community Center	GROSVENOR HUNTINGTON	2,325 3,827	Huntington Community Ctr Mount Eagle Elem. School	Divide Huntington to conform to the boundary between the 43 th and 45 th Delegate Districts.
MOUNT VERNON	FORT HUNT STRATFORD	2,156 3,441	Fort Hunt Elem. School Stratford Landing Elem. School	FORT HUNT STRATFORD	2,421 3,176	Fort Hunt Elem. School Stratford Landing Elem. School	Divide Stratford to conform to the boundary between the 30 th and 36 th Senate Districts.
MOUNT VERNON	GUNSTON WESTGATE	3,549 3,348	Gunston Elem. School Washington Mill Elem. School	GUNSTON WESTGATE	2,328 4,569	Gunston Elem. School Washington Mill Elem. School	Divide Gunston to conform to the boundary between the 30 th and 36 th Senate Districts.
PROVIDENCE	MOSBY	5,205	Mosby Wood Elem. School	MOSBY "HUNTERS BRANCH"	3,468 1,737	Mosby Wood Elem. School Mosby Wood Elem. School	Divide Mosby to conform to boundary between the 35 th and 37 th Delegate Districts.
PROVIDENCE	TYSONS	3,317	The Fountains at McLean	TYSONS	3,317	Providence Committee Meeting Room	Move polling place to a more suitable location.
PROVIDENCE	GREENWAY FORT BUFFALO	1,769 1,904	Timber Lane Elem. School James Lee Community Cntr	GREENWAY FORT BUFFALO	1,965 1,708	Timber Lane Elem. School James Lee Community Cntr	Realign precinct boundaries to reunite neighborhood.
SPRINGFIELD	CENTERPOINTE	4,457	Centerpointe Church	CENTERPOINTE "CEDAR LAKE"	3,193 1,264	Centerpointe Church Centerpointe Church	Divide Centerpointe to conform to the boundary between the 34 th and 37 th Delegate Districts.
SPRINGFIELD	WILLOW SPRINGS FAIR OAKS	4,702 1,585	Willow Springs Elem. School Fair Oaks Rec Center	WILLOW SPRINGS FAIR OAKS	3,027 3,260	Willow Springs Elem. School Fair Oaks Rec Center	Divide Willow Springs to conform to the boundary between the 37 th and 40 th Delegate Districts and realign boundary with Fair Oaks..
SPRINGFIELD	POPES HEAD	3,488	Living Savior Church	POPES HEAD "COLCHESTER"	1,764 1,724	Living Savior Church Mott Community Center	Divide Popes Head to conform to the boundary between the 34 th and 37 th Senate Districts.
SPRINGFIELD	FAIRFAX STATION WOODYARD SOUTH RUN SILVERBROOK	3,619 2,487 1,578 3,632	Antioch Baptist Church Va. Korean Baptist Church South Run Rec Center Silverbrook Elem. School	FAIRFAX STATION WOODYARD SOUTH RUN SILVERBROOK	2,618 2,161 2,905 3,632	St. Peters in the Woods Antioch Baptist Church South Run Rec Center Silverbrook Elem. School	Divide Fairfax Station and Woodyard precincts to conform to the boundaries between the 37 th and 39 th Senate and the 40 th and 42 nd Delegate Districts, respectively. Realign boundaries with South Run and Silverbrook.

SPRINGFIELD	POHICK HUNT	3,890 3,810	St. Andrews Church Hunt Valley Elem. School	POHICK HUNT "HUNT VALLEY"	1,793 3,356 2,551	St. Andrews Church Hunt Valley Elem. School Hunt Valley Elem. School	Divide Pohick and Hunt precincts to conform to the boundaries between the 41 st and 42 nd Delegate and the 37 th and 39 th Senate Districts, respectively. Create a new precinct and realign boundaries.
SPRINGFIELD	CLIFTON	4,403	Clifton Elem. School	CLIFTON	4,403	Clifton Presbyterian Church	Move polling place due to closing of Clifton Elementary.
SULLY	VALE WAPLES MILL	3,280 4,463	Church of Good Shepherd Waples Mill Elem. School	"DIFFICULT RUN" VALE WAPLES MILL	913 2,848 3,982	Church of Good Shepherd Crossfield Elem. School Waples Mill Elem. School	Divide Vale to conform to boundary between the 36 th and 67 th Delegate Districts and realign precinct boundaries.
SULLY	KINROSS	4,747	Oak Hill Elementary School	"KINROSS EAST" "KINROSS WEST"	2,734 2,013	Oak Hill Elementary School Oak Hill Elementary School	Divide Kinross to conform to boundary between the 67 th and 86 th Delegate Districts.
SULLY	LEES CORNER EAST	2,893	Lees Corner Elem. School	"CHANTILLY"	2,893	Chantilly High School	Move polling place to reduce crowding at Lees Corner Elementary School.
SULLY	LEES CORNER WEST	3,687	Lees Corner Elem. School	LEES CORNER #1 LEES CORNER #2	1,624 2,593	Lees Corner Elem. School Lees Corner Elem. School	Divide Lees Corner West to conform to boundary between the 67 th and 86 th Delegate Districts.
SULLY	FRANKLIN	3,432	Franklin Middle School	FRANKLIN "CARSON"	2,544 888	Franklin Middle School Carson Middle School	Divide Franklin to conform to boundary between the 67 th and 86 th Delegate Districts.
SULLY	STONE	3,885	Stone Middle School	"STONE NORTH" "STONE SOUTH"	2,061 1,824	Stone Middle School Stone Middle School	Divide Stone to conform to boundary between the 37 th and 67 th Delegate Districts.
SULLY	GREEN TRAILS	4,923	Centreville Elem. School	GREEN TRAILS "COMPTON"	3,584 1,339	Centreville Elem. School Centreville Elem. School	Divide Green Trails to conform to boundary between the 37 th and 39 th Senate Districts.
SULLY	LONDON TOWNE EAST LONDON TOWNE WEST	1,700 2,878	London Towne Elem. London Towne Elem.	"LONDON TOWNE #1" "LONDON TOWNE #2"	3,857 721	London Towne Elem. London Towne Elem.	Divide London Towne West to conform to boundary between the 37 th and 40 th Delegate Districts.

Board Agenda Item
July 12, 2011

ADMINISTRATIVE – 3

Streets into the Secondary System (Mount Vernon, Providence, 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>
B.M. Smith Subdivision Walgreens Beacon Hill Road	Mt. Vernon	Richmond Highway (Route 1) (Additional Right-of-Way (ROW) Only)
Boone Howard Associates (Hilton Garden Inn)	Providence	Boone Boulevard (Route 786) Howard Avenue (Route 1792) (Additional ROW Only)
Fairfax County Park Authority (Twin Lakes Golf Course)	Springfield	Union Mill Road (Route 659) (Additional ROW Only)

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
July 12, 2011

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, Deputy Director, DPWES, Land Development Services

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.

ENGINEERING MANAGER:
BY: *Nadia Alphonse*

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: 3517-SP-02

SUBDIVISION PLAT NAME: Boone Howard Associates (Hilton Garden Inn)

COUNTY MAGISTERIAL DISTRICT: Providence

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 03 | 29 | 2011

STREET NAME	LOCATION		MILE LENGTH
	FROM	TO	
Boone Boulevard (Route 786)	Existing Boone Boulevard (Route 786) - 1,083 NE CL Old Courthouse Road (Route 677)	755' NW to CL Frontage Road (FR 772)	0.14
Howard Avenue (Route 1792) (Additional Right-of-Way Only)	75' SW CL Boone Boulevard (Route 786)	226' SW to Section Line	0.0
TOTALS:			0.14

NOTES:

Boone Boulevard: 526' of 5' Concrete Sidewalk on Southern Side to be maintained by Fairfax County.

Howard Avenue: 185' of 5' Concrete Sidewalk on Northern Side to be maintained by Fairfax County.

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: 8390-SP-01-2</p>		
<p>SUBDIVISION PLAT NAME: Fairfax County Park Authority (Twin Lakes Golf Course)</p>		
<p>COUNTY MAGISTERIAL DISTRICT: Springfield</p>		
<p>FOR OFFICIAL USE ONLY</p>		
<p>ENGINEERING MANAGER:</p> <p>BY: <i>Nadia Alphonse</i></p>		
<p>DATE OF VDOT INSPECTION APPROVAL: 04/21/2011</p>		
LOCATION		MILE LENGTH
STREET NAME	FROM	TO
Union Mill Road (Route 659) (Additional ROW Only)	250' N CL Springstone Drive (Route 3546)	741' N to Section Line
<p>NOTES:</p>		<p>TOTALS: 0.0</p>

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Board Agenda Item
July 12, 2011

ADMINISTRATIVE – 4

Authorization for the McLean Community Center to Grant a License to the Specially Adapted Resource Clubs to Use the Teen Center Located in the Old Fire Station in McLean During Non-School Hours (Dranesville District)

ISSUE:

Board authorization for the McLean Community Center (“MCC”) to permit the Specially Adopted Resource Clubs (“SPARC”) to use the Teen Center located at the Old Fire Station in McLean. The Board owns the Old Fire Station and previously granted the MCC a license to use the property for a Teen Center. That license requires the written approval of the Board before the MCC may permit any other party to occupy or use that facility.

RECOMMENDATION:

The County Executive recommends that the Board approve the enclosed resolution granting the MCC the authority to sublicense the property to SPARC for the period stated therein.

TIMING:

Immediate. Board action recommended to permit the MCC to plan for the use of the Old Fire Station by SPARC beginning in September.

BACKGROUND:

In 1988, the McLean Volunteer Fire Department conveyed the Old McLean Fire Station to the Board. That Fire Station is located at 1440 Chain Bridge Road in the McLean Central business District. The Board subsequently licensed the MCC to use that building and to operate that property as a teen center. That use is ongoing and not expected to change. That license agreement also permits the MCC to make incidental use of that property during periods when school is not in session, but that license agreement also requires the MCC to obtain prior written approval from the Board when sublicensing the property to another entity. The MCC now seeks Board approval of a sublicense agreement that would permit SPARC to use the Old Fire Station during nonschool hours from 10:00 a.m. to 2:00 p.m. Board adoption of the enclosed resolution would provide such approval. SPARC stands for Specially Adapted Resource Clubs, and is a unique day support program for adults with multiple and severe disabilities.

Board Agenda Item
July 12, 2011

Staff notes that SPARC already operates a program at the County's Southgate Community Center in Reston using a licensing agreement similar to that which is being proposed for the Old Fire Station. Finally, staff notes that the existing license agreement with the MCC for using the Old Fire Station began on October 1, 2001, and that license agreement provided for an initial two-year term with automatic renewals for up to ten additional years. Assuming that all the automatic annual renewal provisions are used, the present County license agreement with the MCC will expire on September 30, 2013. Accordingly, the permission being granted to SPARC cannot exceed the term of the license previously granted to the MCC.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Draft Board Resolution

STAFF:
Patricia D. Harrison, Deputy County Executive
George A. Sachs, Executive Director, McLean Community Center
Michael Long, Deputy County Attorney

Resolution Approving McLean Community Center Sublicense Agreement

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, July 12, 2011, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors of Fairfax County, Virginia (“Board of Supervisors”), is the governing body of Fairfax County, Virginia, and in that capacity, the Board of Supervisors owns the Old McLean Fire Station located at 1440 Chain Bridge Road in McLean, Virginia; and

WHEREAS, the Board of Supervisors also serves as the governing body of all sanitary districts within the County; and

WHEREAS, the Board of Supervisors created Dranesville Small District No. 1, a sanitary district within the County, to provide and to support the McLean Community Center, and the Board of Supervisors also established the Governing Board of the McLean Community Center to operate that Center; and

WHEREAS, the Board of Supervisors has entered into a Memorandum of Understanding with the Governing Board to operate the Center, and the Board of Supervisors has issued a license to the Governing Board to operate a teen center at the Old McLean Fire Station; and

WHEREAS, the Governing Board of the Center now wants Specially Adapted Resources Clubs (“SPARC”), a Virginia corporation, to operate its program within the Old McLean Fire Station, and the Governing Board wants to issue a sublicense to permit SPARC to use that facility for that purpose; and;

WHEREAS, the license previously issued to the McLean Community Center requires the prior written approval of the Board of Supervisors before any other entity occupies or uses the Old McLean Fire Station;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County hereby approves the issuance of a sublicense by the Governing Board to permit SPARC to use the Old McLean Fire Station during nonschool periods so long as the terms, conditions, and the duration of any such sublicense do not exceed or otherwise violate the terms, conditions, and duration of the license previously issued to the McLean Community Center to operate a teen center at the Old McLean Fire Station.

A Copy Teste:

Nancy Vehrs
Clerk of the Board of Supervisors

Board Agenda Item
July 12, 2011

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Convey Board-Owned Property to the Fairfax County Park Authority

ISSUE:

Authorization to advertise a public hearing regarding the conveyance of Board-owned property to the Fairfax County Park Authority (Park Authority).

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the proposed conveyance of Board-owned property to the Park Authority and waive County policy requiring notification of adjacent property owners of the public hearing by certified mail.

TIMING:

Board action is requested on July 12, 2011, to provide sufficient time to advertise the proposed public hearing on July 26, 2011, at 5:00 p.m.

BACKGROUND:

The Park Authority Board requested from the Board of Supervisors the transfer of certain Board-owned properties that the Park Authority believed were suitable for park use. The Board directed the County Executive to work with the Park Authority to determine which County-owned parcels of land were available for transfer to the Park Authority and report back to the Board with a recommendation.

Staff reviewed the County Real Estate Inventory and examined the parcels as to their viability for other purposes such as affordable housing and public facilities. The list of potential parcels was shared with all County agencies, including the Department of Planning and Zoning, Department of Public Works and Environmental Services, Department of Housing and Community Development, and the Department of Transportation, for further review. Ultimately, 25 parcels comprising a total of approximately 315.6347 acres were identified as suitable for transfer to the Park Authority. All parties have agreed to proceed with a recommendation to the Board to transfer the 25 parcels to the Park Authority.

If the transfer is approved, approximately 9.2% percent of the County's land mass will be held by the Park Authority. It is the Board's goal to set aside 10 percent of the

Board Agenda Item
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County's land mass as Park Authority parkland. After the transfer, an additional 2,073 acres will need to be acquired by the Park Authority to achieve the 10 percent goal.

Several of these parcels are subject to the existing Land Bank Agreement between the Board and the Park Authority. The purpose of the Land Bank Agreement is to ensure that the Board, and thereby Fairfax County taxpayers, will not have to pay for the same parcel of land twice. This "double payment" may occur because the Park Authority cannot make gifts, and it therefore cannot convey property to the Board without receiving fair market value for the property. As a result, if the Board were to pay fair market value for a parcel of property and then convey it to the Park Authority for free, and if the property were later conveyed back to the Board by the Park Authority, in such a case, the Board would have to pay the Park Authority the fair market value of the property, and the Board would thereby pay for the same property twice.

Under the Land Bank Agreement, the Board receives a credit equal to the current tax-assessed value of certain properties the Board conveys to the Park Authority if the conveyance is made for little or no consideration. This credit may be used, if the Park Authority agrees, as consideration for any future conveyance of real property from the Park Authority to the Board. This would enable the Board to receive conveyances of real property from the Park Authority without having to pay money to the Park Authority for the conveyance. Real property that is obtained by the Board by proffer, special exception condition, subdivision, site plan, or other means for parks, recreation, or open space and is restricted by deed to parks, recreation, or open space uses are excluded from the Land Bank Agreement.

Of the 25 parcels that are recommended to be conveyed to the Park Authority, 17 parcels (or 275 acres), with a tax-assessed value of \$26,771,400, would be included in the Land Bank, and the remaining 8 parcels would not.

Staff recommends that the conveyance of the properties to the Park Authority be subject to the condition that the parcels must be used for public park purposes. Staff further recommends that the conveyances be made subject to the County's reserving unto itself and having the right to assign to public entities, public utilities, or telecommunications or cable television providers the right to design, lay out, construct, utilize and maintain anywhere on the parcels, rights-of-way, streets, sidewalks and trails, utility lines, conduits, poles, facilities, and other improvements for the purpose of providing for, including but not limited to, sanitary sewer, storm sewer, water, telephone, gas, electric, cable, television service and other utilities. Staff recommends that any public utilities located on these properties that are owned and maintained by County agencies, such as sanitary sewers and storm water management facilities and structures, continue to be owned and maintained by the County. Staff recommends that the Park Authority prepare all documents and pay all fees associated with the conveyance of any parcels that require a division or subdivision before transfer.

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After the parcels are transferred, the Park Authority will include the properties in their inventory and maintain them in accordance with the adopted Park Authority Maintenance Standards.

In accordance with Board Policy and section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the disposition of County-owned property. A staff report will be included in the Board Package at the time of the public hearing.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A - List of properties to be conveyed by Supervisor District
Attachment B - Location Maps
Attachment C - Land Bank Agreement
Attachment D - Interim Use Agreement

STAFF:

David J. Molchany, Deputy County Executive
Jose A. Comayagua, Director, Facilities Management Department
John W. Dargle, Jr., Director, Fairfax County Park Authority

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**REAL PROPERTY OWNED BY THE BOARD OF SUPERVISORS
THAT IS PROPOSED TO BE TRANSFERRED TO THE
FAIRFAX COUNTY PARK AUTHORITY**

BRADDOCK DISTRICT

1. Tax Map No. 69-3 ((6)) P, 13.0848 acres, Lake Braddock Elementary School Site*#

DRANESVILLE DISTRICT

1. Tax Map No. 20-1 ((1)) 16A, 10.4630 acres, Old Dominion Secondary School Site*#
2. Tax Map No. 20-1 ((10)) B, 3.4065 acres, Old Dominion Secondary School Site*#
3. Tax Map No. 29-2 ((1)) 1D, 24.3911 acres, Spring Hill Secondary School Site*+

HUNTER MILL DISTRICT

1. Tax Map No. 11-4 ((1)) 5, 60.0000 acres, Baron Cameron (Reston Secondary School Site)*#

LEE DISTRICT

1. Tax Map No. 90-1 ((1)) 63, 9.5441 acres, Greenspring Village
2. Tax Map No. 90-1 ((1)) 63A, 0.9462 acres, Greenspring Village
3. Tax Map No. 90-1 ((1)) 63D, 4.8314 acres, Greenspring Village
4. Tax Map No. 90-1 ((1)) 63E, 2.9412 acres, Greenspring Village
5. Tax Map No. 90-1 ((1)) 63F, 6.7782 acres, Greenspring Village
6. Tax Map No. 91-4 ((1)) 30A, 48.1698 acres, Hayfield*
7. Tax Map No. 91-4 ((1)) 30B, 5.0300 acres, Hayfield*
8. Tax Map No. 100-2 ((2)) D2, 2.2803 acres, Hayfield Farm*

9. Tax Map No. 100-2 ((2)) G, 13.7012 acres, Hayfield Farm*
10. Tax Map No. 100-2 ((2)) G1, 0.4529 acres, Vacated Portion of Hayfield Road*
11. Tax Map No. 100-2 ((2)) K, 6.1197 acres, Hayfield Farm*

MASON DISTRICT

1. Tax Map No. 81-1 ((1)) 9C, 12.7802 acres, Bren Mar Office Park

MOUNT VERNON DISTRICT

No parcels from this district will be transferred at this time.

PROVIDENCE DISTRICT

1. Tax Map No. 29-4 ((6)) 107, 0.6780 acres, Westgate Industrial Park

SPRINGFIELD DISTRICT

1. Tax Map No. 55-3 ((1)) 26, 38.1069 (approx. 24 acres to be transferred; approx. 18 acres directly north of Autumn Willow Drive and approx. 6 acres directly north of Lee Highway), Autumn Willow*
2. Tax Map No. 66-2 ((1)) 4B, 14.7741 acres (approx. 9.5 acres of northern part of parcel to be transferred), Lincoln Lewis Vannoy*
3. Tax Map No. 66-2 ((1)) 4D, 31.9724 acres, Lincoln Lewis Vannoy*
4. Tax Map No. 79-3 ((1)) 5, 6.500 acres, Fairfax Park Elementary School Site*#
5. Tax Map No. 79-3 ((17)) A, 6.500 acres, Fairfax Park Elementary School Site*#

SULLY DISTRICT

1. Tax Map No. 45-1 ((1)) 7, 20.9669 acres (approx. 9 acres of southern part of parcel to be transferred), Chantilly Library*
2. Tax Map No. 54-4 ((14)) B, 2.5637 acres, Walney Glen

* Subject to the Land Bank Agreement.

Subject to the Interim Use Agreement.

+ Leased to Park Authority.



Parcel ID: 0693 06 P
 Supervisor District: BRADDOCK

Ortho Imagery, © 2009,
 Commonwealth of Virginia

Legend

-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 139 feet (48)





Parcel ID: 0201 01 0016A

LAND BANK

Supervisor District: DRANESVILLE

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

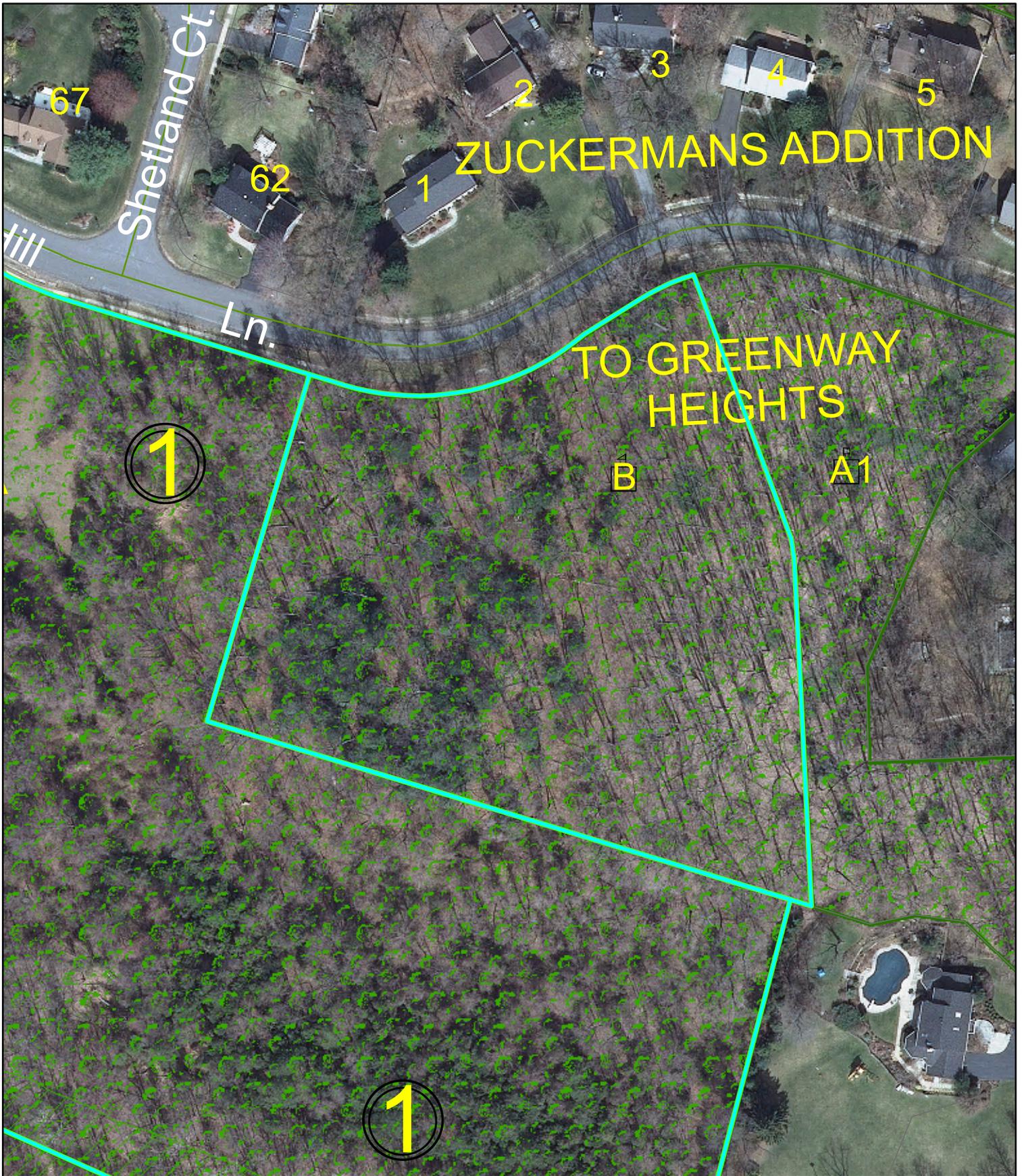
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 161 feet (49)





Parcel ID: 0201 10 B
 Supervisor District: DRANESVILLE

LAND BANK

Legend

-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 100 feet (50)





Parcel ID: 0114 01 0005

Supervisor District: HUNTER MILL

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

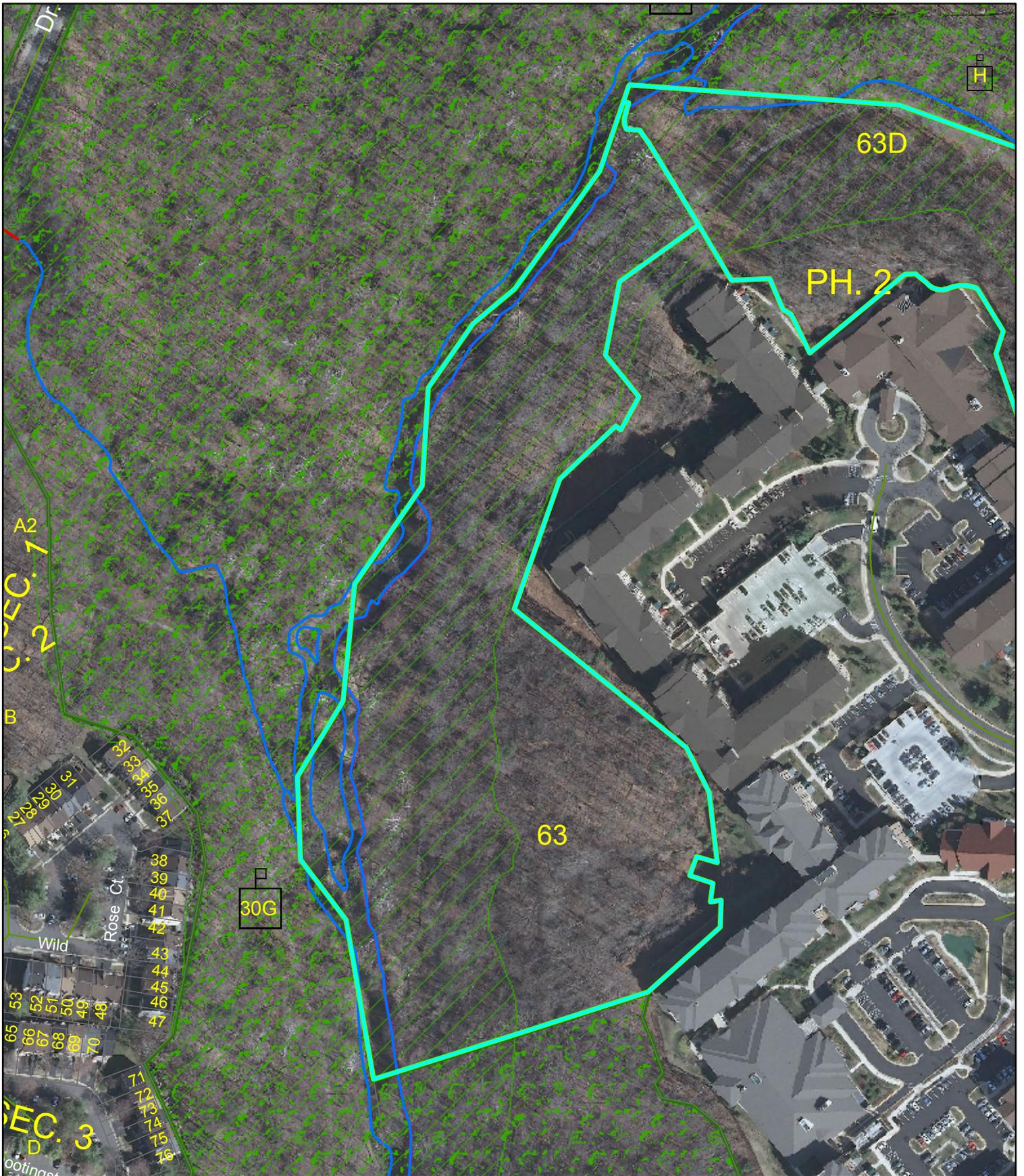
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 299 feet (52)





Parcel ID: 0901 01 0063

Supervisor District: LEE
SPRINGFIELD

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

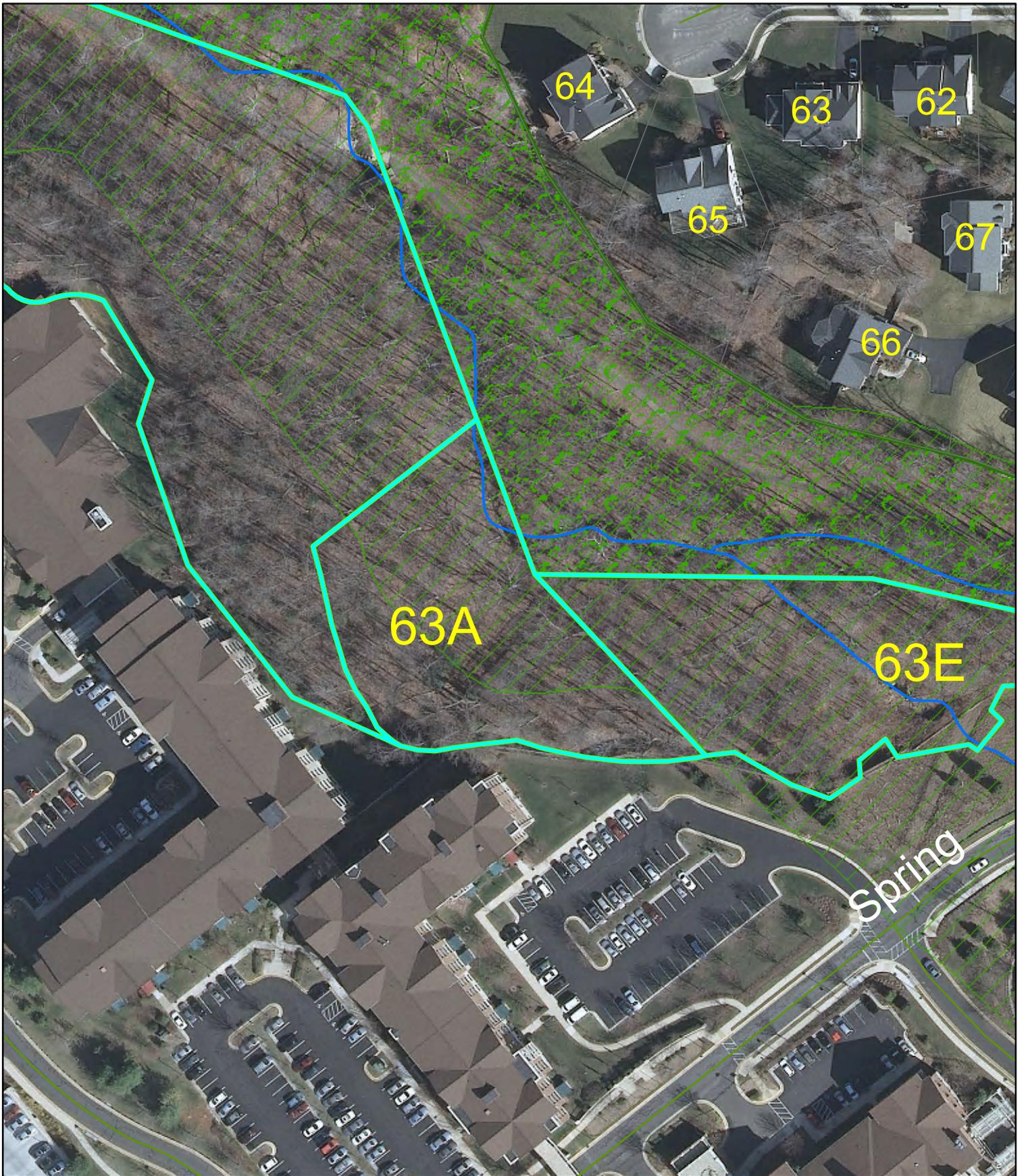
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 188 feet (53)





Parcel ID: 0901 01 0063A

Supervisor District: LEE

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

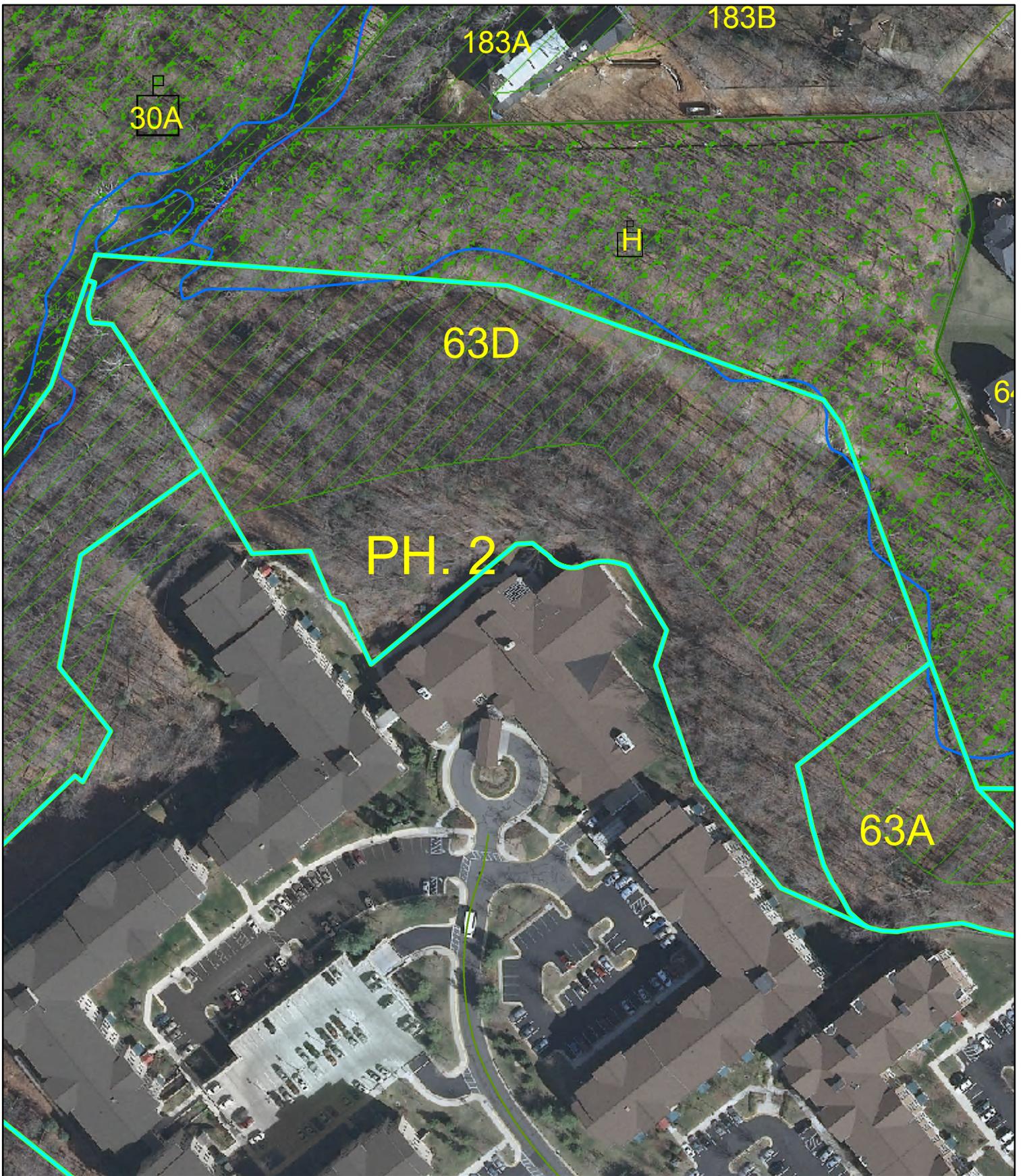
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 100 feet (54)





Parcel ID: 0901 01 0063D
 Supervisor District: LEE SPRINGFIELD

Ortho Imagery, © 2009,
 Commonwealth of Virginia

Legend

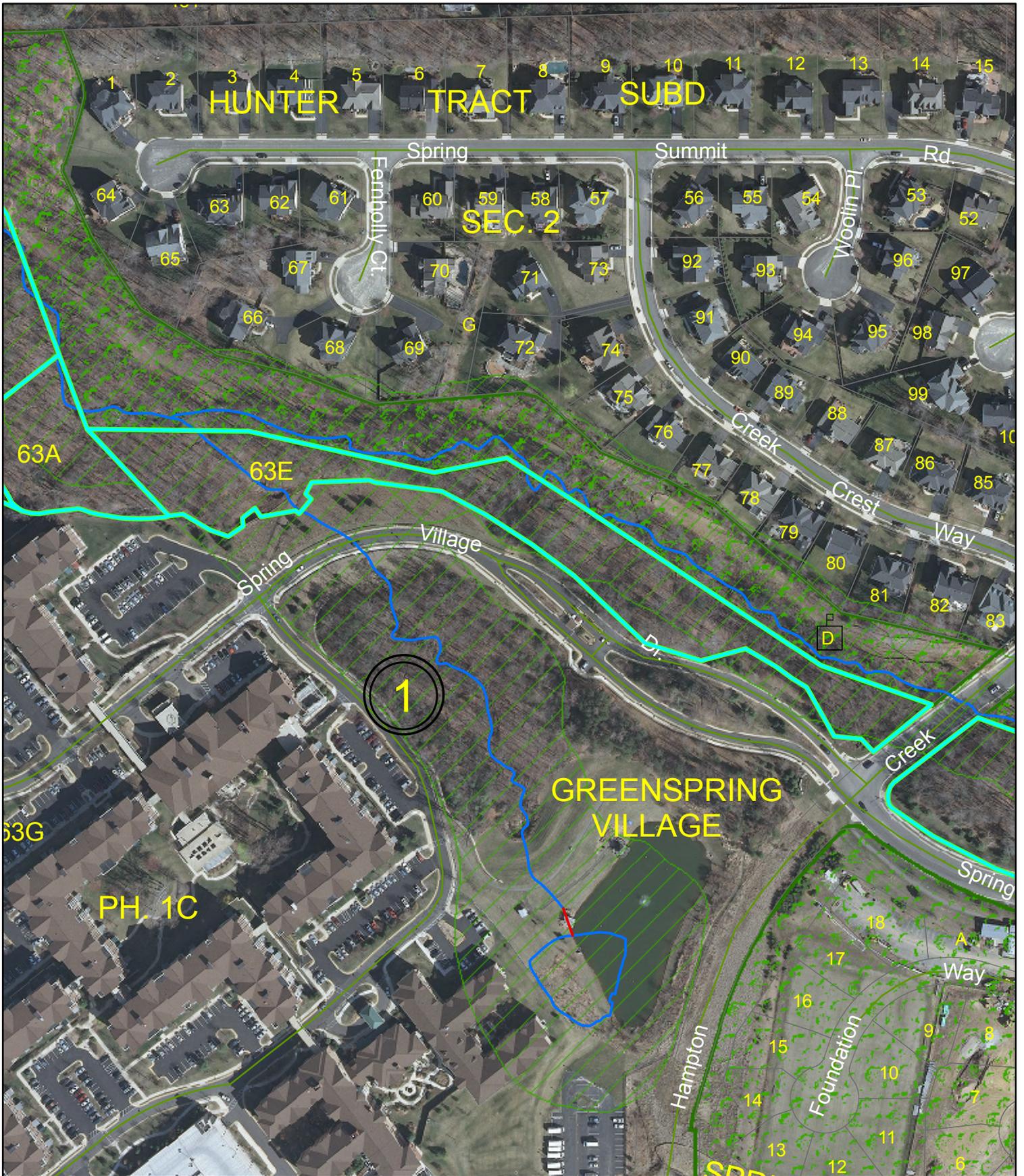
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 123 feet (55)





Parcel ID: 0901 01 0063E

Supervisor District: LEE

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

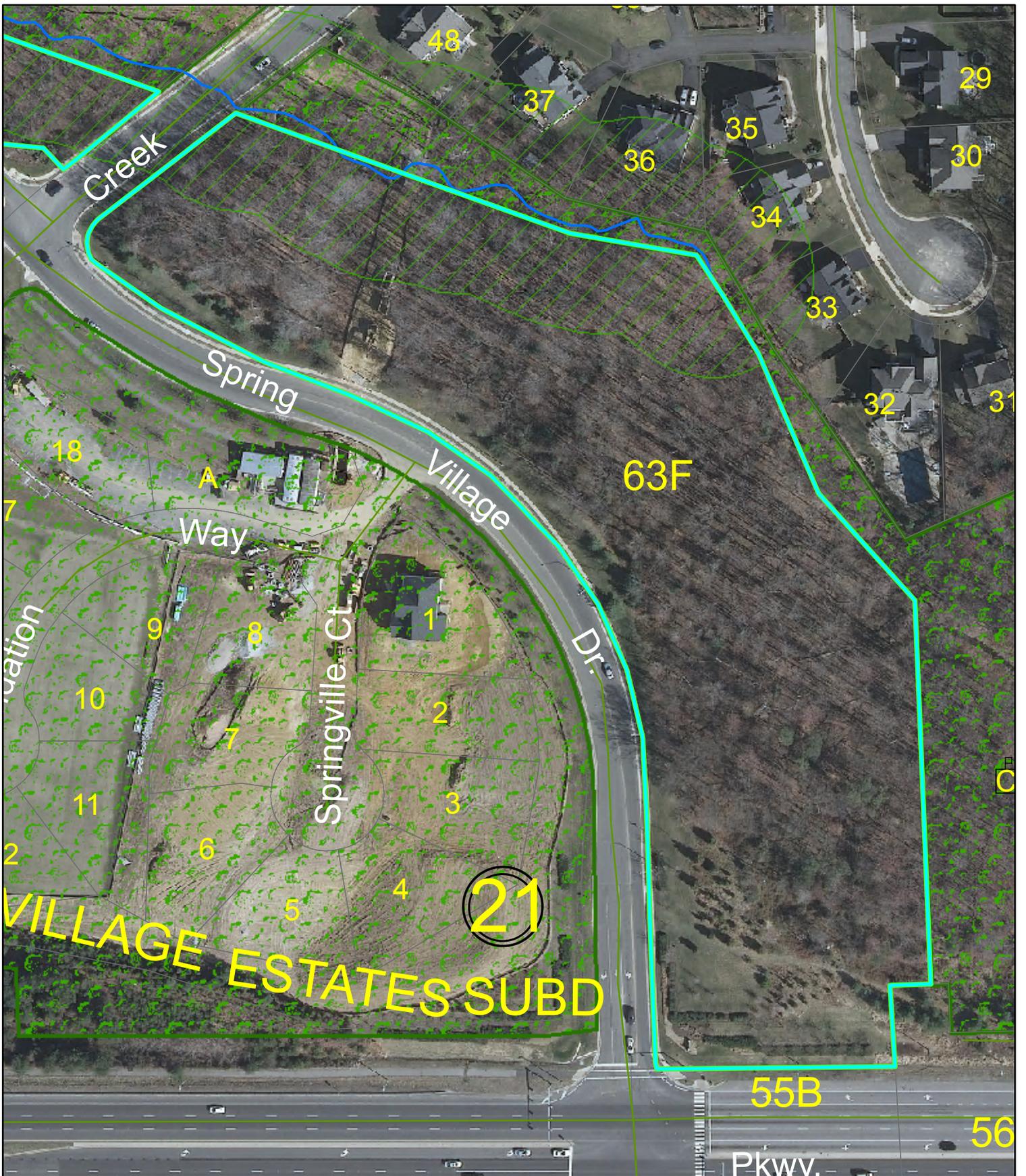
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 209 feet (56)





Parcel ID: 0901 01 0063F

Supervisor District: LEE

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

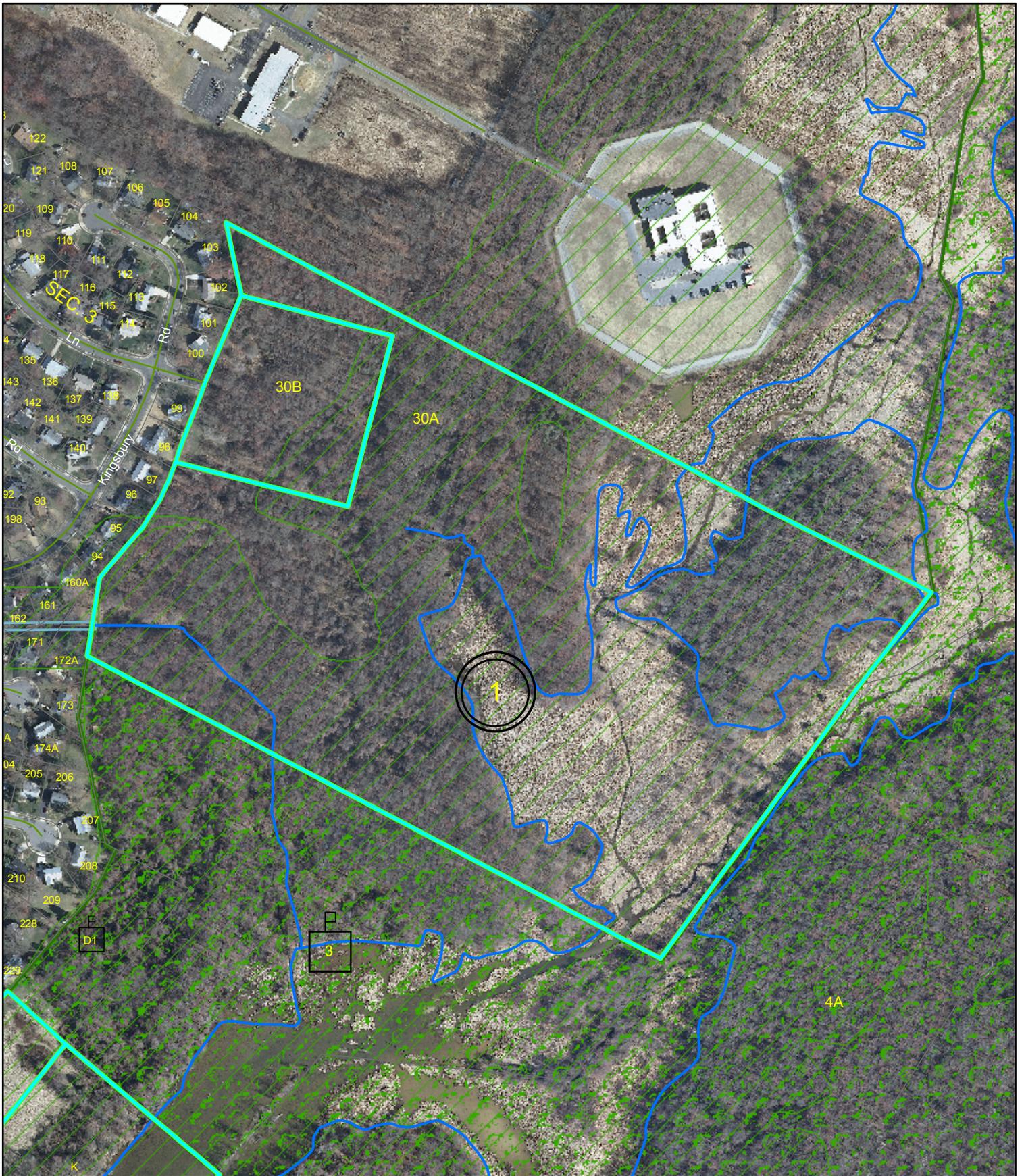
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 126 feet (57')





Parcel ID: 0914 01 0030A

Supervisor District: LEE

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

 Parks - FCPA

 CBPA Areas



02/08/2011

1 inch = 349 feet (58)





Parcel ID: 0914 01 0030B

Supervisor District: LEE

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 100 feet (59)





Parcel ID: 1002 02 D2
 Supervisor District: LEE

Ortho Imagery, © 2009,
 Commonwealth of Virginia

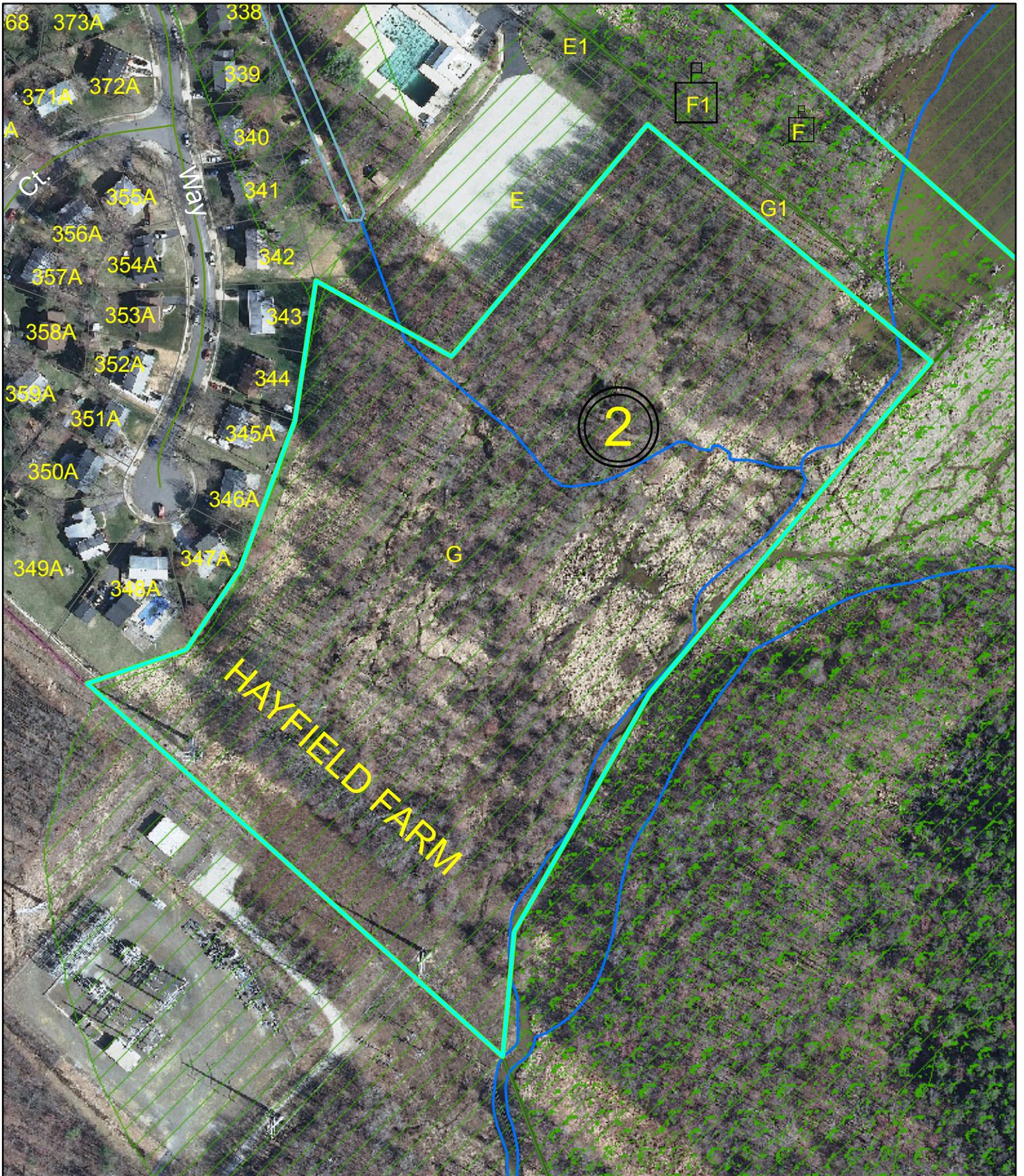
Legend

-  Parks - FCPA
-  CBPA Areas



02/08/2011
 1 inch = 100 feet (60)





Parcel ID: 1002 02 G
 Supervisor District: LEE MOUNT VERNON

Ortho Imagery, © 2009,
 Commonwealth of Virginia

Legend

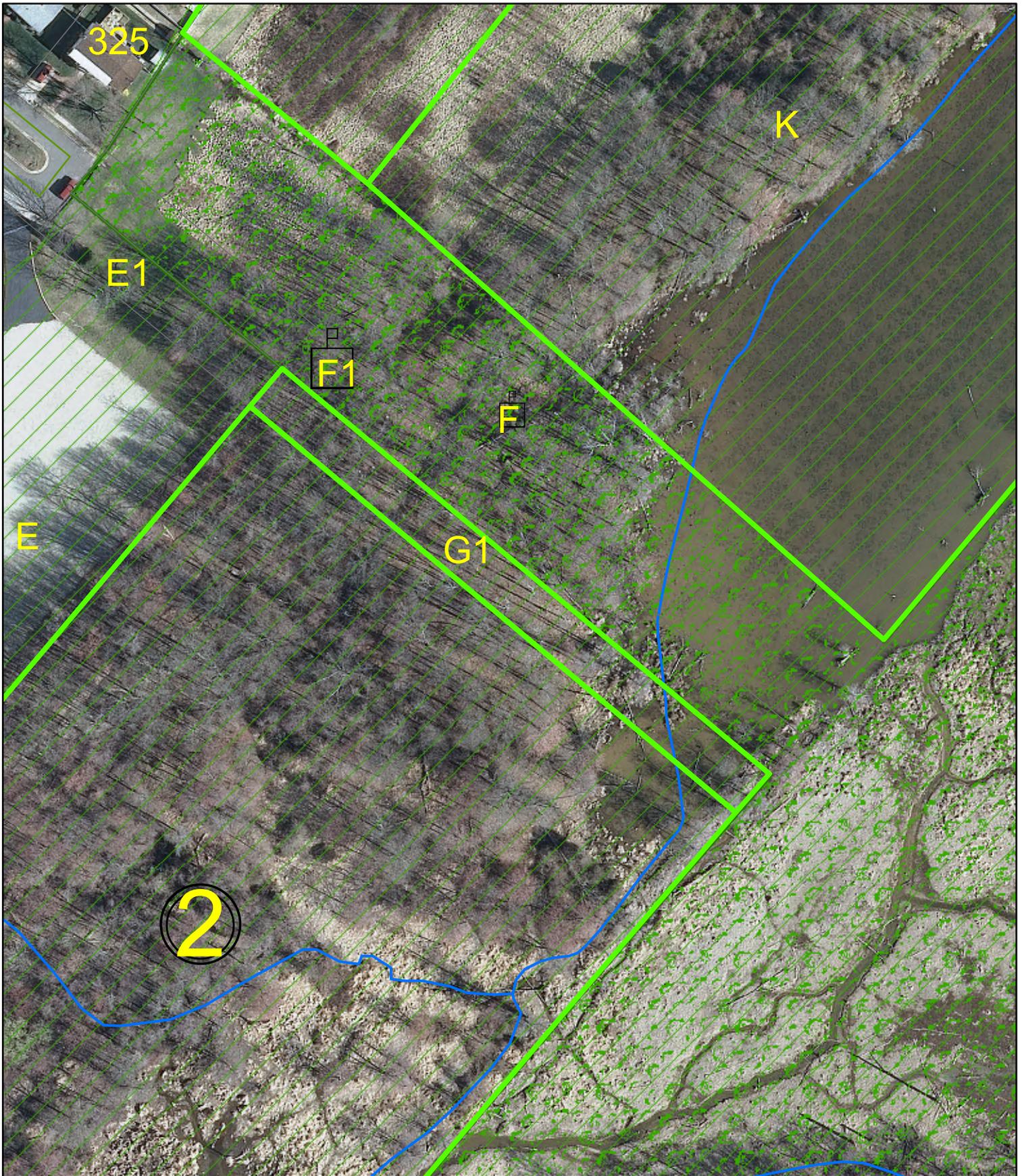
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 171 feet (61)





Parcel ID: 1002 02 G1

Supervisor District: LEE

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

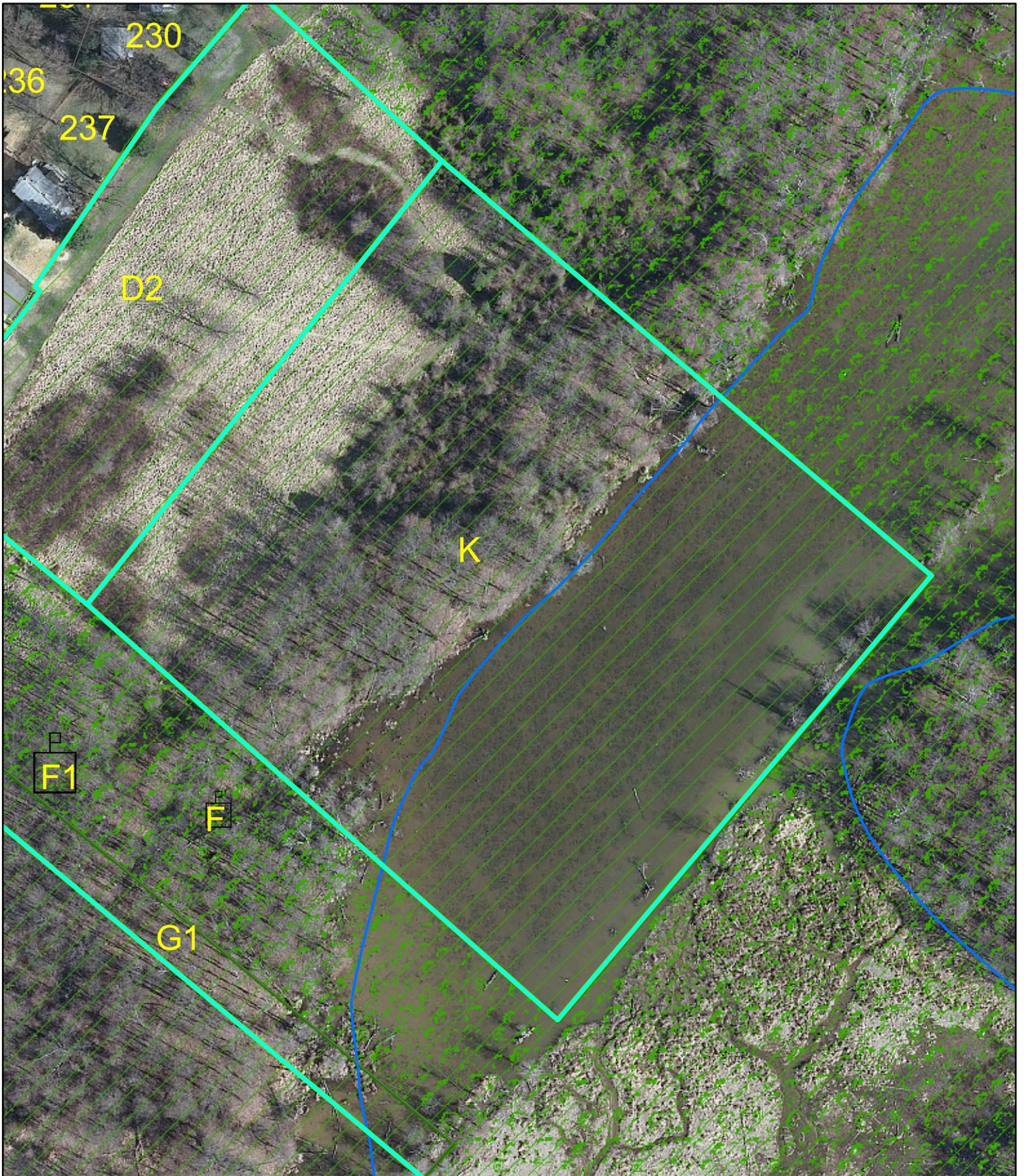
-  Parks - FCPA
-  CBPA Areas



02/15/2011

1 inch = 100 feet (62)





Parcel ID: 1002 02 K

Supervisor District: LEE

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 110 feet (63)





Parcel ID: 0811 01 0009C

Supervisor District: MASON

Ortho Imagery, © 2009,
Commonwealth of Virginia

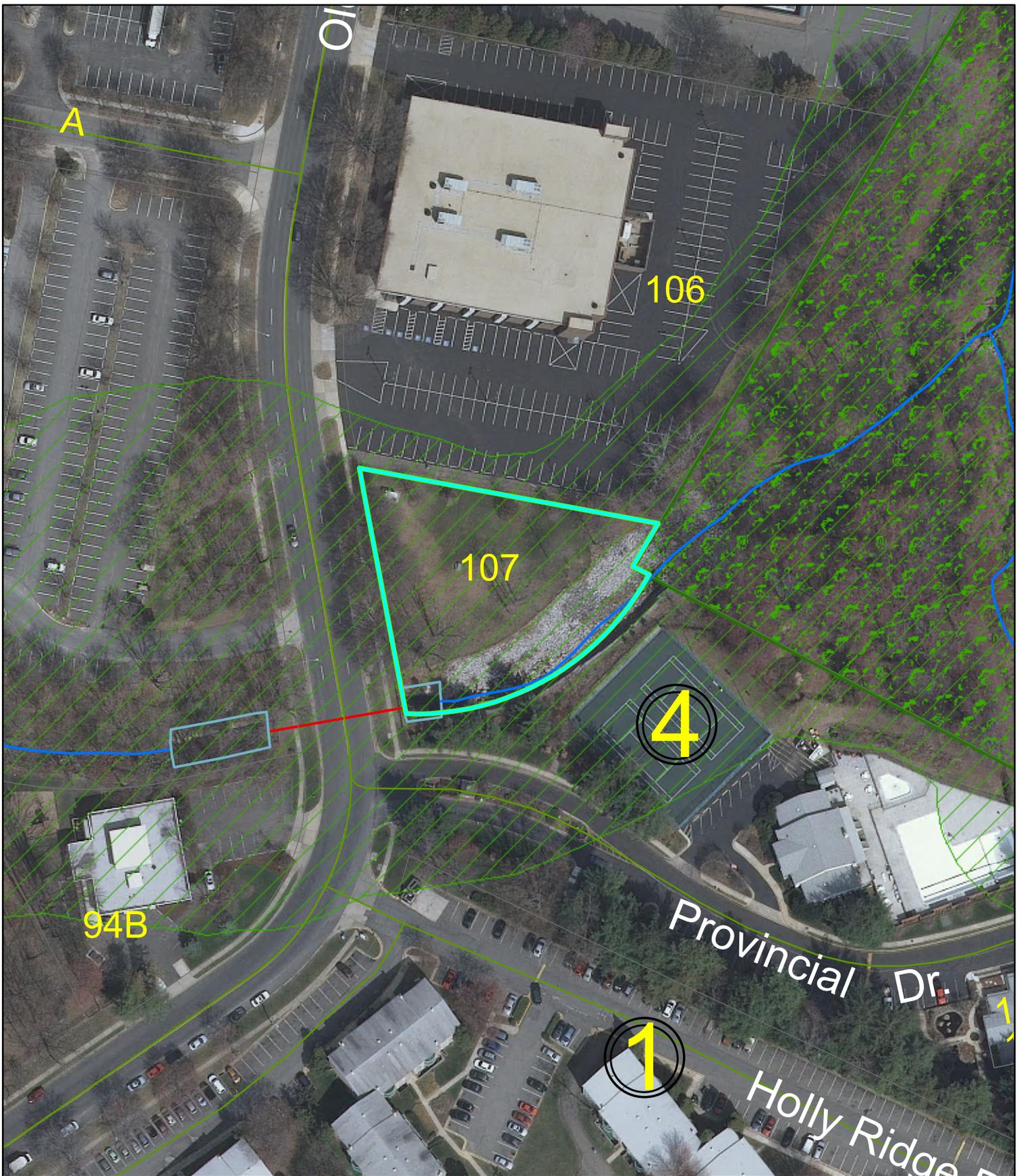
Legend

	Parks - FCPA
	CBPA Areas



N
↑

1 inch = 300 feet (64)



Parcel ID: 0294 06 0107
 Supervisor District: PROVIDENCE

Ortho Imagery, © 2009,
 Commonwealth of Virginia

Legend

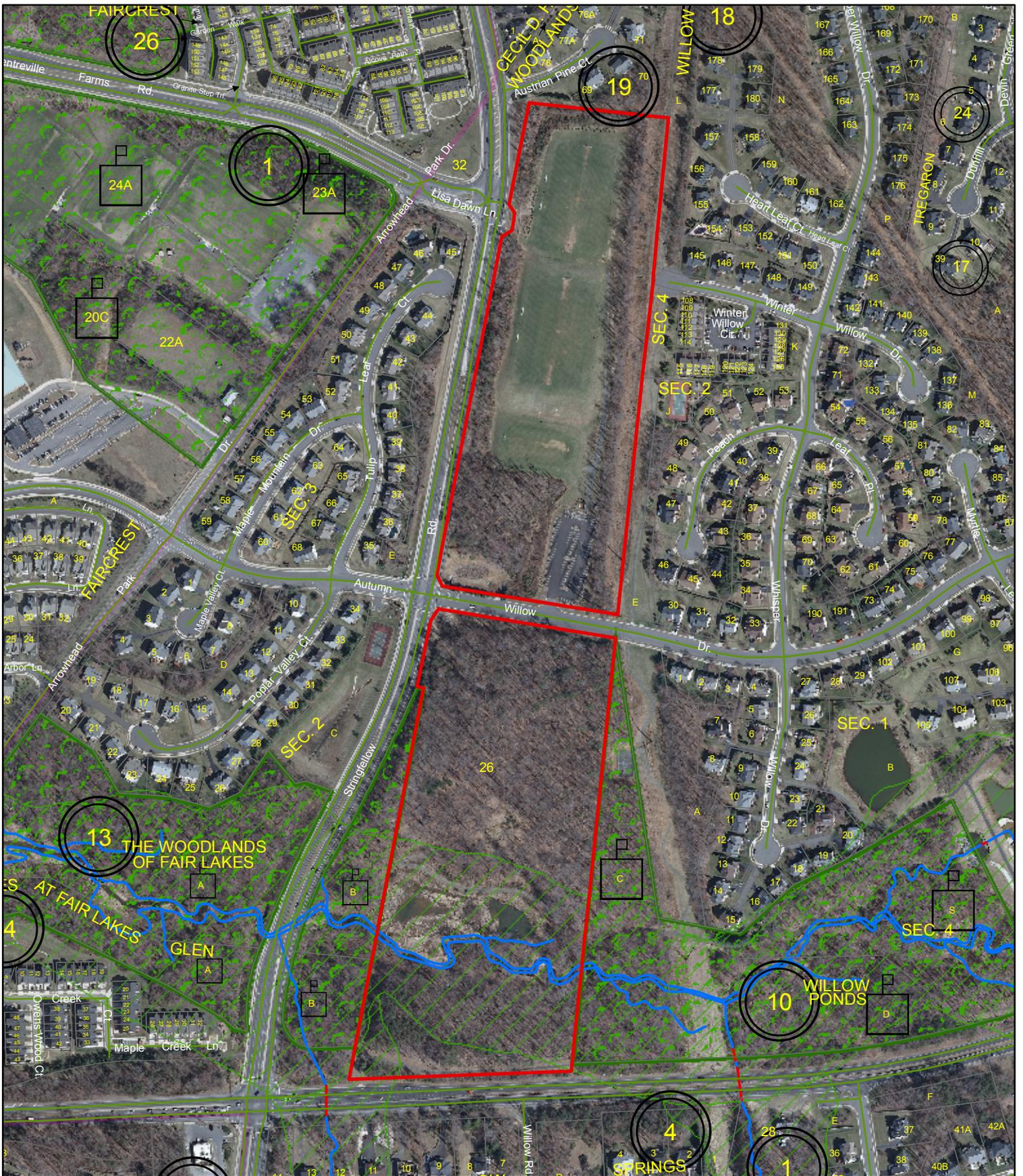
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 100 feet (65)





Parcel ID: 0553 01 0026

Supervisor District: SULLY
SPRINGFIELD

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 398 feet (66)





Parcel ID: 0662 01 0004B

Supervisor District: SPRINGFIELD

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

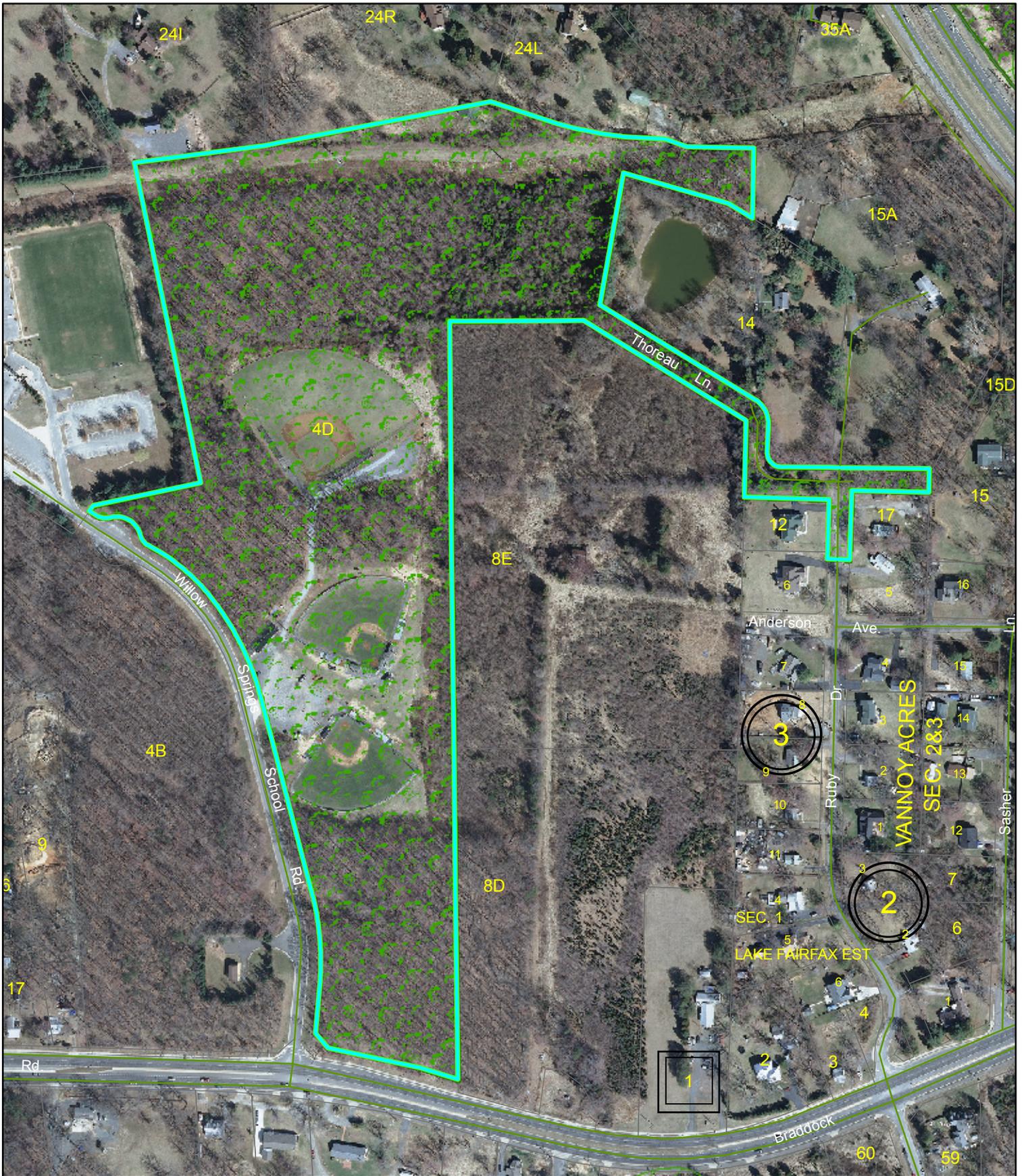
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 174 feet (67)





Parcel ID: 0662 01 0004D

Supervisor District: SPRINGFIELD

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

 Parks - FCPA

 CBPA Areas



02/08/2011

1 inch = 303 feet (68)





Parcel ID: 0793 01 0005

LAND BANK

Supervisor District: SPRINGFIELD

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

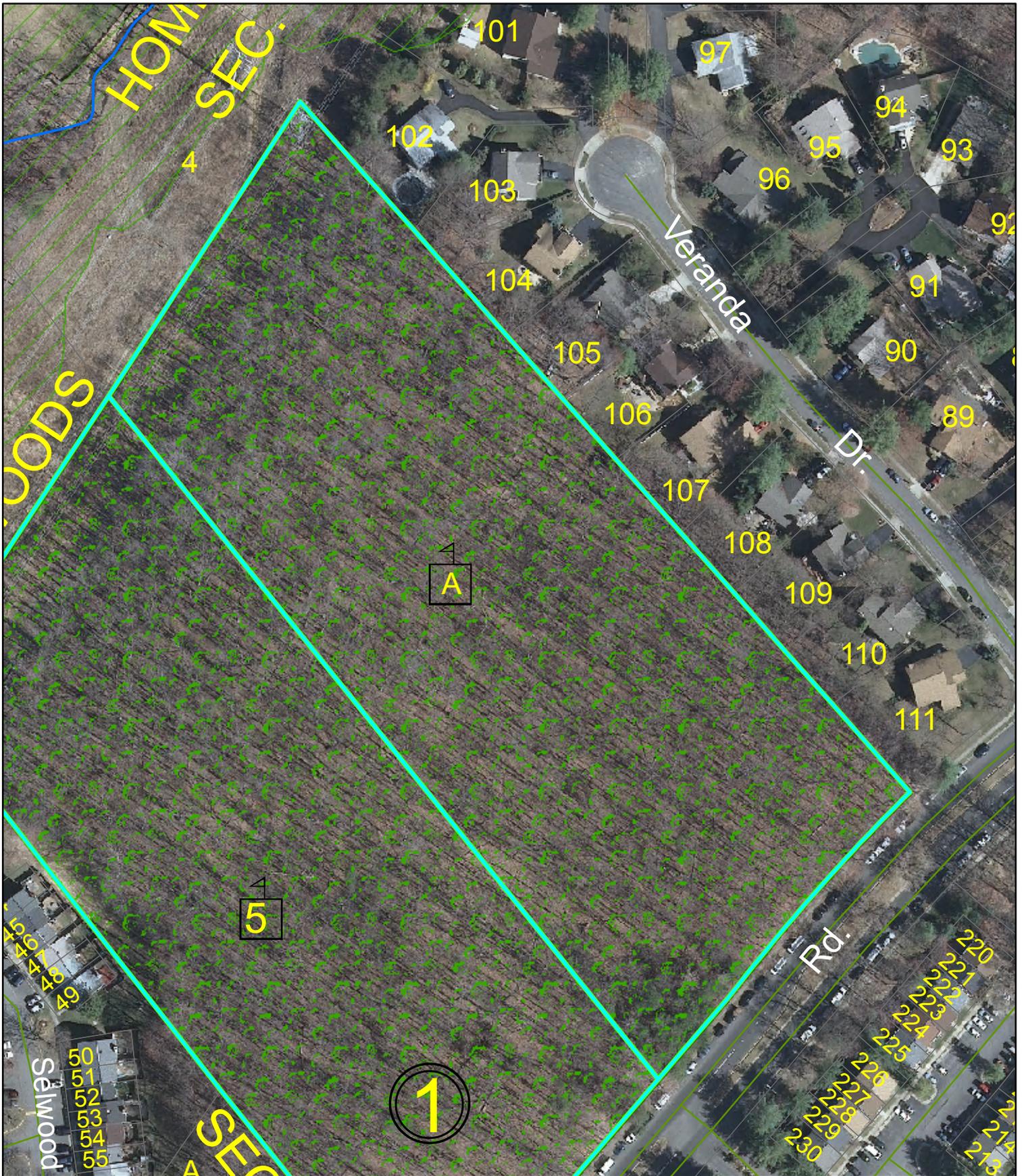
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 122 feet (69)





Parcel ID: 0793 17 A

LAND BANK

Supervisor District: SPRINGFIELD

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 125 feet (70)





Parcel ID: 0451 01 0007

Supervisor District: SULLY
SPRINGFIELD

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

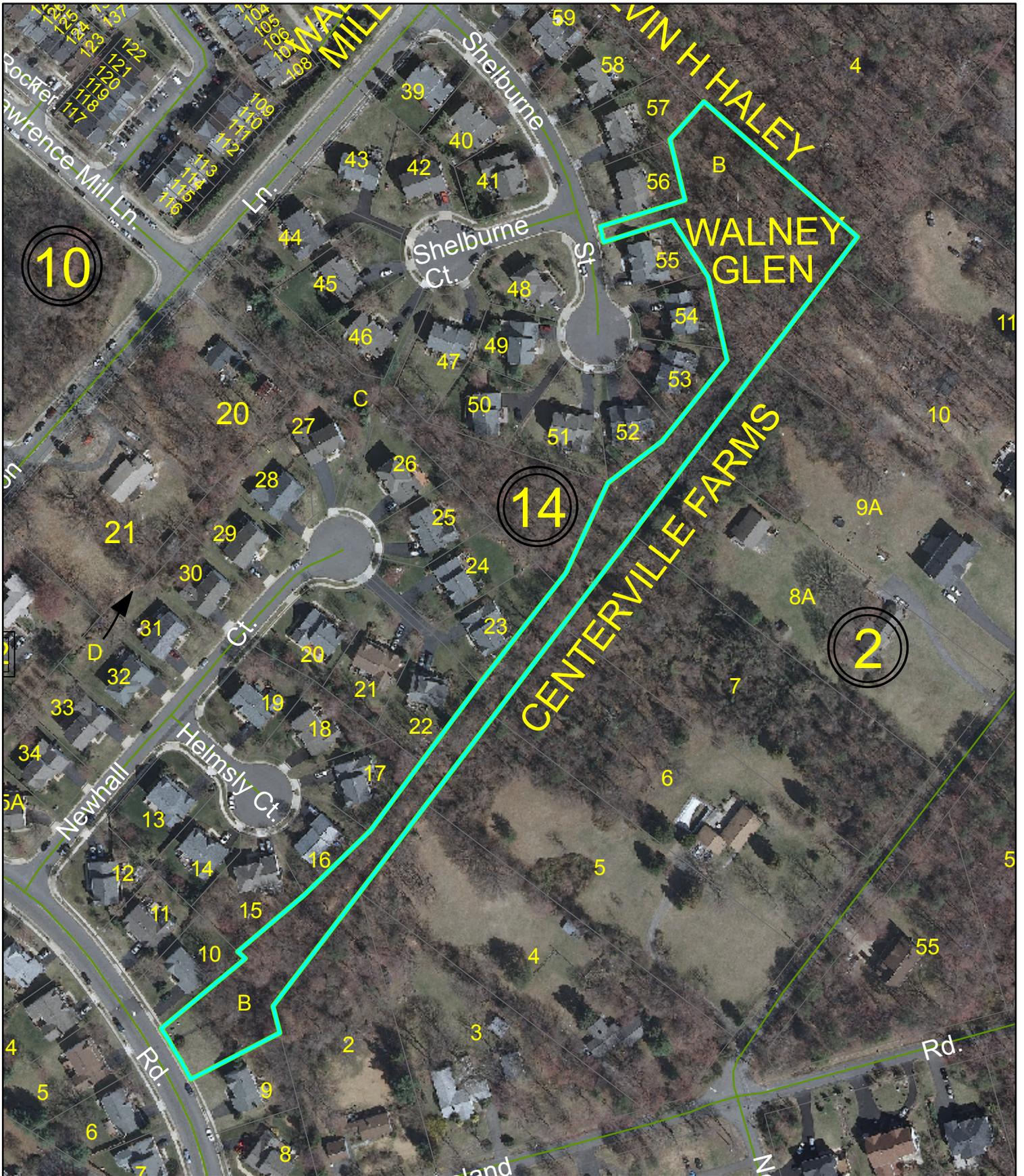
-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 276 feet (71)





Parcel ID: 0544 14 B

Supervisor District: SULLY

Ortho Imagery, © 2009,
Commonwealth of Virginia

Legend

-  Parks - FCPA
-  CBPA Areas



02/08/2011

1 inch = 171 feet (72)



AGREEMENT

THIS AGREEMENT is made this 14th day of November 2007, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body politic and corporate ("the Board"), and the **FAIRFAX COUNTY PARK AUTHORITY**, a body politic and corporate ("the Park Authority").

WHEREAS, the parties hereto mutually agree that in some cases the Board should receive consideration for the real property it conveys to the Park Authority in accordance with the provisions of this agreement; and

WHEREAS, the parties hereto mutually agree that the real property that is obtained by the Board by proffer, special exception condition, subdivision, site plan, or other means, for parks, recreation, or open space and is restricted by deed to parks, recreation, or open space uses should be excluded from this Agreement.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Board and the Park Authority hereby agree as follows:

1. Unless the Board decides otherwise, if the Board conveys a parcel of real property to the Park Authority without receiving any substantial consideration from the Park Authority for the conveyance, as consideration for such conveyance, the Board shall receive a credit for the tax-assessed value of the parcel in effect at the time of the conveyance, and such credit shall be reflected in an account (the "Land Bank") maintained by the Fairfax County Facilities Management Department or its successor agency.
2. Unless otherwise agreed to by the parties hereto, if the Park Authority conveys a parcel of real property to the Board without receiving any substantial

consideration from the Board for the conveyance, as consideration for such conveyance, the Board's credit balance in the Land Bank shall be reduced by the amount of the tax-assessed value of such parcel in effect at the time of the conveyance from the Park Authority to the Board. The Board may only reduce its credit balance by transfer of real property as approved by the Park Authority.

3. If the Board's credit balance in the Land Bank exceeds the amount of the tax-assessed value of any parcel conveyed by the Park Authority to the Board immediately before the conveyance, other than the reduction in the Board's credit balance as described in paragraph 2 above, the Park Authority shall receive no additional compensation from the Board for the conveyance.

4. If the Board's credit balance in the Land Bank is less than the amount of the tax-assessed value of any parcel conveyed by the Park Authority to the Board immediately before the conveyance, the Board's credit balance will be reduced to zero and the Board will provide consideration to the Park Authority equal to the difference between the parcel's tax-assessed value immediately before the conveyance and the Board's credit balance in the Land Bank immediately before the conveyance.

5. The total amount of the Board's credit balance in the Land Bank shall be adjusted annually on March 1st of each year to reflect the current tax-assessed values of the parcels in the Land Bank. For purposes of determining what parcels are in the Land Bank in order to make the annual adjustment, the parcels that are first included in the Land Bank shall be the first removed from the Land Bank when the Park Authority makes a conveyance to the Board that reduces the credit balance in the Land Bank. If only a portion of a parcel's tax-assessed value immediately before an annual adjustment remains

in the Land Bank, such portion of the parcel's tax-assessed value shall be adjusted by dividing it by the tax-assessed value of the entire parcel before adjustment and then multiplying the resulting percentage by the adjusted tax assessed value of the entire parcel.

6. For purposes of this agreement, if a parcel of real property does not have a tax-assessed value at the time it is conveyed to the Park Authority or the Board, the Fairfax County Department of Tax Administration or its successor shall determine what the tax-assessed value of the property would be at the time of the conveyance if the property were owned by a taxable person or entity at the time of the conveyance, and such value shall then be used to increase or decrease the credit balance in the Land Bank pursuant to the provisions of this agreement. For purposes of making the annual adjustment to the credit balance in the Land Bank as required by paragraph 5 above, if a parcel in the Land Bank does not have a tax-assessed value, the Fairfax County Department of Tax Administration shall determine on March 1st of each year, at the time the annual adjustment is made to the credit balance in the Land Bank, what the tax-assessed value of the parcel would be for the year (i.e., what the tax-assessed value of the parcel would be as of January 1st of that year) if the parcel were owned by a taxable person or entity, and such value shall then be used to determine the Land Bank credit balance for that year.

7. This agreement is governed by the laws of the Commonwealth of Virginia and is binding upon the parties and their successors and assigns.

8. This agreement shall not be amended or modified except by an agreement in writing by the parties. If any provision of this agreement is found to be invalid by a court of competent jurisdiction, such provision shall be severed from this agreement and all remaining provisions shall remain in full force and effect.

9. This agreement shall constitute the entire agreement between the parties hereto concerning the terms of the Land Bank, and any prior understanding or representation of any kind with respect to the Land Bank that precedes the date of this agreement shall not be binding upon the parties except to the extent incorporated in this agreement.

WITNESS the following signatures:

[SIGNATURES APPEAR ON FOLLOWING PAGE]

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

Executed on behalf of the Board of
Supervisors by authority granted by said
Board.

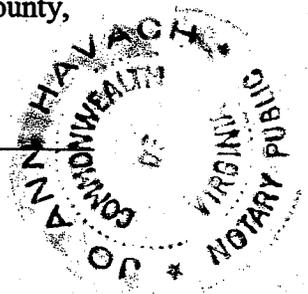
By: *Anthony H. Griffin*
Anthony H. Griffin
County Executive

COMMONWEALTH OF VIRGINIA)
COUNTY OF FAIRFAX) to-wit:

The foregoing Agreement was signed before me this 14 day of
NOVEMBER 2007 by Anthony H. Griffin, County Executive of Fairfax County,
Virginia.

My Commission Expires: JULY 31, 2008
NOTARY REGISTRATION NO.: 178038

Jolann Hawach
Notary Public



FAIRFAX COUNTY
PARK AUTHORITY

Executed on behalf of the Board of the
Fairfax County Park Authority by
authority granted by said Board.

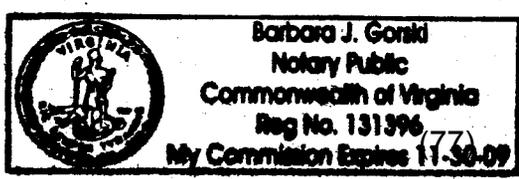
By: *Timothy K. White*
Timothy K. White, Acting Director
Fairfax County Park Authority

COMMONWEALTH OF VIRGINIA)
COUNTY OF FAIRFAX) to-wit:

The foregoing Agreement was signed before me this 6th day of November
2007 by Timothy K. White, Acting Director, Fairfax County Park Authority.

My Commission Expires: 11-30-2009

Barbara J. Gorski
Notary Public



AGREEMENT

This Agreement, made and entered into this the 24 day of SEPTEMBER 2007, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** ("County"), a body corporate and politic, and the **FAIRFAX COUNTY PARK AUTHORITY** ("Authority"), a body corporate and politic, recites and provides:

RECITALS

A. The County is the owner of various tracts of real property situate in Fairfax County, Virginia, by virtue of a deed from the Fairfax County School Board ("School Board") dated September 6, 2006, and recorded in Deed Book 18742, at Page 675 among the land records of Fairfax County, Virginia. Certain of these tracts are enumerated as Item Nos. 1-8 on the attached Exhibit A (collectively, the "Properties," individually, the "parcel" or "parcels"). Some of the parcels are unimproved while other parcels include various athletic fields and/or other types of recreation areas.

B. The Properties were formerly subject to an Interim Use Agreement dated July 1, 2004 ("IUA"), between the School Board and the Authority whereby the Authority was authorized to use the Properties for park purposes and was responsible for maintaining certain facilities located thereon.

C. The IUA expired on February 9, 2007, for the first seven parcels listed on Exhibit A, and on March 7, 2007, for the Reston Secondary School Site, which is the last parcel identified on Exhibit A.

D. It is the desire of the County and the Authority to continue substantially the same landlord/tenant relationship with regard to the Properties as had existed between the School Board and the Authority under the IUA.

TERMS AND CONDITIONS

NOW, THEREFORE, for and in consideration of foregoing recitals, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Right to Use the Properties.** The County hereby grants to the Authority, together with its agents, employees, licensees, and invitees, the right to use the Properties for park purposes.

2. **Term.**

(a) The term of this Agreement shall be deemed to have commenced on the date of expiration of the IUA for each parcel, which dates are set forth in Paragraph C above, and shall expire on March 7, 2017, unless renewed or terminated pursuant to the terms of this Agreement.

(b) If the Authority fails to comply with its obligations hereunder, the County may notify the Authority in writing of such alleged breach and shall describe the nature of the alleged breach. If the Authority fails to remedy the alleged breach within 30 days after receipt of written notification of the alleged breach, then the County shall have the right to terminate this Agreement by providing to the Authority 30 days prior written notice of its intention to terminate. This right of termination is in addition to any and all other rights and remedies the County may have in law or in equity.

(c) If the County fails to comply with its obligations hereunder, the Authority may notify the County in writing of such alleged breach and shall describe the nature of the alleged breach. If the County fails to remedy the alleged breach within 30 days after receipt of written notification of the alleged breach, then the Authority shall have the right to terminate this Agreement by providing to the County 30 days prior written notice of its intention to terminate. This right of termination is in addition to any and all other rights and remedies the Authority may have in law or in equity.

(d) This Agreement shall automatically extend for 2 additional terms of 5 years each (for a total, with the initial approximately 10-year term, of 20 years) unless, not less than 6 months before the date of expiration of either the ten-year term or the initial 5-year extension term, the Authority provides to the County written notice of its intention to exercise its right to terminate the Agreement as of the expiration of such term.

3. **Removal of Parcels.** Should the County desire (i) to dispose of one or more of the parcels, or portion(s) thereof, in any manner other than by conveyance to the Authority, or (ii) to use one or more of the parcels, or portion(s) thereof, for purposes inconsistent with the Authority's use of such parcels under this Agreement, the County may do so at any time during the term of this Agreement by providing 6 months prior written notice to the Authority of the removal of such parcel(s) from the scope of this Agreement. Such removal shall serve to terminate the applicability of this Agreement to the parcel(s) so removed and the parties shall have no further obligation with respect to such parcel(s) under this Agreement unless specifically provided herein. Should the County convey one or more of the parcels to the Authority, such conveyance shall serve to immediately terminate this Agreement as to the parcel(s) so conveyed. This Agreement shall remain in full force and effect for any remaining parcel(s).

4. **Facilities Not Constructed by the Authority.** For those facilities constructed on the Properties, but not constructed by the Authority, the County expressly retains the right to use such facilities and the Authority's right to use such facilities shall

be subject to their availability during times when the County is not using such facilities for public purposes. The Authority agrees to coordinate its use of such facilities with the County, and if the Authority's use conflicts with any use of such facilities by the County, the County's use shall have priority.

5. **Facilities Constructed by the Authority.** The County may use Authority-constructed facilities located on a parcel provided such use shall be subject to their availability during times when the Authority is not using such facilities for Authority purposes and the County follows the policies and practices governing other users of Authority-constructed facilities. The County agrees to coordinate its use of such facilities with the Department of Community and Recreation Services, and agrees that if the County's use conflicts with the Authority's use of such facilities, the Authority's use shall have priority.

6. **Maintenance.** During the term of this Agreement or any extension thereof, the Authority is responsible for all maintenance of the Properties. Such maintenance shall be consistent with typical Authority maintenance standards or, if there are no such standards, consistent with the standards of reasonable property maintenance. By way of example, and not limitation or augmentation, there currently are located on the Blake Lane School Site certain recycling containers. In the event that such containers require servicing, it shall be the responsibility of the Authority, and not the responsibility of the Facilities Management Department of the County, to coordinate the servicing of such containers with the Solid Waste Collection & Recycling Division of the Department of Public Works & Environmental Services.

7. **Construction of Athletic and/or Recreation Facilities by the Authority.** The County hereby grants to the Authority, together with its agents and employees, subject to the following terms and conditions, the right to construct athletic and/or recreational and/or other park facilities ("Improvement Right") on the Properties.

(a) **Matters Covered by the Improvement Right.** The Improvement Right shall include the right to construct permanent and temporary improvements on the Properties and the right to make alterations and modifications to a field or its supporting structures or amenities, and any other improvements that the Authority may request.

(b) **Improvement Proposals.** The Authority shall not exercise the Improvement Right upon any of the parcels without the prior written consent of the County, which consent shall not be unreasonably withheld and which consent shall be obtained on the following terms and conditions:

(1) **Authority's Proposal.** From time to time during the term of this Agreement, the Authority may submit an improvement proposal ("Improvement Proposal") to the County, which Improvement Proposal shall describe the proposed improvement, including a general plan for the timing of the improvement, the site conceptual development plan for the improvement, and any request that the County share

in the cost of the improvement. All Improvement Proposals shall originate from the Director of the Authority.

(2) County's Response. The County shall in writing, within 90 days after receipt of the Improvement Proposal (i) approve the Improvement Proposal; (ii) request additional information; or (iii) disapprove of the Improvement Proposal. If the County fails to act upon an Improvement Proposal within 90 days after receipt, the Improvement Proposal shall be deemed accepted and approved as presented, except that any request that the County share in the cost of the improvement shall not be deemed accepted and approved by the failure of the County to act upon an Improvement Proposal within such 90-day period. Such deemed approval shall not relieve the Authority from its obligation to comply with all federal, state, and County laws and regulations that apply to such Improvement Proposal. If the County requests additional information or disapproves the Improvement Proposal, then the parties shall endeavor to resolve the matter on or before the date that is 90 days after the date on which the County received the Improvement Proposal. If the County and the Authority are unable to agree upon the resolution of the Improvement Proposal, then the Authority may, in its discretion, elect to remove the parcel that forms the subject of the Improvement Proposal from the scope of this Agreement. In such event, this Agreement shall remain in full force and effect as to the remaining parcels. The decision of the County regarding any Improvement Proposal shall be final.

(c) Design and Construction of Improvement. After the County has approved the Improvement Proposal, a representative from the County shall be designated as a member of the Authority's Project Team during the design and construction stages of the improvement.

(d) Improvement Costs. Unless otherwise agreed to by the parties, all costs of any improvement undertaken by the Authority or its agents or employees pursuant to this Agreement shall be the sole responsibility of the Authority.

(e) County Development Standards. All improvements undertaken in accordance with this section by the Authority shall meet or exceed the County's development standards. The Authority shall perform all construction in a workmanlike manner and shall obtain all necessary permits and approvals and comply with all applicable laws, regulations, and policies.

(f) Ownership of Improvements. The parties understand and agree that any and all improvements that constitute fixtures installed by the Authority on the Properties shall become the property of the fee owner of the respective parcels upon the termination of this Agreement. All non-fixture improvements installed by the Authority on the Properties shall remain the property of the Authority, provided the Authority removes such non-fixture improvements within 30 days of the termination of this Agreement as to the parcel(s) on which they are located and restores such property to its original condition to the extent reasonably practicable.

(g) Removal of Improvements. Upon termination of this Agreement or the removal of any of the parcels pursuant to Paragraph No. 3 of this Agreement, if the County requests, the Authority, at its sole expense, shall remove any facilities or improvements installed by the Authority and shall restore the subject property to its original condition to the extent reasonably practicable.

8. Authority's Obligations.

(a) The Authority shall (i) obtain, maintain and comply with the terms and conditions of any governmental licenses, permits, or approvals required for the activities of the Authority on the Properties, and (ii) comply with all applicable laws, statutes, ordinances, and regulations including, without limitation, zoning ordinances and building codes applicable to such activities.

(b) If the County reasonably believes that the Authority's exercise of its rights hereunder has caused damage to a parcel (excluding ordinary wear and tear), then the County shall notify the Authority in writing of the alleged damage. If, within 15 days after receipt of such written notification the Authority has not commenced the necessary repairs, then the County shall have the right to access the parcel(s) to perform such repairs. If, in the County's sole discretion, the damage represents a safety hazard, then the Authority will repair the damage immediately. In the event the damage was caused by the Authority's exercise of its rights hereunder (excluding ordinary wear and tear) and if the County repairs such damage, the Authority shall promptly reimburse the County for any and all actual costs reasonably incurred by the County in the repair of such damage.

(c) The Authority shall be responsible for keeping the Properties free of trash and debris resulting from the use of the Properties.

9. Access. The County reserves the right of unlimited access to and from the Properties, as necessary. If it is determined by the County that such access may impact the Authority, the County will verbally notify the Authority prior to accessing the Properties.

10. No Liens. The Authority shall not enter into any contract or arrangement with any person, firm, or corporation or do any act, or omit to do any act, that might give rise to or result in the filing of any lien or encumbrance against any of the parcels. If any notice of lien shall be filed against any of the parcels, or if any lien or encumbrance shall be applicable thereto or any part thereof as a result of any such act or omission of the Authority, the Authority shall take such action (at its sole cost and expense) as shall be required to cause such lien to be discharged promptly.

11. Condemnation or Casualty. In the event that all or any part of the Properties shall be taken or condemned by a public authority or damaged by fire or any other casualty, and as a result any of the Properties are not fit or available for use by the

Authority, this Agreement shall automatically terminate as of the date of such taking or casualty, while remaining in full force and effect as to all other parcels. Neither party shall have any obligation to the other party to repair or restore that parcel or any part thereof. The Authority shall have no right or claim to any condemnation award as a result of any such condemnation.

12. **Entire Agreement.**

(a) The terms, conditions, and covenants herein constitute the entire agreement between the parties hereto with respect to the subject matter hereof and supersede all prior discussions, understandings, agreements, and negotiations between the parties hereto with respect to the Authority's use of the Properties.

(b) This Agreement may be modified only by a written instrument duly executed by the parties hereto, except that the County may remove any of the parcels from this Agreement by providing the notice required by Paragraph No. 3 above, and the Authority may remove any of the parcels from this Agreement as provided in Paragraph No. 7(b)(2) above, without obtaining a written instrument signed by both parties.

13. **Governing Law.** This Agreement shall be governed by and construed and interpreted in accordance with the laws of the Commonwealth of Virginia, without regard to principles of conflicts of laws.

14. **Severability.** If any term, covenant or condition of this Agreement, or the application thereof to any person or circumstance, shall to any extent be invalid or unenforceable, the remainder of this Agreement, or the application of such term, covenant or condition to other persons or circumstances, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

15. **Time of the Essence.** Time is of the essence with regard to each and every term herein to which time is an element.

16. **Requests, Proposals, Notices.** All requests, proposals, notices and other communication hereunder shall be in writing unless otherwise specified herein and shall be sent or delivered by certified mail, return receipt requested, to the address set forth below (or such other address as may be hereafter specified in writing):

To the County: Board of Supervisors of Fairfax County, Virginia
 Facilities Management Department
 12000 Government Center Parkway, Suite 424
 Fairfax, Virginia 22035-0011
 Attn: Director, FMD

To the Authority: Director, Fairfax County Park Authority
12055 Government Center Parkway, Suite 927
Fairfax, Virginia 22035-1118

WITNESS the following signatures and seals:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

Approved and executed on behalf of the Board of Supervisors of Fairfax County, Virginia, by the authority granted by said Board.

By: *AH Griffin*
Anthony H. Griffin, County Executive
Fairfax County, Virginia

Commonwealth of Virginia:
County of Fairfax, to wit:

The foregoing Deed of Easement was acknowledged before me by Anthony H. Griffin, County Executive, on behalf of the Board of Supervisors of Fairfax County, Virginia, this 4TH day of OCTOBER 2007.

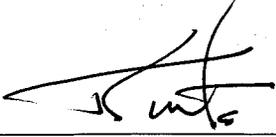
 Jo Ann Havach
Notary Public
My commission expires: July 31, 2008

Notary Registration Number: 178038



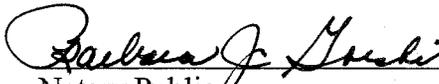
FAIRFAX COUNTY PARK AUTHORITY

Approved and executed on behalf of the Fairfax County Park Authority, by the authority granted by the Park Authority Board.

By: 
Timothy K. White, Acting Director
Fairfax County Park Authority

Commonwealth of Virginia:
County of Fairfax, to wit:

The foregoing Deed of Easement was acknowledged before me by Timothy K. White, Acting Director, on behalf of the Fairfax County Park Authority, this 1st day of October 2007.


Notary Public
My commission expires: 11-30-09

Notary Registration Number: 131396

s:\oakley\agmt bos fcpa surplus properties interim use june 2007 version d.doc

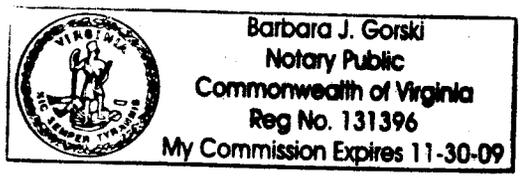


EXHIBIT A

1. Blake Lane School Site—Tax Map Nos. 047-2-01-0123; 047-2-17-B
2. Fairfax Park School Site—Tax Map Nos. 079-3-01-0005; 079-3-17-A
3. Hickory Run School Site—Tax Map Nos. 012-4-07-N
4. Lake Braddock School Site—Tax Map No. 069-3-06-P
5. Lawyers Road School Site—Tax Map No. 037-2-15-A
6. Old Dominion School Site—Tax Map Nos. 020-1-01-0016A; 020-1-10-B
7. Rolling Woods School Site—Tax Map Nos. 089-4-06-D; 098-2-06-D9
8. Reston Secondary School Site (also known as the Baron Cameron Site)
—Tax Map No. 011-4-01-0005

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Board Agenda Item
July 12, 2011

ADMINISTRATIVE – 6

Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the United States Centers for Disease Control and Prevention for a Community Transformation Grant

ISSUE:

Board approval for the Department of Neighborhood and Community Services (DNCS) to apply for and accept funding, if received, from the Centers for Disease Control and Prevention (CDC) for a Community Transformation Grant in the amount of \$497,382. This grant would be used to develop the County's capacity to implement policy, systems, and environmental change strategies designed to improve health. This funding would support 3/3.0 SYE grant positions. No Local Cash Match is required. The grant period is October 1, 2011 through September 31, 2012. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively in accordance with Board policy.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize DNCS to apply for and accept funding, if received, from the CDC in the amount of \$497,382 for a Community Transformation Grant to develop the County's capacity to implement policy, systems, and environmental change strategies designed to improve health.

TIMING:

Board approval is requested on July 12, 2011 as the application is due on July 15, 2011.

BACKGROUND:

The Community Transformation Grant program is intended to prevent the leading causes of death or disability through evidence- and practice-based policy, environmental, programmatic, and infrastructure changes. The program is aligned with five specific performance measures in Healthy People 2020 and the Affordable Care Act: changes in weight, proper nutrition, physical activity, tobacco use prevalence, and emotional well-being and overall mental health. Changes to be implemented are to be aligned with five strategic directions: tobacco-free living, active living and healthy eating, high-impact evidence-based clinical and other preventive services, social and emotional wellness, and

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healthy and safe physical environments. The program emphasizes policy, systems, and environmental strategies. The grant will not fund direct services.

Fairfax County will apply for a capacity building grant that seeks to continue and build upon the work of the Partnership for a Healthier Fairfax (PHF) and the Health Department in the Mobilizing for Action through Planning and Partnerships (MAPP) strategic planning process. The activities of the grant would include:

- Further development of PHF as a single, established coalition – with linkages to other stakeholder groups and advisory councils – to advocate for and oversee effective policy, systems, and environmental change;
- Establishment of a high-level leadership group to champion and provide strategic direction on these issues;
- Completion of the work associated with the MAPP process to include the development of a comprehensive implementation plan that incorporates past and ongoing work in other related areas (e.g., planning and zoning, transportation, juvenile justice) and a community-wide policy scan and analysis;
- Training of providers and stakeholders (to include County staff and others) on effective prevention and health promotion;
- Identification, development, and implementation of methods for engaging populations experiencing health disparities; and
- Identification, development, and implementation of specific measures, measurement plans, and data collection and analysis mechanisms.

Development of the implementation plan will focus on coordinating existing recommendations, plans, and strategies that are aligned with the goals of the grant. Key partners in the process will include County agencies from human services, community development, public safety, and other areas; schools; community-based organizations; health care organizations; interest and advocacy groups; and the business community. With CDC guidance and approval, and based on funding availability, staff anticipates applying for Community Transformation Grant implementation funding upon the achievement of the capacity building objectives. Capacity building grant recipients who meet grant objective criteria will be eligible to apply for implementation funding at any point in time within 48 months of the capacity building award date. Implementation funding would be used to implement the specific policy, systems, and environmental change strategies developed through the capacity building process.

FISCAL IMPACT:

The Department of Neighborhood and Community Services intends to apply for a Community Transformation Grant from the CDC in the amount of \$497,382. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds

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are held in reserve for unanticipated grant awards in FY 2012. No Local Cash Match is required. The CDC allows the recovery of indirect costs; DNCS is requesting the FY 2011 County indirect cost rate of 13.38 percent of direct salaries and wages, or \$25,457, for the grant period.

CREATION OF NEW POSITIONS:

Funding will support 3/3.0 SYE grant positions to be housed in DNCS. A Management Analyst IV will be responsible for overseeing the planning, implementation, and evaluation of the program. One Management Analyst II will be responsible for managing the administrative, fiscal, and other supporting elements of the program and another Management Analyst II will be responsible for implementing the program evaluation, preparing required reports, and implementing the dissemination process. The County has no obligation to fund these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1– Community Transformation Grant, Summary of Grant Proposal

STAFF:

Patricia D. Harrison, Deputy County Executive
Christopher A. Leonard, Director, Department of Neighborhood and Community Services
Jesse M. Ellis, Resource Development Manager, Department of Neighborhood and Community Services

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COMMUNITY TRANSFORMATION GRANT SUMMARY OF GRANT PROPOSAL

This summary details the specifics of the application, which is completed online.

Grant Title: Community Transformation Grant: Capacity Building Category

Funding Agency: Centers for Disease Control and Prevention

Applicant: Fairfax County Department of Neighborhood & Community Services (DNCS)

Partners: Fairfax County agencies primarily from human services, community development, and public safety; Fairfax County Public Schools; nonprofit, health care, and business sector organizations; advisory councils; and advocacy groups

Purpose of Grant: To prevent the leading causes of death or disability through evidence- and practice-based policy, environmental, programmatic, and infrastructure changes. The program is aligned with five specific performance measures in Healthy People 2020 and the Affordable Care Act: changes in weight, proper nutrition, physical activity, tobacco use prevalence, and emotional well-being and overall mental health. Changes to be implemented are to be aligned with five strategic directions: tobacco-free living, active living and healthy eating, high-impact evidence-based clinical and other preventive services, social and emotional wellness, and healthy and safe physical environments. The program emphasizes policy, systems, and environmental strategies; the grant will not fund direct services.

Funding Amount: Up to \$500,000 for the first year. (The grant period could last up to five years, but staff anticipates applying for implementation funding upon achievement of the capacity building objectives.)

Item	Year 1
<i>Staffing</i>	
Management Analyst IV (10 months)	\$76,784
Management Analyst II (2 positions) (10 months)	\$113,478
Fringe Benefits (35.3% of wages)	\$67,163
<i>Indirect Costs (13.38% of wages)</i>	\$25,457
<i>Travel Costs (CDC-required trainings, conferences, site visits)</i>	\$49,500
<i>Contracts (training, consultants, evaluation, strategic planning, facilitation)</i>	\$150,000
<i>Meeting Supplies</i>	\$15,000
TOTAL	\$497,382

New Positions: 1/1.0 SYE Management Analyst IV to oversee the planning, implementation, and evaluation of the program; 1/1.0 SYE Management Analyst II to manage the administrative, fiscal, and other supporting elements of the program; and 1/1.0 SYE Management Analyst II to implement the program evaluation, prepare required reports, and implement the dissemination process.

Objectives: Objectives through the grant would emphasize:

- Further development of PHF as a single, established coalition – with linkages to other stakeholder groups and advisory councils – to advocate for and oversee effective policy, systems, and environmental change;
- Establishment of a high-level leadership group to champion and provide strategic direction on these issues;
- Completion of the work associated with the Mobilizing for Action through Planning and Partnerships (MAPP) process to include the development of a comprehensive implementation plan that incorporates past and ongoing work in other related areas (e.g., planning and zoning, transportation, juvenile justice) and a community-wide policy scan and analysis;
- Training of providers and stakeholders (to include county staff and others) on effective prevention and health promotion;
- Identification, development, and implementation of methods for engaging populations experiencing health disparities; and
- Identification, development, and implementation of specific measures, measurement plans, and data collection and analysis mechanisms.

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ADMINISTRATIVE – 7

Authorization to Advertise a Public Hearing on Proposed Revisions to Section 3-1-1 and 3-1-21 of Chapter 3 of the Code of Fairfax County

ISSUE:

Authorization to advertise a public hearing to amend Section 3-1-1 and 3-1-21 of Chapter 3, Code of Fairfax County. The proposed revisions update the term handicap and add genetic information as basis for protection from discrimination.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to consider the proposed amendments to Chapter 3 of the County Code. The Personnel and Reorganization Committee authorized staff to bring these changes forward at the June 28, 2011 meeting.

TIMING:

Board action is requested on July 12, 2011, to provide sufficient time to advertise the proposed public hearing on September 13, 2011, at 4:00 p.m.

BACKGROUND:

These modifications to the Code of Fairfax County are proposed to ensure compliance with federal law. The following summarizes the changes in this package:

Section 3-1-1

This change updates the term handicap to disability and adds genetic information as a basis for protection from discrimination. (Attachment 1)

Section 3-1-21

These changes mirror changes in section 3-1-1 and establish such discrimination as a prohibited practice. (Attachment 1)

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Fairfax County Code, Section 3-1

STAFF:

Susan Woodruff, Director, Department of Human Resources

Peter D. Andreoli, Jr., Deputy County Attorney, Office of the County Attorney

ARTICLE 1

PERSONNEL ADMINISTRATION

Section 3-1-1. Purposes of Article; definitions.

(a) *Purposes.* The purposes of this Article are:

(1) To place personnel administration on a merit basis in order to attract and retain for public service in the County Government employees with integrity and superior ability;

(2) To strengthen the effectiveness of the County Government through the improvement of personnel administration;

(3) To provide for a County merit system under which recruitment, appointment, and advancement of covered employees will be on a competitive basis, free of discrimination on the basis of race, color, national origin, religion, sex, age, political affiliation ~~or handicap~~ disability or genetic information, and which will be administered in conformity with the Merit Principles set forth by the U.S. Office of Personnel Management (5 CFR 900) under authority of the Intergovernmental Personnel Act of 1970, as amended;

(4) To provide for an exempt service which will be limited to positions so designated in accordance with this Article or by Personnel Regulations.

(b) *Authority.* The authority for this article is contained in *Va. Code Ann.* § 15.2-1506, which reads, in part, as follows: "Notwithstanding any other provision of law to the contrary, the governing body of every county, city and town which has more than fifteen employees shall establish by June thirty, nineteen hundred seventy-four, a grievance procedure for its employees to afford an immediate and fair method for the resolution of disputes which may arise between such public employer and its employees and a personnel system including a classification plan for service and uniform pay plan for all employees;" and *Va. Code Ann.* §15.2-807, which reads, in part, as follows: "All appointments shall be on the basis of ability, training and experience of the appointees which fit them for the work which they are to perform." 1

1 As to appointment, tenure, suspension or removal and compensation of officers and employees, see *Va. Code Ann.*, § 15.2-807, 15.2-808 and 15.2-809.

(c) *Applicability.*

(1) This Article applies to all employees in the administrative service of the County who are appointed by the Board of Supervisors, County Executive or the head of a department, as provided in *Va. Code Ann. §15.2-807. 2*

(2) This Article and any regulations or administrative directives or procedures issued under its authority also may be applied to designated employees of other public agencies within the County, pursuant to written agreements between the heads or governing boards of such agencies and the Human Resources Director of the County, subject to approval of the County Executive and Board of Supervisors, to the effect that the conditions of employment of such employees are to be administered under this Article in the same manner as if those employees were in the administrative service of the County.³

(d) *Severability.* Should any article, section, subsection, sentence, clause, or phrase of this ordinance, for any reason, be held unconstitutional or invalid for any reason, such decision or holding shall have no effect on the validity of the remaining portions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section, and portion thereof, individually, and each such section shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

(e) *Definitions.*

(1) *Personnel Regulations.* A body of rules governing County personnel administration issued under authority of this Article by the Board of Supervisors after consideration of the recommendation of the County Civil Service Commission, and having the effect of ordinance.

² Wherever used in this Article, the term "department" means "department," "office," "agency," or other administrative unit, the director of which reports to the County Executive, either directly or via a deputy county executive. Elected officials, persons appointed to fill vacancies in elective offices, and members of boards, authorities and commissions appointed by the Board of Supervisors are not employees in the sense of this article, although they may be compensated and receive such other benefits as State law or regulations, County ordinance or the Board of Supervisors may authorize.

³ Public agencies authorized to execute such agreements include (but are not limited to) the offices of Constitutional Officers and individual members of the Board of Supervisors, the School Board, the Library Board, the Park Authority, the Housing Authority, the Fairfax/Falls Church Community Services Board, the Economic Development Authority, the Water Authority, the Industrial Authority, similar agencies established by the Board of Supervisors in the future, community centers and other service agencies established in small districts under authority of the Board of Supervisors, and State agencies located in and serving the County where such agreements are consistent with State law and regulations. Employees whose conditions of employment are to be administered pursuant to such agreements may be either merit system or exempt employees, as defined in this Article, whichever is specified in the applicable agreement.

(2) *Competitive service.* All positions not specifically designated as exempt positions in accordance with this Article, and the employees appointed to fill such positions. Competitive positions must be filled in accordance with merit principles. Persons in the competitive service are considered career employees. They have all rights, benefits, privileges, protections and obligations set forth in this Article and Personnel Regulations.

(3) *Exempt service.* Positions which are specifically so designated in accordance with this article and Personnel Regulations, and employees appointed to fill such positions. Exempt personnel are not merit employees. They may be appointed, classified, promoted to other exempt positions, demoted to other exempt positions and discharged without regard to the restrictions contained in this Article and Personnel Regulations, which apply to the competitive service. They are entitled to only such employee rights and benefits as are provided for various categories of exempt personnel elsewhere in this Article and Personnel Regulations or by the Board of Supervisors or in procedural directives issued by the County Executive or his or her designee.

(4) *Full-time position.* Any position, whether authorized for the competitive service or exempt, which is authorized to be filled for at least 2080 scheduled hours in 12 consecutive months.

(5) *Part-time position.* Any position, whether authorized for the competitive service or exempt, which does not meet the above criteria for full-time positions.

(6) *Full-time employee.* Any employee, whether in the competitive service or exempt, who is regularly scheduled to work at least 2080 hours in 12 consecutive months.

(7) *Part-time employee.* Any employee, whether in the competitive service or exempt, who does not meet the above criteria for full-time employees.

(8) *Probationary employee.* Any employee in the competitive service serving in a probationary appointment as defined in § 3-1-13 of this Article and Personnel Regulations.

(9) *Merit system.* The system of personnel administration applicable to the competitive service. It includes the provisions of this Article, other applicable provisions of County ordinances, County Personnel Regulations and all applicable and lawful personnel management directives of the Board of Supervisors, County Executive or Human Resources Director.

(10) *Merit employee.* Any employee in the competitive service.

(11) *Department Head.* An employee appointed by the Board of Supervisors to oversee, direct, or manage a major functional division of County government, whether formally known as a department or not, under the general direction of the County Executive, and to act as the appointing authority for the positions assigned to that organization. All department head positions are assigned to the exempt service. All persons appointed as department heads on or after July 1, 1987, are exempt employees. Any department head appointed as a department

head on or after July 1, 1987, may be removed by the Board of Supervisors with or without cause and in any event, may not grieve his or her removal under the County's grievance procedures. (7-87-3; 32-8-3; 26-98-3; 35-05-3.)

Section 3-1-2. County service and divisions thereof.

(a) The County service shall be divided into an exempt service and a competitive service. Exempt employees shall not be appointed to positions in the competitive service except through the competitive process specified in this Article and in Personnel Regulations. A member of the exempt service may become a member of the competitive service only through appointment to a position in the competitive service through the competitive selection process specified in this Article and in the Personnel Regulations. Thus, service in the exempt service shall not by itself permit an employee to become a member of the competitive service.

(b) The following employees shall constitute the exempt service.

(1) The County Executive, County Attorney, deputy county executives, assistant county executives, executive assistants to the County Executive, department heads appointed after July, 1987 and office staffs of members of the Board of Supervisors.

(2) Employees who are engaged under contracts.

(3) Employees appointed under the provisions of the procedural directives governing the exempt service with hours limited to 1560 in one calendar year if employed in an exempt-benefits-eligible position, or 900 in one calendar year if employed in an exempt-temporary position.

(4) Employees administered pursuant to an agreement executed in accordance with § 3-1-1(c)(2) of this Article, provided that they are designated exempt in such an agreement.

(5) Assistant registrars and all election officials employed by the Electoral Board.

(6) Employees who are providing services pursuant to requirements contracts such as fee class instructors.

(c) The County Executive shall issue procedural directives, with the approval of the Board of Supervisors, for administration of the exempt service. Only such provisions of this Article and of Personnel Regulations, which specifically state that they are applicable to exempt employees, or which are made applicable through procedural directives provided herein, shall apply to the exempt service.

(d) All other employees to whom this Article applies are in the competitive service, except as otherwise provided by state law or regulation. They shall be appointed, promoted, demoted, transferred or dismissed solely on the basis of merit and fitness in accordance with the provisions of this Article and Personnel Regulations. (7-87-3; 32-89-3; 10-92-3; 26-98-3; 35-05-3.)

Section 3-1-3. Existing employees to retain positions; acceptance of non-competitive appointment by a merit system employee.

(a) All persons in the County service holding positions included within the competitive service, as defined in this Article, on May 18, 1987 shall be continued in their respective positions, without further examination. All persons appointed competitively before May 18, 1987 to positions which become exempt as a result of this amendment or later amendments to this Article shall have the rights, privileges, benefits and protection of the merit system while serving in the positions they occupied on the date of such amendment, unless they subsequently elect to accept exempt appointments. Any such employees who may become subject to removal for disciplinary reasons shall be removed in accordance with the provisions of this Article and the Personnel Regulations adopted thereunder.

(b) Except as otherwise provided in Personnel Regulations, any employee in the competitive service who accepts an appointment to an exempt position thereby forfeits the rights, privileges, benefits and protections accorded to competitive service employees and shall be entitled to only such rights, privileges, benefits and protections as are authorized for the exempt position which the employee has accepted; provided that:

(1) Upon termination of the exempt appointment for any reason other than misconduct, the employee may be reinstated in his or her former merit system class, grade and salary, as provided in Personnel Regulations. Any appointment to a different class within the competitive service shall be on a competitive basis, except that an appointment to a lower ranked class within the same series shall be considered a reinstatement.

(2) If the employee's merit system position and the exempt position are covered by different retirement systems, the provisions of later Articles of this Chapter which govern those retirement systems will apply upon acceptance of the exempt appointment and, if applicable, upon reinstatement or reappointment to any merit system position. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-4. Responsibility and duties of County Executive.

(a) In the administration of the personnel system established by this Article, the County Executive shall have the authority and shall be required:

(1) To administer the merit system, through both his or her general authority as administrative head of the County and through his or her authority to supervise the Human Resources Director, subject to the Personnel Regulations adopted hereunder.

(2) To recommend proposed Personnel Regulations to the County Civil Service Commission and the Board of Supervisors.

(3) In the event of a vacancy in the position of Human Resources Director, to designate a qualified member of the County staff temporarily to perform the duties of the Human Resources Director.

(4) To cooperate with and render necessary assistance to the County Civil Service Commission.

(5) To confer with and receive advice and counsel from the Employees Advisory Council upon the Personnel Regulations and such other matters as may be deemed appropriate. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-5. Human Resources Director; qualifications; appointment.

(a) The Human Resources Director shall be a person trained and skilled in personnel administration, with knowledge of and interest in public personnel administration.

(b) The Human Resources Director shall be appointed by the Board of Supervisors upon the recommendation of the County Executive. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-6. Human Resources Director, responsibility and function.

(a) The Human Resources Director shall serve as head of the Department of Human Resources.

(b) The Human Resources Director shall have the following functions and responsibilities:

(1) To give leadership and to issue procedural instructions and interpretations of this ordinance and Personnel Regulations to department heads and other officials to ensure that the personnel function is administered in accordance with law, regulations and sound principles of public personnel management. To ensure compliance with equal employment opportunity laws and regulations. To stimulate all supervisory personnel to use the most effective methods of utilization and coordination of employee abilities and skills.

(2) To conduct open competitive assembled, unassembled or other types of examinations for all original appointments in the competitive service and promotional examinations for all promotional appointments in the competitive service. To conduct appropriate examinations for original and promotional appointments for certain exempt positions, including all project positions and any other exempt positions for which the appointing authority requests such examinations. To publicize all competitive examinations. To recruit qualified personnel for the County's competitive service; provided, that in formulating examinations appointing authorities shall be consulted concerning their personnel requirements and the qualifications necessary to perform the work. With the concurrence of the County Executive and subject to the availability of appropriated funds, to offer monetary awards, up to but not exceeding \$5,000.00, or five percent of the employee's annual salary, whichever is greater, to current County employees for referring qualified applicants for critical vacant positions in the County service who are subsequently hired and remain in such positions for

such period of time as determined by the Director of Human Resources and to successful applicants for such critical positions who remain employed in such period of time as determined by the Director of Human Resources.

(3) To establish and as necessary to maintain eligible lists, based on such examinations, for each class of positions in the competitive service to which appointments are to be made when, in the opinion of the Human Resources Director, the volume of appointments warrants the establishment and maintenance of such lists.

(4) With the approval of the County Executive, to enter into agreements with other public personnel departments or agencies (local, regional, state or federal) for the joint administration of examinations and the joint use of eligible lists resulting therefrom.

(5) To maintain the Position Classification Plan and to prepare and recommend to the County Executive amendments to the Plan.

(6) To maintain the Compensation Plan and to prepare and recommend to the County Executive amendments to the Plan.

(7) To administer the Position Control and Payroll System.

(8) To maintain a roster of central personnel records for all employees in the competitive and exempt services which shall specify as to each such person the class title of all positions held; the current salary or pay rate; any changes in class title, salary or pay; records of performance evaluations, formal disciplinary actions, commendations or awards; and such other data as may be deemed useful or significant in the development of a career service.

(9) To direct and enforce the maintenance by all departments of the County of such personnel records of employees in the competitive service as he or she shall prescribe, and to specify the kinds of personnel records to be kept by other public agencies for which the Department of Human Resources provides personnel administration services in accordance with § 3-1-1(c)(2) of this Article.

(10) To certify approved appointments and ensure that no payments shall be made to any person through the payroll system unless so certified.

(11) To assist department heads in developing systematic programs of in-service training for members of the competitive service, for the purpose of bettering their performance and of qualifying them when practicable for consideration when vacancies occur in the service of the County.

(12) To develop and administer a system of employee performance evaluation and to make information about individual employee performance available to appointing authorities when requested in connection with selection of personnel for appointment, promotion, training, assignment, or other personnel actions and to the Civil Service Commission when requested in connection with appeals or grievance hearings.

- (13) To coordinate employee relations.
- (14) To provide and administer a grievance system as required by State law, and to investigate alleged violations of this Ordinance, Personnel Regulations and other laws and regulations applicable to personnel administration with the Fairfax County Government.
- (15) To develop and administer employee health, safety and welfare activities.
- (16) To confer with the Employees Advisory Council and to cooperate with that council in provision of voluntary recreational, welfare, educational and related activities for the benefit of employees.
- (17) To investigate the operation and effect of this Article, and any amendments thereto hereafter adopted by the Board of Supervisors and the Personnel Regulations adopted thereunder, and report his or her findings and recommendations to the County Executive at least annually.

(c) The Human Resources Director shall administer all employee benefits programs which may be established by ordinance, under the Personnel Regulations or by a plan adopted by resolution of the Board of Supervisors, unless some other officer, employee, or entity is specifically designated to do so.

(1) The term "Employee Benefits Program" shall include, but is not limited to group medical insurance and group term life insurance, and all benefit options offered under a "cafeteria plan" under U.S. Internal Revenue Code § 125, which may be adopted by the Board of Supervisors.

(2) The Human Resources Director is specifically delegated the authority, with respect to any employee benefit program established by a plan adopted by the Board of Supervisors by resolution, to make such changes in the benefit options and conditions offered as may be in the interest of the County and its employees, within the limits of funds appropriate and available for such purposes; provided however, no such change shall be of any effect until approved by the Board of Supervisors. In any event, any such change which requires a change in the salary reduction amount under a duly enacted "cafeteria plan" under I.R.C. § 125 shall be of no effect until an appropriate amendment has been made to the Compensation Plan.

(d) Notwithstanding any other provision of this Code to the contrary, and in addition to any other provisions thereof, the Board authorizes, subject to the availability of appropriated funds, the payment of monetary incentives, awards and bonuses to employees in the County service for exceptional services rendered by employees. Such incentives, awards or bonuses may not exceed \$5,000.00, or five percent of the employee's annual salary whichever is greater. Such incentives, awards and bonuses may be offered and paid for such exceptional services as defined in the procedural directives issued by the County Executive or his/her designee, including, but not necessarily limited to, any or all of the following purposes:

- (1) Individual incentive awards,
- (2) Special recognition awards,
- (3) Work group/excellence awards,
- (4) Certification/proficiency attainment bonuses,
- (5) Organization-wide awards,
- (6) Outstanding performance awards,
- (7) Managerial excellence awards,
- (8) Departmental honors awards,
- (9) Peer awards,
- (10) Spot incentives/awards,
- (11) Suggestion awards, and
- (12) Lead worker incentives

The Human Resources Director shall administer the incentive award and bonus program. The types of incentives, awards and bonuses and the types of exceptional services for which they may be granted, the amount of particular incentives, awards and bonuses, and the selection criteria and process for particular incentives, awards and bonuses shall be set forth in the procedural directives issued by the County Executive. (7-87-3; 26-98-3; 17-01-3; 35-05-3.)

Section 3-1-7. County Civil Service Commission established.

There is established the Fairfax County Civil Service Commission. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-8. County Civil Service Commission; jurisdiction.

The jurisdiction of the County Civil Service Commission shall be limited to the competitive service. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-9. County Civil Service Commission; quorum; qualifications; term of office; compensation; political activities; removal of members and staffing.

(a) The County Civil Service Commission shall be composed of 12 persons who are qualified voters in the County, who have had broad experience in management or public affairs, and who are in full agreement with the application of merit principles in public employment. At least three members of the Commission shall be male, three members

shall be female and three shall be a member of a minority group; provided that three members shall constitute a quorum for hearing an appeal whether or not any seat on the Commission shall be vacant, and two of the three members of a panel must vote in favor of a party or its position on a motion or objection for that party to prevail. Each member of the Commission shall be required to attend annual training on pertinent matters, including, but not limited to, the content of Personnel Regulations and procedural memoranda, the conduct of appeal hearings, and the evaluation of evidence.

(b) The Commission shall meet in panels of three members each as needed to conduct panel hearings to hear and decide those matters determined to be grievable under the grievance procedure. Members of the Commission shall receive a fee for attendance at panel hearings and at public hearings in an amount as set by resolution of the Board of Supervisors. The Commission shall, conduct panel hearings in a timely manner and such panel hearings shall be held whenever possible during the County's regular business day. Members of the Commission shall be required to attend such panel hearings to which they have been assigned at the designated time and place. Failure to regularly attend such meetings shall constitute good cause for removal pursuant to part (f) below.

(c) Members of the Commission shall hold no paid office or employment under the government of the County, or in any other public agency for which the Department of Human Resources provides personnel services in accordance with § 3-1-1(c)(2) of this Article, while serving as members of the Commission.

(d) Members of the Commission shall be appointed by the Board of Supervisors for terms of two years from the date of appointment. Members of the Commission previously appointed to serve a four year term shall complete their current term of office. Thereafter, any re-appointment to the Commission shall be for a two year term.

(e) The Board of Supervisors shall designate one member of the Commission to serve as chair, and the Board of Supervisors may change that designation if it chooses to do so.

(f) Any member of the Commission may be removed for good cause shown by majority vote of the Board of Supervisors, but only after the Board of Supervisors has given the member a statement, in writing, of the reasons for such removal and an opportunity to be heard before a public session of the Board of Supervisors.

(g) No member of the Commission, while serving, shall become a candidate for election to public office; nor shall any serving Commissioner be an officer in any organization which actively sponsors and works for the election of candidates to public office.

(h) The Civil Service Commission's staff shall include an Executive Director. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-10. County Civil Service Commission; responsibility and duties.

The County Civil Service Commission shall have the responsibility and shall be required:

- (a) To represent the public interest in the improvement of personnel administration in the County service.
- (b) To advise the Board of Supervisors, the County Executive and the Human Resources Director in the formulation of policies concerning personnel administration in the competitive service.
- (c) To act as an impartial hearing body for appeals and grievances as required by *Va. Ann. Code* §§ 15.2-1506 and 15.2-1507, under procedures set forth in Personnel Regulations. The Commission shall only hear an appeal of, and shall render a final and binding decision on matters determined to be grievable under the grievance procedure by sitting, hearing, and deciding such cases in panels consisting of three Commissioners.
- (d) To make at least annually a report of its findings and recommendations concerning the application of this Article. The annual report of the Commission shall be made available to the public concurrently upon presentation to the Board of Supervisors.
- (e) To make specific recommendations to the Board of Supervisors concerning changes in state legislation affecting personnel administration.
- (f) To perform other duties as set forth elsewhere in this Article or as specified by the Board of Supervisors. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-11. Adoption, legal status and scope of Personnel Regulations.

- (a) This article shall be implemented and expanded upon by Personnel Regulations, which shall be issued and maintained by the Human Resources Director after approval by the Board of Supervisors as provided below.
- (b) From time to time, the Human Resources Director shall draft proposed changes to Personnel Regulations, consulting affected appointing authorities, the Employees Advisory Council and the County Executive as appropriate. Such proposed changes shall be forwarded to the Civil Service Commission by the Human Resources Director.
- (c) The Commission shall schedule a public hearing on all such proposed changes no later than 90 days after receipt of such proposals from the Human Resources Director. The Commission shall cause to be published, at least once in a newspaper of general circulation in the County, a notice of the time and place of the public hearing, to take place not less than 30 days after the publication of such notice. Copies of such proposed changes shall be made available to the public, heads of departments and the Employees Advisory Council by the Commission.
- (d) Following the public hearing before the County Civil Service Commission, the Commission shall make its recommendation thereon to the Board of Supervisors.
- (e) The Board of Supervisors shall adopt Personnel Regulations after full consideration of the views of the County Executive, the Human Resources Director, the Employees Advisory Council and the Commission; provided, however, that notwithstanding any provision contained hereinabove to the contrary, the Board of Supervisors may on its

own motion adopt or amend the Personnel Regulations if it deems such action to be in the best interest of sound public personnel administration, and provided further that in such event said adopted regulations shall be referred to the County Executive, the Human Resources Director and the Employees Advisory Council for comment, and to the Civil Service Commission for public hearing in accordance with the provisions of subsections (c) and (d) herein, and for review and recommendations to be forwarded to the Board of Supervisors for consideration.

(f) To the extent that they are consistent with this Article, and the *Virginia Code* , Personnel Regulations and amendments thereof so adopted shall have the force of law. Any provision of Personnel Regulations which conflicts with this Article or with any future amendments to this article shall be without effect until it has been amended to conform to this Article; but such suspension of effect shall relate only to specific provisions which conflict with this Article and shall not affect other provisions of Personnel Regulations which are not so in conflict.

(g) Among other things, the Personnel Regulations shall provide for equal employment opportunity; the method of holding competitive examinations; the establishment, maintenance, consolidation, and cancellation of eligible lists; certification and appointment of applicants; the administration of the Position Classification Plan and the Compensation Plan; methods of promotion and the application of service ratings thereto; probationary periods of employment; transfers of employees; hours of work, annual leave, sick leave, military leave, and other leaves of absence; overtime pay; temporary appointments; employee performance evaluation; the order and manner in which lay-offs shall be effected; procedures governing discipline and separation; maintenance of personnel records; procedure for appeals and grievances; and such other matters as may be necessary to provide adequate and systematic handling of the personnel affairs of the County. (7-87-3; 26-98-3; 14-00-3; 35-05-3.)

Section 3-1-12. Appointing authorities.

(a) Appointing authority means the officer, board, commission, person or group of persons having the power by virtue of State law or County ordinance to make appointments. The appointing authority or his or her designee is the responsible official or body to whom the Human Resources Director certifies lists of eligibles from which appointments shall be made. The appointing authority is generally responsible for personnel administration within a given department. For the purposes of this Article, appointing authorities are described as follows:

(1) The Board of Supervisors shall be the appointing authority for the County Executive, deputy county executives, the County Attorney and department heads under the control of the County Executive. The Board of Supervisors shall consult the County Executive with regard to all such appointments.

(2) The department heads in the above departments are delegated the authority to appoint all employees in their respective department.

(3) The appointing authority for other public agencies within the County which may have executed agreements to administer their personnel under this Article, as provided by section 3-1-1(c)(2) of this Article, shall be the person or body

designated as such in the applicable agreement, unless otherwise specified by law or regulation.

(4) Except as otherwise provided in this section or elsewhere by law, the County Executive shall be the appointing authority for the staff, if any, of the Planning Commission, the Civil Service Commission and all boards and commissions whose functions are primarily advisory rather than operating. In making such appointments, the County Executive shall consider the recommendations of the respective boards and commissions.

(b) For any positions not covered by the above descriptions, the County Executive shall be the appointing authority. For new departments, which may be created, the Board of Supervisors shall be the appointing authority for the department head. The appropriate department head shall be the appointing authority for all other employees. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-13. Probationary appointments, personnel actions and employee rights of appeal.

(a) Merit employees shall be subject to such personnel actions as may be ordered or approved by the County Executive or the Human Resources Director, in accordance with Personnel Regulations.

(b) All original appointments in the competitive service shall be made from lists of qualified candidates certified by the Human Resources Director. All original appointments shall be made for a probationary period, the conditions of which shall be governed by the Personnel Regulations. Prior to the conclusion of the probationary period of any employee, his or her service may be terminated by the appointing authority, if in the opinion of the appointing authority the employee does not demonstrate the level of performance required by the position to which he or she was appointed.

(c) Personnel Regulations shall provide procedures for disciplinary actions including suspension, demotion and dismissal.

(d) Merit employees shall be entitled to appeal personnel matters in accordance with the grievance procedures adopted by the Board of Supervisors. (7-87-3; 32-89-3; 26-98-3; 35-05-3.)

Section 3-1-14. Promotions.

(a) Vacancies in higher positions in the competitive service shall be filled as far as practicable by promotion from lower classes. When the County Executive or the Human Resources Director determines that there is an insufficient number of well-qualified eligibles within the service, or to achieve a balanced work force in accordance with an Affirmative Action Plan approved by the Board of Supervisors, he or she may direct that the competitive examination for such positions shall be open not only to members of the competitive service but also to all other qualified persons.

(b) All examinations for promotions shall be conducted by the Human Resources Director in accordance with the Personnel Regulations. The qualified candidates shall be

certified to the appointing authority as specified in Personnel Regulations and all promotional appointments shall be made from among the persons so certified. A change from a position in any class to a position in another class for which a higher minimum rate of pay is prescribed shall be considered a promotion if such change is the result of a competitive process as provided in this Article and Personnel Regulations.

(c) All promotional appointments shall be made for a probationary period, the conditions of which shall be governed by Personnel Regulations. Prior to the conclusion of the probationary period of any promoted employee, he or she may be demoted under conditions specified in Personnel Regulations if, in the opinion of the appointing authority, concurred in by the Human Resources Director, the employee does not demonstrate the level of performance required by the position to which he or she was promoted. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-15. Position classification plan.

(a) All positions in the competitive and exempt services shall be classified by the Human Resources Director and allocated to an appropriate class in accordance with the character, difficulty and responsibility of assigned duties. Personnel Regulations shall provide for the preparation and administration of the Position Classification Plan.

(b) It shall be the duty of the Human Resources Director to review specifications for each class of positions, on a recurring basis so that approximately one-fifth of all classes are reviewed each year and every class is reviewed at least once every five years. Appointing authorities may be consulted where appropriate. Based upon such review, the Human Resources Director shall submit recommendations to the County Executive for modifying class specifications, if such be found necessary. Except as provided below, such modifications shall take effect and become part of the Position Classification Plan when approved by the County Executive.

(c) Where such recommendations include abolition of one or more classes within the merit system, the County Executive shall forward them to the Board of Supervisors for final approval.

(d) Where such recommendations include creation of one or more classes within the merit system, the County Executive shall review them, and if he or she concurs in the recommendations, such recommendations shall take effect. The County Executive shall inform the Board of such changes on a quarterly basis.

(e) Upon the recommendation of the Human Resources Director, the County Executive may approve specifications for exempt classes or classes which will be used to classify positions in non-County agencies for which the County provides payroll services but does not provide a full personnel administration system.

(f) No person shall be appointed to or employed in a position in the competitive service under any class title, which has not been approved in accordance with the provisions of this Article.

(g) Employees who feel that they have been adversely affected by the allocation or reallocation of a position to a class or by any changes in the Classification Plan shall be afforded a right of appeal under Personnel Regulations.

(h) No position in the competitive service shall be filled other than on a temporary appointment basis by any person who does not meet the qualification requirements for that position as set forth in the class specifications which are a part of the Position Classification Plan, except that the Human Resources Director may approve such an appointment on a training basis at a reduced rate of pay for a longer period in accordance with a written agreement as provided in Personnel Regulations. (7-87-3; 26-98-3; 24-99-3; 35-05-3.)

Section 3-1-16. Compensation plan.

(a) There shall be a Compensation Plan consisting of two parts. The first part shall assign a pay grade to each class in the Position Classification Plan. The second part shall assign a pay range to each such grade. Pay ranges for non-public safety classes shall provide for a minimum, mid-point and maximum rate of pay and shall provide for annual percentage increases not to exceed seven (7) percent, following an employee's annual performance review, depending on how the employee failed to meet, met or exceeded the performance standards established for such increases. Pay ranges for public safety classes shall provide for a minimum and a maximum rate of pay and shall provide for regular increments within such range to be earned by length of service and performance exceeding minimum standards for satisfactory work performance. Each such pay grade and range shall be determined with due regard to the pay practices which are competitive with public and private organizations in the Washington, D.C. metropolitan area with whom the County competes for talent; pay ranges for other classes the duties of which are similar or of equal difficulty or responsibility; minimum qualifications required; and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the pay range. The Compensation Plan shall also provide for the payment of bonuses not to exceed five percent of an employee's salary on an annual basis to those nonpublic safety employees who are at the maximum rate of pay in their pay grade and who, following their annual performance review, met or exceeded the performance standards set for the award of such bonuses.

(b) The Compensation Plan adopted by the Board of Supervisors in effect May 18, 1987 shall continue in effect until amended in accordance with the provisions of this Article.

(c) At least once each fiscal year, the Human Resources Director shall review the Compensation Plan and forward such recommendation for change as he or she may have to the County Executive. Except as otherwise provided in subsection (d) of this Section, the County Executive's recommendations for amendment or revision shall be forwarded to the Board of Supervisors. The Board of Supervisors may seek the advice of the Civil Service Commission on compensation matters where it considers the public interest sufficiently involved. The Board of Supervisors shall not increase or decrease any individual salaries but shall act solely with respect to the Position Classification and Compensation Plans. Any action affecting a class or pay grade and salary shall affect all employees in that class or grade and salary; provided however, that this sub-section does not preclude an employee and the County from entering into a salary reduction agreement pursuant to a duly enacted employee benefit "cafeteria plan" under U.S. Internal Revenue Code § 125. If an employee benefit "Cafeteria Plan" pursuant to I.R.C § 125 is adopted by the Board of Supervisors, the Compensation Plan shall include a

table detailing the salary reduction amount required for each benefit option offered. Such table may be amended from time to time in accordance with the provisions of this Article.

(d) The County Executive may assign any new class established by him or her pursuant to Section 3-1-15(c) to the appropriate pay grade on an existing pay schedule and may reassign any single position class to a different grade on any existing pay schedule. In making such assignments or re-assignments of pay grades to such classes, the County Executive shall give due regard to the pay practices which are competitive with public and private organizations in the Washington, D.C. metropolitan area with whom the County competes for talent; pay ranges for other classes the duties of which are similar or of equal difficult or responsibility; minimum qualifications required; and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the pay range.

(e) The above provisions shall not be taken to preclude the adoption of more than one pay schedule within the Compensation Plan, provided that each pay schedule as adopted conforms to the requirements and standards of this Article. (7-87-3; 26-98-3; 24-99-3; 14-00-3; 17-01-3; 35-05-3.)

Section 3-1-17. Employees advisory council; members; duties.

(a) There shall be an Employees Advisory Council to provide a continuing medium through which all employees in the competitive service may contribute their advice and suggestions for the improvements of a career merit system and other aspects of the administration of the government of Fairfax County. Rules for election of Council members and the Council's by-laws shall be subject to approval of the Civil Service Commission.

(b) In addition to conferring with the Human Resources Director and the County Executive, and the Commission, the Employees Advisory Council may undertake to sponsor such voluntary recreational, welfare, educational and related activities as will contribute to employee well-being and to building harmonious and effective relations among all employees of Fairfax County and their families. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-18. Retirement systems; continuous; amendments.⁴

The retirement systems for employees of the County heretofore established shall continue in force and effect, subject to the right of the Board of Supervisors to amend such systems by subsequent ordinance. (7-87-3; 26-98-3; 35-05-3.)

⁴ See Articles 2, 3, 4, 7 and 8 of this Chapter.

Section 3-1-19. Protection of legitimate political activity of employees; restrictions.

(a) For the purposes of this Section:

- (1) "Political campaign" means activities engaged in for the purposes of promoting a political issue, for influencing the outcome of an election for local or state or federal office, or for influencing the outcome of a referendum or a special election.
 - (2) "Political candidate" means any person who has made known his or her intention to seek, or campaign for, local or state or federal office in a general, primary, or state election.
 - (3) "Political party" means any party organization or group having as its purpose the promotion of political candidates or political campaigns.
 - (4) "Political activities" includes, but is not limited to, voting, registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge, or button; participating in the activities of, or contributing financially to, a political party, candidate, or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.
 - (5) "Employee" means any person in the competitive or exempt service of the County, including, but not limited to, firefighters, emergency medical technicians, police officers, and deputies, appointees, and employees of the Commonwealth's Attorney, the Clerk of the Circuit Court, and the Sheriff.
- (b) All employees shall be protected against any unwarranted infringement of their rights as American citizens to vote as they choose, to express their opinions, and to join any legitimate political organization whose purposes are not inconsistent with their loyalty to the United States. It is the intent of this Section to grant employees the full latitude to participate in political activities provided by state statute, subject to all of the restrictions placed on such participation by state law, including, but not limited to, Va. Code Ann. § 15.2-1512.2, in a manner that is consistent with the proper and efficient performance of their duties as employees.
- (1) To this end, all employees may participate in political activities while they are off duty, out of uniform, and not on the premises of their employment with the County.
 - (2) It is prohibited for any employee to engage in political activities while on duty, in uniform, or on the premises of their employment with the County; provided, however, employees may attend or participate in a candidate forum or debate sponsored by a non-partisan organization held on County premises; and

provided further that employees who are not on duty and not in uniform may engage in political activities on County-owned or leased premises under the same circumstances and subject to the same terms and conditions that apply to members of the general public.

- c) It shall be unlawful for any person official in the service of the County or of a constitutional officer to reward or to discriminate against any applicant for a position as an employee or any employee because of his or her political affiliations or political activities as permitted by this Section, except as such affiliation or activity may be established by law as disqualification for employment by the County or by the constitutional officer.
- (d) The County Executive is hereby authorized and directed to acquaint employees with the provisions of this Article protecting them against intimidation, coercion and discrimination on account of such legitimate political activities. The County Executive is also hereby authorized to promulgate such procedural directives as he or she deems appropriate to administer the provisions of this Section.
- e) Any employee who has access to the grievance procedure and who feels that he or she has been discriminated or retaliated against in violation of the provisions of this Section because of his or her participation or failure to participate in political activities shall be entitled to file a grievance concerning such action under the County's grievance procedure.
- (f) The appointing authority, the County Executive, and the Human Resources Director shall give no consideration to any endorsements or recommendations from any national, state or local political party or officer thereof in making appointments, promotions or dismissals or in any other personnel action.
- (g) Employees are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or contribute anything of value to a political party, candidate, or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law as disqualification for employment.
- (h) Employees are prohibited from discriminating in the provision of public services, including, but not limited to firefighting, emergency medical, or law enforcement services, or responding to requests for such services on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.
- (i) Employees are prohibited from suggesting or implying that any county, city, or town has officially endorsed a political party, candidate, or campaign.

(j) If an employee violates a provision of this Section, the employee shall be subject to disciplinary action, up to and including dismissal. It shall be unlawful for a person other than an employee to violate any provision of this Section.

(k) It shall be an affirmative defense to a criminal charge or a disciplinary action under this Section that, prior to engaging in the activity giving rise to the criminal charge or disciplinary action, the officer or employee or person who is not an employee had requested and received from the County Executive a determination that his or her participation in the proposed activity under the facts and circumstances described in his or her request did not fall under any of the prohibitions of this Section. Such determination is a defense only to the extent that the officer or employee fully and completely disclosed all material facts and circumstances in his or her request for determination. Requests for such a determination shall be in writing. The County Executive shall render his or her determination in writing no sooner than (10) days after receipt of the request and after obtaining the opinion of the County Attorney. Such determinations shall be kept on file in the office of the Clerk of the Board of Supervisors.

(l) Nothing in this Section shall be construed as relieving an employee from complying with the provisions of any applicable federal law, including, but not limited to, the Hatch Act, 5 U.S.C. §§ 1501, et seq.

Section 3-1-20. Off-duty employment of police officers.

The Chief of Police shall promulgate reasonable rules and regulations which permit law enforcement officers to engage in off-duty employment which may occasionally require the use of their police powers in the performance of such employment. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-21. Prohibited practices.

(a) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, promotion, reduction, removal or appointment held or made under the provisions of this Article or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Personnel Regulations adopted pursuant to this Article.

(b) No person shall, either directly or indirectly, pay, render or give any money, service or other valuable thing to any person for, on account of or in connection with any test, appointment, promotion, reduction or removal in which he or she is concerned.

(c) No officer or employee of the County shall knowingly defeat, deceive or obstruct any person in his or her right to examination, eligibility certification or appointment under this Article or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the competitive service.

(d) No officer or employee of the County shall discriminate against any employee or applicant for employment with regard to recruitment, application, testing, certification, appointment, assignment, performance evaluation, training, working conditions, promotion, demotion, discipline, lay-off, discharge, or retirement on the basis of race, color, sex, creed, religion, national origin, age, ~~or handicap~~ disability or genetic information.

(e) No officer or employee of the County shall retaliate against any employee with regard to recruitment, application, testing, certification, appointment, assignment, performance evaluation, training, working conditions, promotion, demotion, discipline, lay-off, discharge, or retirement because the employee has used or has participated in the County's grievance procedure, has complied with any law of the United States, or of the Commonwealth, or has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement to the Board of Supervisors, the County Executive, or other governmental authority. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-22. Penalties for violation of Article and Personnel Regulations.

(a) Willful violation of the provisions of § 3-1-19 or § 3-1-21 of this Article or of Personnel Regulations shall constitute grounds for dismissal from the County competitive service. In the discretion of the appointing authority, a lesser penalty may be imposed under extenuating circumstances, but in no case shall the penalty for willfully engaging in prohibited political activities be established at less than thirty days' suspension from duty without pay.

(b) Any person not in the competitive service of the County who by himself or herself or with others willfully violates any provisions of this Article or of the Personnel Regulations hereunder shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished as provided in § 1-1-12.

(c) Any person who is convicted under this Section shall, for a period of five years, be ineligible for appointment to or employment in a position in the service of the County, and, if her or she be an officer or employee of the County, shall immediately forfeit the office or position he or she holds. (7-87-3; 26-98-3; 35-05-3.)

Section 3-1-23. Criminal history record check and fingerprinting; appointment to sensitive positions.

(a) *Finding.* The Board of Supervisors of Fairfax County, Virginia, hereby finds that it is necessary in the interest of public welfare and safety to determine whether the past criminal conduct of a person conditionally offered employment in a sensitive position in the County's competitive or exempt service is directly related to such position and would be compatible with the nature of such employment.

(b) *Intent.* It is the intent of the Board of Supervisors in enacting this section to comply with the provisions of *Va. Code Ann.* §§ 15.2-1503.1, 15.2-1505.1 and 19.2-389(A)(7), as amended, to be able to access criminal history record information regarding those

persons conditionally offered employment in sensitive positions in the County service in order to determine whether the past criminal conduct of such persons would be compatible with the nature of such employment. Further, the provisions of this section are intended to be in addition to, and not in derogation of all other federal and state statutes and County ordinances providing for access to criminal history record information concerning applicants for, and persons offered, positions in the County service, including, but not limited to, *Va. Code Ann.* §§ 18.2-389(A)(25) and 37.1-197.2, concerning direct consumer care positions assigned to the Fairfax-Falls Church Community Services Board.

(c) *Definitions.*

(1) As used in this section, a *sensitive position* is a position in the county service that meets one or more of the following criteria and is designated as such by the County Executive in accordance with the provisions of sub-section (e)(1)(A) of this section:

(A) Where the employee is responsible for providing services to further the health, safety, and welfare of minors, persons with disabilities, the elderly, or other persons unable to care for themselves.

(B) Where the employee, as part of his or her duties, must enter person's residences or businesses.

(C) Where the employee has the capability of making changes to County technology systems,

(D) Where the employee is employed in a position involved in water or wastewater treatment,

(E) Where the employee is required as part of his or her duties to operate a vehicle requiring a Commercial Drivers License or an aircraft,.

(F) Where the employee handles cash or has the ability to effect transfers of County funds or funds of others, or otherwise is accountable for County funds,.

(G) Where the employee has access to public records, records containing personal information as defined in *Va. Code Ann.* § 2.2-3801(2), and/or records that are made confidential by state or federal statute,

(H) Where the employee needs to enter secured County facilities, or

(I) Where the employee is otherwise directly responsible for the health, safety, and welfare of the general populace and/or the protection of critical infrastructure.

(2) As used in this section, the phrase *conditionally offered employment* shall include a conditional offer of initial employment in a sensitive position, a conditional offer to laterally transfer, promote, or demote an employee to a

sensitive position, or the conditional offer of a sensitive position in the County's competitive service to an employee in its exempt service or of a sensitive position in the County's exempt service to an employee in its competitive service.

(d) *Policy.* All persons conditionally offered employment in a sensitive position in the County service, shall as a condition of their employment, prior to the effective date of such employment, submit to fingerprinting and provide personal descriptive information to be forwarded to the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding them. All offers of employment in sensitive positions in sensitive positions are conditioned upon the person offered such employment submitting to fingerprinting and providing personal descriptive information as described above. Failure of the person conditionally offered employment in a sensitive position to submit to fingerprinting and to provide personal descriptive information shall disqualify the person from employment in the position.

(e) *Responsibilities.*

(1) The County Executive:

(A) After consultation with the Human Resources Director and department heads, shall establish and maintain the list of sensitive positions that are subject to the provisions of this section. He or she may list a position as a sensitive position by job classification under the County's Classification Plan, by the department or sub-division of the department to which the position is assigned, by work location, by position number, or any combination thereof. The County Executive may, from time to time, as may be necessary, add or remove positions from the list of sensitive positions.

(B) Unless and until removed from the list of sensitive positions by the County Executive, those positions listed in the former version of this section under sub-section (a), as reflected in Ordinance 48-92-3, as amended by Ordinance 12-99-3, shall be deemed sensitive positions on such list.

(C) Shall receive the report from the Central Criminal Records Exchange concerning whether the person conditionally offered employment has no criminal history record information or the record of criminal history information. He or she may designate the Human Resources Director to receive such reports.

(2) The Human Resources Director shall:

(A) Ensure that the class specifications, position descriptions, and announcements of sensitive positions reflect that the positions are sensitive positions that are subject to the provisions of this section; provided, however, that his or her failure to do so shall not change the status of the position as a sensitive position subject to the provisions of this section.

(B) Upon receipt of the report from the Central Criminal Record Exchange concerning a person conditionally offered employment that indicates that the person has a criminal history record, and after consulting with the appointing authority, determine whether the conviction or convictions on the record directly relate to the sensitive position, whether the past criminal conduct contained in the record is compatible with the nature of the employment in the sensitive position, and whether such conviction or convictions disqualifies the person from employment in that sensitive position. In determining whether a criminal conviction directly relates to a sensitive position, the Human Resources Director shall consider the following criteria:

- (i) The nature and seriousness of the crime,
- (ii) The relationship of the crime to the work to be performed in the position applied for,
- (iii) The extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved,
- (iv) The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought,
- (v) The extent and nature of the person's past criminal activity,
- (vi) The age of the person at the time of the commission of the crime,
- (vii) The amount of time that has elapsed since the person's last involvement in the commission of a crime,
- (viii) The conduct and work activity of the person prior to and following the criminal activity, and
- (ix) Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

(C) Notify in writing all persons who are denied employment in a sensitive position because of the information appearing in his or her criminal history record that information obtained from the Central Criminal Records Exchange contributed to such denial and inform him or her of his or her right to obtain a copy of his or her criminal history record from the Central Criminal Records Exchange.

(D) Shall issue procedural instructions and promulgate all forms necessary to carry out the provisions of this section.

(3) Department heads shall:

(A) Upon making a conditional offer of employment in a sensitive position, notify the County Executive, or his or her designee, and the Human Resources Director, or his or her designee, of the extension of such offer; provided, however, that his or her failure to do so shall not change the status of the position as a sensitive position subject to the provisions of this section.

(B) Upon making a conditional offer of employment in a sensitive position, inform the offeree in writing that he or she must, as a condition of employment, submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints to the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding him or her; provided, however, that his or her failure to do so shall not change the status of the position as a sensitive position subject to the provisions of this section.

(f) Nothing in this section shall be construed as prohibiting the voluntary disclosure by an applicant for a sensitive position of his or her criminal history record information and information relevant to the criteria set forth in sub-section (e)(2)(B) during the application, examination, certification, and selection processes, or prohibiting the solicitation of such voluntary disclosure by applicants. (48-92-3; 12-99-3; 5-04-3.)

Section 3-1-24. – Right of employees to contact elected officials.

(a) For the purposes of this Section, "matters of public concern" mean matters of interest to the community as a whole, whether for social, political, or other reasons, and shall include discussions that disclose any (1) evidence of corruption, impropriety or other malfeasance on the part of government officials, (2) violations of law, or (3) incidence of fraud, abuse, or gross mismanagement.

(b) Nothing in this Article shall be construed to prohibit or otherwise restrict the rights of any employee in the County service to express opinions to federal, state, or local elected officials on matters of public concern, nor shall any such employee be subjected to any acts of retaliation because the employee has expressed such opinions.

(c) Nothing in this Section shall be construed as prohibiting the County from designating and limiting who may speak on its behalf or on behalf of its departments.

APPENDIX
An Ordinance to Establish

A

MERIT SYSTEM

of

PERSONNEL ADMINISTRATION

in

Fairfax County, Virginia

Adopted by the Board of County Supervisors
of Fairfax County, Virginia on January 2,
1957, and concurred in by the School Board
of Fairfax County on June 4, 1957. BE IT
ORDAINED by the Board of County Supervisors
of Fairfax County, Virginia, as follows:

(CHAPTER 3, ARTICLES 1,2,3,4 and 5 OF THE
CODE OF THE COUNTY OF FAIRFAX)

MAY 1987

Amended February 24, 1992

Amended July 27, 1998

Amended July 12, 1999

Amended April 24, 2000

Amended May 7, 2001

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Board Agenda Item
July 12, 2011

ACTION – 1

Approval of 2011 Zoning Ordinance Amendment Work Program

ISSUE:

Approval of the 2011 Zoning Ordinance Amendment Work Program.

RECOMMENDATION:

The County Executive recommends that the Board approve the 2011 Zoning Ordinance Amendment Work Program as recommended by the Development Process Committee, and as set forth in Attachments 2, 3 and 4.

TIMING:

Board action is requested on July 12, 2011.

BACKGROUND:

The Zoning Ordinance Amendment Work Program is approved by the Board on an annual basis, and contains requests for amendments to the Zoning Ordinance generated from the Board, the Planning Commission, the Board of Zoning Appeals, staff, citizens, and industry representatives. The Work Program is comprised of a Priority 1 list and a Priority 2 list. The Priority 1 list includes those items to be addressed in the up-coming year and the Priority 2 list includes items to be retained for future Priority 1 consideration.

Enclosed as Attachments 1 and 2 are summary charts of the status of the 2010 Priority 1 list and those items proposed for the 2011 Priority 1 list, respectively. Attachment 3 sets forth the 2011 Priority 1 list with a description of each item, and Attachment 4 provides a description of the items on the 2011 Priority 2 list. Attachment 5 contains a list of new amendment requests that have been made since the adoption of the 2010 Work Program, and Attachment 6 is the Planning Commission's recommendation on the proposed 2011 Work Program.

With regard to the status of the 2010 Priority 1 list, there were a total of 31 items of which 28 items were originally approved by the Board, and 3 were added during the course of the year. Thirteen items have been addressed; including 11 items that have been adopted, 1 authorized for public hearings, and 1 was addressed without requiring an amendment.

With regard to the proposed 2011 Work Program, on April 20, 2011, the Planning

Board Agenda Item
July 12, 2011

Commission's Policy and Procedures Committee reviewed the proposed 2011 Work Program. The Committee and subsequently the full Planning Commission on May 5, 2011, endorsed the staff recommended 2011 Work Program.

At its June 14, 2011 meeting, the Board's Development Process Committee reviewed the proposed 2011 Work Program and recommended its approval by the full Board on July 12, 2011 with the following changes to Priority 1:

1. Revise the Priority 1 item pertaining to dancing and/or live entertainment in eating establishments by considering such a use only as a special exception use and delete the option to establish the use as a special permit. [This item is listed as Item #1 (Page 3 of Attachment 3).]
2. Add an item to clarify the site distance provisions for corner lots contained in Sect. 2-505 of the Zoning Ordinance. [This item has been added to the Minor Revisions item listed as Item #8(f) on Priority 1 (Page 5 of Attachment 3).]

The attached Work Program has been amended to reflect these above noted changes.

The following matters were also discussed by the Committee and follow-up information was requested of staff, which will be provided by separate memorandums to the Board:

1. There was discussion regarding large child care centers and their potential for greater adverse impacts on surrounding neighborhoods relative to a small child care center. The Committee requested that staff explore whether the addition of new special exception standards for the larger child care centers in residential districts might better address the potential impacts, and report back to the Board with their findings.
2. There was discussion with regards to increasing the 35 foot maximum building height for single family detached dwellings in large lot zoning districts, such as the R-C District, when such lots contain steep slopes. The Committee requested that staff take a look at possible solutions for addressing this matter and report back to the Board with a recommended approach.
3. The 2010 Virginia General Assembly adopted provisions pertaining to temporary health care structures (granny pods) that require such structures be permitted provided that certain standards are met. The Committee requested staff to provide an outline of the State Code requirements and an implementation strategy for these requirements.
4. There was discussion regarding whether the 2 acre minimum lot size requirement for the keeping of chickens as a permitted accessory use should be

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revised. It was agreed that this item should be retained on the Priority 2 list. [This item is listed as Item #18(b) on Priority 2 (Page 12).] It was also requested that staff provide the chicken regulations from Prince William, Loudoun and Arlington Counties.

As recommended by the Development Process Committee, the 2011 Priority 1 list contains 23 items, 19 of which are carryover items from the 2010 Priority 1 list and 4 are new items.

FISCAL IMPACT:

None. The 2011 Work Program can be addressed using existing staff and resources.

ENCLOSED DOCUMENTS:

Attachment 1 - Summary Chart of the Status of 2010 Priority 1 Work Program
Attachment 2 - Summary Chart of the Proposed 2011 Priority 1 Work Program
Attachment 3 – Proposed 2011 Priority 1 Zoning Ordinance Work Program
Attachment 4 - Proposed 2011 Priority 2 Zoning Ordinance Work Program
Attachment 5 - New Requests since June 2010
Attachment 6 – Planning Commission Recommendation

STAFF:

Robert A. Stalzer, Deputy County Executive
Fred Selden, Acting Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ

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2010 Priority 1 Zoning Ordinance Amendment Work Program

June 21, 2011

Adopted	Amendment Authorized	No Amendment Necessary	Amendment Being Researched	Target Date
Appeal Fee 11/16/10	Grading Plan (3) PC PH 7/7/11 BOS PH 7/26/11	Signs on Youth Athletic Fields	Dancing and/or Live Entertainment in Eating Establishments (1)	9/11
Application Fees 4/12/11			Farm Wineries (2)	TBD
Building Code – Property Maintenance Official 7/13/10			Gross Floor Area – Cellar Space (4)	10/11
National Flood Insurance Program 7/27/10			Housing - Independent Living Facilities for Low Income Residents (5)	7/11
Pipestem Driveways 2/22/11			Housing – Study Allowing Affordable/Work Force Dwellings in C and/or I Districts (6)	TBD
Planned Tysons Corner Urban District 6/22/10			Maintaining Neighborhood Character (7)	TBD
Riding/Boarding Stables 9/28/10			Noise (9)	9/11
Site Plan Fees 4/12/11			Open Space (10)	TBD
State Code – Group Residential Facility Definition 2/22/11			Outdoor Lighting (11)	7/11
Telecommunication Equipment Screening 2/22/11			Parking Reductions in Transit Oriented Areas (12)	10/11
Yards – Limitations on Yards Abutting Outlots that are Contiguous to Streets 2/22/11			PDC and PRM Districts - FAR (14)	10/11
			Planned Development Districts (15)	TBD
			PRC District Density (16)	TBD
			R-C District (17)	TBD
			State Code – Development in Dam Break Inundation Zones (19)	9/11
			State Code – Traffic Impact Analysis Submission Requirements (21)	TBD
			Truck Rental Establishments in PRC District (22)	12/11
			Yards – Infill (23)	TBD
Total Adopted: 11	Total Authorized: 1	Total Otherwise Resolved: 1	Total Outstanding: 18	
			Total Amendments 31	

() Denotes paragraph reference on 2011 Priority 1 Work Program – Attachment 3 [Pages 3 thru 8]

Highlights denote the items that have been added to the Priority 1 list subsequent to the Board's 6/22/10 endorsement of the 2010 Work Program.

2011 Priority 1 Zoning Ordinance Amendment Work Program

June 21, 2011

Carry Over from 2010			New Priority 1	
Amendment Authorized	Amendment Being Researched	Target Date	New Amendments	Target Date
Grading Plans (3) PC PH 7/7/11 BOS PH 7/26/11	Dancing and/or Live Entertainment in Eating Establishments (1)	9/11	Minor Revisions (8)	9/11
	Farm Wineries (2)	TBD	P District Recreational Fees (13)	9/11
	Gross Floor Area – Cellar Space (4)	10/11	State Code - 2011 Session (18)	7/11
	Housing - Independent Living Facilities for Low Income Residents (5)	7/11	State Code – Temporary Health Care Structures (20)	11/11
	Housing – Study Allowing Affordable/Work Force Dwellings in C and/or I Districts (6)	8/11		
	Maintaining Neighborhood Character (7)	TBD		
	Noise (9)	9/11		
	Open Space (10)	TBD		
	Outdoor Lighting (11)	7/11		
	Parking Reductions in Transit Oriented Areas (12)	10/11		
	PDC and PRM Districts - FAR (14)	10/11		
	Planned Development Districts (15)	TBD		
	PRC District Density (16)	TBD		
	R-C District (17)	TBD		
	State Code – Development in Dam Break Inundation Zones (19)	9/11		
	State Code – Traffic Impact Analysis Submission Requirements (21)	TBD		
	Truck Rental Establishments in PRC District (22)	12/11		
	Yards – Infill (23)	TBD		
Total Authorized: 1	Total Outstanding: 18		New Amendments: 4	
			<u>Total Amendments 23</u>	

() Denotes paragraph reference on 2011 Priority 1 Work Program – Attachment 3 [Pages 3 thru 8]

**PROPOSED 2011 PRIORITY 1
ZONING ORDINANCE AMENDMENT WORK PROGRAM
June 21, 2011**

Highlighted items are those items that are new to the Priority 1 list. Several of the items listed below are annotated with an asterisk (*) without any projected timeline. Although these items are of importance and are listed on the Priority 1 list, these items may not be completed within the 12 month time frame covered by this Work Program if the other higher priority items place greater demands on staff resources than originally anticipated. Additionally, several of the items listed below are annotated with the abbreviation (EAC), as they are directly aligned with the recommendations of the Fairfax County Economic Advisory Commission as presented in its February, 2011 report.

1. Dancing and/or Live Entertainment in Eating Establishments (EAC - 2010 Priority 1)
Consider requiring special exception approval to establish dancing and/or live entertainment in eating establishments and to review Chapter 27 of the County Code to ensure all regulatory alternatives for such activities are fully vetted.

September, 2011 authorization to advertise; October, 2011 Planning Commission public hearing; December, 2011 Board of Supervisors' public hearing

2. Farm Wineries (EAC - 2010 Priority 1)*
Consider adding regulations for farm wineries.

Monitoring amendment efforts in Albemarle and Fauquier Counties

3. Grading Plans (EAC - New)
Consider revising the 2500 square foot threshold for the amount of soil that may be added or removed without grading plan approval.

July 7, 2011 Planning Commission public hearing; July 26, 2011 Board of Supervisors' public hearing

4. Gross Floor Area – Cellar Space (2010 Priority 1)
Review the definition of gross floor area as to how it is calculated for underground space in areas located outside of the PTC District.

October, 2011 authorization to advertise; November, 2011 Planning Commission public hearing; January, 2012 Board of Supervisors' public hearing

HOUSING

5. Housing – Independent Living Facilities for Low Income Residents (EAC - 2010 Priority 1)*
Establish a subset of the existing independent living facility use that will serve a population whose annual income is not more than fifty (50) percent of the Washington Metropolitan Statistical Area Median Income (AMI).

This item has evolved from the previous item on the 2010 Priority 1 Work Program pertaining to the establishment of Residential Studios in certain districts. July, 2011 authorization to advertise; September, 2011 Planning Commission public hearing; October, 2011 Board of Supervisors' public hearing

6. Housing – Work Force Dwellings in C and/or I Districts (EAC - 2010 Priority 1)*
Study the implications of allowing ADUs and/or workforce housing units in certain commercial and/or industrial districts, subject to specific standards or by special exception.

This item is a study item pursuant to the Planning Commission's recommendation

7. Maintaining Neighborhood Character (Infill Study, Environmental Improvement Program. EAC - 2010 Priority 1)*
In order to address compatibility issues associated with new residential development in existing residential areas, review methods, such as lot coverage and square footage maximums, in addition to the recently adopted grade amendment.

January 11, 2011 update to the Board on the Zoning Ordinance Amendment Grade amendment recommended no further action at this time.

8. Minor Revisions (2010 Priority 2 and New)
Minor revisions to include the following: (a) Clarify that an error in building location special permit or an administrative reduction in minimum required yards pursuant to Sect. 2-419 can be granted for the location regulation for detached accessory structures that requires such structures be setback a distance of their height from the rear lot line;. (b) Consider allowing the Board of Zoning Appeals in conjunction with the approval of another special permit to approve an error in building location of less than ten percent. (c) Consider revising the application fee for a home child care facility special exception in the PDH, PDC, PRM and PTC Districts to be consistent with the filing fee for a child care center with an enrollment of less than 100 students daily in those districts (EAC); (d) Replace all references to “mental retardation” with the term “intellectual disabilities”; (e) Review the maximum allowable horsepower of common home appliances that can be repaired and serviced in a repair service establishment as many common home appliances exceed the current 5 horsepower limitation (f) Clarify

the site distance provisions for corner lots contained in Sect. 2-505; and; (g) Allow rooftop guardrails, which are required under the Building Code to be 3 ½ feet in height, when such roofs are occupied by the public, to be excluded from the building height.

September, 2011 Authorization to Advertise; October, 2011 Planning Commission public hearing; November, 2011 Board of Supervisors' public hearing

9. Noise (EAC - 2010 Priority 1)

Consider revising the regulations in Sect. 108-4-4 of the Noise Ordinance regarding the method of noise measurement as well as establishment of day time and night time noise levels designed to protect the community. Due to a 2009 Virginia Supreme Court Decision, review the nuisance noise provisions of the Noise Ordinance.

September, 2011 Authorization to Advertise; October, 2011 Planning Commission public hearing; November, 2011 Board of Supervisors' public hearing

10. Open Space (Infill Study, Environmental Improvement Program and EAC – 2010 Priority 1)*

Review the definitions and other provisions of the Zoning Ordinance related to open space, including consideration of setting minimum sizes/dimensions for required open space areas and exempting either all or part of stormwater management dry pond facilities from open space calculations; only providing open space credit for innovative BMPs but not for non-innovative BMPs; and allowing credit only for usable open space. Develop a consistent approach to open space preservation as it relates to various existing and proposed elements of the Comprehensive Plan. Review general provisions on open space to clarify that open space credit is only intended for land that is dedicated or conveyed without monetary compensation.

11. Outdoor Lighting (EAC - 2010 Priority 1)

Consider revisions to the outdoor lighting standards pertaining to security lighting, outdoor sports facilities and automatic teller machines to improve the overall effectiveness of such provisions; consider requiring Architectural Review Board review of sports illumination plans and photometric plans that are submitted in Historic Overlay Districts when such plans do not require site plan, special permit, special exception, rezoning or development plan approval; and review single family residential lighting exemptions to consider additional requirements for minimum spacing of lighting fixtures and possible limitations on cumulative allowable initial light outputs.

July, 2011 authorization to advertise; September, 2011 Planning Commission public hearing; October, 2011 Board of Supervisors' public hearing

12. Parking Reductions in Transit Oriented Areas (EAC - 2010 Priority 1)

Consider applying parking maximums and a reduction of the minimum parking requirements due to transit oriented areas and/or transportation demand management provisions.

This will be addressed with the PDC and PRM Districts – FAR Amendment (See No. 14 below). October, 2011 authorization to advertise; November, 2011 Planning Commission public hearing; January, 2012 Board of Supervisors’ public hearing

13. P District Recreational Fees (New)

Consider an adjustment to the per unit recreational expenditure in the PDH, PDC, PRM and PTC Districts. The Board has requested that the required per unit expenditure be reviewed every two years and the last adjustment was adopted by the Board in October 2009.

September, 2011 authorization to advertise; October, 2011 Planning Commission public hearing; November, 2011 Board of Supervisors’ public hearing

14. PDC and PRM Districts – FAR (Environmental Improvement Program and EAC - 2010 Priority 1)

Consider increasing the maximum allowable floor area ratio (FAR) as well as other provisions in the PDC and PRM Districts to facilitate the implementation of the Comprehensive Plan recommendations for Revitalization Districts and Areas, Community Business Centers and Transit Station Areas.

October, 2011 authorization to advertise; November, 2011 Planning Commission public hearing; January, 2012 Board of Supervisors’ public hearing

15. Planned Development Districts (Infill Study, Environmental Improvement Program and EAC– 2010 Priority 1)*

Review of the Planned Development Districts to include a review of the purpose and intent, minimum lot size and open space requirements, General and Design Standards and CDP/FDP submission requirements. Review the following: density credit for RPAs, streams and floodplains; treatment of environmentally sensitive areas and non-environmentally sensitive areas effect on creation and preservation of open space; and review of permitted secondary commercial uses. Also consider allowing waiver of minimum district size for additions to existing PDH or PDC Districts;) consider allowing the Planning Commission to waive 200 foot privacy yards for single family attached dwellings in the PDH and PDC Districts in conjunction with FDP approvals; and consider adding P district design standards to ensure adequate driveway lengths and driveways that can safely and adequately function, particularly in a shared driveway situation. Consider increasing the amount of commercial uses and the amount of residential density that is permitted in a PDH District.

16. PRC District Density (2010 Priority 1)*
Consider possible revisions to the maximum allowable densities and/or persons per acre in the PRC District.

To be processed in conjunction with the Reston Plan update.

17. R-C District (New Millennium Occoquan Task Force Recommendations and EAC - 2010 Priority 1)*
Establish an advisory committee to, among other things, review standards and guidelines associated with special permit, special exception and public uses in the R-C District; review maximum allowable floor area ratios; consider whether standards need to be established for total impervious cover and/or undisturbed open space and review combined impact of the facility footprint and total impervious surface cover, to include parking; and review the Comprehensive Plan to determine if clearer guidance is needed for special permit, special exception and public uses in the Occoquan.

STATE CODE

18. State Code (2011 Session)
Possible revisions resulting from the 2011 General Assembly. (Continuing)

July, 2011 authorization to advertise; September, 2011 Planning Commission public hearing; October, 2011 Board of Supervisors' public hearing
19. State Code – Development in Dam Break Inundation Zones (2010 Priority 1)
Incorporate the new requirements for development in dam break inundation zones.

September, 2011 authorization to advertise; October, 2011 Planning Commission public hearing; November, 2011 Board of Supervisors' public hearing
20. State Code - Temporary Health Care Structures (EAC - New)
Incorporate provisions for temporary health care structures (granny pods).

November, 2011 authorization to advertise; January, 2012 Planning Commission public hearing; February, 2012 Board of Supervisors' public hearing
21. State Code - Traffic Impact Analysis Submission Requirements (2010 Priority 1)*
Codify the Virginia Department of Transportation traffic impact analysis regulations

into the zoning application and site plan submission requirements.

Coordinating with Department of Transportation as to the necessity of amending the Ordinance.

22. **Truck Rental Establishments in PRC District (New)**
Consider allowing truck rental establishments in the PRC District as a special exception use and subject to appropriate standards.

December, 2011 authorization to advertise; January, 2012 Planning Commission public hearing; February, 2012 Board of Supervisors' public hearing
23. **Yards (Infill Study - 2010 Priority 1)***
Consider revisions to the lot and yard definitions; consider whether front yards should be required from unimproved dedicated rights-of-way.

**PROPOSED 2011
PRIORITY 2 ZONING ORDINANCE AMENDMENT
WORK PROGRAM
June 21, 2011**

**New requests are underlined and those proposed for deletion are reflected by strike-throughs.
Environmental Improvement Program is abbreviated as (EIP)
Business Process Redesign is abbreviated as (BPR)**

SOURCE

ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

- | | |
|---|---------------------------------|
| 1. Comprehensive review of accessory uses and structures, to include consideration of issues such as: | Board/PC/BZA/
Staff/Industry |
| (a) The establishment of a maximum height limitation. | |
| (b) Revisions to the location regulations for uses/structures accessory to residential, commercial and industrial uses. | |
| (c) Addition of a minimum setback from the side lot line when a freestanding accessory structure is permitted in a front yard. <i>[Added to Priority 2 list in 1990 – No longer an issue for staff.]</i> | |
| (d) Establishment of a side yard requirement for accessory structures in the PRC District. | |
| (e) Consider revising the height of accessory structures and accessory storage structures that can be located anywhere in the rear or side yards to be the same. | |
| (f) Modify the accessory structure location provisions to require a freestanding wind turbine structure to be setback a distance of its height from all property lines. | Board |
| (g) Review the accessory use limitations to determine whether they adequately address the placement of commercial portable storage containers in commercial districts. | Board |
| (h) Review the allowable placement of roll-off debris containers-dumpsters in residential districts during home improvement projects | Board |
| 2. Consider revisions to the accessory service use provisions to include: | BZA/PC |
| (a) A clearer distinction between accessory service uses and accessory uses. | |

SOURCE

- (b) ~~The appropriateness of allowing accessory service uses in office districts.~~
[Added to Priority 2 list in 1998 – No longer an issue.]
- (c) The appropriateness of whether office buildings in the retail commercial districts should be allowed to have a small deli as a by right accessory service use instead of requiring special exception approval.
3. Consider the following modifications to the fence provisions:
- (a) Allow a fence to be located on a vacant lot even though the fence is an accessory structure and there is no principal use on the lot. Staff
- ~~(b) Consider revising the methodology used in measuring the height of a fence located on a top of a retaining wall so that the fence height is measured from the base of the retaining wall rather than the top of the retaining wall.~~ *[Added to Priority 2 list in 2009 – The current methodology for measuring fences on top of retaining walls is longstanding and appears appropriate given that there is no standard height for the retaining wall itself.]* BZA
4. Consider the following modifications to the home occupation provisions:
- (a) ~~Allow massage establishments as a home occupation use or as a home professional office in single family attached dwellings.~~ *[Added to Priority 2 list in 2005 – This was a one time request and never encountered again.]* Board
Citizen
- (b) Consider revising the home occupation use limitations to allow a small amount of storage of stock in trade (64 sq. ft.) for a home business conducted via the internet or sales outside of the dwelling unit.

ADMINISTRATION

5. Consider allowing the Board of Supervisors, Planning Commission and Board of Zoning Appeals to set the day or days to which any public hearing shall be continued due to inclement weather or other conditions without further advertisement or posting of the property. Staff/ General Assembly
6. Revise the cluster provisions to return to the pre-2004 status. General Assembly

SOURCE

BOARDS, COMMISSIONS, COMMITTEES

7. Review Par. 7 of Sect. 19-101 to clarify that the Planning Commission has the authority to make recommendations on variance applications to the Board of Zoning Appeals. Staff

COMMERCIAL ZONING DISTRICTS

8. Consider allowing veterinary clinics in the C-3 and C-4 Districts with use limitations or as a special exception use. Staff

DEFINITIONS AND USE LIMITATIONS

9. Review the following definitions: Staff
- (a) private schools
 - (b) streets
 - (c) storage yard
10. Add the following definitions Staff/BPR/BZA
- (a) ~~Building Permits~~ *[Added to Priority 2 list in 1993 and this is no longer an issue.]*
 - (b) ~~servants quarters~~ *[Added to Priority list in 1993. This issue was addressed via an interpretation contained in a 1/14/11 memorandum to the Board.]*
 - (c) establishment for production, processing, etc.
 - (d) storage
 - (e) place of worship
 - (f) colleges and universities
11. Review definition and accessory use provisions for commercial vehicles to determine whether existing provisions are adequate, especially review whether the tractor of a tractor-trailer should be allowed. Board
12. Consider excluding patios from the deck definition in order to facilitate the placement of patios in side yards. Staff
13. Consider allowing the use of pervious pavers in more parking situations in order to reduce the amount of impervious surfaces and stormwater runoff. Board/DPWES
14. Revise definition of Quick-Service Food Store so that small specialty markets are excluded and allowed as retail sales establishments, also revise use limitations regarding allowing quick-service food stores by right in shopping centers. Board/BPR
15. Consider revising the contractors' office and shops definition to clarify that BZA

SOURCE

the use includes establishments used by paving and road contractors and by facilities that install water and sewer pipes.

GENERAL REGULATIONS

- | | |
|--|---|
| 16. <u>District Regulation Interpretations</u> – Consider the following: | |
| (a) Allow the transfer of allowable density or gross floor area from parcels located within an identified sending area to parcels located within an identified receiving area. | Board |
| 17. <u>Qualifying Lot and Yard Regulations</u> – Consider the following: | |
| (a) Allow approval of modifications to the setback requirements from railroads and interstate highways in conjunction with review and approval of SP/SE uses. | BPR |
| (b) Review of pipestem lot and yard requirements, to include possible addition of illustrations. | BPR |
| (c) Review the existing provisions which allow uncovered stairs and stoops to encroach into minimum required yards. | Staff |
| (d) Allow certain lattice screening walls and/or limited trellis-like features on decks for single family dwellings without requiring such features to meet the minimum required yards of the district in which located. | Staff |
| (e) Addition of shape factor limitations to the R-C District. | Board |
| (f) Consider requiring greater setbacks for proposed construction in areas influenced by tidal flooding. | Board’s
Environmental
Committee |
| 18. <u>Qualifying Use and Structure Regulations</u> - Consider the following: | |
| (a) Consider revising the maximum number of horses that may be maintained on a lot. | No. Va. Soil and
Water
Conservation Dist. |
| (b) Consider allowing chickens to be permitted on lots less than two acres in size in certain situations. | Citizen |
| (c) In order to encourage the use of green roofs and rooftop recreational areas and to codify existing practice, allow rooftop guardrails, which are required under the Building Code to be 3 ½ feet in height, when such | Industry |

SOURCE

~~roofs are occupied by the public, to be excluded from building height.~~
[Moved to 2011 Priority 1 - No. 8(g)]

HOUSING

19. Consider the following revisions to the ADU program: Staff
- (a) Allow units that are acquired by the Fairfax County Redevelopment and Housing Authority (FCRHA) and are part of any FCRHA affordable housing program to be considered equivalent.
 - (b) Clarify Par. 2B of Sect. 2-812 to indicate that resales can be sold to nonprofits pursuant to the guidelines for new units.
 - (c) Increase the closing cost allowance from 1.5% of the sales price to either the actual closing costs or up to 3%, whichever is less.
 - (d) For resales, allow 3% of closing costs to be part of the sales price so that applicants can apply for closing costs assistance.
 - (e) Establish a for-sale ADU pricing schedule to include the renovation and/or preservation of existing units and condominium conversions.
[Currently under review by consultant.]
 - (f) Consider requiring an ADU bedroom mix of 50% one-bedroom units and 50% two-bedroom units for independent living facilities.
[Place holder until data and resources are available to complete the required survey of independent living facilities in ADUs]
 - (g) Determine whether inheritance laws affect the retention of an ADU within the ADU Program in the event of the death of an ADU owner, and if so, whether an amendment is necessary.
20. Review the Board of Supervisors' accessory dwelling unit policy in Appendix 5 to determine whether updates are necessary. Staff

INDUSTRIAL ZONING DISTRICTS

21. Revise use limitations in I-5 District regarding outdoor storage of trucks and equipment. Board
22. Clarify use limitations in the I-5 and I-6 Districts which allow vehicle light service establishments by right. Also consider allowing this use by right in other C and I Districts. BPR

SOURCE

LANDSCAPING & SCREENING

23. Comprehensive review of landscaping and screening provisions to include:
- (a) Appropriateness of modification provisions. BPR/Staff
 - (b) Address issue of requirements when property abuts open space, parkland, including major trails such as the W&OD) and public schools. *[May be partially addressed in conjunction with 2011 Priority 1 – No. 10 which pertains to open space and stormwater management issues.]* Staff/EIP
 - (c) Increase the parking lot landscaping requirements. Tree Action Plan/EIP
 - (d) Include street tree preservation and planting requirements. Tree Action Plan
 - (e) Consider requiring the use of native trees and shrubs to meet the landscaping requirements for developments along Richmond Highway. Board
24. Evaluate opportunities to include provisions that support and promote sustainable principles in site development and redevelopment, including the application of better site design, Low Impact Development (LIDs) and natural landscaping practices. *[May be addressed in conjunction with 2011 Priority 1 – No. 10 which pertains to open space and stormwater management issues.]* Tree Action Plan

NOISE ORDINANCE – CHAPTER 108 OF THE COUNTY CODE

25. Comprehensive review of this Chapter to determine if any changes are necessary and to include the consideration of:
- (a) The addition of provisions to regulate helicopter noise at helicopter landing sites. Board/EQAC
 - (b) The addition of leaf blower provisions. Board/Citizens
 - ~~(c) The appropriateness of shifting the responsibility of dealing with trash truck noise complaints from the Zoning Administrator to the Solid Waste Disposal and Resource Recovery Division. *[Added to Priority 2 in 2004. The responsibility has been shifted to the Department of Public Works and Environmental Services via an agreement, and this arrangement has been working well.]*~~ Staff
 - ~~(d) Consider adding an automatic escalating increase in penalties for multiple noise violations from the same set of operative facts. *[Added to*~~ Citizen

SOURCE

Priority 2 List in 2009 – There is no authority under the Code of Virginia to add such an automatic escalating increase in penalties.]

NONCONFORMITIES – ARTICLE 15

26. Comprehensive review and study, to include addition of provisions to address situations resulting from condemnation of right-of-way by public agencies. Staff/BPR

OVERLAY DISTRICTS

27. Airport Protection Overlay District - Establish an Airport Protection Zoning Overlay District for Dulles International Airport, Ronald Reagan National Airport and Davison Airfield Board

28. ~~Commercial Revitalization Districts~~ – ~~Consider any needed revisions to the commercial revitalization districts which may result from the adoption of the special area studies for these areas.~~ *[This has been incorporated into 2011 Priority 1 – No. 14.]* Board

29. Historic Overlay Districts - Consider the following revisions to the Historic Overlay Districts:

- (a) ~~Revise the Woodlawn Historic Overlay District to accommodate a proposal for a hotel with a height in excess of 35 feet.~~ *[Added to the Work Program in 1998 – Based on a proposal that is no longer actively being pursued.]* Board

- (b) Consider establishing an historic overlay district for the Lorton Correctional Facility (Laurel Hill). Board

- (c) Consider requiring all demolition permits for structures listed on the County Inventory of Historic Places to be reviewed by the History Commission prior to the issuance of the permit. History Commission

- (d) Establish an historic overlay district for Mason Neck. Board

PARKING REQUIREMENTS

30. Study parking requirements for: Board/Staff
- (a) funerals homes
 - (b) places of worship
 - (c) child care centers and nursery schools

SOURCE

- | | |
|---|----------|
| 31. Consider reducing the minimum required parking requirement for all retail and retail mixed projects and not only those projects that are located near mass transit. <i>[This item has been incorporated in part in 2011 Priority 1 – No. 14.]</i> | Industry |
| 32. Consider limiting the amount of pavement for driveways and parking that can be provided in the front yard of single family detached lots in the R-5 and R-8 Districts. | Citizen |

PLANNED DEVELOPMENT DISTRICTS

- | | |
|---|----------------|
| 33. Consider the following revisions to the PDH and PDC Districts: | Staff |
| (a) Correct inconsistency in PDH District regulations concerning amount of permitted secondary commercial uses. | |
| (b) Clarify limitations on office as a secondary use in Sect. 6-105. | |
| 34. Consider allowing vehicle sales and rental establishments in the PDC and PRM Districts with use limitations and special exception approval. | Citizen/PC/EIP |

PERFORMANCE STANDARDS

- | | |
|---|-------|
| 35. Review the earthborn vibration performance standards for quarries to facilitate proper enforcement. | Staff |
|---|-------|

SIGNS

- | | |
|--|-------|
| 36. Review the sign provisions to include the consideration of: | |
| (a) Allowing auto parks to have the same freestanding signs as currently permitted for an office park. | Board |
| (b) Allowing, by special permit, off-site signs based on hardships due to topography or visibility. | Board |
| (c) Allowing office parks and industrial parks comprised of a single tenant to be deemed an office/industrial park by revising the definition and to expand or modify the sign provisions for office/industrial parks. | Board |
| (d) Review regulations pertaining to temporary political campaign signs. <i>[Given questions regarding legal implications, this item is a place holder until such issues can be addressed.]</i> | Board |

SOURCE

SPECIAL EXCEPTIONS/SPECIAL PERMIT USES

37. Consider allowing BZA to modify or waive general standards when uses are proposed for existing structures and/or lots. BPR
38. Consider deletion of requirement for extension requests to be submitted 30 days prior to an expiration date, consistent with renewal requests. Staff
39. Allow BZA to modify special permit additional standards. BPR

SPECIAL EXCEPTION USES

40. Category 2 Heavy Public Utility Uses – Consider the deletion of special exception requirement in the I-5 District for storage yards and office/maintenance facilities in conjunction with public utility uses, so these uses will be allowed by right, which will eliminate need for two public hearings. BPR
41. Category 5 Commercial and Industrial Uses of Special Impact – Consider the appropriateness of the list of heavy industrial uses. Staff
42. Category 6 Miscellaneous Provisions Requiring Board of Supervisors' Approval – Consider allowing the Board of Supervisors to increase the maximum building height limitations with special exception approval for residential uses. Staff

SPECIAL PERMIT USES

43. Group 1 Extraction and Excavation Uses - Consider expanding the number of property owners that are required to be notified for the renewal of a special permit for a quarry. Board
44. Group 4 Community Uses – Consider the following:
- (a) Consider allowing community uses to be approved via development plans in the rezoning process in lieu of requiring special permit approval. Staff/BPR
- (b) ~~Incorporate use of community clubs, swimming and tennis clubs into other existing special permit uses to reduce confusion.~~ *[Added to Priority 2 list in 1993 – This is no longer an outstanding issue.]* BPR

SOURCE

SPECIAL PERMITS – GROUP 5 COMMERCIAL RECREATIONAL USES

45. ~~Group 5 Commercial Recreation Uses~~ – Consider revising the special permit standard for commercial recreation uses, which precludes the location of a commercial recreational building within 100 feet of any adjoining residentially zoned property, to allow a lesser setback when the adjoining residentially property is used for a purpose other than dwelling, such as a community pool. *[Added to Priority 2 list in 2000 – Was a one time issue and never encountered again.]* Citizen
46. Group 9 Uses Requiring Special Regulations – Consider the following:
- (a) Revise the reduction of certain yard special permit additional standards to increase the allowable size of an addition and to allow the complete teardown and rebuild of a structure. Board/PC
- (b) Revise the accessory dwelling unit submission requirements, occupancy and lot size limitations. Board

SUBMISSION REQUIREMENTS

47. Revise submission requirements to include identification of heritage resources; and consider expanding the archaeological survey submission requirements to be applicable to all zoning applications and not only those applications located in Historic Overlay Districts. Plan/Board
48. Consider adding specificity to the submission requirements for Comprehensive Sign applications. Staff
49. Consider adding an environmental site assessment submission requirement for site plans and certain zoning applications. General Assembly
50. Consider the strengthening of zoning application submission requirements to require the submission of a preliminary utility plan where utility construction could conceivably result in clearing of trees. Tree Action Plan/EIP

USES

51. Review regulations related to: Staff/Board
- (a) adult day care
- (b) adult video stores
- (b) “doggie” day care
- (c) sports arenas, stadiums

SOURCE

52. Review the drug paraphernalia regulations to determine whether changes are necessary due to State Code revisions.

Staff

**NEW AMENDMENT REQUESTS SINCE JUNE 22, 2010 ENDORSEMENT OF
2010 ZONING ORDINANCE WORK PROGRAM
June 21, 2011**

A total of 12 new amendment requests have been received, and of those, one has been adopted, 10 have been placed on either the 2011 Priority 1 or 2 list, and no amendment is required for one.

1. Detached Accessory Structures – Clarify that an error in building location special permit or an administrative reduction in minimum required yards pursuant to Sect. 2-419 can be granted for the location regulation for detached accessory structures that requires such structures be setback a distance of their height from the rear lot line. (Staff) [**Priority 1 – No. 8(a)**]
2. Error in Building Location – Consider allowing the Board of Zoning Appeals in conjunction with the approval of another special permit to approve an error in building location of less than ten percent. (Staff) [**Priority 1 – No. 8(b)**]
3. Fences – Require that the side of a fence facing an adjoining residential property be finished. Specifically do not allow unfinished cinderblock to face the adjoining residential property. (Citizen) [**No Amendment Necessary**]
4. Grading Plans – Consider revising the 2500 square foot threshold for the amount of soil that may be added or removed without grading plan approval. (Staff) [**July 7, 2011 Planning Commission public hearing; July 26, 2011 Board of Supervisors’ public hearing - Priority 1 – No. 3**]
5. Home Child Care Facilities in P Districts – Consider revising the application fee for a home child care facility special exception in the PDH, PDC, PRM and PTC Districts to be consistent with the filing fee for a child care center with an enrollment of less than 100 students daily in those districts. (Staff) [**Priority 1 – No. 8(c)**]
6. Intellectual Disabilities – Replace all references to “mental retardation” with the term “intellectual disabilities”. (Board 2/8/11) [**Priority 1 – No. 8(d)**]
7. P District Recreational Fees – Consider an adjustment to the per unit recreational expenditure in the PDH, PDC, PRM and PTC Districts. The Board has requested that the required per unit expenditure be reviewed every two years and the last adjustment was adopted by the Board in October 2009. (Board 5/7/07) [**Priority 1 – No. 13**]

8. Repair Service Establishments – Review the maximum allowable horsepower of common home appliances that can be repaired and serviced in a repair service establishment as many common home appliances exceed the current 5 horsepower limitation. (Staff) **[Priority 1 – No. 8(e)]**
9. Site Distance – Clarify the site distance provisions for corner lots contained in Sect. 2-505. (Board 6/14/11) **[Priority 1 – No. 8(f)]**
10. Site Plan Fees – Consider revising the site plan fees based on increases to the Consumer Price Index and relocating the site plan fees and other development fees to a new Appendix Q of the County Code. (Board/Staff) **[Adopted 4/12/11]**
11. State Code (Temporary Health Care Structures) – Incorporate provisions for temporary health care structures (granny pods). (2010 Virginia General Assembly) **[Priority 1 – No. 20]**
12. Truck Rental Establishments in PRC District – Consider allowing truck rental establishments in the PRC District as a special exception use and subject to appropriate standards. (Board 1/25/11) **[Priority 1 – No. 22]**



County of Fairfax, Virginia

MEMORANDUM

DATE: May 9, 2011

TO: Eileen McLane, Director
Zoning Administration Division
Department of Planning & Zoning

FROM: Barbara J. Lippa, Executive Director *BJL*
Planning Commission Office

SUBJECT: Planning Commission Action Re: Proposed 2011 Zoning Ordinance Work Program

On Thursday, May 5, 2011, the Planning Commission voted unanimously to endorse the recommendation of its Policy and Procedures Committee that the proposed 2011 Zoning Ordinance Work Program be approved, as presented by staff in the memorandum from Eileen McLane, Zoning Administrator, dated April 13, 2011.

Attached for your information is the verbatim of the Commission's action on this item and I would be happy to answer any questions you may have.

Attachment (a/s)

cc: Lorrie Kirst, ZAD, DPZ
May 5, 2011 date file
O-3c File

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330
Fairfax, VA 22035-0001
703-324-2865, TTY 703-324-7951, FAX 703-324-3948
www.fairfaxcounty.gov/planning



Planning Commission Meeting
May 5, 2011
Verbatim Excerpt

2011 Zoning Ordinance Amendment Work Program

During Commission Matters

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION ENDORSE THE RECOMMENDATION OF THE POLICY AND PROCEDURES COMMITTEE, THAT THE PROPOSED 2011 ZONING ORDINANCE WORK PROGRAM BE APPROVED AS PRESENTED BY THE DEPARTMENT OF PLANNING AND ZONING STAFF IN THE MEMORANDUM FROM EILEEN MCLANE, ZONING ADMINISTRATOR, DATED APRIL 13TH, 2011.

Commissioner Alcorn: Second.

Chairman Murphy: Seconded by Mr. Alcorn. Is there a discussion of the motion? And I presume we're forwarding our recommendation to the Board.

Commissioner Hall: You bet.

Chairman Murphy: Okay. Further discussion? All those in favor of the motion as articulated by Ms. Hall, with the notion that it will be forwarded to the Board, say aye.

Commissioner Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried unanimously.)

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Board Agenda Item
July 12, 2011

ACTION - 2

Endorsement of the Proposed *Fairfax County Fair Housing Analysis of Impediments Five-Year Fair Housing Planning Document (2011-2015) (Proposed Local Plan)*

ISSUE:

Board endorsement of the proposed Local Plan for submission to the U.S. Department of Housing and Urban Development (HUD) as part of the Five-Year Consolidated Plan for Fiscal Years (FY) 2011-2015.

RECOMMENDATION:

The County Executive recommends (i) that the Board endorse the Local Plan as an addendum to the Fairfax County Five-Year Consolidated Plan for FY 2011-2015 approved by the Board on May 11, 2010, and (ii) that the Local Plan be forwarded to the Fairfax County Office of Human Rights and Equity Programs, Human Rights Division (OHREP-HRD), in conjunction with other affected departments and agencies, for implementation of the recommendations listed in the Local Plan.

TIMING:

Action should be taken on July 12, 2011, to meet U.S. Department of Housing and Urban Development requirements for funding under the Consolidated Plan. The current Local Plan was presented at the April 26, 2011, Board Meeting; however, at that time, the Board deferred action pending responses to requests for additional information.

BACKGROUND:

The County currently receives approximately \$9.7 million in federal funds under the Consolidated Plan. As a recipient of such funding, Fairfax County is required to demonstrate that it is affirmatively furthering fair housing by completing an analysis to identify challenges and recommendations to fair housing choice. HUD guidelines direct that the Local Plan provide a comprehensive review of the County's laws, regulations, administrative policies, procedures, and practices, together with an assessment of how these affect the location, availability, and accessibility of housing.

Following a request for proposals in late 2009, OHREP-HRD hired a consultant to assist with preparation of the Local Plan for submission in connection with the County's Five-Year Consolidated Plan for Fiscal Years 2011-2015. OHREP-HRD, in conjunction with the Department of Housing and Community Development (HCD), then provided a draft of the Local Plan for review and comment by the Consolidated Community Funding

Board Agenda Item
July 12, 2011

Advisory Committee (CCFAC) at its September 14, 2010 meeting. In addition, on September 22, 2010, the draft document was made available for review on line at <http://www.fairfaxcounty.gov/rha>; at the Citizen Information Desk at the Government Center; and at the information desks of all branches of the Fairfax County Public Library system.

The Local Plan includes an overview of the fair housing challenges in Fairfax County; an assessment of how conditions, both private and public, affect fair housing choice; and findings and recommendations for actions the County can take.

The Local Plan is organized into six chapters. The introductory chapter explains why the analysis was conducted and provides background information about the study methodology. Chapter 2 presents a profile of Fairfax County using a variety of demographic and community indicators and maps. Chapters 3 and 4 include an overview of fair housing laws and discuss the extent of housing discrimination in Fairfax County. Chapter 5 contains information on related issues, such as substandard housing, transportation, and other issues not able to be addressed elsewhere. Chapter 6 lists recommendations provided in previous chapters.

Among the recommendations identified, a number of themes emerged. These include concerns relating to the need to:

- Continue to develop opportunities to create more safe, decent and affordable housing for low- and middle-income families; increase the number of accessible dwellings for low-income, disabled and elderly residents; and expand sustainable homeownership opportunities.
- More broadly disseminate and better communicate information about fair housing programs, fair housing laws and the enforcement process to members of the public, housing providers, and others; explore ways to more effectively identify and investigate instances of discrimination; and, where warranted, litigate fair housing complaints and enforce related compliance agreements.
- Conduct research to determine the extent to which protections and practices not currently covered under fair housing laws, for example, source of income, sexual orientation, occupancy limits and certain advertising practices, may serve to limit housing choice for certain groups in Fairfax County; explore ways to educate housing providers about the misconceptions surrounding such practices and consider developing incentives to encourage them to adopt more open policies; and, if warranted and permissible under state law, support legislation to strengthen the Ordinance to include added protections to eliminate barriers.

Board Agenda Item
July 12, 2011

By endorsing the Local Plan, the Board will be committing to HUD that Fairfax County will address these recommendations to the extent feasible.

FISCAL IMPACT:

To remain eligible for federal funds from HUD under the Consolidated Plan, Fairfax County must both complete an analysis of fair housing (such as the Local Plan) and take appropriate action to address the recommendations identified by such analysis. The Consolidated Plan One-Year Action Plan for FY 2011, adopted by the Board of Supervisors on May 11, 2010, included \$57,514 in Community Development Block Grant (CDBG) funds (Fund 142) and \$24,427 in Home Investment Partnership Grant (HOME) funds (Fund 145) for use by OHREP-HRD to contract for fair housing testing, and to conduct fair housing outreach and education activities in the housing market. Additionally, the Proposed One-Year Action Plan for FY 2012 calls for (i) appropriations of \$57,514 in CDBG funds and \$24,427 in HOME funds for similar uses by the OHREP-HRD, and (ii) \$75,000 in CDBG funds carried over from FY 2011 for use by HCD to bolster its efforts to affirmatively further fair housing. Costs associated with implementing the recommendations in the Local Plan will be absorbed by affected agencies within existing budgets. In the event additional funding is needed, agencies would submit requests as part of the normal budget process, which includes Board review and approval.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Fairfax County Fair Housing Analysis of Impediments Five-Year Plan for Fiscal Years 2011-2015 (Available online at <http://www.fairfaxcounty.gov/ohrep/hrd/fairfaxai4262011.pdf>)

STAFF:

David J. Molchany, Deputy County Executive
Patricia D. Harrison, Deputy County Executive
Kenneth L. Saunders, Director, Office of Human Rights and Equity Programs (OHREP)
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)

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Board Agenda Item
July 12, 2011

ACTION – 3

Approval of the FY 2013 and FY 2014 Funding Priorities for the Consolidated Community Funding Pool

ISSUE:

Board approval of the FY 2013 and FY 2014 Funding Priorities for the Consolidated Community Funding Pool, as recommended by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board approve the FY 2013 and FY 2014 Funding Priorities for the Consolidated Community Funding Pool (CCFP) as recommended by the CCFAC.

TIMING:

The decision on the funding priorities for CCFP funding is requested in July to allow time to prepare the next Request for Proposals for the CCFP for release in late September 2011.

BACKGROUND:

The Board has charged the CCFAC with the responsibility for overseeing the Consolidated Community Funding Pool. As part of that responsibility, the CCFAC recommends funding priorities for the funding pool for each funding cycle. In July 2001, the Board approved the continuation of multi-year funding, which has now continued in the FY 2005-2006, FY 2007-2008, FY 2009 -2010, and current FY 2011-2012 cycles. The CCFAC's recommended priorities are for the FY 2013 and FY 2014 funding pool awards.

The CCFAC maintains a regular process to receive and review both data and community input throughout the year to inform decisions on which funding and priority recommendations are based. The data that the CCFAC considers includes information given for the preparation of the county's One-Year Action Plan for FY 2012 and Five-Year Consolidated Plan recently submitted to the U.S. Department of Housing and Urban Development. The FY 2012 Action Plan covers the second year of the county's Five-Year Consolidated Plan for Fiscal Years 2011-2015. Additional data sources consist of studies and analyses prepared for the county and for citizens, and

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information reported from advocacy groups and the nonprofit and community-based providers.

Several specific activities factored into the needs assessment and development of the priority recommendations this cycle. These included the following:

- A formal public hearing was conducted on November 9, 2010, to hear from citizens, nonprofit representatives, and other county advisory board members regarding challenges that could be addressed through the funding pool and/or the Consolidated One-Year Action Plan. The CCFAC also received information on what categories of programs and services represent the greatest needs for individuals and families.
- The CCFAC received multiple briefings regarding the county's human services vision and direction, current county collaboration of services, the development of the Partnership to End Homelessness, and the work of the Office to Prevent and End Homelessness. CCFAC members also briefed their colleagues on the status of county initiatives such as the Health Department's Mobilizing Action through Planning and Partnerships (MAPP) process.
- Based on this variety of input, the CCFAC circulated draft priorities to several hundred community-based service providers and individuals in the community. At its June 14, 2011, meeting, the CCFAC received comments and discussion from citizens and nonprofit agencies.

The CCFAC's recommendation continues the basic approach taken in FY 2011-2012. For the FY 2013 and FY 2014 cycle, the CCFAC is not recommending any significant changes or additions to the priority categories or target percentage levels. Data from the previous cycle indicates that funded proposals fell within the targeted range for dollar allocation in three of the four priority categories, with Self-Sufficiency slightly higher than the targeted range. Based on the data and other information received in the development of the priorities, the CCFAC is recommending keeping the target percentages at the previous cycle's level. However, "Long-Term Supportive Services" is recommended as a more descriptive title for the "Ongoing Assistance" priority category after receiving feedback from the nonprofit community.

The CCFAC recommends that the Funding Pool continue its historic focus on programs that provide direct human services. Some institutional activities to support direct services such as organizational development, professional development, case management, public education, outreach, and networking will be appropriate components of a human services program proposal as in the previous cycles. The CCFAC also explicitly recognizes the value of programs serving neighborhoods (geographically defined) and communities (shared interests, not bound to one location), as well as those for individuals and families.

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The CCFP will focus on measurable outcomes for individuals, families, neighborhoods, and communities, rather than on types of services or particular populations of clients. The CCFAC is recommending outcome-focused priorities which reflect an important and necessary continuum of stability and self-sufficiency opportunities based on the need, condition, and potential among those to be served. The CCFAC believes that these outcome-focused priorities will support a number of Board and county initiatives and will enhance efforts to *prevent* conditions or behaviors that undermine health, stability, growth and development, or independent living in the community. The CCFAC reiterated the outcomes expected by the recipient by eliminating the term “description” and elevating “outcomes” in the formatting of the lead statement under each priority as opposed to describing various services that are being provided within that specific priority category.

The table below and the attached document provide the specific outcome and action statements for each priority and the proposed target funding percentage ranges and includes examples of the types of services and activities that would support each priority.

Priority	Outcome Statement	Target Funding Percentages
I. PREVENTION	Families and individuals remain independent and have the tools and resources to prevent future dependence. Communities increase their ability to support their members in preventing dependence.	10% to 20%
II. CRISIS INTERVENTION	Individuals, families, or communities in crisis overcome short-term problems (generally not more than three months) and quickly move back to independence.	15% to 25%
III. SELF-SUFFICIENCY	Families, individuals, neighborhoods, and communities attain self-sufficiency over a period of three months to three years.	45% to 55%
IV. LONG-TERM SUPPORTIVE SERVICES	Individuals who have continuing long-term needs, and who therefore may not become self-sufficient, achieve and/or maintain healthy, safe, and independent lives to the maximum extent possible.	10% to 20%

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CCFAC Recommendation

Based on the review of available data and information on community needs, and in consideration of comments and input received, the CCFAC recommends that the Board of Supervisors approve the four priorities and the target percentage allocation ranges for CCFP funds as shown above and in the attachment for FY 2013 and FY 2014.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment A: Recommended Priorities for the Consolidated Community Funding Pool for Fiscal Years 2013-2014.

STAFF:

Patricia Harrison, Deputy County Executive
Christopher Leonard, Director, Department of Neighborhood and Community Services
Paula C. Sampson, Director, Department of Housing and Community Development
Nannette M. Bowler, Director, Department of Family Services
M. Gail Ledford, Director, Department of Administration for Human Services
Telly C. Whitfield, Strategic Performance Manager, NCS

**PRIORITIES FOR THE
CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)**

for Fiscal Years 2013-2014

**Recommended by the
Consolidated Community Funding Advisory Committee (CCFAC)**

for Action by the Fairfax County Board of Supervisors

July 12, 2011

PRIORITIES FOR THE CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)

for Fiscal Years 2013-2014

Purpose:

This document presents the Consolidated Community Funding Advisory Committee's (CCFAC) recommendations on priorities for the Consolidated Community Funding Pool (CCFP) for the two-year funding cycle beginning in Fiscal Year 2013 (July 1, 2012). The recommendations were developed by the CCFAC, the citizen group established by the Fairfax County Board of Supervisors and charged with the responsibility to recommend CCFP priorities based on community and staff assessments of the human services and community development needs within the county. Members of the CCFAC are appointed by the County Executive and represent various public and private citizen advisory or administrative boards, councils, and committees within the county.

The purpose of the CCFP is to provide public support for private community-based human-services programs through an orderly process that is responsive to changing community needs.

Background:

Over the past 14 years, the Fairfax County Board of Supervisors has provided approximately \$122 million in local, state, and federal resources through the CCFP to hundreds of human-services and community-development programs managed by nonprofit and faith-based organizations in every part of the county. Through the CCFP, the funds are allocated among worthwhile applicants in accord with the priorities set by the Board of Supervisors through an open procurement competition conducted by the county using citizen volunteer review panels.

Throughout its history, the CCFP has adjusted priorities and contracting requirements to meet changing needs and to recognize the changing nature of community-based providers. As recipients of resources from the funding pool have grown in sophistication, they have been asked to do more to measure outcomes, show clients' progress toward self-sufficiency, and collaborate with other providers to ensure that beneficiaries receive the many services they need. Services may benefit communities as well as individuals.

Needs Assessment:

The Fiscal Year 2013-14 CCFP priorities are based on a review and analysis of information regarding human services and community development needs and conditions in the county obtained from a variety of sources. These sources include:

- Public Hearing: The CCFAC conducted an announced formal public hearing on November 9, 2010. Eight representatives from community-based organizations and a county advisory board presented information concerning needs that could be addressed with CCFP assistance and through the Annual Consolidated One-Year Action Plan.
- Briefings from County Staff regarding the county's human services vision and direction, county collaboration of services, the development of the Partnership to End Homelessness, and the work of the Office to Prevent and End Homelessness.
- Discussion of Draft Priorities at the CCFAC meeting on June 14, 2011: Input provided at the public comment meeting on these *Draft* Priorities was considered in making the final recommendation to the Board of Supervisors.

**RECOMMENDED PRIORITIES FOR THE
CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)
for Fiscal Years 2013-2014**

Focus:

The CCFAC recommends that the Funding Pool continue its historic focus on programs that provide direct human services. As in the past, some institutional activities to support direct services such as organizational development, professional development, case management, public education, outreach, and networking will be appropriate components of a human services program proposal. Yet, indirect services cannot be the entire project proposal nor should they be the majority. Again this cycle, the Fund explicitly recognizes the value of programs serving neighborhoods (geographically defined) and communities (shared interests, not bound to one location), as well as those for individuals and families.

The Fund will not provide general support for organizations.

The CCFP will focus on measurable outcomes for individuals, families, neighborhoods, and communities, rather than on types of services or particular populations of clients. When appropriate, these outcomes should be long lasting and measurable to advance the human services goal asserted by the Board of Supervisors in the county's 2007 Comprehensive Plan.

Significant changes have not been recommended in this funding cycle because it is likely that several components of the Funding Pool will be addressed in the Fiscal Year 2015-2016 cycle once the county human services outcome priorities have been determined. However, two changes were recommended. First, the CCFAC made "outcomes" the lead statement for each priority category and eliminated the term "description" to show that emphasis has been placed on outcomes for the Fiscal Year 2013-2014 process. Therefore, the proposals should emphasize the outcome expected as opposed to identifying services that are being provided within that specific priority category. Secondly, "Long-Term Supportive Services" was recommended as a replacement title for the "Ongoing Assistance" category.

Staff will continue to investigate operational/procedural changes that may add value to the current funding pool process as part of efforts to increase the community capacity to respond to critical needs. The CCFP will also continue to work with contract recipients to strengthen their internal management and program outcome evaluation capacities.

The attachment describes four recommended priorities, the outcomes to be achieved, target funding ranges, and service examples.

**RECOMMENDED PRIORITIES FOR THE
CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)
for Fiscal Years 2013-2014**

I. PREVENTION

Outcome: Families and individuals remain independent and have the tools and resources to prevent future dependence. Communities increase their ability to support their members in preventing dependence.

Services in this category are intended to help those who are at risk of falling into but are not yet in situations which would require significant, multiple, or ongoing interventions or services. Those who are repeatedly falling into difficulties generally need more extensive and complex services than “prevention.” This category also includes community and neighborhood development programs that provide early and positive public engagement to identify emerging problems and solutions and develop community-based prevention activities.

Target Funding Range: 10-20%

Service Examples (may include some of the following examples, but not limited to):

- Mentoring programs for youth, adults, and families
- Conflict resolution and anger management training and counseling
- After-school or other programs that provide positive alternatives to risky behavior
- Courses that teach language or culture to help groups interact positively
- Life skills and healthy choices programs
- Financial literacy/management training and counseling to foresee and prevent financial crises
- Health fairs and health screening clinics, dental clinics; inoculations, nutrition education
- Community or neighborhood need/asset assessments to engage local resources for implementing community-based prevention programs

II. CRISIS INTERVENTION

Outcome: Individuals, families, or communities in crisis overcome short-term problems (generally not more than three months) and quickly move back to independence.

Services in this category assist individuals and families that need (due to personal or social crises such as those related to the economic downturn of 2008-09, a health crisis, or temporary disability) short-term or one-time assistance with basic needs (food, shelter, transportation, counseling) to avoid falling more deeply into dependency on public support. In addition, providers of these programs should conduct initial assessments or referrals to identify longer term or chronic issues and steer recipients toward resources to address these more complex problems. This category would not cover ongoing services to address more chronic conditions such as illiteracy, substance abuse, long-term poverty, ongoing illness, or permanent disability.

Target Funding Range: 15-25%

Service Examples:

- Food pantry
- Utility payments
- Rental assistance

**RECOMMENDED PRIORITIES FOR THE
CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)
for Fiscal Years 2013-2014**

- Financial counseling
- Furniture collection and distribution
- Disaster response
- Services to victims of domestic violence and their families
- Emergency medical assistance, including emergency counseling and pharmaceutical assistance
- Provision of temporary or emergency shelter to the homeless

III. SELF-SUFFICIENCY

Outcome: Families, individuals, neighborhoods, and communities attain self-sufficiency over a period of three months to three years.

Services in this category recognize that many social problems are complex in origin and require complex intervention. Sophisticated assessment, coordination, collaboration, and case management are generally required to provide these services effectively. Individuals, families, neighborhoods, and communities served have long-term but not permanent problems. Services in this category may link to prevention services, but should not be confused with them. This category should not include emergency short-term (category II) or ongoing needs (category IV) services for individuals or families.

Target Funding Range: 45-55%

Service Examples:

- Evaluation of long-term needs
- Development of a comprehensive plan to achieve self-sufficiency, which may include phased services and/or referrals
- Acquiring/preserving/rehabilitating/constructing affordable, accessible, and stable housing with accessible supportive social services
- Transition assistance requiring involvement with individuals or families over a period of more than three months
- Employment training/job skills/awareness of economic opportunities
- Primary medical/dental services
- Counseling services
- Trauma recovery
- Adult education
- Language and cross-cultural assistance
- Child care to help parents stay employed
- Legal services
- Transportation to provide access to existing programs or services

**RECOMMENDED PRIORITIES FOR THE
CONSOLIDATED COMMUNITY FUNDING POOL (CCFP)
for Fiscal Years 2013-2014**

- Financial asset formation
- Services for homeless families and individuals, including homeless youth

IV. LONG-TERM SUPPORTIVE SERVICES

Outcome: Individuals who have continuing long-term needs and who therefore may not become self-sufficient, achieve and/or maintain healthy, safe, and independent lives to the maximum extent possible.

Services in this category meet the needs of individuals who, because of age or other permanent conditions, will need ongoing help and likely will never achieve self-sufficiency. It may be difficult to initially assess whether an individual or family needs services from this category, as compared to another category. Indeed, those receiving ongoing services may also benefit from preventive programs, require emergency services, or move from dependence to self-sufficiency in some areas of their lives while needing ongoing assistance in others. Programs to help neighborhoods or communities address growing ongoing supportive service needs within the community would also fall into this category.

Target Funding Range: 10-20%

Service Examples:

- Affordable, accessible, and stable long-term housing with supportive social services
- Services to assist individuals transitioning from institutional to home or community-based care
- Personal assistance with routine tasks
- Transportation to medical appointments
- Social environments for isolated individuals
- Home health visits
- Individual and family counseling
- Respite services to help caregivers
- Nutrition assistance
- Supportive employment

*Capital Projects from the Community Development Block Grant
may be awarded in multiple categories (generally self-sufficiency and long-term supportive services)
independently of the target funding percentage.*

#

Board Agenda Item
July 12, 2011

ACTION - 4

Adoption of a Resolution for the Industrial Development Authority to Issue Health Care Revenue Bonds (Inova Health System Project)

ISSUE:

Board adoption of a resolution approving the issuance by the Industrial Development Authority (the "IDA") of Fairfax County of its Health Care Revenue Bonds (Inova Health System Project) Series 2011, to be issued in one or more series (the "Bonds"), in an aggregate principal amount not to exceed \$60,000,000. The Bonds will bear interest at a fixed rate or rates.

RECOMMENDATION:

The County Executive recommends that the Board approve the issuance of the Bonds by adopting the resolution that is set forth as Attachment 1 (the "County Resolution").

TIMING:

Board action is requested on July 12, 2011, so that Inova may proceed to sell and close the Bonds in a manner which will permit it to take advantage of favorable market conditions.

BACKGROUND:

Board approval of the proposed issuance of the Bonds is required by County Ordinance adopted October 28, 1974. Proceeds of the Bonds will be used by Inova Health System Foundation and its affiliates ("Inova") primarily to refund a portion of the following series of Bonds and to pay costs of issuance. The bonds to be refunded include: (i) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Obligation Revenue Bonds (Fairfax Hospital System, Inc.), Series 1988A, 1988B, 1988C and 1988D, (ii) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Health Care Revenue Bonds (Inova Health System Project), Series 2000, and (iii) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health Care System Project), Series 2005A and 2005C (collectively, the "Prior Bonds") The portion of the Prior Bonds to be refinanced are principal payments coming due from 2012 through 2017. The issuance of the Bonds and the refunding of the Prior Bonds is being done for the purpose of reducing Inova's variable rate debt exposure and to take advantage of favorable fixed rates for shorter maturities.

The financing is for refunding only (no new money) and will not result in an extension of the weighted average maturity of the debt being refinanced. The Bonds will also be

Board Agenda Item
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supported by a debt service reserve fund for the Bonds if in the opinion of Inova at the time of the sale of the Bonds a debt service reserve fund is warranted.

Attachment 2 is a copy of the resolution adopted by the IDA on June 21, 2011, (the "IDA Resolution"), constituting the recommendation of the IDA that the Board approve the issuance of the Bonds.

Upon adoption of the County Resolution, the Chairman of the Board of Supervisors and the County Executive will be authorized to execute a letter evidencing the approval of the Board of the issuance of the Bonds. No further action will be required of the Board for the issuance of the Bonds.

As set forth in the Economic Impact Statement (Attachment 3 hereto), the issuance of the Bonds is expected to have no incremental economic fiscal impact. This action does not constitute a debt obligation of the County or the Board. The Bonds will be entirely supported by the revenues of Inova.

FISCAL IMPACT:

None. The bonds are not a debt of Fairfax County and therefore will have no fiscal impact.

ENCLOSED DOCUMENTS:

The following documents are attached in substantially final form:

Attachment 1 -County Resolution Approving the Issuance of the Bonds
Attachment 2 - Series Resolution of the IDA
Attachment 3 - Economic Impact Statement

STAFF:

Susan Datta, Chief Financial Officer
Leonard P. Wales, County Financing Advisor

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, July 12, 2011, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA APPROVING, AMONG OTHER THINGS, A PLAN OF FINANCING AND THE ISSUANCE OF NOT EXCEEDING \$60,000,000 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT) SERIES 2011; AND DELEGATING CERTAIN POWERS TO THE COUNTY EXECUTIVE

WHEREAS, Fairfax County, Virginia (the “County”) is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

WHEREAS, on October 28, 1974, the Board of Supervisors of Fairfax County, Virginia (the “Board”) adopted by ordinance (the “Ordinance”) an emergency amendment to the 1961 Code of the County of Fairfax, Virginia, as amended, providing a new Chapter 15F creating the Industrial Development Authority of Fairfax County, Virginia (the “Authority”) and appointing the initial members thereof and said Ordinance having been duly readopted on December 9, 1974, as required by law; and

WHEREAS, the Ordinance authorizes the Authority to exercise all the powers granted by the Industrial Development and Revenue Bond Act, being Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), including the power to issue revenue bonds of the Authority for the purpose of providing funds to pay the cost of certain projects required or useful for health care purposes; and

WHEREAS, Inova Health Care Services (“Inova Health Care”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Fairfax Hospital (“Inova Fairfax Hospital”), Inova Fair Oaks Hospital (“Inova Fair Oaks Hospital”) and Inova Mount Vernon Hospital (“Inova Mount Vernon Hospital”) located in Fairfax County, Virginia; and

WHEREAS, Inova Alexandria Health Services Corporation (“Alexandria Health Services”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Alexandria Hospital (“Inova Alexandria Hospital”) located in the City of Alexandria, Virginia; and

WHEREAS, Loudoun Hospital Center (“Inova Loudoun Hospital”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of

the Commonwealth of Virginia, which operates Inova Loudoun Hospital located in Loudoun County, Virginia; and

WHEREAS, Inova Health System Foundation (“Inova”) is the controlling member of Inova Health Care, Inova Health System Services, Alexandria Health Services, Inova Alexandria Hospital, Loudoun Healthcare, Inc. (“Loudoun”) and Inova Loudoun Hospital (collectively with Inova, the “Inova Obligated Group”); and

WHEREAS, the Authority has previously issued its (i) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Obligation Revenue Bonds (Fairfax Hospital System, Inc.), Series 1988A, 1988B, 1988C and 1988D, (ii) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Health Care Revenue Bonds (Inova Health System Project), Series 2000, and (iii) Industrial Development Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health Care System Project), Series 2005A and 2005C (collectively the “Prior Bonds”); and

WHEREAS, the Authority has, by resolution adopted on June 21, 2011 (the “Authority Resolution”), approved a plan of financing and refinancing (the “Plan of Financing”) which will entail the issuance by the Authority from time to time of one or more series of its revenue bonds (the “Bonds”), in an aggregate principal amount not exceeding \$60,000,000 for the purpose of providing funds to (a) refund all or any portion of the Prior Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds; and

WHEREAS, the Authority has delivered or caused to be delivered to the Board the following: (i) a fiscal impact statement concerning the Bonds in the form specified in Section 15.2-4907 of the Act; and (ii) a copy of the Authority Resolution setting forth the recommendation of the Authority that the Board approve the Plan of Financing and the issuance of the Bonds; and

WHEREAS, the Board has determined that it is necessary at this time to approve the Plan of Financing, including the issuance of the Bonds, in an aggregate principal amount not exceeding \$60,000,000 outstanding at any one time, to promote the improvement of the health and living conditions of the people of the County and the Commonwealth of Virginia, improve health care and otherwise aid in improving the prosperity and welfare of the County and the Commonwealth of Virginia and its inhabitants;

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

Section 1. The Board hereby approves the Plan of Financing, including the issuance by the Authority of the Bonds in one or more series in an aggregate principal amount not exceeding Sixty Million Dollars (\$60,000,000) for the purpose of providing funds to (a) undertake the refunding of all or any portion of the Prior Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund

is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds.

Section 2. The Chairman of the Board of Supervisors and the County Executive or his designee are hereby authorized and directed, on behalf of the Board, to take any and all actions necessary, including the execution of any documents, to carry out the Plan of Financing and to consummate the issuance and sale of the Bonds in conformity with the provisions of this resolution.

Section 3. The approval of the Plan of Financing and the issuance of the Bonds and the refunding of all or any portion of the Prior Bonds, as required by the Ordinance, does not constitute an endorsement to any prospective purchaser of the Bonds of the creditworthiness of Inova, or any of its affiliates, and, as required by the Act, the Bonds shall provide that neither the Commonwealth of Virginia, the County nor the Authority shall be obligated to pay the principal of, the redemption premium, if any, or the interest on the Bonds or other costs incident thereto except from the revenues and funds pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

Section 4. The approval by the Board of the Plan of Financing, including the issuance by the Authority of the Bonds in one or more series and the refunding of all or a portion of the Prior Bonds as provided herein, does not constitute the granting of approval for purposes of, or the waiver or rights, or rights of approval, with respect to any other regulatory functions of the County concerning any of the facilities financed or refinanced with the proceeds of the Bonds that lie within the County, including but not limited to permits, zoning, and availability fees.

Section 5. This Resolution shall take effect immediately.

A Copy Teste:

Nancy Vehrs
Clerk to the Board of Supervisors

SERIES RESOLUTION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA AUTHORIZING, AMONG OTHER THINGS, THE ISSUANCE OF INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA HEALTH CARE REVENUE BONDS (INOVA HEALTH SYSTEM PROJECT), SERIES 2011 TO BE ISSUED IN ONE OR MORE SERIES

WHEREAS, the Industrial Development Authority of Fairfax County, Virginia (the "Authority") is a political subdivision of the Commonwealth of Virginia and is authorized under Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to enter into loan agreements, contracts, deeds and other instruments for the purpose of financing or refinancing certain facilities, including medical facilities and other facilities owned and operated or used by organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to the end that the Authority may protect and promote the health and welfare of the inhabitants of the Commonwealth of Virginia, and to issue its revenue bonds for the purpose of carrying out any of its powers; and

WHEREAS, Inova Health Care Services ("Inova Health Care") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Fairfax Hospital ("Inova Fairfax Hospital"), Inova Fair Oaks Hospital ("Inova Fair Oaks Hospital") and Inova Mount Vernon Hospital ("Inova Mount Vernon Hospital") located in Fairfax County, Virginia; and

WHEREAS, Inova Alexandria Health Services Corporation ("Alexandria Health Services") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Alexandria Hospital ("Inova Alexandria Hospital") located in the City of Alexandria, Virginia; and

WHEREAS, Loudoun Hospital Center ("Inova Loudoun Hospital") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Loudoun Hospital located in Loudoun County, Virginia; and

WHEREAS, Inova Health System Foundation ("Inova") is the controlling member of Inova Health Care, Inova Health System Services ("Services"), Alexandria Health Services, Alexandria Hospital, Loudoun Healthcare, Inc. ("Loudoun") and Inova Loudoun Hospital (collectively with Inova, the "Inova Obligated Group"); and

WHEREAS, the Authority has previously issued its (i) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Obligation Revenue Bonds (Fairfax Hospital System, Inc.), Series 1988A, 1988B, 1988C and 1988D, (ii) Industrial Development Authority of Fairfax County, Virginia, Variable Rate Demand Health Care Revenue Bonds (Inova Health System Project), Series 2000, and (iii) Industrial Development

Authority of Fairfax County, Virginia, Health Care Revenue Bonds (Inova Health Care System Project), Series 2005A and 2005C (all collectively, the "Prior Bonds"); and

WHEREAS, the Authority has been requested by Inova to issue its Health Care Revenue Bonds (Inova Health System Project) Series 2011 to be issued from time to time in one or more series (collectively, the "Bonds") for the purpose of providing funds to undertake any or all of the following: (a) refund all or any portion of the Prior Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; and (c) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds (collectively, the "Plan of Financing"); and

WHEREAS, the Board of Directors (the "Board") of the Authority has determined that the issuance of the Bonds will accomplish the purposes of the Act and promote the safety, health, welfare, convenience and prosperity of the inhabitants of the Commonwealth of Virginia and Fairfax County and surrounding areas; and

WHEREAS, there have been presented at this meeting draft copies of the following documents relating to the issuance of the Bonds:

(a) the Trust Agreement, dated as of July 1, 2011 (together with similar Trust Agreements as may be necessary to provide for the issuance of the Bonds in more than one series, collectively, the "Trust Agreement"), between the Authority and U.S. Bank National Association, as Bond Trustee (the "Bond Trustee"), securing the Bonds; and

(b) the Loan Agreement, dated as of July 1, 2011 (together with similar Loan Agreements as may be necessary to provide for the issuance of the Bonds in more than one series, collectively, the "Loan Agreement", and together with the Trust Agreement and other documents delivered in connection with the issuance of the Bonds, the "Financing Documents"), between the Authority and Inova, relating to the Bonds;

WHEREAS, the Authority has determined that adequate provision has been made for the payment of the principal and purchase price (if applicable) of, redemption premium, if any, and interest on the Bonds; and

WHEREAS, the Authority hereby finds that the use of the proceeds of the Bonds to refund all or any portion of the Prior Bonds will accomplish the public purposes set forth in the Act; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA DOES HEREBY RESOLVE, AS FOLLOWS:

Section 1. Capitalized words and terms used in this Series Resolution and not defined herein shall have the same meanings in this Series Resolution as such words and terms are given in the Trust Agreement or the Loan Agreement.

Section 2. Pursuant to the authority granted to it by the Act, the Authority hereby authorizes the issuance of the Bonds in one or more series, in an aggregate principal amount not to exceed \$60,000,000.

The Bonds shall be issued as fully registered bonds in denominations permitted by the provisions of the Trust Agreement. The Bonds shall be issuable in book-entry form, as provided in the Trust Agreement. The Bonds shall bear interest at fixed or variable rates of interest as provided in the Trust Agreement. Interest on the Bonds shall be payable on each interest payment date, as provided in the Trust Agreement. Payments of principal of and interest on the Bonds shall be made by the Bond Trustee to the registered owners of the Bonds in such manner as is set forth in the Trust Agreement.

Section 3. The Bonds shall be subject to optional, extraordinary optional and mandatory redemption, and purchase, at the times, upon the terms and conditions, and at the prices set forth in the Trust Agreement.

Section 4. The Board hereby delegates to the Chairman of the Authority or, in his absence, the Vice Chairman of the Authority, subject to the limitations and guidelines contained herein, the power to determine and carry out the following with respect to the Bonds:

(A) To determine the aggregate principal amount of the Bonds, not to exceed \$60,000,000, to be sufficient for the purposes described in the preambles to this Series Resolution;

(B) To determine the maturities and maturity amounts of, and the Sinking Fund Requirements for, the Bonds, respectively, no such maturity to extend beyond December 31, 2021;

(C) To approve the sale of the Bonds in accordance with the provisions of Section 8 of this Series Resolution;

(D) To determine any other terms or provisions for the Bonds deemed advisable and not in conflict with the terms and provisions of this Series Resolution.

The execution and delivery of the Trust Agreement and the Loan Agreement pursuant to Section 6 of this Series Resolution, shall be conclusive evidence of the determinations or other actions taken by the Chairman of the Authority or, in his absence, the Vice-Chairman pursuant to the authority granted in this Series Resolution.

Section 5. The proceeds of the Bonds shall be applied as provided in Section 2.07 of the Trust Agreement and in a closing certificate of the Authority.

Section 6. The forms, terms and provisions of the Trust Agreement and the Loan Agreement are hereby approved in all respects, and the Chairman or Vice-Chairman and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute and deliver the Trust Agreement and the Loan Agreement in substantially the forms presented to this meeting, together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate, including but not limited to changes,

modifications and deletions necessary to incorporate the final terms of the Bonds and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

Section 7. The form of the Bonds set forth in the Trust Agreement are hereby approved in all respects, and the Chairman or Vice-Chairman and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute, by manual or facsimile signature, as provided in such forms of the Bonds, and to deliver to the Bond Trustee for authentication on behalf of the Authority, the Bonds in definitive form, which shall be in substantially the forms presented to this meeting together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary, appropriate and consistent with the Trust Agreement; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

Section 8. The Authority hereby approves the sale of the Bonds to the purchaser thereof as identified in the Trust Agreement, the Bonds or other documents entered into in connection with the delivery of the Bonds at a price of not less than ninety-seven percent (97.00%) of the principal amount of the Bonds.

Section 9. Upon their execution in the forms and manner set forth in the Trust Agreement, the Bonds shall be deposited with the Bond Trustee for authentication, and the Bond Trustee is hereby authorized and directed to authenticate the Bonds and, upon the due and valid execution of the Trust Agreement, the Loan Agreement and the other Financing Documents, the Bond Trustee shall deliver the Bonds to the purchaser thereof against payment therefor, subject to the provisions of Section 2.07 of the Trust Agreement.

Section 10. The official statement or other offering document (“Official Statement”) (if any) used in connection with the issuance of the Bonds is hereby approved and the Chairman or Vice-Chairman is hereby authorized to execute, on behalf of the Authority, one or more Official Statements together with such changes, modifications and deletions as the Chairman or Vice-Chairman, with the advice of counsel, may deem necessary or appropriate; and such execution shall be conclusive evidence of the approval thereof by the Authority. The Authority hereby authorizes execution of one or more certificates relating to the “deemed final” status of the Official Statement (or preliminary official statement if so prepared) under Rule 15c2-12 of the Securities Exchange Act of 1934, as amended. The Authority hereby approves and authorizes the distribution and use of copies of the Official Statement (including a preliminary official statement, if any), the Trust Agreement, the Loan Agreement and the other Financing Documents in connection with such sale.

Section 11. U.S. Bank National Association, Richmond, Virginia, is hereby appointed Bond Trustee for the Bonds.

Section 12. Charles R. Rainey, Jr., Chairman of the Authority, Marcus B. Simon, Vice-Chairman of the Authority and Robert Surovell, Secretary of the Authority, are each hereby appointed an Authority Representative, with full power to carry out the duties set forth in the Trust Agreement and the Loan Agreement.

Section 13. The Chairman, the Vice-Chairman, the Secretary and any Assistant Secretary of the Authority are authorized and directed (without limitation except as may be expressly set forth herein) to take such action and to execute and deliver any such documents, certificates, undertakings, agreements, letters of instructions, tax regulatory agreements, escrow agreements, or other instruments, including any such documents, certificates, undertakings, agreements, letters of instructions, tax regulatory agreements, escrow agreements, amendments or supplements to any Financing Document, remarketing memorandum, or other instruments to be entered into by the Authority in connection with the issuance of the Bonds and the redemption or purchase of all or a portion of the Prior Bonds and the retirement and cancellation thereof, as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Trust Agreement, the Loan Agreement and such execution and delivery shall be conclusive evidence of the authorization and approval thereof by the Authority.

Section 14. All costs and expenses in connection with the Plan of Financing and the issuance of the Bonds, including the fees and expenses of bond counsel, shall be paid from the proceeds of the Bonds to the extent permitted by law. If for any reason the Bonds are not issued, it is understood that all such expense shall be paid by Inova and that the Authority shall have no responsibility therefor.

Section 15. The Authority hereby recommends that the Board of Supervisors of Fairfax County, Virginia approve the Plan of Financing and the issuance of the Bonds.

Section 16. This Series Resolution shall take effect immediately upon its passage.

CERTIFICATE

The undersigned Chairman of the Industrial Development Authority of Fairfax County, Virginia (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on June 21, 2011, in accordance with law, with a quorum present and acting throughout, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

Dated: June 21, 2011



Chairman of Industrial Development
Authority of Fairfax County, Virginia

**FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING***

Date: June 21, 2011

To the Board of Supervisors
of Fairfax County, Virginia

Applicant: Inova Health System Foundation and Affiliates
Facility: Refunding Bonds Related to Health Care Facilities In Fairfax County

1.	Maximum amount of financing sought.	\$60,000,000
2.	Estimated taxable value of the facility's real property to be constructed in the locality.	0
3.	Estimated real property tax per year using present tax rates.	0
4.	Estimated personal property tax per year using present tax rates.	0
5.	Estimated merchants' capital tax per year using present tax rates.	0
6.	(a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.	0
	(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.	0
	(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.	0
	(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.	0
7.	Estimated number of regular employees on year round basis.	0
8.	Average annual salary per employee.	0



Chairman, Industrial Development Authority
of Fairfax County, Virginia

* Proposed bond financing re-finances previously financed projects in its entirety and therefore no incremental economic fiscal impact is anticipated

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ACTION - 5

Authorization to Terminate the Agreement with the Town of Herndon to Share Expenses and Space for the Herndon Neighborhood Resource Center (Dranesville District)

ISSUE:

Board authorization is requested to terminate an agreement between the Town of Herndon (Town) and Fairfax County, dated July 23, 1998 ("Agreement"), to share space and provide services to mutual residents at the Herndon Neighborhood Resource Center (HNRC). The HNRC is a small community-based center serving the Herndon area. Upon termination of the Agreement, the Town will no longer share the space with the County or provide services. As part of the FY 2012 Adopted Budget Plan, the County will assume full operational and financial responsibility for the HNRC. The County intends to terminate the Agreement concurrently with the commencement of a new lease with the landlord for the HNRC space ("the Landlord") and will continue to provide community services from the location.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to execute an amendment to the Agreement, substantially in the form of the attached Third Agreement Amendment ("Amendment") to terminate the Agreement. Termination shall be effective upon the commencement date of a new lease between the County and the Landlord, which is expected to occur on or about October 1, 2011.

TIMING:

Immediate action is requested to allow for operational transition planning to proceed toward implementation, including the establishment of a new lease with the County as the sole tenant and completion of the contract process necessary to establish a contract with a non-profit community organization for the management of the HNRC.

BACKGROUND:

The Herndon Neighborhood Resource Center opened in July of 1999 as a collaborative effort of the Town of Herndon and Fairfax County. The HNRC is located at 1086 Elden Street, Herndon, Virginia within the Dulles Park Shopping Center. The Town of Herndon and Fairfax County entered into the Agreement to share space in the Dulles Park Shopping Center for location of offices and provision of respective neighborhood resources and services to their mutual residents. The County and the Town share expenses for the HNRC as stated in the Agreement. The HNRC offers integrated

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services for children, youth and adults, including physical and mental health services, public safety outreach, after school recreation and technology programming and legal services. It is within walking distance to many of the neighborhoods in the Dulles Park/Alabama Drive area and located on the Fairfax Connector bus route 950.

The Town originally entered into a lease agreement for the HNRC location, as the sole tenant, and, under the terms of the Agreement, granted a license to the County to share use of the space. Both the Agreement and the existing lease agreement with the Landlord for the HNRC space expire on September 30, 2012. The Town intends to obtain mutual agreement of the Landlord to terminate the Lease, effective upon the commencement date of a new lease between the County and the Landlord. The County has commenced negotiations with the Landlord, to establish a new lease with the Board of Supervisors as the sole tenant.

The Amendment identifies October 1, 2011, as the planned new lease commencement date, in order to allow sufficient time to establish a new lease and ensure smooth transition of services and operations at the HNRC. In addition to terminating the Agreement, the attached Amendment provides that ownership of trade fixtures in the HNRC space shall transfer to the County as stated in the Amendment. An exhibit describing the trade fixtures will be mutually agreed to by the County and Town staff and incorporated by reference in the Amendment. In addition, an exhibit identifying other County owned furnishings that shall remain in the space will be attached to the Amendment.

County staff has submitted the attached Amendment to the Herndon Town Attorney for consideration by the Town Council for approval. After authorization by the Board to terminate the Agreement and mutual agreement by the Town Council to such termination, the County Executive will execute an amendment, substantially in the form of the attached Amendment, to terminate the Agreement concurrently with commencement of a new lease for the HRNC space.

As part of the FY 2012 Adopted Budget Plan, the County will assume full operational and financial responsibility for the HNRC. The services provided are essential to meet prevention objectives of the County's Human Service system and the clients served by the HNRC with limited options and access to these services. County staff has developed a request for proposal to maintain the services in this community and to contract with a community based non-profit organization to oversee management and operations at the HNRC.

FISCAL IMPACT:

None. The FY 2012 Adopted Budget Plan provides sufficient funds for this action and no new funding is required.

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ENCLOSED DOCUMENTS:

Attachment A: Location Map

Attachment B: Agreement dated July 23, 1998 between the TOWN OF HERNDON, VIRGINIA, a municipal corporation (Town) and FAIRFAX COUNTY, VIRGINIA (County), as amended

Attachment C: Third Agreement Amendment

STAFF:

Patricia D. Harrison, Deputy County Executive, Office of the County Executive

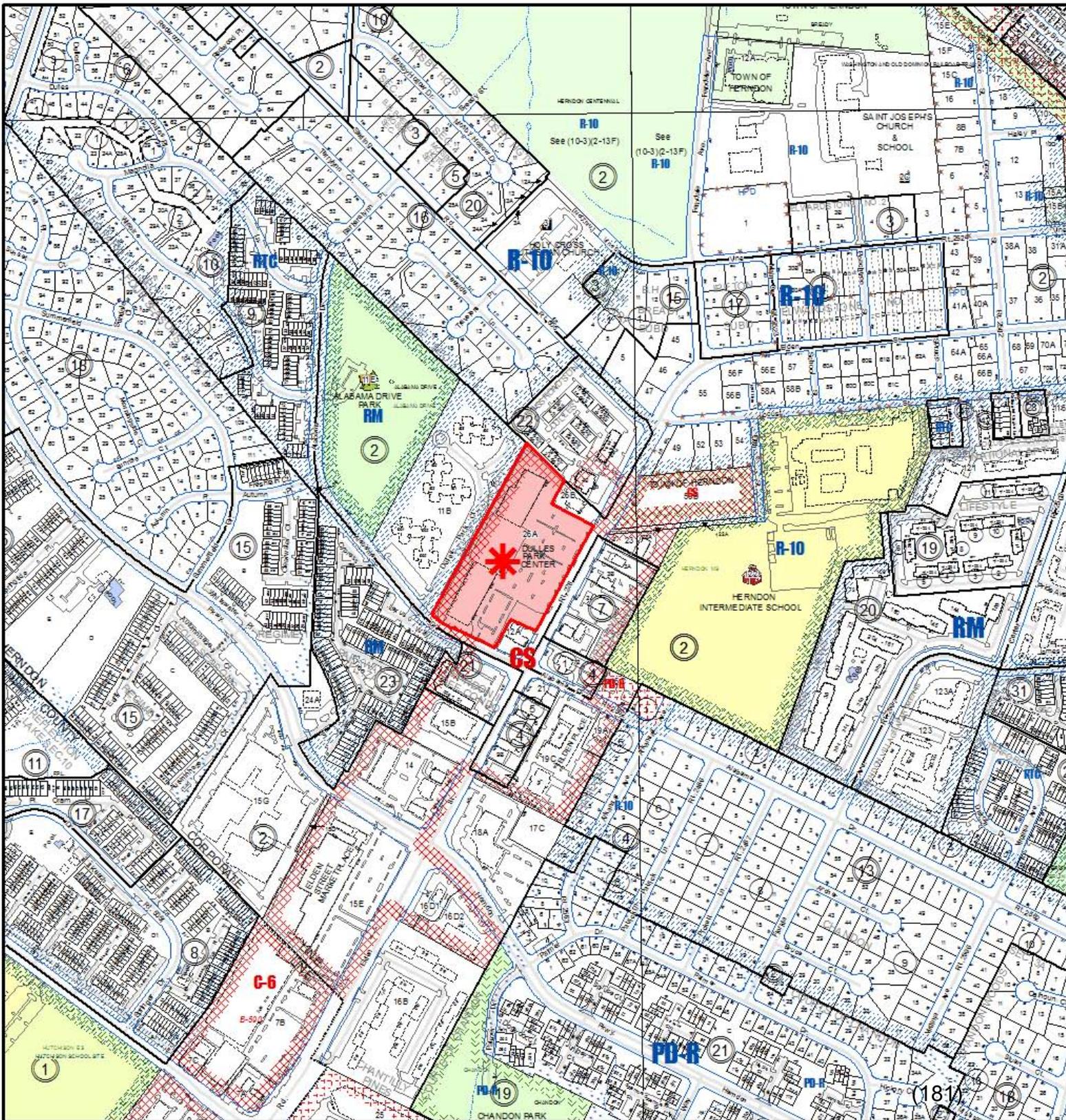
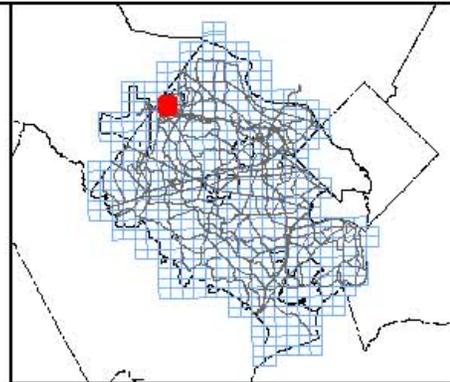
Christopher A Leonard, Director, Department of Neighborhood and Community Services

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1086 Elden Street Herndon, VA (With-in Dulles Park Shopping Center)

0 250 500 1,000 Feet



AGREEMENT

THIS Agreement dated this 23d day of July, 1998 between the TOWN OF HERNDON, VIRGINIA, a municipal corporation (Town), and FAIRFAX COUNTY, VIRGINIA (County).

P R O V I D E S:

In consideration of the mutual promises in this contract and of \$10 paid by each party to the other, the parties agree as follows:

1. Under § 15.2-1300, Code of Virginia (1950), as amended, the parties may jointly exercise "[a]ny power, privilege or authority." The parties are acting under that authority and propose to share space in the Dulles Park Shopping Center, Town of Herndon, Fairfax County, Virginia for location of offices for their provision of respective neighborhood resources services to their mutual citizens in a joint Neighborhood Resources Center. The parties enjoy the powers to provide the respective services described in this agreement.

2. Town shall lease from Dulles Park Shopping Center, LLC, Trustee (Dulles Park) approximately 6,750 square feet of space for governmental offices. This lease is entitled "Shopping Center Lease", is dated June 1, 1998; and may be referred to here as the lease. The term of the lease shall be three fiscal years from the earlier of the date Town opens the leased premises for the Neighborhood Resources Center or September 13, 1998, with right to renew for two additional one fiscal year terms. The space which Town shall lease (leased premises) is described with cross-hatched lines on Exhibit A, attached and incorporated by reference.

3. Town shall pay to Dulles Park as rent and other consideration for the

Attachment A

leased premises and common area \$13 per square foot for the first fiscal year, with a three percent annual escalator over the remaining two fiscal years, and over any remaining two separate option years that Town may exercise with County's written concurrence under this agreement. Common area maintenance charges, real estate taxes, insurance, and the like shall cost the Town \$2.58 per square foot per fiscal year. Electricity costs shall cost the Town an additional \$2.00 per square foot per fiscal year. Total annual Town operating costs shall be \$127,500, plus \$9,600 per fiscal year for water, sanitary sewerage, and custodial services.

The lease provides that Dulles Park shall deliver the leased premises to Town in a "turn-key" condition. A "turn-key" condition means: finished perimeter and interior walls (spackled and painted); floor level and smooth with Town's floor covering installed (\$12 per yard allowance for this item from Dulles Park); ceiling tiles and fluorescent lights in place; minimum required ADA accessible restrooms installed per building code; heating, ventilating and air conditioning system installed, with a new twenty-ton unit and related duct work; and new rear doors (if necessary), and new windows (\$7,500 allowance for this last item from Dulles Park). In addition to these improvements provided or paid for by Dulles Park, Town shall expend \$100,000 for completion of the build-out, including interior partitions, interior office doors, and other specific renovations necessary to create the Neighborhood Resources Center.

The three fiscal year plus two option year leasing and operating expenses shall be \$637,096 and the build-out expenses shall be \$100,000. Town shall pay these expenses to Dulles Park, or to other providers (in the case of the build-out expenses). Subject to

appropriations, County shall pay to Town by November 1 of each fiscal year covered by this agreement dated July 23, 1998, \$74,000, consisting of one half of the yearly operating expenses, and one half of the build-out expenses divided by five (at zero percent interest).

4. Town shall be the lessee under the lease, which shall provide for County's use of the space for the Joint Neighborhood Resources Center. County shall not be a lessee under the lease.

5. Town and County shall equitably divide for their respective uses the leased premises as shown on Exhibit A. The Town shall provide these services in the leased premises: an office for the Town's Neighborhood Resources Coordinator; a meeting place for the Herndon Police Community Resource Team (bike patrol) to conduct community policing activities, for the Town's Citizen's Police Academy, and for the proposed neighborhood college; and an after school learning center for youth. The County shall provide these services in the leased premises: Health Department (including the Office of Women, Infants, and Children); Department of Family Services; and Office of Alcohol and Drug Services. In addition, the parties intend that the leased premises will accommodate classrooms for Vecinos Unidos/Neighbors United; English as a Second Language; and after school mentoring program; and perhaps space for the Hispanic Committee of Northern Virginia and Northern Virginia Family Services. The parties may provide additional or alternate services in the leased premises as long as these services are consistent with the lease.

6. This agreement is not a lease or a sublease. Rather, it constitutes a license granted by Town to County for County to use space that Town is leasing.

7. The term of this agreement shall be three fiscal years from the earlier of the date the Town opens the leased premises for the Neighborhood Resources Center or September 13, 1998. The parties may extend this agreement for two additional succeeding fiscal years, on written notice to each other.

8. The purpose of this agreement is to provide for the joint provision of separate or shared Town and County space for provision of neighborhood resource services for Town and County citizens.

9. (a) All of County's financial obligations under this agreement are subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations. In the event funds are not appropriated at the beginning of any fiscal year for the leasing of the leased premises, then this agreement shall terminate on the last day of the fiscal year for which appropriations were received. The County shall furnish the Town with written notice that funds were not appropriated by the Board of Supervisors at least sixty days prior to the beginning of the fiscal year involved. In the event funds are not appropriated, the County shall vacate the leased premises prior to the beginning of the next County of Fairfax fiscal year.

(b) This clause shall supersede any and all financial obligations imposed by any other provision of the lease and no subsequent amendment of the lease shall compromise the full legal implication of this section between the parties hereto.

10. The above parties may terminate this agreement upon the destruction of the leased premises by fire or other casualty. If the leased premises are partially destroyed so that a portion is usable, then the parties shall equitably prorate County's

payment obligation under this agreement in proportion to the portion of the leased premises still available to County and the duration of this physical condition.

11. Each party shall insure its own losses at all times during the term of this agreement. The County shall have no liability for any claims, suits or damages arising from the use of the premises by the Town and the Town shall have no liability for any claims, suits or damages arising from the use of the premises by the County.

12. The parties are not partners or joint venturers.

13. Upon termination of this agreement, Town shall own all trade fixtures on the leased premises and each party shall own its other respective property placed in the leased premises.

TOWN OF HERNDON, VIRGINIA

by: Thomas Davis Rust
Thomas Davis Rust, Mayor

ATTEST:

David Wellerstark
Town Clerk

FAIRFAX COUNTY, VIRGINIA

by: Katherine K. Hanley
Katherine K. Hanley
Chairman

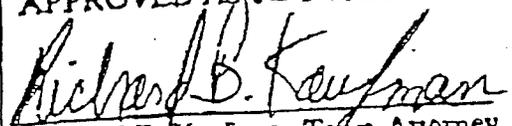
ATTEST:

Nancy Vetro
Clerk of the Board

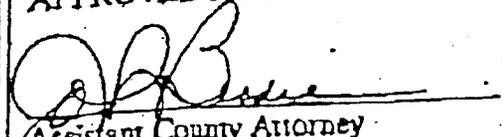
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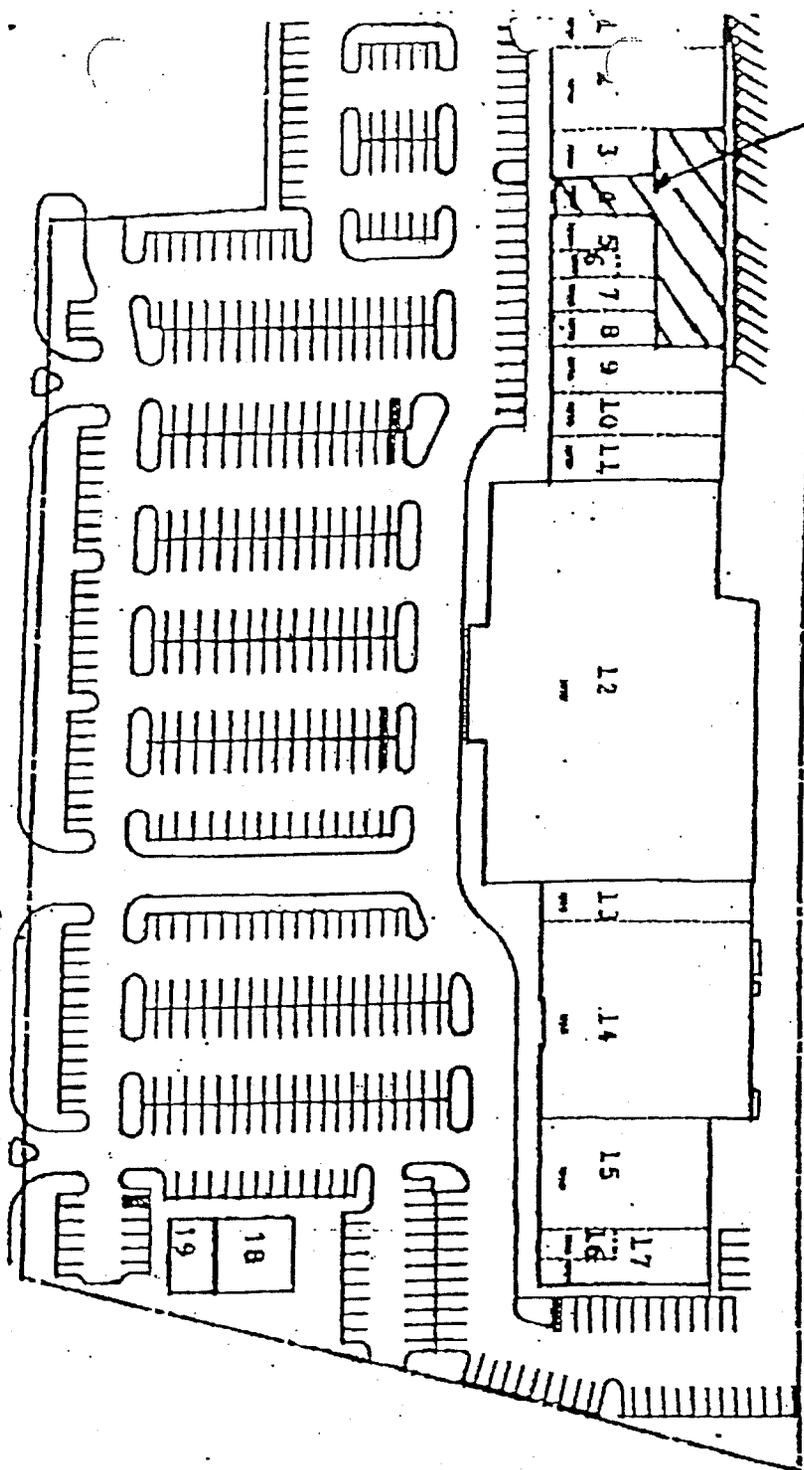
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APPROVED AS TO FORM:

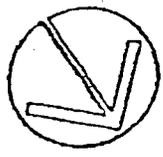

Richard B. Kaufman, Town Attorney

APPROVED AS TO FORM:


Assistant County Attorney



LEASING PLAN
SCALE: N.T.S.



SHEET A-1	DATE 3/8/96	DULLES PARK SHOPPING CENTER FAIRFAX COUNTY, VA. LEASING PLAN \$004.00	MRA ARCHITECTS 7310 FORDHOPE SUITE 100 DUNESIDE VA 22026-1111
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EXHIBIT A

Attachment A

AGREEMENT AMENDMENT

THIS AGREEMENT AMENDMENT dated August 14, 2001, by and between the Town of Herndon, Virginia, a municipal corporation ("Town"), and the County of Fairfax, Virginia ("County"), provides as follows:

1. By an Agreement (Attachment A) dated July 23, 1998, the Town and the County, pursuant to Va. Code Ann. § 15.2-1300 (Michie 1997), agreed to share space in the Dulles Park Shopping Center ("Shopping Center") at 1086 Elden Street in the Town of Herndon, Virginia, to provide neighborhood resource services to their mutual citizens in a joint Neighborhood Resources Center.
2. The Town and Dulles Park Shopping Center, L.L.C., Trustee ("Dulles Park"), entered into a Lease dated June 1, 1998, as amended by an Exhibit B dated June 1, 1998, a Notice of Possession dated June 25, 1998, and a Rider to Lease dated June 1, 1998 (collectively "the Lease"). Under the terms of the Lease, the Town rented 6,750 square feet in the Shopping Center from Dulles Park ("the Premises") for a term of three years beginning September 14, 1998, with an option to renew for two additional one-year terms.
3. Under the Lease, the Town paid the annual operating expenses and the build-out expenses to Dulles Park. Under the Agreement, the County paid \$74,000 per fiscal year to the Town for its use of half of the Premises, subject to appropriations by the Board of Supervisors of Fairfax County, Virginia ("the Board"), to satisfy the payment of such obligations.
4. By a Lease Amendment and Extension of Lease ("Lease Amendment") (Attachment B), effective July 23, 2001, the Town and Dulles Park amended and

extended the Lease to September 30, 2006; deleted Section 1 of Exhibit I of the Lease, which provided for the option to extend the Lease for two additional one-year periods; and provided for graduated minimum rent payments for the extended term of the Lease. All of the terms, covenants, and conditions of the Lease, unless modified by the Lease Amendment, remain in full force and effect.

5. Paragraphs 3 and 7 of the Agreement are also hereby amended to extend the term of the Agreement to September 30, 2006, and to provide for an annual payment of \$74,000 by the County to the Town for the use of the Premises for the extended term of the Agreement, subject to appropriations to be made by the Board to satisfy the payment of such obligations.
6. The terms, covenants, and conditions of the Agreement remain in full force and effect, except as specifically modified by this Agreement Amendment.

IN WITNESS WHEREOF, the Town and the County have caused this Agreement Amendment to be executed as of the date first hereinabove written.

TOWN OF HERNDON, VIRGINIA

By: THOMAS DAVIS RUST
Thomas Davis Rust, Mayor

Attest:

W. W. Wellerhaus

Town Clerk

Approved as to form:

Richard B. Kaufman
Town Attorney

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

Thomas Davis Rust, the Mayor of the Town of Herndon, Virginia, acknowledged the foregoing Agreement Amendment before me this 1st day of November 2001.

Victoria W. Wellershaus
Notary Public

My Commission Expires:

Embossed Hereon Is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires September 30, 2002
VICTORIA L. WELLERSHAUS

COUNTY OF FAIRFAX, VIRGINIA

By: Katherine K. Hanley
Katherine K. Hanley, Chairman
Board of Supervisors of Fairfax County,
Virginia

STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

Katherine K. Hanley, the Chairman of the Board of Supervisors of Fairfax County Virginia, acknowledged the foregoing Agreement Amendment before me this 7th day of November 2001.

Charles A. Selzer
Notary Public

My Commission Expires: July 31, 2003

SECOND AGREEMENT AMENDMENT

THIS SECOND AGREEMENT AMENDMENT dated June 16 2005, by and between the Town of Herndon, Virginia, a municipal corporation ("Town"), and the County of Fairfax, Virginia ("County"), provides as follows:

1. By an Agreement dated July 23, 1998, as amended by Agreement Amendment dated August 14, 2001 (together, Agreement) (Attachment A), the Town and the County, pursuant to Va. Code Ann. § 15.2-1300 (2003), agreed to share space in the Dulles Park Shopping Center ("Shopping Center") at 1086 Elden Street in the Town of Herndon, Virginia, to provide neighborhood resource services to their mutual citizens in a joint Neighborhood Resources Center.
2. The Town and Dulles Park Shopping Center, L.L.C., Trustee ("Dulles Park"), entered into a Lease dated June 1, 1998, as amended by an Exhibit B dated June 1, 1998, a Notice of Possession dated June 25, 1998, and a Rider to Lease dated June 1, 1998 (collectively "the Lease") (Attachment B). Under the terms of the Lease, the Town rented 6,750 square feet in the Shopping Center from Dulles Park ("the Premises") for a term of three years beginning September 14, 1998, with an option to renew for two additional one-year terms.
3. Under the Lease, the Town paid the annual operating expenses and the build-out expenses to Dulles Park. Under the Agreement, the County paid \$74,000 per fiscal year to the Town for its use of half of the Premises, subject to appropriation by the Board of Supervisors of Fairfax County, Virginia, to satisfy the payment of such obligations.

OWN OF HERNDON
Attorney's Office
730 Elden Street
P.O. Box 427
Herndon, Virginia
20172-0427

03-787-7370 phone
703-435-1034 fax

4. By a Lease Amendment and Extension of Lease effective July 23, 2001 (Attachment C), the Town and Dulles Park amended and extended the Lease to September 30, 2006; deleted Section 1 of Exhibit I of the Lease, which provided for the option to extend the Lease for two additional one-year periods; and provided for graduated minimum rent payments for the extended term of the Lease.
5. By the Lease Modification Agreement dated April 1, 2005 (Attachment D), the Town and Dulles Park amended the Lease to increase the square footage rented in the Shopping Center by 919 square feet, to 7,669 square feet; to extend the terms of the Lease through September 30, 2012; and to increase the rent accordingly to \$15.75/sq. foot per year with a 3% per year escalation as set out in the Lease Modification Agreement. Dulles Park and the County of Fairfax have also amended the Rider to Lease by the Amended Rider to Lease dated June 16, 2005, to reflect the increase in square footage rented in the Shopping Center.
6. In view of these amendments to the Lease, and in consideration of the mutual benefits to the parties from this Second Agreement Amendment, the Town and the County agree as follows: Subject to appropriation by the Board of Supervisors of Fairfax County, Virginia, the County will pay the following to the Town as the County's share of the Town's leasing and operating costs by August 1 of each year of the Lease term as set out in the Lease: \$135,420 for FY 2006 which includes a one-time, build-out cost of \$33,000; \$104,757 for FY 2007; \$107,155 for FY 2008; \$109,616 for FY 2009; \$112,141 for FY

2010; \$114,732 for FY 2011; and \$117,391 for FY 2012. Paragraphs 2, 3, and 7 of the Agreement and paragraph 5 of the Agreement Amendment between the Town and the County are superseded by this Second Agreement Amendment. The term of the Agreement is extended through September 30, 2012.

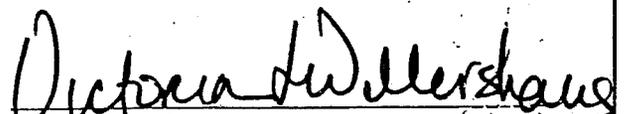
7. The legal instruments attached hereto are incorporated by reference.
8. The terms, covenants, and conditions of the Agreement remain in full force and effect, except as specifically modified by this Second Agreement Amendment.

TOWN OF HERNDON, VIRGINIA

by 
Michael L. O'Reilly
Mayor

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX:

The foregoing instrument was acknowledged before me this 14 day of March, 2005 by MICHAEL L. O'REILLY, Mayor of the Town of Herndon, a Virginia municipal corporation, on behalf of the corporation.


Notary Public
My Commission Expires: 9-30-06

Embossed Hereon is My
Commonwealth of Virginia Notary Public Seal
My Commission Expires September 30, 2006
VICTORIA L. WELLERSHAUS

ATTEST:

Vita L. Wellerhaus

Town Clerk

APPROVED AS TO FORM:

Richard B. Kaufman

Richard B. Kaufman
Town Attorney

COUNTY OF FAIRFAX, VIRGINIA

by

Gerald E. Connolly
Gerald E. Connolly, Chairman
Board of Supervisors of Fairfax County, Virginia

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX:

The foregoing instrument was acknowledged before me this 31st day of March, 2006 by GERALD E. CONNOLLY, Chairman of the Board of Supervisors of Fairfax County, Virginia a local government, on behalf of the County of Fairfax.

[Signature]
Notary Public
My Commission Expires: 10/31/06

THIRD AGREEMENT AMENDMENT

THIS THIRD AGREEMENT AMENDMENT is made as of the ____ day of _____, 2011 between the Town of Herndon, Virginia, a municipal corporation ("Town"), and the County of Fairfax, Virginia ("County").

RECITALS

- A. The Town and the County are parties to an Agreement dated July 23, 1998, as amended by Agreement Amendment dated August 14, 2001 and Second Agreement Amendment dated June 16, 2005, (collectively, "the Agreement") (Attachment A), the Town and the County, entered into pursuant to Va. Code Ann. § 15.2-1300, whereby the parties agreed to share space in the Dulles Park Shopping Center at 1086 Elden Street in the Town of Herndon, Virginia, to provide neighborhood resource services to their mutual citizens in a joint Neighborhood Resources Center.
- B. The Town and Dulles Park Shopping Center, L.L.C., Trustee ("Dulles Park"), entered into a Lease dated June 1, 1998, as amended by an Exhibit B dated June 1, 1998, a Notice of Possession dated June 25, 1998, lease amendment and extension of lease dated July 23, 2001, and lease modification agreement dated July 18, 2005; and a Rider to Lease dated June 1, 1998, as amended by amended rider to the lease dated June 16, 2005 (collectively "the Lease"). Under the terms of the Lease, the Town rented 6,750 square feet in the Shopping Center from Dulles Park ("the Premises") for a term of three years beginning September 14, 1998, with an option to renew for two additional one-year terms. The Lease was extended though September 30, 2012. The Town is the lessee under the Lease and the County is not a lessee under the Lease.
- C. Under the Lease, the Town paid the annual operating expenses and the build-out

expenses to Dulles Park. Under the Agreement, the County made certain payments per fiscal year as set forth in the Agreement to the Town for its use of half of the Premises, subject to appropriation by the Board of Supervisors of Fairfax County, Virginia, to satisfy the payment of such obligations. Pursuant to the Second Amendment, the term of the Agreement was extended through September 30, 2012.

D. The Town and the County wish to terminate the Agreement upon the terms stated in this Third Agreement. The County intends to establish a new lease with Dulles Park for the Premises for the County's sole use and intends to continue to provide neighborhood resource services from the Premises.

E. The parties desire to amend the Agreement in the manner hereinafter set forth.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The foregoing Recitals are incorporated in and made part of this Agreement.
2. The term of the Agreement shall terminate on the later of October 1, 2011, or the commencement date of the new lease for the Premises to be established by the County and Dulles Park ("County Lease Commencement Date") and certified in writing to the Town.
3. The Town has reached agreement with Dulles Park to terminate the existing Lease between the Town and Dulles Park for use of the Premises effective upon the County Lease Commencement Date. Pursuant to the terms of the existing Lease, upon termination of the Lease, the Town shall own all trade fixtures on the Premises. The Town hereby grants, transfers and conveys ownership of the trade fixtures and tangible personal property now in the Premises to the County and all trade fixtures and tangible

personal property shall all be the property of the County. All trade fixtures, as further identified on Exhibit A and all furniture, furnishings and equipment (hereinafter "furnishings") in the Premises, as further identified on Exhibit B shall remain the property of the County. Exhibits A and B are attached hereto and incorporated herein by reference. The Town agrees to execute and deliver any documents reasonably necessary to confirm the transfer of ownership of fixtures to the County and confirm County ownership of the furnishings.

TOWN OF HERNDON, VIRGINIA

By: _____
Stephen J. DeBenedittis
Mayor

COMMONWEALTH OF VIRGINIA }
COUNTY OF FAIRFAX }

The foregoing instrument was acknowledged before me this _____ day of June, 2011, by Stephen J. DeBenedittis, Mayor of the Town of Herndon, a Virginia municipal Corporation.

Notary Public
My Commission Expires _____
Registration No. _____

ATTEST:

Town Clerk

COUNTY OF FAIRFAX, VIRGINIA

By: _____
Sharon S. Bulova, Chairman
Board of Supervisors of Fairfax County,
Virginia

COMMONWEALTH OF VIRGINIA }
COUNTY OF FAIRFAX }

The foregoing instrument was acknowledged before me this _____ day of June, 2011, by Sharon S. Bulova, Chairman of the Board of Supervisors of Fairfax County, Virginia a local government, on behalf of the County of Fairfax.

Notary Public
My Commission Expires _____
Registration No. _____

Approved as to form:

Town Attorney

EXHIBIT A
Trade Fixtures

All trade fixtures on the Premises shall remain the property of the County of Fairfax, including but not limited to the following fixtures:

EXHIBIT B
Furnishings

All furniture, furnishings and equipment in the Premises shall remain the property of the County of Fairfax, including but not limited to the following property:

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Board Agenda Item
July 12, 2011

CONSIDERATION – 1

Amendments to the Bylaws for the Fairfax County Commission for Women (CFW)

ISSUE:

Approval of amendments to the bylaws for the Fairfax County CFW.

TIMING:

Board action is requested on July 12, 2011.

BACKGROUND:

The Fairfax County Commission for Women (CFW) was created by the Board of Supervisors in 1971. In April 2008, the County recommended that Boards, Authorities and Commissions (BAC) prepare bylaws for their particular BAC. The CFW prepared bylaws and approved the bylaws at their October 20, 2008 meeting. On February 9, 2009, the Board of Supervisors approved the BAC bylaws.

At the November 2010 meeting of the CFW, the Commission voted to amend the bylaws to reflect the fact that they produce a biennial report as opposed to an annual report. This biennial report will coincide with the term of the chair, which is a two year term. The revised bylaws also clarify the composition of the CFW. County guidelines require the Board of Supervisors approve amendments to the BAC bylaws.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed amendments to the bylaws for the Fairfax County CFW

STAFF:

Patricia D. Harrison, Deputy County Executive
Nannette Bowler, Director, Department of Family Services
Ina G. Fernández, Director, Office for Women & Domestic and Sexual Violence Services
Denise Pitts, Assistant County Attorney

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BYLAWS OF THE FAIRFAX COUNTY COMMISSION FOR WOMEN

ARTICLE I – NAME

The name of this organization is the Fairfax County Commission for Women, hereinafter referred to as the “Commission for Women (CFW).”

ARTICLE II – PURPOSE

The CFW was established by the Board of Supervisors of Fairfax County, Virginia (“Board of Supervisors”) in 1971 pursuant to Virginia law for the purpose of advising the Board of Supervisors on issues to promote the full equality of women and girls in Fairfax County.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

Membership or appointments to the CFW shall be as determined by the Board of Supervisors and members shall serve for three (3) year terms and have no restrictions on the number of terms they serve as established by the Board of Supervisors. **The CFW shall consist of twelve (12) members--one appointed by each member of the Board of Supervisors from each magisterial district; one at-large member and one minority at-large member appointed by the Chairman of the Board of Supervisors; one student member selected via competitive process.** In the event a member cannot serve or resigns from office, the Chair or Executive Director of the CFW (**or designee**) shall advise the Clerk to the Board of Supervisors of the vacancy in writing. In the event a member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to another term or appointed a successor member, that person may continue to serve as a member until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV – OFFICERS AND THEIR DUTIES

The officers shall be elected biennially by the Commission, and the officers shall consist of a presiding officer who shall be the Chair and a Vice-Chair who shall preside at meetings in the absence of the Chair. Also, the members may elect other officers who shall be responsible for those functions as assigned. All such officers shall be elected at the April meeting, and regular terms of office shall be for two years. In the event of a vacancy, a replacement officer may be elected at any time thereafter to serve the balance of the unexpired term. Prior to the election of any replacement officer, all members shall

be provided with notice of the proposed election one month before the meeting at which the replacement is to be elected.

ARTICLE V – MEETINGS

All meetings shall be conducted in accordance with the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700 *et seq.*, as amended (“VFOIA”), and except for closed sessions, all meetings shall be open to the public. All meetings shall be preceded by a notice stating the date, time, and location of said meetings, and except for emergency meetings, notice of a meeting shall be given at least three working days prior to the meeting. Notice, reasonable under the circumstances of emergency meetings, shall be given contemporaneously with the notice provided to members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Internet site. Also, notices for all meetings shall be placed at a prominent public location by the Executive Director **or designee**. All meetings shall be conducted in places that are accessible to persons with disabilities, and all meetings shall be conducted in public buildings whenever practical.

A majority of the voting members of the CFW shall constitute a quorum, and the vote of a majority of the quorum shall be necessary for any action taken. All votes of members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All voting members who are present at the meeting, including the Chair, may vote at any meeting. Except as otherwise provided by Virginia law or by these bylaws, all meetings shall be conducted in accordance with *Robert’s Rules of Order, Newly Revised*, and except as specifically authorized by VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

At any meeting, at least one copy of the agenda and, unless exempt under VFOIA, all materials furnished to members shall be made available for public inspection at the same time such documents are furnished to the members. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but no person broadcasting, photographing, filming, or recording any open meeting may interfere with any of the proceedings.

The CFW shall keep minutes of its meetings, and those minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.

ARTICLE VI – COMMITTEES

The CFW may establish as many committees as may be required to perform its function. All meetings of any such committees shall comply with the notice and other requirements

of VFOIA. To the extent that is practicable, any such committees shall be composed of at least four members.

ARTICLE VII – ~~ANNUAL~~ BIENNIAL REPORT

The CFW shall prepare ~~an annual~~ a biennial written report corresponding to the terms of the CFW officers. This annual written report, which will be provided to the Board of Supervisors, ~~that shall describes~~ the actions and activities conducted ~~in~~ the previous two years and any plans and/or recommendations for future action and activities. That report shall be provided to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

ARTICLE VIII – COMPLIANCE WITH LAW AND COUNTY POLICY

The CFW and its members shall comply with all Virginia laws, including, but not limited to: VFOIA, ~~and~~ the Virginia State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100 *et seq.*, as amended, ~~with~~ all County ordinances, and ~~with~~ all County policies concerning the activities of its boards, authorities, and commissions.

ARTICLE IX – AMENDMENT OF BYLAWS

These Bylaws may be amended by the CFW by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.

GIVEN under my hand this _____ day of _____, 2011.

Nancy Vehres
Clerk to the Board of Supervisors

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Board Agenda Item
July 12, 2011

INFORMATION - 1

Contract Award – Financial Consultant for the Wastewater Management Program

The Department of Purchasing and Supply Management issued Request for Proposal (RFP) 11-204032-44 soliciting qualified sources to provide financial consulting services for the wastewater management program. The scope of work includes cost of service analyses, financial forecasting, long range strategic planning, availability fee development, and asset management. Consultant services also include the following three major annual tasks 1) prepare a financial forecast report, 2) update the program's strategic financial plan, and 3) provide process and computer system support and maintenance for the Wastewater Management program's asset management program.

RFP11-204032-44 was publicly advertised and notice was sent to 2,209 potential offerors. Five firms submitted a proposal in response to the solicitation. A Selection Advisory Committee (SAC) consisting of key managers of the wastewater management program evaluated the proposals in accordance with the criteria and procedures established in the RFP. Upon completion of the final evaluation and negotiation, the SAC recommended award of the contract to the Public Resource Management Group, Inc. (PRMG).

The Department of Tax Administration has verified that PRMG does not have, and is not required to have a Fairfax County Business Professional & Occupational License (BPOL) as the work is performed in Florida.

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed with a contract award to Public Resource Management Group, Inc. The total five-year value of this contract is potentially \$600,000.

FISCAL IMPACT:

The total five-year value of this contract is potentially \$600,000. Funding is available in Fund 401, Sewer Operation and Maintenance, to support the contract expenditures.

ENCLOSED DOCUMENTS:

Attachment 1: List of Offerors for RFP 11-204032-44

Board Agenda Item
July 12, 2011

STAFF:

Susan Datta, Chief Financial Officer

Cathy A. Muse, Director, Department of Purchasing and Supply Management

James Patteson, Director, Department of Public Works and Environmental Services

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division

List of Offerors for RFP11-204032-44

- BURTON & ASSOCIATES
- MALCOM PIRNIE
- PUBLIC RESOURCES MANAGEMENT GROUP
- RAFTELIS FINANCIAL CONSULTANTS
- SPRINGSTED INC.

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Board Agenda Item
July 12, 2011

11:00 a.m.

Matters Presented by Board Members

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Board Agenda Item
July 12, 2011

11:50 a.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. *Dunn, McCormack & MacPherson v. Gerald E. Connolly*, Record No. 100260 (Va. Sup. Ct.)
 - 2. *Board of Supervisors of Fairfax County, Virginia v. Xicheng Qi and Xiao Cai*, Record No. 110052 (Va. Sup. Ct.) (Dranesville District)
 - 3. Application of Verizon South Inc., PST-2009-00032 (Va. State Corp. Comm.); Application of Verizon Virginia Inc., PST-2009-00033 (Va. State Corp. Comm.) (Countywide)
 - 4. *Kaveh Sari v. Detective T.W. Bacigalupi, Officer L.A. Robinson, Ayah Wali, and Miriam B. Alwarith*, Case No. CL-2010-9956 (Fx. Co. Cir. Ct.)
 - 5. *Fairfax County Redevelopment and Housing Authority v. Shadowood Condominium Association, et al.*, Case No. CL-2010-0013282 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 6. *Stacey Bailey v. Fairfax County, Virginia*, Case No.1:11cv624 (E.D. Va.)
 - 7. *Ulliman Schutte Construction, LLC, v. County of Fairfax*, Case No. CL-2011-0008422 (Noman M. Cole, Jr., Treatment Plant) (Mt. Vernon District)

8. *Waverly West Home Owners Association v. Fairfax County* (State Technical Review Board) (Springfield District)
9. *Latisa M. Head, Trustee v. The Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Virginia, and Vicki L. Dodge*, Case No. CL-2011-0001752 (Fx. Co. Cir. Ct.) (Springfield District)
10. *Johnie R. Muncy, Trustee, and F & M Services, LC, Trustee v. The Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Virginia, Albert A. Owusu, and Grace A. Owusu*, Case No. CL-2011-0001751 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Allen Schutz v. Fairfax County Redevelopment and Housing Authority*, Case No. CL-2009-0003655 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Andrea Brunk v. Fairfax County Board of Zoning Appeals and Fairfax County*, Case No. CL-2010-0015244 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *SNSA, Inc., d/b/a Fast Eddies Billiard Cafe v. County of Fairfax*, (Fx. Co. Bd. of Building Code Appeals and Bd. of Zoning Appeals) (Mount Vernon District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz*, Case No. CL-2010-0007947 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mounir Badawy*, Case No. CL-2010-0010675 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pong Y. Oclarien*, Case No. CL-2010-0013636 (Fx. Co. Cir. Ct.) (Mason District)
17. *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)

18. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Henry Wilson and Mary R. Wilson*, Case No. CL-2010-0007946 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abbas Y. Abutaa, a.k.a. Yousef Abutaa, Hamid R. Hosseinian, Hossein Goal, and Donna L. Goal*, Case No. CL-2010-0016245 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee*, Case No. CL-2010-0014721 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joanne E. Wright*, Case No. CL-2010-0014339 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammad F. Azimi and Farida Azimi*, Case No. CL-2011-0003450 (Fx. Co. Cir. Ct.) (Sully District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ahmed Rababeh*, Case No. CL-2010-0015230 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Delfin Farfan and Mary I. Farfan*, Case No. CL-2011-0002183 (Fx. Co. Cir. Ct.) (Providence District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael A. Gilmore*, Case No. CL-2011-0002184 (Fx. Co. Cir. Ct.) (Sully District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia S. Cummings*, Case No. CL-2011-0005999 (Fx. Co. Cir. Ct.) (Lee District)
28. *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)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Faical Rihane*, Case No. CL-2011-0005795 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Uyen Dieu H. Tran*, Case No. CL-2011-0002316 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Soledad Marreros*, Case No. CL-2011-0003848 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. JMM, LLC, T/A Lake Anne Market*, Case No. CL-2011-0000051 (Fx. Co. Cir. Ct.) (Hunter Mill District)
33. *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)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. John D. Cooper*, Case No. CL-2011-0008291 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Oscar S. King*, Case No. CL-2011-0008340 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth O. King and Doris F. King*, Case No. CL-2011-0008341 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marlon Carballo*, Case No. CL-2011-0008690 (Fx. Co. Cir. Ct.) (Lee District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara Elizabeth Wilkinson*, Case No. CL-2011-0008835 (Fx. Co. Cir. Ct.) (Hunter Mill District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Anna Tran*, Case No. CL-2011-0008870 (Fx. Co. Cir. Ct.) (Sully District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eric R. Kenney*, Case No. CL-2011-0009050 (Fx. Co. Cir. Ct.) (Providence District)

41. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Steven A. Weisberger and Carol L. Weisberger, Case No. CL-2011-0009052 (Fx. Co. Cir. Ct.) (Sully District)*
42. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammad Koohkan, Case No. CL-2011-0009049 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. John B. McCracken, Jr., and Mary C. McCracken, Case No. CL-2011-0009048 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
44. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Parrish and Maria P. Tungol, Case No. CL-2011-0009121 (Fx. Co. Cir. Ct.) (Lee District)*
45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Anil K. Sareen and Vandana Sareen, Case No. CL-2011-0009277 (Fx. Co. Cir. Ct.) (Providence District)*
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter A. and Phyllis E. Knick, Case No. CL-2011-0009274 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
47. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul D. Robertson, Case Nos. GV100021259 and GV100021260 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Zahir Ahmed, Case Nos. GV11011613 and GV11011612 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald S. Evans, Case Nos. GV11011614 and GV11011615 (Fx. Co. Gen. Dist. Ct.) (Lee District)*

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Board Agenda Item
July 12, 2011

3:30 p.m.

Board Decision on Proposed Amendments to the Public Facilities Manual Re: Design of Public Streets and Sidewalks

ISSUE:

1. Board adoption of the attached portion of the proposed amendment to Chapters 7 and 8 of the Public Facilities Manual (PFM) of Fairfax County, Virginia. The language pertains to context-sensitive urban road design standards that are established for areas such as Tysons Corner.
2. Board deferral of the remaining portions of the proposed amendment.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached amendment to Section 7-0101.2 of the PFM and that the amendment become effective 12:01 a.m. on July 13, 2011. The County Executive further recommends that the remainder of the amendment be deferred indefinitely.

TIMING:

The Board is requested to take action on July 12, 2011. On March 29, 2011, the Board authorized advertising of the public hearings for the entire PFM amendment. The attached language is part of that amendment.

BACKGROUND:

On June 7, 2011, the Board of Supervisors held a public hearing to consider the proposed amendment to Chapters 7 and 8 of the Public Facilities Manual (PFM) of Fairfax County, Virginia. The proposed amendment addressed the new State Secondary Street Acceptance Requirements and Appendix B(1), the Subdivision Street Design Guide of the Virginia Department of Transportation (VDOT) Road Design Manual, and emergency access and operations requirements.

Board Agenda Item
July 12, 2011

Staff recommended approval of the PFM amendment, which called for wider minimum street widths than those required by VDOT in order to accommodate emergency access and operations. However, there were concerns raised regarding the increase in impervious surface and the possibility of encouraging faster speeds. The Board deferred decision on the amendment until June 21, 2011, and requested that staff present the issues regarding minimum street widths at Development Process Committee on June 14, 2011, for further discussion. On June 14, 2011, staff presented the issues and the committee requested that staff prepare street standards that are tailored to urban and suburban land development types, and address traffic calming. Staff intends to return to the Development Process Committee on October 4, 2011, to present these standards.

On June 21, 2011, the Board deferred decision on the PFM amendment until July 12, 2011. Staff recommends that the Board adopt one provision from the original proposed PFM amendment pertaining to context-sensitive design standards established by a Memorandum of Understanding (MOU). The Board will need to approve each MOU before it can be implemented. Such an MOU for Tysons Corner area is being drafted. Development plans for Tysons Corner may be submitted to the County prior to resolving the issues regarding minimum street widths. These plans will include context-sensitive urban road design standards that have been developed for the Tysons Corner area. However, they would not be in compliance with the PFM unless this one provision is amended in the PFM.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed PFM language regarding context-sensitive urban road design standards, dated July 12, 2011

STAFF:

James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Michelle Brickner, Director, Land Development Services, DPWES

Amend Section 7-0101.2, where insertions are shown as underlines, to read as follows:

7-0101.2 (99-07-PFM) All rights-of-way shall conform to the standards set forth in the current VDOT Subdivision Street Requirements and Plates 1-7 (1M-7) through 11-7 (11M-7), and § 7-0406.14E. Context-sensitive urban road design standards, including but not limited to minimum street width and parking, that are established by a Memorandum of Understanding (MOU) between Fairfax County and VDOT may deviate from the requirements set forth in the VDOT Road Design Manual and the PFM, and shall be used only in areas specified in the MOU. All street construction shall be within the dedicated street right-of-way.

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Board Agenda Item
July 12, 2011

3:30 p.m.

Public Hearing on SE 2011-MA-001 (Homan Solemaninejad) to Permit a Dental Office,
Located on Approximately 20,800 Square Feet Zoned R-3, CRD and SC, (Mason District)

The application property is located at 6065 and 6067 Arlington Boulevard, Tax Map 51-4
(2) (A) 5 and 6.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing is scheduled to be held on Thursday, July 7, 2011.
The Commission's recommendation will be forwarded to the Board of Supervisors
subsequent to that date.

ENCLOSED DOCUMENTS:

None.

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4353750.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mariam Bader, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
July 12, 2011

3:30 p.m.

Public Hearing on SE 2010-MA-032 (Hillbrook Real Estate Holdings, LLC) to Permit a Driveway in a Commercial District, Located on Approximately 6,969 Square Feet Zoned R-2 and HC, (Mason District)

and

Public Hearing on SE 2010-MA-031 (Hillbrook Real Estate Holdings, LLC) to Permit Enlargement and Increase in Intensity of an Existing Service Station in a Highway Corridor Overlay District and Modification in the Yard Requirements for Commercial Off-Street Parking Spaces, Located on Approximately 22,651 Square Feet Zoned C-5 and HC, (Mason District)

The application property is located at 6701 Little River Turnpike, Tax Map 71-2 ((1)) 32 pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 2, 2011 the Planning Commission voted unanimously (Commissioners Harsel and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2010-MA-031, subject to the development conditions dated June 1, 2011;
- Approval of SE 2010-MA-032, subject to the development conditions dated June 1, 2011;
- Modification of the transitional screening and a waiver of the barrier requirements to the south, in favor of the treatment depicted on the SE Plat, and as conditioned;
- Modification of the trail requirements on Little River Turnpike, in favor of the right-of-way dedication, and as conditioned.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4350288.PDF>

STAFF:

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

SE 2010-MA-031 – HILLBROOK REAL ESTATE HOLDINGS, LLC
SE 2010-MA-032 – HILLBROOK REAL ESTATE HOLDINGS, LLC

After Close of the Public Hearing

Vice Chairman Alcorn: Close the public hearing; recognize Commissioner Hall.

Commissioner Hall: Thank you, Mr. Chairman. The application, SE 2010-MA-031 and SE 2010-MA-032, Hillbrook Real Estate Holdings, is an application that has been reviewed and has the support of the Mason District Land Use [Committee]. It also has the support of the surrounding community because all of the existing conditions, as well as the new ones, have been included in the staff report. With that, Mr. Chairman, I recommend or I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-MA-031, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 1, 2011.

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion on that motion? All those in favor of recommending approval of SE 2010-MA-031, subject to the development conditions consistent with those dated July 1, 2011 [sic], please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Hall.

Commissioner Hall: Thank you, Mr. Chairman.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning:
Commissioner Alcorn, I believe you said, "July." The development conditions are JUNE 1ST.

Commissioner Hall: JUNE 1ST.

Vice Chairman Alcorn: Oh, okay. WITHOUT OBJECTION, LET THE RECORD REFLECT, "JUNE 1ST." Thank you. Ms. Hall.

Commissioner Hall: Okay, now get ready because June 1st is coming up again.

Vice Chairman Alcorn: All right. Got it, got it.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-MA-032, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JUNE 1, 2011.

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion of that motion? All those in favor of recommending to the Board of Supervisors approval of SE 2010-MA-032, subject to development conditions consistent with those dated June 1, 2011, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: Opposed? That motion carries. Commissioner Hall.

Commissioner Hall: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE MODIFICATION OF THE TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS TO THE SOUTH, IN FAVOR OF THE TREATMENT DEPICTED ON THE SE PLAT, AND AS CONDITIONED.

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

Commissioner Hall: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRAIL REQUIREMENTS ON LITTLE RIVER TURNPIKE, IN FAVOR OF THE RIGHT-OF-WAY DEDICATION, AS CONDITIONED.

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Thank you. Commissioner Hall.

Commissioner Hall: Thank you, Mr. Chairman. I would just like to thank Mr. O'Donnell, who did an outstanding job on both applications while he was expecting his first child, who's absolutely gorgeous, and he will not charge you to take a look at the photographs he carries around with him. Thank you, Mr. Chairman.

Vice Chairman Alcorn: All right. Oh, there you go. Very nice. Very nice. All right.

Commissioner Hall: He picked out the hat.

Commissioner Lawrence: Mr. Chairman?

Vice Chairman Alcorn: Mr. Lawrence.

Commissioner Lawrence: I understand there'll be tape at 11.

Vice Chairman Alcorn: Tape at 11.

Commissioner Hall: Yes.

Vice Chairman Alcorn: All right. Thank you, Mr. O'Donnell.

//

(The motions carried unanimously with Commissioners Harsel and Murphy absent from the meeting.)

KAD

Board Agenda Item
July 12, 2011

4:00 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law

ISSUE:

Public hearing to amend Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2011 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 82.

TIMING:

Board of Supervisors authorized the advertisement of a public hearing on the proposed amendments on June 7, 2011; Board of Supervisors' public hearing scheduled for July 12, 2011 at 4:00 p.m. If approved, the provisions of these amendments will become effective immediately.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2011 General Assembly. A summary of all changes, which become effective immediately, is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic
Attachment 2 - Summary of 2011 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:

Colonel David M. Rohrer, Chief of Police
Karen L. Gibbons, Senior Assistant County Attorney

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Proposed Amendments to
Chapter 82, Motor Vehicles and Traffic

Section 82-1-6. Adoption of State Law

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, ~~2010~~ 2011, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, ~~2010~~ 2011.

18.2-266	18.2-269	46.2-203.1
<u>18.2-266.1</u>	18.2-270	46.2-218
18.2-267	18.2-270.01	46.2-300
18.2-268.1	18.2-270.1	46.2-301
18.2-268.2	18.2-271	46.2-301.1
18.2-268.3	<u>18.2-271.1</u>	46.2-302
18.2-268.4	18.2-272	46.2-329
18.2-268.5	<u>46.2-100</u>	46.2-334.001
18.2-268.6	46.2-102	46.2-341.21
18.2-268.7	46.2-104	46.2-346
18.2-268.8	46.2-108	46.2-349
18.2-268.9	46.2-109	46.2-357
18.2-268.10	46.2-110	46.2-371
18.2-268.11	46.2-111	46.2-373
18.2-268.12	46.2-112	46.2-376

46.2-379	46.2-808	<u>46.2-833</u>
46.2-380	46.2-808.1	46.2-833.1
46.2-391.2	46.2-810	46.2-834
46.2-391.3	46.2-811	46.2-835
46.2-392	46.2-812	46.2-836
46.2-393	46.2-814	46.2-837
46.2-398	46.2-816	46.2-838
46.2-613	46.2-817	46.2-839
46.2-616	46.2-818	46.2-841
46.2-617	46.2-819.4	46.2-842
46.2-618	46.2-820	46.2-842.1
46.2-704	46.2-821	46.2-843
46.2-716	46.2-822	46.2-845
46.2-724	46.2-823	46.2-846
46.2-730	46.2-824	46.2-848
46.2-800	46.2-825	46.2-849
46.2-801	46.2-826	46.2-850
46.2-802	46.2-827	46.2-851
46.2-803	46.2-828	46.2-852
46.2-804	46.2-829	46.2-853
46.2-805	46.2-830	46.2-854
46.2-806	46.2-831	46.2-855
46.2-807	46.2-832	46.2-856

46.2-857	46.2-878.3	46.2-903
46.2-858	46.2-879	46.2-905
<u>46.2-859</u>	46.2-880	46.2-906
46.2-860	46.2-882	<u>46.2-908.1</u>
46.2-861	46.2-883	46.2-909
46.2-862	46.2-884	46.2-910
46.2-863	46.2-885	46.2-911.1
<u>46.2-864</u>	46.2-886	46.2-912
46.2-865	46.2-887	46.2-914
46.2-865.1	46.2-888	46.2-915
46.2-866	46.2-889	46.2-918
46.2-868	46.2-890	46.2-919
46.2-868.1	46.2-891	46.2-919.1
46.2-869	46.2-892	<u>46.2-920</u>
46.2-870	46.2-893	46.2-921
46.2-871	46.2-894	46.2-921.1
46.2-872	46.2-895	46.2-922
46.2-873	46.2-896	46.2-923
46.2-874	46.2-897	46.2-924
46.2-876	46.2-898	46.2-926
46.2-877	46.2-899	46.2-927
46.2-878.1	46.2-900	46.2-928
46.2-878.2	46.2-902	46.2-929

46.2-930	46.2-1023	46.2-1053
46.2-932	46.2-1024	46.2-1054
46.2-936	46.2-1025	46.2-1055
46.2-937	46.2-1026	46.2-1056
46.2-940	46.2-1027	46.2-1057
46.2-942	46.2-1030	46.2-1058
46.2-1001	46.2-1031	46.2-1059
46.2-1002	46.2-1032	46.2-1060
46.2-1003	46.2-1033	46.2-1061
46.2-1004	46.2-1034	46.2-1063
46.2-1010	46.2-1035	46.2-1064
46.2-1011	46.2-1036	46.2-1065
46.2-1012	<u>46.2-1037</u>	46.2-1066
46.2-1013	46.2-1038	46.2-1067
46.2-1014	46.2-1039	46.2-1068
46.2-1015	46.2-1040	46.2-1070
46.2-1016	46.2-1041	46.2-1071
46.2-1017	46.2-1043	46.2-1072
46.2-1018	46.2-1044	46.2-1076
46.2-1019	46.2-1047	<u>46.2-1077</u>
46.2-1020	46.2-1049	46.2-1077.01
46.2-1021	46.2-1050	46.2-1078
46.2-1022	46.2-1052	46.2-1078.1

46.2-1079	46.2-1120	46.2-1508.2
46.2-1080	46.2-1121	46.2-1552
46.2-1081	46.2-1130	46.2-1561
46.2-1082	<u>46.2-1137</u>	46.2-2812
46.2-1083	46.2-1150	
46.2-1084	46.2-1151	
46.2-1088	46.2-1154	
46.2-1088.1	46.2-1155	
46.2-1088.2	46.2-1156	
46.2-1088.5	<u>46.2-1157</u>	
46.2-1088.6	46.2-1158	
46.2-1090	<u>46.2-1158.01</u>	
46.2-1091	<u>46.2-1158.02</u>	
46.2-1092	46.2-1158.1	
46.2-1093	46.2-1172	
46.2-1102	46.2-1173	
46.2-1105	46.2-1218	
46.2-1110	46.2-1219.2	
46.2-1111	46.2-1234	
46.2-1112	46.2-1240	
46.2-1115	46.2-1242	
46.2-1116	46.2-1250	
46.2-1118	46.2-1309	

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18.2-272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

SUMMARY OF 2011 GENERAL ASSEMBLY
AMENDMENTS AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2 and Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

Section 18.2-266.1 amended. Punishment for underage drinking and driving; penalty. Provides that "zero tolerance" (0.02% BAC) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides that the punishment must include forfeiture of such person's license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service.

Section 18.2-271.1 amended. Restricted license. Authorizes the court to issue a restricted license to a person convicted of DUI and certain other offenses to travel to and from jail to serve a sentence of confinement in jail on weekends or nonconsecutive days.

Section 46.2-100 amended. Moped; definition. Sets out in the definitions for Title 46.2 what is already set out in § 46.2-914: that a moped shall be considered a motorcycle when operated at speeds in excess of 35 miles per hour.

Section 46.2-833 amended. Traffic lights. Allows motorcycle and moped drivers and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals.

Section 46.2-859 amended. Reckless driving; failing to stop at a school bus. Provides that a person driving a motor vehicle shall stop his vehicle when approaching, from any direction, any school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, etc., and remain stopped until all the persons are clear of the highway, private road, or school driveway and the bus is put in motion and that failure to do so is reckless driving.

Section 46.2-864 amended. Reckless driving on parking lots. Expands the list of places where a person can be found guilty of reckless driving to include governmental property open to the public.

Section 46.2-908.1 added. Electric personal assistive mobility devices, electrically powered toy vehicles, and electric power-assisted bicycles. A corrective measure as this code section had been inadvertently removed in a previous update to the *Code of the County of Fairfax, Virginia*.

Section 46.2-920 amended. Emergency vehicles proceeding past red lights. Provides that emergency vehicles proceeding past any steady or flashing red signals, traffic lights, stop signs, or other devices indicating moving traffic shall stop, must flash emergency lights and either (i) sound a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (ii) yield right-of-way or, if required for safety, bring the vehicle to a complete stop before proceeding with due regard to the safety of persons and property.

Section 46.2-1077 amended. Televisions in motor vehicles. Prohibits the use of a television receiver in a motor vehicle when moving images are visible to the driver while the vehicle is in motion.

Section 46.2-1137 amended. Size and weight compliance agents; citations for overweight vehicles. Allows the Commissioner of the Department of Motor Vehicles to appoint staff as "size and weight compliance agents" to enforce certain vehicle size limits. The bill outlines procedures for issuance of citations and enforcement of certain vehicle size limits by size and weight compliance agents.

Section 46.2-1157 amended; Sections 46.2-1158.01 and 46.2-1158.02 added. Inspection of motor vehicles. Restates requirements for motor vehicle safety inspections and places exemptions under a single Code section.