FAIRFAX COUNTY
BOARD OF SUPERVISORS
December 8, 2015

AGENDA

8:30	Best Workplaces for Commuters (BWC) Reception, Government Center Atrium
9:30	Presentations
10:30	Board Adoption of the 2016 Legislative Program for the Virginia General Assembly, Approval of the County's 114th Congress Federal Legislative Strategy, and Adoption of Principles for Federal Legislation for the 114th Congress
10:40	Presentation by the Original Mount Vernon High School Re-Utilization Task Force
10:50	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Extension of Review Period for 2232 Applications (Springfield, Mount Vernon, Hunter Mill, and Lee Districts)
2	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Huntington Levee (Mount Vernon District)
3	Streets into the Secondary System (Providence District)
4	Authorization for the Fairfax County Department of Family Services to Apply for and Accept Grant Funding from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start: Early Head Start/Head Start Grant
5	Authorization of a Public Hearing on a Proposal to Abandon Part of Sanger Street (Mount Vernon District)
6	Supplemental Appropriation Resolution AS 16141 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Commonwealth Development Opportunity Fund (COF) for CARFAX, Inc.
7	Authorization to Advertise a Public Hearing to Amend Articles 2, 3, and 7 of Chapter 3, County Employees with Proposed Housekeeping Revisions to the County's Three Retirement Ordinances

FAIRFAX COUNTY
BOARD OF SUPERVISORS
December 8, 2015

ACTION ITEMS

1	Sale of General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds
2	Approval of Bond Underwriter Pool
3	Approval of an Amended Parking Reduction for the Dunn Loring-Merrifield Metro Center (Providence District)
4	Approval of Herndon Metrorail Station Access Management Study (HMSAMS) and Reston Metrorail Access Group Phase 2 (RMAG2) Pedestrian and Bicycle Transportation Projects (Dranesville and Hunter Mill Districts)
5	Approval of Fairfax Connector December 2015 Service Changes
6	Authorization for the Department of Transportation to Apply for FY 2022 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds
7	Endorsement of the Chief Administrative Officers Task Force's Recommendation Regarding the Preliminary FY 2017 Virginia Railway Express Capital and Operating Budget

INFORMATION ITEMS

1	Presentation of the Fiscal Year 2015 Comprehensive Annual Financial Report (CAFR)
2	Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers
11:00	Matters Presented by Board Members
11:50	Closed Session

FAIRFAX COUNTY
BOARD OF SUPERVISORS
December 8, 2015

PUBLIC HEARINGS

3:00	**To be deferred**	Public Hearing on Proposed Plan Amendment 2015-IV-T1, Newington Road, Located East of Cinder Bed Road and West of Telegraph Road (Mount Vernon District)
3:30		Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Hunter Mill @ Mystic Meadow Roundabout (Providence District)
3:30		Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-5 and 7-2-13 Relating to Election Precincts and Polling Places
3:30		Public Comment
4:00		Presentation by the National Association of Counties (NACo) Recognizing Supervisor Hyland for his Years of Service to NACo
4:00		Presentation of General Assembly Commending Resolutions to Supervisor Michael Frey and Supervisor Gerry Hyland
5:00		Work Session with the Fairfax County Delegation to the General Assembly, Conference Rooms 9/10 (Reception at 4:30 p.m. prior to the Work Session)

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
December 8, 2015

9:30 a.m.

Recognition of Fairfax County employers selected as "Best Workplaces for Commuters" by the Fairfax County Department of Transportation and the University of South Florida National Center for Transit Research.

PRESENTATIONS

RECOGNITIONS

- CERTIFICATE – To recognize the Chantilly High School Golf Team for winning the Virginia 6A state championship. Requested by Supervisor Frey.

STAFF:
Tony Castrilli, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

Board Agenda Item
December 8, 2015

10:30 a.m.

Board Adoption of the 2016 Legislative Program for the Virginia General Assembly, Approval of the County's 114th Congress Federal Legislative Strategy, and Adoption of Principles for Federal Legislation for the 114th Congress

ISSUE:
Board adoption of a legislative program for the 2016 Session of the Virginia General Assembly and Board approval of federal legislative strategy for the 114th Congress, as well as principles for federal legislation in the 114th Congress.

TIMING:
Immediate. On November 17, 2015, the Board of Supervisors held a public hearing on the 2016 Legislative Program. This program will be presented at the Board's work session with the members of the Fairfax County Delegation to the Virginia General Assembly this afternoon. The General Assembly will convene January 13, 2016, and is scheduled to adjourn on March 12, 2016.

Board action is also requested at this time in order to formally adopt the County's federal strategy for action during the 114th Congress. County staff will also apply for federal grants based on the criteria adopted by the Board.

BACKGROUND:
The draft State legislative program has been developed over the past several months by the Legislative Committee of the Board. The program contains the Committee's recommended legislative positions for the County at the 2016 Session of the Virginia General Assembly; an issue paper on human services needs is included as an addendum to this program. After adoption by the Board, final versions of these documents will be available at www.fairfaxcounty.gov/government/board. In preparing this package, the Committee has considered the County's legislative needs and opportunities and has endeavored to maintain a program of priority requests. The Legislative Committee will continue to meet, generally on a weekly basis, throughout the Session to monitor legislation and recommend positions for adoption at regular Board meetings.

The draft federal strategy was also developed as part of the Legislative Committee process. Discussion took place at the October 27 and November 24 meetings. Staff recommendations presented to the Committee focused on areas determined to be of strategic importance to the County, including the federal budget, funding for

transportation, federal agency relocation and consolidation, and the social safety net. Specifics on budget items, as well as federal funding opportunities, will be reported periodically to the Board.

Finally, draft Principles for Federal Legislation in the 114th Congress are also included in this item. These principles contain the Legislative Committee's recommended positions for the County during the 114th Congressional session.

ENCLOSED DOCUMENTS:
Attachment 1 - Draft Fairfax County Legislative Program for the 2016 Virginia General Assembly
Attachment 2 – 2016 Draft Human Services Issue Paper
Attachment 3 – Draft 114th Congress Federal Legislative Strategy
Attachment 4 – Draft Principles for Federal Legislation – 114th Congress

STAFF:
Edward L. Long, Jr., County Executive
Claudia Arko, Legislative Director
Tom Biesiadny, Director, Department of Transportation

DRAFT as of December 2, 2015

Preliminary DRAFT 2016 Fairfax County Legislative Program

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DRAFT as of December 2, 2015

Preliminary DRAFT 2016 Fairfax County Legislative Program

Fairfax County and the Commonwealth have long maintained a strong partnership in promoting economic development. The County has created a strong business climate, with a fair and competitive tax structure, excellent schools, an educated workforce, and services and amenities that attract new businesses every year. Both the Commonwealth and the County have benefited from this partnership.

Unfortunately, it has been the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues in order to maintain essential services. This poses a particular threat to economic development efforts, as state funding cuts in recent years, coupled with the impact the recession has had on local revenues, threaten to destroy the very attributes that draw and retain businesses. Without solutions that provide funding to keep pace with the growth of Virginia's economy, the state is at risk of slipping further in economic competiveness.

The Commonwealth's partnership with localities is a key factor in maintaining that competitiveness. As the state revenue picture appears to be improving, it is critically important that Virginia continue to invest the resources necessary to educate its citizens at all levels, ensure the rule of law, protect its natural resources, provide for the basic needs of the less fortunate, and build a sound infrastructure, in order to remain a competitive state and an attractive place for economic development. The critical state-local funding partnership must continue to be restored so that the Commonwealth can emerge from the recent fiscal crisis even stronger, as an investment in Virginia will pay dividends for years to come.

Priorities

Funding Core Services

1.) K-12 Funding – Joint Position with the Fairfax County School Board

It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education, including full funding for the biennial re-benchmark of Virginia's Standards of Quality (SOQ). ***(Position on full funding for K-12 costs and restoration of Cost of Competing Adjustment (COCA) funding shared by region.)***

Critical gaps continue to widen between the SOQ, state funding for those standards, and the actual local costs of providing a high-quality education. At present, the state is failing to provide the funding necessary to implement its own standards and requirements, while Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the state General Fund, strong local effort, and the effect of high local composite indices. Conversely, state funding for K-12 has declined significantly in recent years – in FY 2009, K-12 funding comprised over 35 percent of the state General Fund, but by FY 2016, investments in K-12 education had fallen to less than 30 percent of the General Fund. In fact, since FY 2009 Virginia has implemented sizable structural budget cuts to K-12, costing localities more than $1.7 billion per biennium statewide, despite emphatic assertions from businesses that strong public schools and an educated workforce are essential elements in their decision to locate and remain in Virginia. Moving Virginia's economy forward requires substantially increasing state investments in K-12.

The Boards strongly support:

- Realistic and fully-funded Standards of Quality;
- Recognition of cost of living variations in state funding formulas, to more accurately determine a locality's true ability to pay, particularly for high cost of living areas;
- Restoration of full funding for Cost of Competing Adjustment (COCA) for support positions, a factor in the funding formula recognizing the competitive salaries required in high cost of living regions to attract and retain the highest quality instructional and support personnel;
- Appropriate recognition in state funding formulas of the increased costs required to serve children with higher level needs, including special education students (a category encompassing students with intellectual or physical disabilities as well as those with mental/behavioral health issues; costs are approximately 100 percent more than general education), those learning English as a second language (costs are approximately 30 percent more than general education), and those living in economically disadvantaged households (costs are approximately 10 percent more than general education); and,
- Increased state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.

Additionally, the Boards strongly oppose:

- State budget cuts that disproportionately target or affect Northern Virginia; and,
- Structural cuts or formula changes which further weaken the partnership between the state and localities.

Unfortunately, recent state budget decisions, like the elimination of COCA funding for support positions, exacerbate the stresses on the state-local K-12 partnership by making permanent, structural cuts in state funding. The effect of these enormous reductions artificially lowers what the state must pay for K-12, divorcing state funding from the actual costs of providing a quality public education. As a result, the funding burden for K-12 has increasingly shifted to local governments, in spite of the fact that the state has significantly more diverse revenue options than localities in order to meet those responsibilities. As the Joint Legislative Audit and Review Commission (JLARC) noted in its recent review of K-12 spending, localities provided a majority of total funding for school divisions in FY 2014, contributing an additional $3.6 billion beyond the minimum SOQ funding required. JLARC also noted that in FY 2013, Virginia ranked 23rd nationwide in total per-student spending, but

11th in the local share of this spending, reflecting Virginia's reliance on local effort and a growing imbalance in this partnership.

Failure to adequately meet the needs of the youngest Virginians can create repercussions for individual families, the larger community, and the Commonwealth, while investments in early childhood and K-12 education can provide a foundation for learning and achievement, often reducing or eliminating the need for more costly interventions and remediation, and spurring the state's economic development. *(Revises and updates previous position.)*

2.) Transportation Funding

The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.

Statewide and regional funding generated by HB 2313 provides substantial new resources needed to begin addressing the transportation needs of Northern Virginia and the Commonwealth. While HB 2313 moves the Commonwealth in the right direction, transportation funding challenges remain.

- **Allocation of Statewide Revenues –**
  - It is critical that Northern Virginia continue to receive its fair share of statewide revenues, as required by HB 2313, particularly in light of the new HB 2 process for prioritizing projects. If any changes to the HB 2313 revenues are considered, alternative revenues must generate funds at least equal to those previously approved. Further, the new transportation funding created by HB 2313 should only be used for transportation purposes.
  - Significant changes were made to the transportation funding formulas and processes during the 2014 and 2015 General Assembly sessions. It is important that the implementation of HB 2 (2014) and HB 1887 (2015) be closely monitored, especially during the initial years, to determine whether changes and improvements may be necessary. Simplifying the implementation of HB 2, in particular, would ensure greater transparency and understanding of the processes.
  - The Northern Virginia Transportation District is only expected to receive 10.6 percent of the State of Good Repair funds created through HB 1887, raising significant concerns for the County. Only 83 percent of all roads in Northern Virginia are in Fair or Better Condition. Secondary road pavement conditions are even worse, with only 31 percent of all secondary roads in Northern Virginia in Fair or Better Condition, far less than the Commonwealth's average of 60 percent. Millions of people drive these roads every day, and such deteriorated pavements will only get worse unless additional funding is identified, or a greater portion of the current funding is allocated to Northern Virginia.
  - The County is concerned about efforts to substantially decrease funding for the Revenue Sharing program over the next six years. This program significantly leverages state transportation funds by encouraging local governments to spend their own money on transportation projects. For Fairfax County, this program has been helpful in funding some of the County's major road and transit projects. Reducing funding for this program will only discourage local governments from seeking non-VDOT sources of revenue to meet transportation needs. The revenue sharing program should be maintained at its current level.
  - SB 1140 (2013) required the implementation of new methodologies for transit funding. The County is concerned about changes made that go beyond the intent of the legislation – specifically, the County remains opposed to the Department of Rail and Public Transportation's decision to change the allocation of state funds for capital costs from the non-federal cost of a project to the total cost. As the Fairfax Connector and several other Northern Virginia systems do not receive federal funds, this change only increases the local share that Northern Virginia systems must pay while reducing the share for other systems in the Commonwealth that receive federal funding and provide far less local funding.
- **Transit Bond Funding –** During the 2015 session, the General Assembly began to address the significant reduction in state transit funding expected to occur in 2018, due to the depletion of transportation bonds. **However, the County supports additional efforts to fully address the future**

deficit in transit funding to ensure that transit systems continue to receive the state resources needed to provide critical transit services. *(Regional position.)*

- **Transportation and Economic Success – The Commonwealth should provide funding assistance for the transportation needs of major employment centers, in order to lay the groundwork for continued economic success.** Fairfax County contains several major employment centers that generate public benefit for the County and the Commonwealth. For these centers, including areas such as Springfield, Seven Corners, and Reston, to remain successful and accommodate predicted growth, they must transform into sustainable, transit-oriented, and walkable communities. That transformation has already begun in Tysons, where significant improvements in transit access have been made, but additional resources are needed to ensure that pedestrian, bicycle, and transit modes thrive and roadway congestion is addressed. The Board of Supervisors approved its Six-Year Transportation Project Priorities (TPP), which assumes significant funding from Fairfax County, as well as funding from regional and statewide sources. The projects in the TPP focus on making investments to strengthen the County's major employment centers, and it is important that the state and federal governments similarly recognize their importance by providing the funding needed to complete the transportation projects that have been identified in these areas.
- **Metro – The Commonwealth should continue to support Metro 2025.** The region is projected to continue to grow over the coming decades, placing more pressure on a Metro system that is already nearing capacity. To address this need, Metro developed a strategic plan that will guide decisions over the next 10 years and ensure that the system continues to support the region's competitiveness in the future. Metro proposes a number of initiatives called Metro 2025, including: enhancement of rush-hour capacity by upgrading to the use of all eight-car trains, resulting in the ability to move an additional 35,000 customers per hour; expansion of high-volume rail stations to ease congestion; and, completion of the bus Priority Corridor Network that includes a variety of improvements allowing buses to bypass traffic congestion. Additional resources are critical to ensuring the success of this effort, as WMATA prepares to purchase the train cars necessary for increased capacity needs. Further, improvements to the system's core capacity are needed before any future extensions can be considered. While addressing future capacity needs is essential, the region must also focus on safety and state of good repair. The County supports WMATA's efforts to enhance the safety and security of the system and its riders, through adequate funding and oversight. Continued state support of Metro 2025 will help keep Metro, Northern Virginia, and the Commonwealth moving forward.

A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy. Fairfax County, along with localities throughout the state, continues to provide millions in local funds for transportation each year, and the County and the Commonwealth must continue to work together to ensure that our infrastructure needs are met. *(Revises and updates previous transportation funding position.)*

3.) State Budget

The Commonwealth should rebalance its resources and responsibilities so that the funding partnership with localities is restored, ensuring the delivery of critically needed services in communities throughout Virginia. State established standards for locally delivered services must be accompanied by state funding that is adequate to successfully provide those services, and accountability for successes and failures should be reciprocal, ensuring both the state and localities accept responsibility commensurate with their respective roles.

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities decreased by approximately $1 billion since FY 2009, including a five-year period in which the Commonwealth required localities to return funds to the state in order to help balance the state's budget – essentially creating a new reverse concept of "local aid to the Commonwealth," which translated into more than $20 million in state funding cuts to Fairfax County. Towards the end of FY 2014, a combination of factors led to a massive state revenue shortfall of approximately $2.4 billion for the 2014-2016 biennium, yielding further cuts in aid to localities by reinstituting "local aid to the Commonwealth" in FY 2015, at an additional cost of $2.3 million to the County. Additionally, since FY 2009 Virginia has implemented sizable structural budget cuts to K-12, costing localities more than $1.7 billion per biennium statewide.

The allocation of resources is, in fact, a way of prioritizing areas of critical importance for the state. If core services and shared state-local programs are not at the top of that list, the pro-business environment Virginia has become known for will be jeopardized. Regrettably, a national report indicates that, during the recent national recession, only a handful of state governments cut more funds to local governments and school districts than did Virginia. Though the Commonwealth's budget shortfall was the 20th largest in the nation, the state funding cut to localities was third highest among states. Essentially, Virginia relied on cuts to localities and school divisions to a greater extent than most other states.

While direct aid to localities was 52 percent of the General Fund (GF) in FY 2009, it only accounted for 44 percent of the General Fund in FY 2016. And K-12, the most critical core service shared by the state and localities, has dropped from 35 percent of the General Fund in FY 2009 to less than 30 percent in FY 2016.

In addition to the two County priorities of K-12 and Transportation, action should be taken at the 2016 General Assembly on the following budget items:

- Full restoration of Cost of Competing Adjustment (COCA) funding for K-12 support positions in the 2016-2018 biennium budget. (see also page 3) *(Regional position.)*

- Restoration, or at a minimum level funding, for HB 599 law enforcement funding. (see also page 10)

- Provision of sufficient state funding for services to individuals leaving the Northern Virginia Training Center, ensuring the Commonwealth fulfills its responsibility to implement the federal settlement agreement. (see also page 13)

- Expansion of Medicaid and restoration of funding for human services programs, which serve the most vulnerable Virginians. (see also the Human Services Issue Paper)

Fortunately, state revenues have begun to improve significantly in FY 2015, and the state ended the fiscal year with a surplus totaling more than $500 million, with projections showing continued improvement in years to come. As a result, "aid to the Commonwealth" has been discontinued, an important step in the right direction. In addition, expansion of Medicaid as envisioned in the Patient Protection and Affordable Care Act presents a significant opportunity for the state to take advantage of enhanced federal revenues, thus freeing up state dollars to be redirected to other critical needs. (Medicaid expansion is discussed in more detail in the Human Services Issue Paper.) Now is the time for the state to begin restoring the substantial reductions to local programs and services implemented in recent years, by focusing on investments in critical core services that will continue to move Virginia forward. *(Revises and updates previous position.)*

Governance

A strong state and local partnership is essential to Virginia's success and the ability of both levels of government to respond to the needs of their residents. As the form of government closest to the people, local government must be provided the flexibility to serve the needs of residents, which can vary greatly from one part of the Commonwealth to another.

4.) Local Authority

Existing local government authority should be preserved, particularly in such key areas as taxation and land use, and the protection of public health, safety, and welfare, where local governments must have sufficient authority to govern effectively. Further, local authority should be enhanced to provide localities more flexibility in the administration of local government, as appropriate community solutions differ significantly from one area of the state to another. Finally, local government representatives should be included on all commissions or other bodies established by the state for the purpose of changing or reviewing local revenue authority or governance.

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized. Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use, or caps on capacity. Where possible, the state should consider updating state and local taxes to reflect changes in the economy or technology; avoid any expansion of revenue-sharing mechanisms controlled by the state; avoid any new state mandates while fully funding and/or reducing current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes) and lessen restrictions currently imposed on local revenues; or lessen current restrictions on the use of state funds now provided to localities for shared responsibilities.

Local land use authority must also be preserved. Local government is the level of government best suited to equitably and effectively deal with local land use issues, ensuring orderly and balanced growth and redevelopment with direct public participation and accountability in this critical process. Further restrictions on local use of eminent domain, in addition to the 2013 amendment to the Virginia Constitution, are unnecessary; Fairfax County has been extremely judicious and wholly appropriate in its very selective use of condemnation. Moreover, additional legislation in this area should be avoided while courts adjudicate this recent constitutional change to what was a long-settled area of law.

Each level of government has unique strengths. However, as a Dillon Rule state, local governments in Virginia are significantly restricted in their authority, which impedes the ability of localities to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities. (Consumer protection is an example of an area in which local government is often better equipped to address local concerns.) At a minimum, the state should empower localities to solve their own problems, by providing increased authority or discretion for services that have no compelling priority or impact for the Commonwealth, thus eliminating the need to seek permission for ministerial matters from the General Assembly each year. Additionally, similar to action taken by the House of Delegates in 2015, the Senate should adopt a requirement that all bills with a local fiscal impact be filed by the first day of the General Assembly session to allow localities the maximum time possible to highlight potential impacts as new legislation is considered. Furthermore, local governments must be included as full participants on any state commissions and study committees examining local issues, allowing for a more complete assessment of such issues and reflecting the governing partnership that must exist between the state and localities to ensure the effective administration of government. *(Updates and reaffirms previous position.)*

Initiatives/Action Statements

Governance—Annual "No-Plate" Penalty

Initiate legislation to change the $250 "no-plate penalty" authorized in Virginia Code § 46.2-662(B) to allow localities to impose the charge annually, for each year a vehicle is not properly registered and does not display Virginia license plates. The purpose of converting the no-plate penalty to an annual charge is to deter repeat offenders who choose to simply pay the $100 no-plate tax (which is assessed annually for each year or part of a year in which the vehicle was not properly registered in Virginia and did not display current Virginia license plates), rather than registering their vehicle in the Commonwealth. By making it more expensive to break the law, an annual no-plate penalty would be more effective in encouraging local vehicle owners to keep a current registration on their vehicles in the Commonwealth.

Juvenile Justice – Release of Information in Law Enforcement Records to Diversion Programs

Initiate legislation to clarify that information from juvenile law enforcement records may be released to facilitate participation in diversion programs. Virginia Code directs that first-time juvenile offenders who commit minor offenses be diverted from official Juvenile and Domestic Relations (JDR) District Court action when it is in the best interest of the juvenile and the community. Fairfax County's Alternative Accountability Program diverts certain first-time, minor offenders from the juvenile justice system prior to the creation of an official record, holding them accountable in repairing the harm caused by the offense through alternate methods, sometimes including the use of mediators (and always with the consent and involvement of the victims and the juvenile's family). Without information from the juvenile law enforcement record detailing the offense, the mediators providing intervention are lacking important facts. Currently, with certain limited exceptions, the Virginia Code requires a court order for law enforcement officials to either release or disclose the contents of any juvenile law enforcement record (the JDR Court has declined to enter an order in these cases because the offenders are participating in non-judicial remediation), and this legislation would enhance the success of valuable diversion efforts.

Position Statements

Environment

Global Climate Change/Environmental Sustainability Initiatives
Support efforts to reduce the County's greenhouse gas emissions and operational demand for energy through efficiency, conservation, and education. The basis for these efforts is Fairfax County's strategic direction and commitment to achieve environmental and energy goals, including those set forth in the Board's 2004 Environmental Agenda, the 2009 Energy Policy, and the County's Comprehensive Plan.

Support incentives and opportunities for the expansion of renewable energy and energy efficiency initiatives, such as:

- Funding of renewable energy grant programs and incentives to assist the development and growth of energy businesses and technologies, such as renewable distributed energy generation;
- Opportunities for consumers to purchase or generate renewable energy, including expanding the availability of net metering programs, which allow eligible customers to offset their power consumption by selling self-generated power back to the energy grid. Legislation in 2015 raised the cap on the amount of energy that may be net metered by eligible customers, but more flexibility is needed to maximize the cost-effectiveness of larger projects.
- State income tax incentives for businesses or residents to defray a portion of the cost of new construction or improvements which save energy and mitigate adverse environmental impacts.
- Increased flexibility in the restrictions governing third-party power purchase agreements (PPAs) for renewable energy. PPAs can facilitate the adoption of renewable energy by reducing the up-front costs, thus assisting in reducing greenhouse gas emissions and other forms of pollution. Legislation was passed in 2013 to authorize a limited pilot program for such arrangements, subject to certain system-size requirements and an overall cap of 50 MW on generation. *(Revises and reaffirms previous positions.)*

Land Conservation
Support the Governor's goal to preserve 400,000 acres of open space and working lands statewide, including the Administration's initiative to protect 1,000 "Virginia Treasures," which are properties with particular conservation value, such as wetlands or riparian buffers. Support state incentives that promote donations to park authorities or associated foundations. Further, continue to support prioritizing the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use. In addition to other benefits, the preservation of open space contributes to watershed protection, an important issue as the state works to reduce nutrient pollution in the Chesapeake Bay. *(Updates and reaffirms previous position.)*

Reducing Environmental Contamination from Plastic and Paper Bags
Support legislation or other efforts which would encourage the use of reusable shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts. As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2016. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. *(Updates and reaffirms previous position.)*

Funding

Economic Success

Support a strong partnership between the Commonwealth and the County as Virginia's economy adapts to a changing fiscal landscape. Virginia has historically been among the top states in the nation in per capita federal spending, and both the state and the County have benefited from significant federal investments in military and civilian employment, along with associated contracting industries. However, the effects of federal budget cuts and sequestration have had a negative impact on County and state revenues, as high-paying professional and contracting jobs have been replaced by lower-paying jobs in the service sector. Support full funding of the Commonwealth Opportunity Fund and one-time investments in unique opportunities, which pay significant dividends for the County and the Commonwealth; for example, the state has been a critical partner in special events hosted by the County, such as the World Police and Fire Games, which generated about $83 million in economic benefit for the region and the Commonwealth.

In the long term, support a multi-faceted approach to position the County for future growth, including state investments to:

- Further strengthen the County's dynamic business climate through innovation, by facilitating the co-location of universities, research institutions, businesses, and incubators, while encouraging commercialization of the resulting research and spin-off ventures;
- Provide coordinated career and technical education training opportunities to Virginians in K-12, higher education, and community college settings to ensure a workforce equipped for emerging, high-growth industries, including ensuring students have multiple pathways to earn a diploma and the ability to further explore career clusters (groupings of occupations/industries which help students investigate careers and design their courses of study) in preparation for post-secondary opportunities;
- Diversify the local economy by attracting new industries to Fairfax County, while continuing to support businesses already located in the County;
- Protect existing federal facilities within the County, while encouraging additional federal expansions;
- Maintain an environment conducive to recruiting additional federal installations; and,
- Preserve and strengthen community assets (such as schools, transit, transportation, health care systems, vibrant public spaces, and workforce housing, among others) to encourage organizations to locate and expand operations in the County and to attract private investments. *(Updates previous position.)*

Libraries

Support increased state aid to public libraries, which provide communities with critical services such as student homework support, research assistance, and public internet access. Approximately 5 million visits were made to Fairfax County public libraries in FY 2014, with nearly 12.9 million items borrowed. State aid to libraries declined significantly during the recent recession; at a minimum, the state should avoid further reductions in aid. *(Updates previous position.)*

Public Safety/Courts Funding

Public safety is a core service for the Commonwealth, as it is for localities. Protecting the Commonwealth's residents and ensuring the successful operation of all aspects of the justice system requires appropriate state funding for this state-local partnership, including law enforcement, the courts, and jails/corrections. Continued and substantial state cuts in recent years, in addition to the underfunding that already exists, have placed an increased burden on localities to fund these state responsibilities. To that end, Fairfax County supports reversing this trend through adequate state funding for the following:

- **HB 599 – The Commonwealth should restore, or at a minimum maintain, HB 599 law enforcement funding.** This critical funding, provided to localities with police departments, is a priority for localities throughout the Commonwealth. Approximately 65 percent of all Virginians currently depend on local police departments for public safety services. This program strives to equalize state funding between cities, counties, and towns with police departments and localities in which the sheriff provides law

enforcement. If state funding had increased with state revenues, as is required, Fairfax County would have received approximately $28 million in additional funding over the past six years. *(Updates and reaffirms longstanding Board position.)*

- **Jails – The Commonwealth should adequately compensate localities at a level which is commensurate with the state's responsibility for local jail operations.** Local governments in Virginia have historically borne a disproportionate burden of supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. *(Reaffirms previous position.)*
- **Courts – The Commonwealth should adequately fund Virginia's courts, to ensure a well-functioning judicial branch.** The overall underfunding of Virginia's court system continues to place additional burdens on localities and the judicial system. Providing sufficient funding for the salaries of court personnel, including clerks, magistrates, Commonwealth's Attorneys, public defenders, district court employees, and probation office employees, among others, is a critical state responsibility. Budget-related actions in recent years to limit the filling of judicial vacancies have strained the ability of the courts to administer justice efficiently while managing a large volume of cases. In 2012, the General Assembly directed the Supreme Court to develop and implement a weighted caseload system, in an effort to objectively determine the need for judgeships in each court. In addition to the quantity of filed cases, other qualitative factors should be considered to evaluate judicial workload and allocate judgeships and state funding for the court system, including, for example, the increasing need for interpreters and the effect of cost-of-living on retention of competent local court personnel. *(Updates and reaffirms previous position.)*

Water Quality Funding

Support budget action at the 2016 General Assembly providing adequate state appropriations to the Water Quality Improvement Fund in order to ensure full and timely payments under point source upgrade contracts with local governments; also support continuation of, and increased funding to, the Stormwater Local Assistance Fund (SLAF).

Fairfax County and local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). The state has made significant progress in providing funding in recent years, including deposits to the WQIF of surplus funds and the establishment and funding of the SLAF ($28 million in matching grant funds was allocated for SLAF in 2014, and an additional $5 million was provided in 2015). However, in order to meet federal Chesapeake Bay requirements, additional state assistance for urban stormwater needs will be required (in 2011, the Senate Finance Committee estimated these costs to be between $9.4 billion and $11.5 billion by 2025), while additional funding will likely also be needed for wastewater treatment plant upgrades in the Chesapeake Bay watershed. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort, and such funding must continue to increase if Virginia is to meet its commitments for the Chesapeake Bay. *(Updates and reaffirms previous position.)*

General Laws

Elections

Support legislation to promote participation in elections, including allowing any registered voter to vote absentee without requiring that the voter state a reason ("no-excuse" absentee voting), and providing for extended polling hours statewide to allow voters additional time to reach polling places. Legislation intended to enhance security regarding elections must be carefully analyzed to ensure that it strikes a balance between maintaining the integrity of elections while not discouraging the exercise of the franchise. The effects of recently-enacted voter ID legislation should be examined for potentially harmful consequences before further legislation in this area is introduced. Similarly, reactions at the state and federal levels to the recent Supreme Court decision striking down Section IV of the Voting Rights Act, which eliminated the requirement that changes to Virginia's election laws be "pre-cleared," should be closely monitored. Additionally, support greater state financial support for election administration. Such assistance will be increasingly necessary as federal Help America Vote Act (HAVA) funds are exhausted in FY 2018; currently, these funds comprise 60 percent of annual spending by the Virginia Department of Elections. *(Updates and reaffirms previous position.)*

Sexual Orientation
Support legislation to permit the County, as an urban county executive form of government, to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Fairfax County has already taken actions pursuant to existing state enabling legislation in the preceding areas on the basis of race, color, religion, sex, pregnancy, childbirth, and disability. *(Reaffirms previous position.)*

Health

Alternative On-Site Sewage Systems (AOSS)
Support legislation that would require sellers of residential property to directly disclose to prospective purchasers that an AOSS is on the property and that the system will have to be operated and maintained in accordance with applicable standards and requirements. Support legislation that would provide localities with additional tools to ensure adequate reporting of periodic private-sector inspections and that would allow localities to abate or remedy violations of laws regarding the operation and/or maintenance of such systems. Oppose legislation that would further restrict local government authority to regulate the installation of such systems within the locality, including but not limited to authority to ensure installation according to approved designs and development plans, establish minimum setback distances and installation depths, and prohibit such systems within or near wetlands and other environmentally sensitive areas, unless such systems are approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating. *(Reaffirms previous position.)*

Lyme Disease
Support funding initiatives that will advance research, surveillance, reporting, diagnostics, and treatment for Lyme disease, as recommended by the Lyme Disease Task Force convened in 2011 by the Governor and the Secretary of Health and Human Resources. Cases of Lyme disease have been on the rise in Virginia, with 925 confirmed and 382 probable cases reported to the Centers for Disease Control and Prevention in 2013. *(Updates and reaffirms previous position.)*

Human Services

Early Childhood Services
Support additional state resources to ensure the health, safety and school readiness of children through adequate and appropriate programs and services.

The health, safety and school readiness of children is a fundamental priority. However, children in the Commonwealth face increasing challenges that must be addressed in a comprehensive manner to ensure the best possible outcomes. There is increasing recognition that the first few years of a child's life are a particularly sensitive period in the process of development, laying a foundation for: cognitive functioning; behavioral, social, and self-regulatory capacities; and, physical health. The Commonwealth should provide additional resources for services and supports necessary for all children to arrive at school ready to learn and succeed, including:

- Child Care Services;
- Community-Based Services for Children and Youth;
- Early Intervention Services for Infants and Toddlers with Disabilities/Part C; and,
- School Readiness.

Additionally, the Children's Services Act (CSA) provides services to children dealing with a myriad of challenges, including youth who: have been identified as needing services to prevent foster care placement; are in foster care; are having serious emotional or behavioral problems; need specialized education services; or, are under the supervision of a juvenile court. Investing additional resources for appropriate services, and working with children and their families to create safe and secure environments where children can thrive, will ultimately yield benefits for the entire Commonwealth. *(New position. See also the Human Services Issue Paper)*

Northern Virginia Training Center (NVTC)

Support additional state funding for community placements, including critically-needed housing, for individuals leaving the Northern Virginia Training Center. Also support additional state funding for increased Medicaid waiver rates to support those placements, to ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement.

As a result of a state decision following the settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state's five training centers, which provide residential treatment for individuals with intellectual and developmental disabilities. Ensuring the creation of sufficient and appropriate housing, employment and day supports for individuals leaving the training center, without shifting costs to localities, is essential to the implementation of this agreement. Unfortunately, in the three years since the agreement was reached, the Commonwealth has failed to create such housing and support options in Northern Virginia due to high real estate and service delivery costs paired with inflexible residency limits and insufficient waiver rates (providers have indicated that allowing five residents per group home would significantly improve their ability to offer these services, and that limiting group homes to four or fewer residents may not be economically viable). This has resulted in significant numbers of NVTC residents relocating far outside the Fairfax County area. To that end, it is vital that proceeds of the planned sale of the NVTC property are dedicated to providing services in Northern Virginia, to meet the needs of both the NVTC population and other individuals on the community waiting list for Medicaid waivers.

Additionally, the Commonwealth has made only limited progress in redesigning related Medicaid waivers, even though that redesign and funding is essential to the Commonwealth's implementation of the settlement agreement. Waiver rates are currently well below the cost of providing necessary services in Northern Virginia, and do not contain sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers and services that would:

- Ensure adequate funding to address the needs of individuals with high, complex, and intense needs for support, including employment and day services;
- Identify and provide sufficient affordable housing resources to adults with intellectual and developmental disability, allowing providers to instead focus resources on increasing service needs;
- Fully fund reimbursements for nursing and behavioral consultation, training, monitoring and supports;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Provide sufficient funding to support a sustainable, well-trained workforce and a service support model that can effectively integrate nursing care, behavioral supports, mental health supports, and eldercare across residential and day settings and within Support Coordination services; and,
- Provide support for an appropriate system of care for crisis services for individuals with intellectual and developmental disabilities.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation. Sufficient and timely state funding for the NVTC population is an essential component of that effort. *(Updates and reaffirms previous position.)* *(Regional position.)*

Mental Health, Public Safety, and the Criminal Justice System

Support sustainable funding for public safety and mental health services which connect non-violent offenders experiencing mental health crises to treatment instead of the criminal justice system. Also, support funding for the provision of mental health services in jails, including training for personnel.

For many years, police officers have been the first responders when an individual is in the midst of a mental health crisis – the Fairfax County Police Department responds to more than 5,000 calls each year that are mental health related. As a result, many of these calls lead to incarceration for low-level offenses (trespassing, disorderly conduct), precluding the individual from receiving appropriate treatment in the community for the underlying mental health issues with which he or she is grappling. In fact, nearly four in ten inmates at the Fairfax County Adult Detention Center (ADC) have been identified as needing mental health care, and more than one in four have a serious mental health illness and co-occurring substance use disorder. Though the impacts of mental health challenges on public safety are increasingly receiving national attention, the fact

remains that the criminal justice system is ill-equipped to deal with such issues, and substantial changes must be made. Innovative approaches in the courts to quickly identify individuals with mental illness who are charged with criminal offenses could ensure appropriate treatment and enhance diversion efforts, leading to better outcomes for individuals and the community. Additionally, it is significantly more expensive to deliver mental health services in a detention facility than in the community due to the high cost of incarceration, which is approximately $50,000 per year in Fairfax County, not including additional costs for mental health care. In contrast, it only costs approximately $7,500 per year to provide intensive case management in the community, through the Community Services Board.

To address these critical issues, Fairfax County has embarked upon a Diversion First initiative, seeking to divert non-violent offenders experiencing mental health crises to treatment instead of incarceration. Local revenues have been utilized to implement the first phase of this vital initiative, but expanding this cost-saving program will require additional state investments, including:

- Increasing the availability of mental health services in the community by expanding secure 24/7 crisis assessment centers, crisis stabilization units, mobile crisis units, local forensic beds, affordable housing options, reintegration services for youth and adults at high-risk of rapid re-hospitalization and/or re-offending due to mental health issues, and the use of telepsychiatry (see also the Human Services Issue Paper);
- Strengthening the community's response to individuals in mental health crises by funding Crisis Intervention Team (CIT) training for law enforcement officers, Fire and Rescue first responders, and jail personnel;
- Facilitating the exchange of health information of individuals believed to meet the criteria for temporary detention orders between law enforcement, Community Services Boards, health care entities and providers, and families and guardians;
- Supporting the efforts of the Center for Behavioral Health and Justice, which was created in 2015 upon recommendation of the Governor's Taskforce; and,
- Increasing funding to augment the provision of appropriate mental health services to individuals who are incarcerated for offenses that make them unsuitable candidates for a diversion program.

(Many of these items are recommendations in the final report of the Governor's Taskforce on Improving Mental Health Services and Crisis Response. Additionally, the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century's interim and final reports, expected by December 2015 and 2017 respectively, likely will include recommendations that support and advance the Diversion First initiative.) (New position.)

Land Use

Proffers

Existing local authority to accept cash and in-kind proffers from developers must be retained without restrictions to assist localities in providing the capital facilities and infrastructure needed to serve new development, and to maintain local community standards that keep and improve the quality of life, and encourage and spur economic development. Any proposal for replacing such proffer commitments with development impact fees must be at the option of each locality. *(Reaffirms previous position.)*

Public Safety

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility to public places and to housing.

Nearly 75,000 Fairfax County residents have a disability, which includes people with hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulties. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities since the passage of the Americans with Disabilities Act (ADA) 25 years ago, continued advancement is needed. Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, by increasing accessibility through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, medical providers, advocacy groups, and state and local governments.

The lack of affordable, accessible, integrated housing is a major barrier facing older adults and people with disabilities throughout the Commonwealth. Innovative options to help ensure that older adults and people with disabilities can stay in their homes include increasing the accessible housing stock in newly constructed multi-family housing (encompassing apartment buildings, condos, and assisted living housing among others); encouraging builders to offer "visitable" options to prospective customers and applicants for new single family homes, as an alternative to conventional design; raising the maximum annual allotment of the Livable Homes Tax Credit; and, establishing a comparable grant to help pay for much-needed home modifications. Incentives and initiatives for accessible housing and home modifications should benefit both homeowners and renters. Improved accessibility in public buildings, housing, transportation, medical facilities and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(Updates and reaffirms previous position.)*

Dangerous Weapons in Public Facilities

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

Pneumatic Guns

Support legislation that would authorize a locality to adopt an ordinance that would ban the possession of pneumatic guns on school grounds, with an exemption for persons participating in school-sponsored activities. Pneumatic guns, particularly those fired by pump action or carbon dioxide gas cartridges, are capable of muzzle velocities that can result in skin or ocular penetration. A particular concern of County law enforcement is that modern pneumatic guns often strongly resemble firearms. Given the potential for injury caused by these guns, legislation which would allow localities to ban their possession on school property would provide important protection. The General Assembly has already banned the possession of a long list of weapons on school grounds, thus recognizing that schools should be a "safe zone." *(Reaffirms previous position, which was previously included as an initiative. The County's 2012 bill on this subject passed the Senate, but failed in a House subcommittee.)*

Taxation

Communications Sales and Use Tax

Support legislation to protect the financial interests of local governments based upon declining revenues in the communications sales and use tax. After lengthy negotiations, the 2007 General Assembly repealed many local telecommunications taxes and replaced them with a statewide communications tax. The expectation at that time was that the new communications tax would grow and localities would, at a minimum, receive the same amount of funding as they received in FY 2006 ($85.5 million for Fairfax County). However, this tax has eroded and in FY 2015, the County only received approximately $79 million. Consequently, any consideration of formula changes must be avoided until and unless communications tax revenues increase sufficiently to ensure revenue neutrality for localities, as agreed upon when this compromise was reached. Additionally, changes in market area, customers served, new technologies, and perhaps the rate itself must be examined to ensure a modern communications tax system for localities, which reflects and reacts to an ever-changing landscape. *(Updates previous position. The 2015 GA directed the Virginia Department of Taxation to conduct a study of the performance of the communications sales and use tax, which was completed this fall.)*

Transportation

Secondary Road Devolution

Oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local governments that have neither the resources nor the expertise to fulfill them. Further, oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. *(Reaffirms previous position.)*

Pedestrian and Transit Safety

Safe access to transit facilities can be improved through infrastructure investments, better traffic safety laws, and adequate sidewalk maintenance, including snow removal following inclement weather. With the opening of the Silver Line, along with significantly increased Fairfax Connector service and more concentrated growth, more residents and workers in the County are choosing to walk and use transit. Fairfax County supports revisions to Virginia's existing pedestrian law that clarify the responsibilities of both drivers and pedestrians, in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less, and at unsignalized crosswalks in front of schools. Since the state does not clear snow from state-owned and maintained sidewalks, Fairfax County also supports efforts to encourage snow removal from such sidewalks by individuals and businesses voluntarily providing this community service, including safeguards for those who act responsibly and in good faith to clear public sidewalks following inclement weather. *(Updates previous position)*

FAIRFAX COUNTY
2016 Budget Fact Sheet

State General Fund
Approximately 44% of the state General Fund (GF) provides aid to localities in FY 2016 (down from 52% in FY 2009).

Less than 30% of the GF provided funding for K-12 in FY 2016 (down from 35% in FY 2009).

GF tax changes over the last two decades have more than neutralized 2004 tax increase:
- 2004 tax reforms raised about $1.6 billion per biennium in new revenue
- Since 1994, approximately $3 billion per biennium in net state tax cuts and GF revenue reductions.

State Budget Cuts
Virginia ranks 10th nationwide in per capita personal income, but 49th in state and local revenue as a percentage of personal income, making Virginia a wealthy, low-tax state.

Virginia relies more on local taxes and revenues for funding government services than most other states.

In 2009, the General Assembly (GA) began requiring localities to return funds to the state to help close the state budget shortfall – essentially requiring "local aid to the Commonwealth." Between FY 2009 and FY 2015, this action cost the County $22.6 million in state cuts. This practice was eliminated in FY 2014 and in FY 2016.

Since the 2008 GA session, the state has adopted permanent, structural cuts to K-12 totaling over $1.7 billion per biennium statewide.

Virginia ranks 41th nationwide in state per pupil funding.

State K-12 spending per FCPS pupil was $3,125 in FY 2014, while Fairfax County provided $10,402. Virginia localities now spend more than $3.5 billion per year beyond what is required to match state K-12 funding.

Cuts to the Cost of Competing Adjustment (COCA) for K-12 support personnel in Northern Virginia resulted in a loss of $10.2 million to Fairfax County over the 2012-2014 biennium (FY 2013 and FY 2014). COCA for support personnel was eliminated for the 2014-2016 biennium (FY 2015 and FY 2016). FCPS would have received $12.6 million in FY 2015 and $12.8 million in FY 2016 if COCA were fully funded.

Fairfax County/Regional Impacts
NOVA comprises 27% of the state population, generates over 40% of state GF, and receives 21% of state GF appropriations.

State funding to Fairfax County (not FCPS) has been cut over $38 million since FY 2009.

Over 71% of the FCPS budget is funded by Fairfax County (the average district receives about half from its local government).

FCPS receives approximately 23% of its budget from the state (including sales tax). The average funding share is 45%, due to the local composite index.

85.4% of the FCPS budget is for direct costs associated with providing instructional programs.

28.2% of FCPS students (53,170 students) qualify for free or reduced lunch. In FY 2015, only four school divisions had more total students than FCPS's free and reduced lunch population alone.

BPOL
Of approximately 42,000 businesses in the County that pay BPOL tax, 39% pay a flat tax averaging $38, and 28% pay an average of approximately $551.

If Fairfax County's BPOL tax was eliminated, the real estate tax rate would have to be raised by approximately 7 cents, or about $360 per year for the average household, in order to replace the funding.

**Data is drawn from Fiscal Analytics, JLARC, and Fairfax County resources.*

FAIRFAX COUNTY
2016 Transportation Fact Sheet

Transportation Conditions

- Only 18% of secondary roads in Fairfax County have pavement in fair or better condition (a significant decline from 31% since 2011). This is 42% lower than the statewide average of 60%, and far short of VDOT's target of 82%. While the County's interstates and primary roads have improved from previous years, there are still significant unmet roadway maintenance needs in Fairfax County.

- According to the Texas Transportation Institute (TTI), delays endured by the average commuter in the Northern Virginia and the Washington Metropolitan Region in 2014 were 82 hours—an alarming increase of 15 hours from 2011. This is nearly double the national average, and worst among the nation's 471 urban areas. The average commuter wasted about 35 gallons of fuel in 2014 due to congestion, also ranking the region as the worst in the nation.

- Transit agencies provide over 152 million passenger trips in Northern Virginia on bus and rail annually and approximately three-quarters of transit trips in the Commonwealth are in Northern Virginia. The Fairfax Connector operates more than 80 routes across the County and provides over 10 million passenger trips each year to enable residents to access jobs, schools, grocery stores, and other destinations across the County and region.

- In 2012, Fairfax County reported $3 billion in unmet transportation needs over the next 10 years; due to the passage of HB 2313 and the County's Tysons Funding Plan, that deficit has been reduced to $790 million.

The Current Situation

- HB 2313 (2013) provides approximately $300 million in annual regional transportation revenues, which is a significant step in addressing the estimated $950 million annual transportation revenue shortfall calculated by the Northern Virginia Transportation Authority.

- The Board of Supervisors has adopted a list of transportation priorities which is based on a cost/benefit analysis process, community input, the availability of funds, and other considerations. The County is using multiple revenue sources, including HB 2313 state and regional revenues and local funds, to address these priorities.

- The County continues to work with regional and state partners to improve and streamline project delivery, including coordinating between County departments and with outside agencies, including VDOT, and eliminating or reducing steps in the process. It is essential that Fairfax County, the Commonwealth, and other regional entities continue to work more closely together to implement projects with the new funds to ensure the County is addressing residents' needs as quickly as possible.

Sample Project Costs			
Traffic Signal Upgrade	$350,000	Road Widening Project*	$50-100 million
Major Interchange*	$100-300 million	Multi-modal Transit Center	$70 million
Intersection Improvement	$3 million	Metrorail Car	$2.5 million
Roadway Extension*	$40-90 million	Transit Bus	$500,000

**Project costs depend on the complexity and size of the project, and vary significantly across projects. The cost ranges provided above are based on recent and current projects; some projects may fall below or above the ranges provided.*

HB 2313 has provided significant resources to improve the County's transportation system. Efficient project implementation will be important to ensure these revenues are used wisely. In the future, additional investments will be necessary to ensure a modern, efficient, multimodal transportation system. This is essential to the Commonwealth and is intrinsically tied to continued economic success and the ability to compete in a global economy. Fairfax County, along with localities throughout the state, continues to provide millions in local funds for transportation each year, and the County and the Commonwealth must continue to work together to ensure that infrastructure needs are met.

Draft – December 2, 2015
(Note: New language added/revised after the November 24, 2015, Legislative Committee meeting is highlighted.)

Draft 2016 Fairfax County Human Services Issue Paper

This human services issue paper is a supplement to the 2016 Fairfax County Legislative Program. Fairfax County has long recognized that investments in critical human services programs can and do save public funds by minimizing the need for more costly services. This is not the time to abandon those essential investments.

Though 2009 is credited as being the end of the Great Recession, its impact has continued to take a toll on the County's most vulnerable residents, as evidenced by the continued growth in Medicaid and Supplemental Nutrition Assistance Program (SNAP) caseloads. In 2014, the poverty rate in Fairfax County was 6.6 percent, which equates to 74,210 people in Fairfax County living in poverty, compared to 64,851 people in 2013. Additionally, the number of people living in deep poverty in Fairfax County – with an income less than about $12,125 for a family of four – jumped to 33,838 in 2014. Since the start of the economic downturn, an additional 7,792 children have slipped into poverty, bringing the total number to over 23,000, or 8.7 percent, of Fairfax's children.

The implementation of federal sequestration, and accompanying federal funding cuts, has adversely affected an already struggling population, further threatening to unravel the social safety net through significant reductions in domestic discretionary spending. These federal actions have had an impact on Virginia's own revenue sources, leading to state budget reductions. Fortunately, state revenues began to improve significantly in FY 2015, and the state ended the fiscal year with a surplus totaling more than $500 million, with projections showing continued improvement in years to come.

All of these short- and long-term uncertainties continue to threaten the safety net provided by local governments at a time when their own fiscal health has not been fully restored. Now is the time for the state to begin restoring the substantial reductions to local programs and services implemented in recent years. A strong safety net for our most vulnerable populations remains an essential public service.

In order to achieve the stated public policy goals, state and local governments must partner to achieve the following outcomes:

- Protect the vulnerable;
- Help people and communities realize and strengthen their capacity for self-sufficiency;
- Whenever needed, help link people to health services, adequate and affordable housing, and employment opportunities;
- Ensure that children thrive and youth successfully transition to adulthood;
- Ensure that people and communities are healthy through prevention and early intervention;
- Increase capacity in the community to address human service needs; and,
- Build a high-performing and diverse workforce to achieve these objectives.

It is the goal of the Fairfax County Board of Supervisors to work with the County's General Assembly delegation to achieve these objectives. *(Revises and updates previous position.)*

(Note: New language added/revised after the November 24, 2015, Legislative Committee meeting is highlighted.)

Priorities

Early Childhood Services

Support additional state resources to ensure the health, safety and school readiness of children through adequate and appropriate programs and services.

The health, safety and school readiness of children is a fundamental priority. However, children in the Commonwealth face increasing challenges that must be addressed in a comprehensive manner to ensure the best possible outcomes. There is increasing recognition that the first few years of a child's life are a particularly sensitive period in the process of development, laying a foundation for: cognitive functioning; behavioral, social, and self-regulatory capacities; and, physical health. The Commonwealth should provide additional resources for services and supports necessary for all children to arrive at school ready to learn and succeed, including:

- Child Care Services (see also page 10);
- Community-Based Services for Children and Youth (see also page 19);
- Early Intervention Services for Infants and Toddlers with Disabilities/Part C (see also page 11); and,
- School Readiness (see also page 11).

Additionally, the Children's Services Act (CSA) provides services to children dealing with a myriad of challenges, including youth who: have been identified as needing services to prevent foster care placement; are in foster care; are having serious emotional or behavioral problems; need specialized education services; or, are under the supervision of a juvenile court. Investing additional resources for appropriate services, and working with children and their families to create safe and secure environments where children can thrive, will ultimately yield benefits for the entire Commonwealth. *(New position.)*

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As a result of a state decision following the settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state's five training centers, which provide residential treatment for individuals with intellectual and developmental disabilities. Ensuring the creation of sufficient and appropriate housing, employment and day supports for individuals leaving the training center, without shifting costs to localities, is essential to the implementation of this agreement. Unfortunately, in the three years since the agreement was reached, the Commonwealth has failed to create such housing and support options in Northern Virginia due to high real estate and service delivery costs paired with inflexible residency limits and insufficient waiver rates (providers have indicated that allowing five residents per group home would significantly improve their ability to offer these services, and that limiting group homes to four or fewer residents may not be economically viable). This has resulted in significant numbers

of NVTC residents relocating far outside the Fairfax County area. To that end, it is vital that proceeds of the planned sale of the NVTC property are dedicated to providing services in Northern Virginia, to meet the needs of both the NVTC population and other individuals on the community waiting list for Medicaid waivers.

Additionally, the Commonwealth has made only limited progress in redesigning related Medicaid waivers, even though that redesign and funding is essential to the Commonwealth's implementation of the settlement agreement. Waiver rates are currently well below the cost of providing necessary services in Northern Virginia, and do not contain sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers and services that would:

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- Identify and provide sufficient affordable housing resources to adults with intellectual and developmental disability, allowing providers to instead focus resources on increasing service needs;
- Fully fund reimbursements for nursing and behavioral consultation, training, monitoring and supports;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Provide sufficient funding to support a sustainable, well-trained workforce and a service support model that can effectively integrate nursing care, behavioral supports, mental health supports, and eldercare across residential and day settings and within Support Coordination services; and,
- Provide support for an appropriate system of care for crisis services for individuals with intellectual and developmental disabilities.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation. Sufficient and timely state funding for the NVTC population is an essential component of that effort. *(Updates and reaffirms previous position.)*

Mental Health, Public Safety, and the Criminal Justice System

Support sustainable funding for public safety and mental health services which connect non-violent offenders experiencing mental health crises to treatment instead of the criminal justice system. Also, support funding for the provision of mental health services in jails, including training for personnel.

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that the criminal justice system is ill-equipped to deal with such issues, and substantial changes must be made. Innovative approaches in the courts to quickly identify individuals with mental illness who are charged with criminal offenses could ensure appropriate treatment and enhance diversion efforts, leading to better outcomes for individuals and the community. Additionally, it is significantly more expensive to deliver mental health services in a detention facility than in the community due to the high cost of incarceration, which is approximately $50,000 per year in Fairfax County, not including additional costs for mental health care. In contrast, it only costs approximately $7,500 per year to provide intensive case management in the community, through the Community Services Board.

To address these critical issues, Fairfax County has embarked upon a Diversion First initiative, seeking to divert non-violent offenders experiencing mental health crises to treatment instead of incarceration. Local revenues have been utilized to implement the first phase of this vital initiative, but expanding this cost-saving program will require additional state investments, including:

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- Strengthening the community's response to individuals in mental health crises by funding Crisis Intervention Team (CIT) training for law enforcement officers, Fire and Rescue first responders, and jail personnel;
- Facilitating the exchange of health information of individuals believed to meet the criteria for temporary detention orders between law enforcement, Community Services Boards, health care entities and providers, and families and guardians;
- Supporting the efforts of the Center for Behavioral Health and Justice, which was created in 2015 upon recommendation of the Governor's Taskforce; and,
- Increasing funding to augment the provision of appropriate mental health services to individuals who are incarcerated for offenses that make them unsuitable candidates for a diversion program.

(Many of these items are recommendations in the final report of the Governor's Taskforce on Improving Mental Health Services and Crisis Response. Additionally, the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century's interim and final reports, expected by December 2015 and 2017 respectively, likely will include recommendations that support and advance the Diversion First initiative.) (New position.)

(Note: New language added/revised after the November 24, 2015, Legislative Committee meeting is highlighted.)

Position Statements

State Resource Investments for Keeping People in Their Communities

Human services programs serve a wide range of people, including low-income individuals and families; children at risk for poor physical and mental health and educational outcomes; older adults; persons with physical and intellectual disabilities; and, those experiencing mental health and substance use issues. These individuals want the same opportunities every Virginian wants – not just to survive, but to thrive, by receiving the services they need while remaining in their homes and communities, allowing continued connections to family, friends, and their community resources. In recent years, changes in philosophy have led public policy to embrace this direction, as a more cost-effective, beneficial approach – allowing those with special needs to lead productive lives in their own communities, through care and support that is much less expensive than institutional care.

Meeting these needs requires a strong partnership between the Commonwealth and local government. This is particularly true in the area of funding, which is necessary to create and maintain these home and community-based services, and must be seen as an investment in the long-term success of the Commonwealth. Unfortunately, it has increasingly become the practice of the Commonwealth to significantly underfund core human services or neglect newer best practice approaches, leaving localities to fill gaps in the necessary services through local revenues in order to meet these critical needs. As the state revenue picture appears to be improving, now is the time for the Commonwealth to strengthen the state/local partnership by adequately funding core human services.

The process of fundamentally reorganizing and restructuring programs and outdated service delivery systems for vulnerable populations in order to more successfully achieve positive outcomes requires an adequate state investment, which will ultimately pay dividends for years to come.

Medicaid Eligibility and Access to Care

Support increasing Medicaid eligibility in Virginia to 138 percent of the federal poverty level, as envisioned by the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.

Virginia's Medicaid program provides access to health care services for people in particular categories (low-income children and parents, pregnant women, older adults, and persons with disabilities). Costs are shared between the federal government and the states, and states are permitted to set their own income and asset eligibility criteria within federal guidelines. Virginia's current eligibility requirements are so strict that although it is the 12th largest state in terms of population and 10th in per capita personal income, Virginia ranked 45th in Medicaid enrollment as a proportion of the state's population and 48th in per capita Medicaid spending (a decline in the state's already very low ranking).

The Commonwealth faces a critical decision, as it considers again whether or not to pursue the Medicaid expansion included in the federal health care reform law, along with the sizable federal funding provided for those newly eligible enrollees. The failure of previous proposals, most recently during the 2014 regular and special sessions, leaves the question of Medicaid expansion in doubt in Virginia; however, it is important to note that expansion would provide coverage to as many as 248,000 Virginians, including 27,000 individuals in Fairfax County. Newly eligible individuals would include low-income adults (individuals earning less than $16,104 per year or families earning less than $32,913 per year), low-income children who lose Medicaid when they turn 19, and adults with disabilities not eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). The state took a modest step towards increasing some coverage in late 2014, by requesting and receiving federal permission to provide certain services to qualifying individuals with Serious Mental Illness; however, this demonstration project expires in January 2017.

It is clear at this time that the cost of expansion to the Commonwealth will be minimal, while the savings in indigent and uncompensated care could be significant. Under the Patient Protection and Affordable Care Act, the federal government will cover 100 percent of the costs of coverage for newly-eligible individuals through the end of 2016, with the federal share declining gradually to 90 percent by 2020. State dollars freed up by this infusion of federal funds could then be redirected to other critical budget priorities. Additionally, increasing less expensive preventative care and reducing more expensive emergency care could improve the overall health of residents of the Commonwealth, while slowing the growth in insurance premiums and reducing the "hidden tax" currently borne by all Virginians.

Oppose actions that shift Medicaid costs to localities, such as through Medicaid service funding reductions, changes to eligibility that shrink access, or other rule changes that erode the social safety net.

Irrespective of Virginia's decision on Medicaid expansion, or of any other federal funding cuts or reductions in federal requirements which may be considered by Congress, it is essential that the Commonwealth avoid taking actions that effectively shift costs to localities. Due to the increasingly critical shortage of private providers, poor reimbursement rates, and other factors that play a role in an overall increase in Medicaid program costs, ensuring success with any cost containment strategies will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. In particular, information technology initiatives to improve program administration should be coordinated with local program administrators. Fairfax County supports cost containment measures that utilize innovation, increase efficiency and targeted service delivery, and use of technology to reduce Medicaid fraud, in order to ensure the best allocation of resources without reducing services or access to care. Decisions made regarding other aspects of the Affordable Care Act should be carefully considered to avoid unintentionally increasing the number of uninsured Virginians by limiting the types of acceptable private plans, potentially increasing pressure on the social safety net. *(Revises and reaffirms previous position.)*

Medicaid Waivers

Support funding and expansion for Virginia's Medicaid waivers that provide critical home and community-based services for qualified individuals.

Medicaid funds both physical and mental health services for people in particular categories (low-income children and parents, pregnant women, older adults, and persons with disabilities). It is financed by the federal and state governments and administered by the states. Federal funding is provided based on a state's per capita income – the federal match rate for Virginia is 50 percent. Because each dollar Virginia puts into the Medicaid program draws down a federal dollar, what Medicaid will pay for is a significant factor in guiding the direction of state human services spending. However, states set their own income and asset eligibility criteria within federal guidelines; Virginia's requirements are so strict that though it is ranked 10th in per capita personal income, it is 49th in Medicaid spending for persons with intellectual and developmental disabilities.

For the most part, each state also has the discretion and flexibility to design its own Medicaid service program and can choose from a menu of optional services and waiver services in the state plan. Virginia offers fewer optional Medicaid services than many other states (in addition to federally mandated services), though Medicaid recipients in Virginia may also receive coverage through home and community-based "waiver" programs, which allow states to "waive" the requirement that an individual must live in an institution to receive Medicaid funding. Waivers result in less expensive, more beneficial care than care provided in institutional settings. Waiver services are especially important for low-income families, older adults, people with disabilities, and individuals with chronic diseases in Virginia, where Medicaid eligibility is highly restrictive.

The number and type of waivers is set by the General Assembly, and the extensive, growing waiting lists for some demonstrate the significant barriers that exist in the Commonwealth (current Virginia waivers include Alzheimer's Assisted Living, Day Support for Persons with Intellectual Disabilities, Elderly or Disabled with Consumer-Direction, Intellectual Disabilities, Technology Assisted and Individual and Family Developmental Disabilities Support). These waivers fund a variety of services, such as attendants to help with bathing and dressing, on-the-job assistance to allow people to work successfully, and assistive technology devices that provide communication assistance. Currently, the Commonwealth is redesigning the Intellectual Disability (ID), Developmental Disability (DD) and Day Support waivers; while the proposed new waivers could provide substantial benefits, their structure, funding, and implementation are critically important to their success and yet remain unclear. Adequate funding for the new waivers is essential, and must include a Northern Virginia differential that accurately reflects the cost of services in the region.

Fairfax County supports the following adjustments in Medicaid waivers:

- **Support automatic rate increases and an increase in the Northern Virginia differential.** While nursing facilities receive annual cost of living adjustments, this rate adjustment is not available to providers of Medicaid waiver services. Virginia ranks 49th among the states in the provision of home and community-based services. To reduce reliance on institutions such as nursing facilities, increase the source of less costly

community-based services, and ensure the availability and quality of Medicaid providers for personal care and other Medicaid community-based services, a fundamental rebalancing of reimbursements within Virginia's Medicaid program is necessary. At a minimum, this includes restoring reductions to Virginia's Medicaid waiver services from the 2010-2012 biennial budget; rates should equal at least 90 percent of cost. Additionally, support increasing the Northern Virginia differential from 15 percent to 20 percent, reflecting the higher cost of living and services in this area. More competitive Medicaid reimbursements will significantly increase the number of participating providers in Northern Virginia, thereby expanding the local supply of community-based services for older adults and people with disabilities. *(Updates and reaffirms previous position.)*

- **Support adoption and implementation of the Virginia Department of Behavioral Health and Developmental Services' (DBHDS) proposal for redesigned Intellectual Disability, Developmental Disability, and Day Support Waivers.** The proposed new waivers—the Community Living, Family and Individual Supports, and Building Independence waivers—will expand both the services available and eligibility criteria, and are critical to the state's implementation of the U.S. Department of Justice settlement agreement. The goal of the waiver redesign is to increase the number of individuals served, while providing more flexibility to allow individualized services and enhanced community participation. The state's new waiver proposal includes services and funding "tiers" based on the intensity of each individual's service needs, as determined by a Supports Intensity Scale (SIS), which will be administered to each waiver recipient. This design is meant to allow flexibility for individuals to move between waivers as their service needs change over time. Approval and implementation of proposed new waivers must include sufficient slots to provide home and community-based services to the more than 10,000 people statewide who are eligible (but remain on waiting lists) for ID or DD waiver services, and must also be accompanied by reimbursement rates which are based on the actual cost of providing services in Northern Virginia for that service area. *(Updates and revises previous position.)*
- **Support increased funding for the current Medicaid ID/DD waivers if the proposed redesigned waivers are not approved and implemented as expected.** The state's implementation of the proposed waiver redesign has not proceeded as quickly as previously thought, leading to concerns about how and when that redesign, and appropriate funding, will be completed. If new waivers are not implemented by the 2016 General Assembly, increased funding will be needed for more waivers and an expansion of services, as required by the settlement agreement. In Fairfax County (as of July 2015), over 1,250 people with intellectual disabilities are on the statewide waiting list for services; of those, more than 865 are considered to have "urgent" needs (potentially one crisis away from requiring emergency services and potential institutionalization). In addition, the services available under the current waivers will need to be expanded, with corresponding reimbursement rates that reflect the actual cost of providing services in Northern Virginia and the option for consumer choice. *(Updates and revises previous positions.)*
- **Support Expansion of Home and Community-Based Services.** The Commonwealth should implement new opportunities to serve older adults and people with disabilities in their homes and communities, including incorporating Community First Choice into its 2016 Medicaid state plan, which would provide Virginia with more flexibility and revenue

to serve people with adult onset disabilities who are denied access to services they need under the existing Medicaid waivers. (*Updates and reaffirms previous position.*)

- **Restore and Preserve the Elderly and Disabled with Consumer Direction (EDCD) Waiver, and Eliminate the 56 Hour Cap**. The EDCD Medicaid waiver is the only option for thousands of Virginians to stay in their own homes and avoid unnecessary placement in a nursing facility. After significant state funding reductions in recent years, several areas of the EDCD waiver must be preserved and restored in order to fully benefit Fairfax County's most vulnerable older adults and adults with disabilities, including: keeping the Long Term Care Medicaid eligibility threshold at 300 percent of SSI; restoring recent reductions to home and community-based Medicaid providers; allowing for flexibility in Medicaid's administrative requirements to maximize options for consumer-directed care; and, restoring respite care service hours to a maximum of 720 hours a year. The EDCD waiver's maximum of 56 personal attendant hours per week is insufficient to provide the support and services needed to allow recipients to remain in the community. Although there are limited options for some EDCD waiver beneficiaries to exceed this cap, justifying that need places an administrative burden on the consumer and should be eliminated. *(Updates and reaffirms previous position.)*

Children and Families

Children's Services Act (CSA)

Support continued state responsibility for funding mandated CSA foster care and special education services on a sum-sufficient basis, and support continuation of the current CSA local match rate structure, which incentivizes serving children in the least restrictive community- and family-based settings. Also, support:

- **The current structure which requires that service decisions are made at the local level and are provided based on the needs of the child;**
- **State funding for both the education costs of students placed in residential treatment for non-educational reasons and to remove local responsibility for matching funds for Medicaid Residential and Treatment Foster Care services;**
- **Increased CSA local government administrative funding;**
- **CSA funding for extended foster care services and support for youth 18-21 who entered foster care prior to their 18th birthday; and,**
- **Legislation that would clarify when CSA policy changes are subject to the Administrative Process Act, to ensure full review of the impacts and implications of the changes proposed to both state and local governments.**

Finally, oppose any changes to the current CSA program that would shift costs to local governments or disrupt the responsibilities and authorities as assigned by the Children's Services Act.

The Children's Services Act (formerly known as the Comprehensive Services Act) is a 1993 Virginia law that provided for the pooling of eight funding streams used to plan and provide services to children who have serious emotional or behavioral problems; who may need residential care or services beyond the scope of standard agency services; who need special education through a private school program; or who receive foster care services. It is a state-local partnership which

requires an aggregate local match of approximately 46 percent. The purpose of CSA is to provide high-quality, child-centered, family focused, cost effective, community-based services to high-risk youth and their families. Children receiving certain special education and foster care services are the only groups considered mandated for service. Because there is "sum sufficient" language attached to these two categories of service, this means that for these youth, whatever the cost, funding must be provided by state and local government. Fairfax County strongly opposes any efforts to cap state funding or eliminate the sum sufficient requirement, as the Commonwealth must not renege on its funding commitment to CSA.

Additionally, many policy and procedural changes have been made to CSA since its inception, but unfortunately many of these changes were made in the form of guidelines rather than regulations. This approach does not guarantee the 60 day public comment period required under the Administrative Process Act, or an independent review of potential impacts on state and local governments, families, and service providers. Without a full vetting, detrimental changes or unintended consequences could result; APA vetting requirements support careful review so that all impacts can be understood by both the state and affected communities.

In recent years, the state changed the local match rate structure, in order to incentivize the provision of community-based services, which are less expensive and more beneficial to the children and families participating in CSA. Since that time, overall costs for CSA have declined, illustrating the success that the state can achieve by working cooperatively with local governments. It is essential that this state and local partnership be maintained – changes to CSA law, policy, or implementation guidelines should focus on solutions that acknowledge the critical roles played by both levels of government, and should not favor one side of the partnership over the other. *(Updates and reaffirms previous position.)*

Child Care Services

Support state child care funding for economically disadvantaged families not participating in TANF/VIEW, known as "Fee System Child Care," and support an increase in child care service rates. Also, support maintaining Fairfax County's local permitting process for family child care providers serving four or fewer non-resident children.

Particularly during periods of economic downturn, a secure source of General Fund dollars is needed statewide to defray the cost of child care, protecting state and local investments in helping families move off of welfare and into long-term financial stability.

Research clearly indicates that the employment and financial independence of parents is jeopardized when affordable child care is outside of their reach. Parents may be forced to abandon stable employment to care for their children or they may begin or return to dependence on welfare programs. In order to maintain their employment, some parents may choose to place their children in unregulated, and therefore potentially unsafe, child care settings. Without subsidies to meet market prices, low-income working families may not access the quality child care and early childhood education that helps young children enter kindergarten prepared to succeed. In the Fairfax County community, where the median annual income of families receiving fee-system child care subsidies is $27,888, the cost of full-time child care for a preschooler at a child care center ranges from $12,200 to over $15,000 per year. Many of these families are truly "the

working poor" who require some assistance with child care costs in order to help them achieve self-sufficiency.

Child care provided in residential settings is critical to ensuring sufficient high quality and affordable care in Fairfax County. As a result of legislation enacted by the 2015 General Assembly, the Virginia Department of Social Services now regulates family child care providers who care for five or more non-resident children (prior to that legislative change, Fairfax County regulated family child care providers serving five children or fewer, but now only regulates providers who care for four or fewer non-resident children). The County's permit requirements are comparable to those used by the state, but also reflect vital community standards which should be preserved. Local regulation of family child care providers has worked well for Fairfax County families, and the County's authority to regulate smaller family child care providers should be maintained. *(Revises previous position.)* *(Position on local regulation of child care providers shared by region.)*

Early Intervention Services for Infants and Toddlers with Disabilities/Part C

Support sustainable funding and infrastructure for Part C Early Intervention, which is a state/federal entitlement program that provides services for Virginia's infants and toddlers. In order to address immediate concerns, support increasing funding in FY 2016 to support growth in services to children who do not qualify for Medicaid. Additionally, sufficient funding is needed to increase rates and align them with actual costs (from $132 per month to $175 per month) for the Medicaid Early Intervention Targeted Case Management Program, which provides early intervention services for children eligible for Medicaid.

The Commonwealth of Virginia has long contracted with the Fairfax-Falls Church Community Services Board (CSB) to provide Early Intervention therapeutic services for infants and toddlers with developmental delays in areas such as speech, eating, learning, and movement. The CSB, which is the Local Lead Agency for Fairfax County as part of the state's compliance with the federal Individuals with Disabilities Education Act (IDEA) Part C grant, provides services through the Infant and Toddler Connection (ITC) program. ITC is funded through a combination of federal, state, local, and insurance sources.

As the benefits of early intervention have become more widely known throughout the nation, the average monthly number of children seeking and/or receiving ITC services has grown by more than 59 percent – from 909 per month in FY 2010 to 1,449 per month in FY 2015. It is anticipated that demand for ITC will continue to grow at an average rate of six to eight percent annually. A significant funding shortfall has resulted from the increased demand and costs of services. Although the 2013 General Assembly provided an additional $2.3 million in FY 2013 and $6 million in FY 2014 statewide, this program was level funded at the FY 2014 level for FY 2015 and FY 2016, in spite of rising service needs. Increased funding will continue to be necessary to keep pace with the demand for this critical program. *(Revises and reaffirms previous position.)*

School Readiness

Support increased state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.

Research has increasingly shown the importance of high quality early childhood education programs to children's cognitive and social emotional development and their school success. Such programs have become economic development issues, as business organizations like the U.S. Chamber of Commerce have cited potentially positive impacts on national economic security, linking early childhood education and the creation of a highly skilled workforce. While failure to adequately meet the needs of the youngest Virginians can create repercussions for individual families, the larger community and the Commonwealth, it is clear that investments in early childhood education can provide a foundation for learning and achievement, often reducing or eliminating the need for more costly remediation later. Eligibility criteria for such programs, particularly the Virginia Preschool Initiative (VPI), should include the flexibility to account for regional variations in cost of living. *(Reaffirms previous position.)*

Foster Care/Kinship Care

Support legislation and resources to encourage the increased use of kinship care, keeping children with their families, including the development of a legal framework, such as guardianship, to allow kinship caregivers to make decisions for children in their care. Also support legislation that would allow youth in foster care to be adopted between the ages of 18-20 and extend the availability of subsidy for this population.

In 2008, Virginia embarked on a Children's Services Transformation effort, to identify and develop ways to find and strengthen permanent families for older children in foster care, and for those who might be at risk of entering foster care. The Transformation, founded on the belief that everyone deserves and needs permanent family connections to be successful, is leading to significant revisions in Virginia's services for children. Through kinship care (when a child lives with a relative), children remain connected to family and loved ones, providing better outcomes.

These kinship care arrangements are typically informal, with no legal agreements in place between the parents and the kin caregiver. In many cases, legal custody is not an option for kinship providers, due to the unwillingness of the relative to go through a proceeding with the biological parent(s) that may be viewed as adversarial, or the financial hardships associated with hiring legal counsel. Guardianship, which is a formal legal process allowing courts to grant legal authority to kinship caregivers to act on behalf of a child, is an alternative allowed in many states. The legal authority granted through guardianship would provide kinship caregivers the ability to make medical or educational decisions for the children in their care, authority they do not have under current, informal kinship care arrangements. *(Reaffirms previous position.)*

Support legislation that would allow youth in foster care to be adopted between the ages of 18-20 and extend the availability of subsidy for this population.

Once a youth turns 18, he or she can continue to receive services through foster care, but he or she is no longer eligible for an adoption subsidy. This lack of financial support may impact families' ability to adopt older youth. By extending the adoption subsidy to age 21, more Virginia youth may have the opportunity to find permanent homes. *(Reaffirms previous position.)*

Juvenile Justice

The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA).

The Virginia Juvenile Community Crime Control Act (VJCCCA) was established in 1995 by the General Assembly, and restructured funding for local juvenile justice programming. State funds were appropriated to assist localities in providing cost-effective services to meet the needs of juveniles involved in the juvenile justice system, through programs designed to:

- Prevent juvenile offenders from further penetrating the justice system;
- Maintain youth in community-based programs, rather than in state corrections centers;
- Facilitate re-entry and prevent recidivism; and,
- Help troubled youth return to a more productive life and better future.

In the last ten years, funding for these programs has been reduced by over 67 percent. These cuts have created significant impacts in Fairfax County, and have required the termination of important programs. *(Reaffirms previous position.)*

Youth Safety

Support additional state funding for programming to prevent and reduce risk factors that lead to youth violence, alcohol/drug use, mental health problems and other poor outcomes, while increasing protective factors, including mental wellness and healthy coping strategies.

Research has identified a set of risk factors that predict an increased likelihood of drug use, delinquency, mental health problems, and violent behavior among youth. These factors include: experiencing trauma and early aggressive behavior; lack of nurturing by caregivers; availability of alcohol and other drugs; and, even a lack of problem-solving skills. Conversely, research has also identified protective factors, such as developed social skills, strong parenting and positive involvement from caring adults, and involvement in community activities that can influence and mitigate risk factors. Funding is needed to implement evidence-based, effective strategies to prevent and reduce risk factors that lead to youth violence, alcohol/drug use, mental health problems, and other poor outcomes.

The urgency of this funding need is reflected in results from the Virginia 2013 Youth Survey, which provides some troubling information. In a statistically reliable sample of high school students across the Commonwealth, 21.9 percent reported being bullied on school property; 6.1 percent have been threatened or injured with a weapon on school property; 5.4 percent have missed one or more of the past 30 days of school because they felt unsafe at school or traveling to or from school; 25.7 percent reported feeling sad or hopeless daily for two or more weeks to the extent that they could not engage in their typical daily activities; and, 14.7 percent reported seriously considering suicide. Targeting funding towards programs that improve the health, well-being and safety of young people throughout the state, while seeking to reduce dangerous and risky behaviors, is essential to all Virginians.

In Fairfax County, an annual youth survey found that youth in 10th and 12th grades are at significant higher risk for depression and suicide ideation than their peers statewide. In addition, approximately one out of six 8th, 10th and 12th graders reported being attacked by someone in the

past year, and over half reported being a victim of bullying. *(Revises and reaffirms previous position.)*

Older Adults and People with Disabilities

Disability Services Board (DSB)
Support reinstatement of state funding sufficient to enable every locality, either singly or regionally, to have a Disability Services Board (DSB), so that the key provisions of §51.5-48 can be implemented.

DSBs enable localities to assess local service needs and advise state and local agencies of their findings; serve as a catalyst for the development of public and private funding sources; and, exchange information with other local boards regarding services to persons with physical and sensory disabilities and best practices in the delivery of those services. Without such a network of local representatives with expertise in these issues, the opportunity for valuable statewide collaboration will be lost. *(Reaffirms previous position.)*

Independence and Self-Sufficiency for Older Adults and People with Disabilities
Support funding for programs that promote the independence, self-sufficiency, and community engagement of older adults and people with disabilities.

Services to keep older adults and adults with disabilities in their own homes (such as personal assistance, nutrition and home-delivered meals, transportation, service coordination, and adult day/respite supports) provided by the Commonwealth's twenty-five Area Agencies on Aging (AAAs) save Virginia taxpayers money while helping older Virginians function independently, keeping them in the least restrictive setting of their choice, building on family support, decreasing the risk of inappropriate institutionalization, and dramatically improving overall life satisfaction. Additionally, critical Chore and Companion Services assist eligible older adults and people with disabilities with activities of daily living (such as getting dressed, bathing, and housekeeping and laundry services). Funded through state and local dollars, these vital, locally-administered services must be enhanced to meet the growing demand among those who are ineligible for comparable services elsewhere.

Unfortunately, many low-income Virginians with disabilities are precluded from receiving much-needed services because of Virginia's highly restrictive Medicaid eligibility requirements. The Virginia Department of Aging and Rehabilitative Services' (DARS) three Personal Assistance Services (PAS) programs provide assistance for people with disabilities who do not qualify for other home-based services. Designed for employed individuals who need an attendant in the morning and evening (but not during the day), these critical programs enable people with disabilities to work and live in an integrated setting. Finally, these services must be supplemented by ADA-compliant transportation options and facilities, to ensure that individuals can be active, self-sufficient, and independent participants in the community. *(Revises and reaffirms previous positions.)*

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility to public places and to housing.

Nearly 75,000 Fairfax County residents have a disability, which includes people with hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulties. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities since the passage of the Americans with Disabilities Act (ADA) 25 years ago, continued advancement is needed. Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, by increasing accessibility through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, medical providers, advocacy groups, and state and local governments.

The lack of affordable, accessible, integrated housing is a major barrier facing older adults and people with disabilities throughout the Commonwealth. Innovative options to help ensure that older adults and people with disabilities can stay in their homes include increasing the accessible housing stock in newly constructed multi-family housing (encompassing apartment buildings, condos, and assisted living housing among others); encouraging builders to offer "visitable" options to prospective customers and applicants for new single family homes, as an alternative to conventional design; raising the maximum annual allotment of the Livable Homes Tax Credit; and, establishing a comparable grant to help pay for much-needed home modifications. Incentives and initiatives for accessible housing and home modifications should benefit both homeowners and renters. Improved accessibility in public buildings, housing, transportation, medical facilities and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(Updates and reaffirms previous position.)*

Adult Protective Services

Support state funding for additional Adult Protective Services social workers.

Adult Protective Services (APS) conducts investigations and protects older adults and incapacitated adults from abuse, neglect or exploitation through the provision of casework services, home based care assessments and coordination, and Medicaid and Auxiliary Grant pre-admission screenings. As the older adult population has increased in Virginia, along with a corresponding demand for APS services, state funding for APS positions has remained stagnant over the past five years, as noted in a December 2014 report from the Virginia Department for Aging and Rehabilitative Services. In Fairfax County, there has been a steady increase in APS cases since FY 2010. Continued state investment in these critical services is essential to ensuring the safety of this vulnerable population. *(Updates and reinstates previous position.)*

Brain Injury
Support expansion of psychiatric and behavioral services for individuals with brain injuries.

Acquiring a brain injury can be a life-altering event, but with appropriate treatment and services individuals can improve their independence and quality of life. Unfortunately, there is a significant, unmet need in the Commonwealth for specialized assessment/treatment programs, often requiring Virginians with brain injury to go out of state for costly, extended stays to receive treatment for neurobehavioral complications. While there are a small percentage of severe, complicated situations, most people with brain injury can be more effectively treated through community-integrated programs and services. It is important that the Commonwealth expand the continuum of services for people with neurobehavioral problems, to meet the needs of individuals with brain injury and enhance community re-integration and community-based supports. *(New position.)*

Health, Well Being, and Safety

Affordable Housing and Homelessness Prevention
Support state funding for efforts to increase the availability of affordable housing options and prevent homelessness, including additional appropriations to the Virginia Housing Trust Fund.

Affordable housing is a particular need for low- and moderate-income earners, persons with disabilities, and victims of domestic violence, and is especially critical in an expensive market such as Northern Virginia (where the average one-bedroom apartment rented for $1,456 per month in 2014). The Virginia Housing Trust Fund, which provides both loans to reduce the cost of homeownership and rental housing and grants for homelessness prevention projects, is one source of assistance. Over the last two biennial budgets, appropriations of $16 million have been made to the Trust Fund; however, despite this infusion of funding, demand for both the loan and grant programs has outstripped available funding. *(New position.)*

Temporary Assistance for Needy Families (TANF)
Support an increase in the TANF reimbursement rates in Virginia.

The 2015 General Assembly increased TANF reimbursement rates for the first time since 2000. The increase – 2.5 percent – takes effect in January 2016. While this action is a welcome step in the right direction, TANF payments remain very low. Currently, a family of three in Northern Virginia receives less than $4,700 per year, less than a quarter of the federal poverty level; the rate increase in 2016 will increase payments for such a family by $10 per month. In the future, if rates were indexed for inflation, it would prevent further erosion of recipients' ability to meet the basic needs of children in their own care or in kinship care (relative care). *(Updates and reaffirms previous position.)*

Domestic Violence
Support additional state funding to provide counseling and other services to children who are exposed to domestic violence.

Research indicates that witnessing domestic violence can be extremely traumatic for children, potentially leading to depression, anxiety, nightmares, and academic disruptions. In fact, the trauma can be very similar to when children experience abuse themselves. Unfortunately, according to the 2011 Fairfax County Youth Survey, seven percent of FCPS students (an estimated 13,000 students) indicated that they have witnessed physical violence between their parents. Additional state funding is necessary to respond to the needs of these children through services that include therapeutic and psycho-educational interventions, as well as parenting classes for both victim and offender parents. Such services are crucial to helping families rebuild their lives after violence, and are an important component in breaking the inter-generational cycle of violence in these families and in our communities. *(The 2015 General Assembly created the Advisory Committee on Sexual and Domestic Violence Programs, which was recommended by the Virginia State Crime Commission in 2014, in order to aid in the prevention and reduction of sexual and domestic violence.)*

Sexual Violence

Support increased funding for sexual violence prevention, especially programs for K-12 students, and intervention services.

Nearly 5,000 individuals were victims of sexual violence in Virginia in 2014 and almost three out of every five victims were under the age of 17. Eradicating sexual violence will require additional state funding to expand prevention programs, especially those targeted to K-12 students to educate youth on healthy relationships and resources available for sexual violence victims. Community-based intervention services, such as victim advocacy and counseling, are critical to recovery efforts. Enhanced state funding for these services is essential, and distribution of funds, whether from state or federal sources, should take into consideration regional variations in the costs of providing services. *(New position.)*

Substance Use Disorder

Support increased capacity to address and prevent substance use disorder through robust community-based treatment and prevention programs. Also, support coordinated strategies to meet the growing need for substance use disorder services for older adults, promoting recovery and community inclusion.

Across Virginia, law enforcement and health care professionals identify the need to combat drug abuse as a high priority, as the statewide rate of drug-caused deaths in 2011 was higher than that of motor vehicle accidents. Nearly 400,000 Virginians engaged in non-medical use of pain relievers in 2013, primarily those aged 18-25.[1] The 2013-2014 Fairfax County Youth Behavior Survey of 8th, 10th, and 12th graders reveals that almost 3,000 respondents have used painkillers without a doctor's note, and approximately 300 respondents have used heroin. Too often such use results in death, with 268 fatal heroin and/or prescription opioid overdoses in Fairfax County from 2007 to mid-September 2014, indicating a need for increased use of and funding for medication-assisted treatment (Vivitrol, Suboxone).[2] Tragically, more than 200,000 Virginians each year need substance use disorder treatment services but are not receiving them, resulting in an increased

[1] Data from the Virginia Department of Behavioral Health and Developmental Services (DBHDS).
[2] Data distributed by the Virginia Office of the Chief Medical Examiner at the Virginia Heroin and Prescription Drug Summit.

demand on the state's already overburdened public safety and social services system (particularly local emergency rooms, psychiatric hospitals, jails, and crisis care departments).

The recently created Governor's Task Force on Prescription Drug and Heroin Abuse, along with the Attorney General's Heroin and Prescription Drug Abuse Strategy, are significant steps toward developing a comprehensive statewide approach to tackling substance use disorder. In particular, key recommendations relate to funding and reestablishing public and private partnerships that raise community awareness about safe use and disposal of prescription medications.

Additionally, substance use disorder affects people at all ages and stages of life, including older adults. The need for substance use disorder services for older adults is growing, but the capacity to meet this need is limited. Services must be cost-efficient, accessible, and outcome driven. Strategies are needed to coordinate and combine the best of traditional approaches with emerging best practices to promote recovery and community inclusion.

At the local level, effective community-based prevention programs can reduce rates of substance use disorder and delay the age of first use. In the last three years, the Northern Virginia region has supported a successful Peer Recovery Support Services pilot program, designed and delivered by people who themselves have substance use disorders and are in recovery. Positive results have included reduced recidivism and relapse, increased self-sufficiency, and significant improvements in 12 core quality of life indicators, including a 22 percent increase in sobriety and a 20 percent improvement in employment. This successful and cost-effective program should be continued, and could be a model for statewide expansion. *(Updates and reaffirms previous position.)*

Mental Health

Mental Health

Support the continuation of efforts for mental health reform at the state level and support additional state funding, as part of the promised down payment of such funding to improve the responsiveness of the mental health system. Also, support state funding to adequately staff and create more Crisis Assessment and Stabilization Centers for assessment of and intervention with individuals of all ages experiencing behavioral health crises.

Significant strides in mental health reform were made by the 2014 General Assembly, after a Virginia tragedy just prior to the session cast a bright light on weaknesses in the state's mental health system. However, it is critical that the state continue to make progress in this important area and provide sufficient resources for Fairfax County to implement recent and future reforms; specifically, adequate resources are needed to ensure that the hundreds of Fairfax County residents (ranging from children to older adults) with serious mental illness, serious mental disturbance, and/or disabling substance dependence receive intensive community treatment following an initial hospitalization or incarceration. Evidence-based community treatment has been shown to be a cost-effective measure to reduce more expensive hospital stays. Similarly, housing assistance and supports that can be tailored to individual needs are critical for ensuring that such individuals can access the services they need while remaining in their communities. Funding to recruit, retain, and train Community Services Board staff will be key to the success of mental health reform.

Additionally, regional pilot programs to create more Crisis Assessment and Stabilization Centers would provide intervention and treatment services to assess and stabilize individuals of all ages experiencing an emotional or psychiatric emergency. The benefits of such programs include reducing the number of voluntary and involuntary hospitalizations and substantially reducing or even eliminating the involvement of public safety officers in responding to a psychiatric crisis situation, while linking individuals in crisis to less restrictive, ongoing, community-based treatment options. *(The Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century is expected to deliver its interim report by December 2015 and its final report by December 2017). (Updates and reaffirms previous position.)*

Emergency Responsiveness

Support sufficient state funding for intensive community resources, allowing individuals to transition safely and expediently from psychiatric hospitals to community care.

The 2014 General Assembly made significant strides in responding to mental health emergencies, providing funding in FY 2015 for 11 additional psychiatric hospital beds at the Northern Virginia Mental Health Institute for individuals experiencing mental health crises. However, state funding remains insufficient for the intensive community resources that allow hospitalized individuals to transition to community care. At present, 25-33 percent of Northern Virginia's local state hospital beds are continually occupied by individuals unable to transition to community care due to lack of services. This is in spite of the fact that the cost to serve an individual in the community, even one in need of intensive services to manage serious mental illness, is a fraction (15-25 percent) of the cost of providing such services in a hospital setting. Increased investments in intensive mental health community services could have long-term financial benefits, in addition to the benefits of returning individuals to the community more quickly. *(Reaffirms previous position.)*

Community-Based Services for Children and Youth

Support increased capacity for crisis response and intensive community services for children and youth.

The General Assembly and the Governor are to be commended for supporting funding for more community-based crisis response for youth and their families. To respond effectively to the need, this service model must be fully funded. Additional capacity in the Child and Family service system is necessary to address the needs of children and their families requiring intensive community services, to help maintain children safely in their own homes and reduce the need for foster care or residential treatment as the first alternative. One of the programs of concern is the Healthy Families program, which is a nationally recognized home visiting program that has produced tangible positive outcomes in the Commonwealth. Significant funding reductions in recent years have resulted in the elimination of programs in some jurisdictions and threaten the viability of remaining Healthy Families sites. The program provides home-based education and support to first-time parents who have social histories that put them at risk starting during pregnancy until the child reaches age three. *(Reaffirms previous position.)*

Services for Transitional Youth

Support enhanced residential and mental/behavioral health services for transitional youth.

In Virginia, significantly more public services are available to children in need of mental and behavioral health treatment than to adults in need of similar services. As a result, once they turn eighteen, youth may no longer receive all of the assistance that was previously provided to address their needs. It is critical that the Commonwealth focus additional resources on transitional age youth (ages 16 to 24) who have received intensive mental/behavioral health services and/or been in out-of-home placements, to ensure they receive the essential services needed for a successful transition to adulthood.

Services from which transitional youth typically age out include: children's mental health services; home-based services supports; case management; supervised, supported, or group home settings; educational support; specialized vocational support, preparation, and counseling; preparation for independent living; and, social skills training. Though some private and public sector transitional support services attempt to bridge this gap, such programs are scarce and primarily geared toward higher-functioning young adults. Although the state has been successful in reducing the number of youth in out-of-home placements, many young people over 18 and their families continue to need transitional supportive housing and case management. The state should develop policies and utilize evidence-based practices that, coupled with appropriate funding, create, enhance, and sustain youth-in-transition services, including residential supports, case management, and mental health services. *(Reaffirms previous position.)*

Draft – December 2, 2015
(Note: New language added/revised after the November 24, 2015, Legislative Committee meeting is highlighted.)

FAIRFAX COUNTY
2016 Draft Human Services Fact Sheet

Poverty in Fairfax County in 2015 is defined by the federal government as an individual earning less than $11,770 per year or a family of four with an annual income of less than $24,250. In 2014, the poverty rate in Fairfax County was 6.6% of the population, or 74,210 people.

In Fairfax County in 2014 *(latest data available – reported September 2015):*

- 23,339 (or 8.7%) of all children (under age 18) live in poverty;
- 6,913 (or 5.4%) of all persons over the age of 65 live in poverty;
- 14,639 (or 13.6%) of African Americans live in poverty;
- 20,451 (or 11.0%) of Hispanics (of any race) live in poverty;
- 22,638 (or 3.9%) of Non-Hispanic Whites live in poverty;
- 5,342 (or 25.6%) of families headed by single women with children under 18 live in poverty;
- 181,235 (or 16.1%) of County residents have incomes under 200% of poverty ($48,500 year for a family of four);
- 51% of people receiving County services for mental illness, substance use disorder or intellectual disabilities in FY 2015 had incomes below $10,000.

Employment

- The unemployment rate in August 2015 was 3.4% (up from 3.0% in July 2008, but down from a high of 5.6% in January of 2010). This represents 21,226 unemployed residents looking for work.

Housing

- In 2014, the average monthly rent of a one-bedroom apartment was $1,456, an increase of 23% since 2008.
- In 2011, over 1,150 individuals who receive County services for mental illness, intellectual disability, and/or substance use disorders needed housing but could pay no more than $205/month for rent.

Health

- An estimated 117,074 or 10.4% of County residents were without health insurance in 2014.

Ability to Speak English

- 15.1% of County residents over age 5 do not speak English proficiently. 37.8% of County residents over age 5 speak a language other than English at home.

Child Care

- The cost of full-time child care for a preschooler at a child care center can range from $12,200 to over $15,000 per year. Full-time care for an infant at a child care center can range from $15,800 to over $18,000 per year. By way of comparison, tuition and fees for an average college in Virginia costs $11,000.

Food

- In 2014-2015 school year, Fairfax County Public Schools reported that 51,968 students (or 28.2 percent of enrollment) were eligible for free or reduced lunch.

Domestic and Sexual Violence

- Each month in Fairfax County, domestic violence hotlines receive almost 210 calls, victims request 56 family abuse protective orders, over 160 domestic violence arrests are made, and 16 families escape to an emergency domestic violence shelter (FY 2015).
- The demand for emergency shelter for victims of domestic violence remains high. Due to the shortage of emergency shelter beds, 228 eligible households were turned away in FY 2015.
- 48% of emergency shelter residents are children 12 years and younger (FY 2015).
- In FY 2015, the County's Domestic Violence Action Center served 873 victims, who reported an additional 1,053 children impacted.
- Nearly one-third of the children entering foster care this past year witnessed domestic violence.
- From FY 2014 to FY 2015 , the number of hotline calls related to sexual violence increased by 34% (from 217 to 290) and the number of clients seeking sexual violence counseling increased by 19% (from 72 to 86).

Caseloads Have Increased Significantly in Fairfax County:

- The County's Medicaid caseload increased from 37,130 in FY 2008 to 66,708 in FY 2015 – a 79% increase.
- The County's SNAP (Food Stamp) average monthly caseload increased from 11,610 in FY 2008 to 24,031 in FY 2015 (a 107% increase).
- In FY 2015, the Community Health Care Network (CHCN) provided 48,100 visits to 13,795 unduplicated patients (an additional 4,325 patients were enrolled but did not seek medical care during the year; nevertheless the CHCN must ensure capacity to serve those patients if needed). Of these patients, the average number of visits, per patient, ranged between 3.2 – 4.0, which is within the 'scope of standard care' for this population.
- Staff estimate that nearly 600 patients currently receiving care through the CHCN will be eligible for health insurance through the Federal Health Insurance Marketplace when it reopens for open enrollment on November 1, 2015.
- Between FY 2010 and FY 2015, the average monthly number of children seeking and/or receiving early intervention services for developmental delays from the County's Infant and Toddler Connection (ITC) program grew by more than 59 percent, from 909 per month to 1,449 per month.

INTRODUCTION/OVERVIEW
RECOMMENDED STRATEGIES FOR 114TH CONGRESS

December 2, 2015

On November 2, President Obama signed into law the Bipartisan Budget Act of 2015, the result of weeks of high-level negotiations among Congressional leaders and the White House. The agreement, viewed largely as outgoing Speaker John Boehner's (R-OH) attempt to ease the transition for his successor, sets the stage for resolution of the FY 2016 appropriations process, which has been stymied by disputes regarding spending levels under the caps imposed by sequestration.

In a departure from recent Congressional practice, which has frequently defaulted to an unpredictable series of stopgap measures and continuing resolutions rather than larger accords on spending, the recent agreement takes a longer-term approach by setting discretionary spending caps for two years and suspending the debt ceiling for 16 months (until March 15, 2017 – the Treasury Secretary had informed Congress the federal government would reach its debt limit on November 3, 2015, risking default on existing obligations). To alleviate some of the potentially painful effects of impending sequestration cuts, the bill raises discretionary spending by a total of $80 billion over the course of the bill – $50 billion in FY 2016 and $30 billion in FY 2017, split evenly between defense and non-defense spending. It also provides an additional $16 billion for defense spending in the Overseas Contingency Operations (OCO) account, an area that does not fall within the purview of sequestration. Additionally, the bill contains a number of offsets to raise revenue, including authorizing the auction of wireless spectrum currently owned by the federal government, as well as the sale of oil from the Strategic Petroleum Reserve, and modification of certain Internal Revenue Service (IRS) audit procedures.

While this agreement makes significant progress in smoothing budget negotiations, it only sets the overall spending limits, leaving the actual appropriations amounts for individual agencies and programs to be resolved in separate legislation. The most recent Continuing Resolution, passed on September 30 to avert an October 1 government shutdown, expires December 11. While all twelve of the appropriations bills have been reported out of the Appropriations Committees in both the House and Senate for the first time since 2009, the only bill that has been passed by both the House and the Senate is the Military Construction and Veterans Affairs measure. Five appropriations bills have passed the House but not the Senate, and an additional six bills have not been passed by either chamber. In the interest of time, it is expected that Congress may consolidate the individual appropriations bills into an omnibus package. However, several Republican members of Congress have indicated that they expect to attach certain "riders" aimed at Administration policies to the appropriations bills, raising the specter of another shutdown.

In addition to resolving FY 2016 appropriations, a number of other contentious debates are expected in the coming months, including the proposed Trans-Pacific Partnership Agreement, international climate change negotiations, and the resettlement of refugees fleeing violence in Syria. Successfully navigating these challenges in the weeks ahead will pose the first major test to newly-elected Speaker Paul Ryan's (R-WI) leadership, as he seeks to unite dissenting factions within the Republican caucus.

Transportation

Congress is working to finalize long-term transportation legislation, and at this time it appears that the ultimate product of conference negotiations will be a five-year agreement, which allows for higher levels of funding each year than the six-year proposal previously under consideration. The transportation bill is

currently operating under another short-term extension through December 4, to allow conferees more time to complete negotiations, although it is expected that an additional one-week extension will be necessary to allow time for both chambers to act and for the President to sign the final bill. As of the writing of this memorandum, a conference agreement has been released, and staff are working to analyze its provisions. Floor consideration of the legislation may be delayed in the Senate by attempts to attach "riders" on unrelated controversial issues to the bill.

Prior to the August recess, the Senate passed a six-year, long-term solution for highway funding, known as the Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act. The bill would replenish the annual $15 billion Highway Trust Fund gap through a variety of offsets, such as improved tax enforcement, indexing customs fees to inflation, and blocking Social Security payments for people with outstanding felony warrants. In addition, the bill would sell oil from the Strategic Petroleum Reserve and cut the interest paid to banks by the Federal Reserve. However, these offsets would fund only the first three years of the six-year bill, or approximately $45 billion of the estimated $97 billion funding needed.

On November 5th, the House passed the Surface Transportation Reauthorization and Reform Act (STRRA). The House bill would provide funding levels slightly lower than the Senate version, although a key provision included in the STRRA adds an additional net $40 billion of "pay-fors," which could allow conferees to negotiate a final bill at a higher funding level. In addition, STRRA would direct $4.5 billion a year to interstate highways and other roads designated as freight corridors to increase capacity and relieve bottlenecks, including a grant program of more than $700 million a year for nationally significant highway and freight projects.

Conferees, including Congressman Gerald E. Connolly and Congresswoman Barbara Comstock, have been working to bridge differences between the chambers' varying approaches to long-term transportation policy and funding mechanisms. Among the issues conferees grappled with is how available highway program dollars will be allocated to local jurisdictions. Though the top line funding levels in the House and Senate bills for FY 2016 are fairly similar, there are significant differences in how those funds are distributed. The Senate bill proposes changes that reduce the amount of Surface Transportation Program (STP) dollars flowing to metro areas (greater than 200,000 in population), as well as to jurisdictions with populations less than 200,000. The House bill restructures both funding programs and project eligibility requirements, the effect of which remains unclear. Numerous state and local stakeholders, including the American Association of State Highway and Transportation Officials, NACo, and the U.S. Conference of Mayors, continue to encourage the House leadership to increase state highway funding allocations and place a renewed emphasis on locally-owned infrastructure. NACo has indicated that it supports the House bill, as it provides a higher percentage of funding and program flexibility for local jurisdictions; however, the complexity of the proposed changes in both bills make it difficult to ascertain which bill might be best for the County.

Despite delays in resolving some issues in conference, there is consensus on the major outlines of the agreement. As stated above, it appears that senior conferees have agreed that the length of the bill will be set at five fiscal years with highway and transit spending levels set at the aggregate levels of those in the Senate-passed DRIVE Act for that period, $221.5 billion in highway spending and $48.7 billion in mass transit spending from the Highway Trust Fund. In addition, while only the Senate bill includes rail and rail safety provisions, the conferees have agreed to include a section on this topic in the final conference agreement. It is important to note that both the House and Senate bills contain mechanisms preventing

any funding in the last three years of the bills from being released in the absence of a subsequent funding measure for the Highway Trust Fund; if such a provision is included in the conference agreement, it could significantly shorten the planning certainty provided to states and local governments by a longer-term bill.

Finally, a positive train control extension until 2018 was included in the last transportation reauthorization extension. However, Federal Railroad Administrator Sarah Feinberg has announced that she still expects railroads to submit their positive train control plans to FRA by the December 31, 2015, deadline. The County will continue to monitor such developments, as they are of particular interest to the Virginia Railway Express (VRE), which provides critical transit service to Fairfax County.

Federal Defense Relocation and Consolidation

In both versions of the National Defense Authorization Act (NDAA) bill passed this year (the first was vetoed by the President; the second was signed at the end of November), Congress made clear its feelings about a new Base Realignment and Closure (BRAC) round by including language in the bill prohibiting it. As a result, it is very unlikely that any formal base closures will occur in FY 2016, in spite of frequent testimony from the Department of Defense calling for another base closure round. In pushing for BRAC, the Pentagon has indicated that a new round would cost only $6 billion upfront, with annual savings of $2 billion. Legislators, including a leading opponent of BRAC, Senator Kelly Ayotte (R-NH), remain wary, because the 2005 BRAC round was significantly more expensive than originally predicted, costs associated with cleaning up closed bases were much higher than originally estimated, and many proposed personnel reductions that were expected to shrink costs were ultimately not carried out. According to the Government Accountability Office (GAO), the savings of the 2005 BRAC round are likely to be approximately 72 percent less than was estimated at that time.

However, though Congress remains firmly against the idea of a new BRAC round, language was included in an early iteration of the House NDAA bill calling for a military-wide review of "force-structure plans and infrastructure inventory," which was rumored to be the precursor to another BRAC. As a result, the County should remain vigilant in monitoring Congressional actions in this area. Additionally, it should be noted that the Pentagon can still move forward on closing some facilities without an official BRAC process. As DOD continues to look for other cost savings, communities like Fairfax County could potentially be left vulnerable to the ripple effect of budget cuts, leaving little flexibility to prepare for the outcome.

One proposed recommendation to reduce DOD expenses, which has the endorsement of Secretary of Defense Ashton Carter, would reclassify thousands of civilian workers and place them outside the civil service system, potentially impacting over 50,000 jobs across the country. The proposal would reclassify many civilian employees currently under the Title 5 General Schedule (or GS) personnel system to the Title 10 classification that usually applies to military workers. While the Pentagon has indicated that this proposal provides more control over how it manages its employees, it could also remove civil service protections for many employees, making it easier to downsize personnel as needed. This proposal would likely take years to implement if enacted, and would probably affect only a small percentage of Fairfax County's 29,826 DOD personnel, but its consideration illustrates the fiscal pressures the Pentagon is grappling with as the long-term effects of federal funding reductions continue.

Both the Commonwealth and Fairfax County have impressively strong connections to the nation's defense infrastructure, which has presented tremendous economic growth opportunities, but also creates a unique vulnerability to fluctuations in defense spending. In a recent Department of Defense Economic Adjustment (OEA) report, the Commonwealth of Virginia ranked first in defense spending, with a total of $54.7 billion in FY 2014 (including $38 billion in contract spending and $16.6 billion in defense payrolls). Within the Commonwealth, Fairfax County is the top defense spending location, with $19.1 billion in defense expenditures, far outpacing the next-closest recipient of defense dollars (Newport News at $6.2 billion). Fairfax County ranks second in Virginia for the number of defense personnel at 29,826 (behind Norfolk's 40,296 and ahead of Prince William's 15,349).

While the threat of sequestration-related spending cuts has receded for the next two years, the County's economy remains closely tied to federal spending, leaving it vulnerable to a downturn. Fairfax County should continue to focus on the County's role in the National Capital Region and its connection to the functioning of the federal government, while continuing to closely monitor potential future federal funding cuts that could affect the County and local economy.

Cybersecurity

Fairfax County is home to many government contracting firms that focus on cybersecurity and the protection of valuable information from theft, corruption, or disaster. This industry has been identified as one of the County's key economic growth opportunities, given that the D.C. metro area is widely considered the center of innovation in cybersecurity. Fairfax County has had great success in recruiting and retaining some major technology firms, with more than 300 cyber-related tech firms operating within the County, according to the Fairfax County Economic Development Authority. However, since many of these cybersecurity companies depend heavily on government contracts, the importance of long-term federal funding of cyber initiatives is paramount. Moreover, inter-state battles for these types of companies have begun. For example, Maryland, now home to the U.S. Cyber Command at Fort Meade, is offering more than $3 million in tax incentives for cybersecurity start-ups that locate operations in the state, putting pressure on the County to remain competitive.

Federal funding for dealing with cybersecurity threats has steadily increased in recent years, reflecting the intensity of threats U.S. companies and government agencies are facing from cyber intruders, both domestic and foreign. The President's budget for FY 2016 proposes $14 billion in cybersecurity funding for new initiatives and research across multiple agencies, and both the House and Senate Department of Homeland Security (DHS) FY 2016 appropriations bills provide increased funding for cybersecurity over FY 2015 levels. In addition, FY 2016 funding for DHS will likely be significantly higher than the FY 2015 enacted level of $753 million, particularly in light of the high-visibility Office of Personnel Management cyberattack that occurred this summer, impacting over 22 million federal and civilian workers.

Governor McAuliffe has also made cybersecurity a key issue for the Commonwealth, positioning Virginia as a leader in this area. Last year he established the Virginia Cyber Security Commission in order to enhance Virginia's role in this rapidly growing field. The Commission published its first report in August 2015, identifying key legislative opportunities for Virginia to expand its leadership in this area. As the Commission moves forward with its recommendations, the County should continue to monitor important developments in this area.

Opportunities for Economic Success

There are several pending opportunities for Fairfax County to leverage its strategic location in Northern Virginia by housing federal agencies currently in development or considering relocations. The establishment of such workplaces increases the economic vitality of the County by encouraging business development in the surrounding area, supporting small businesses, and growing the tax base, among other benefits.

The first opportunity that Fairfax is seeking is the relocation of the FBI from its current location in the deteriorating Hoover Building in Washington, D.C. In July 2014, three locations were chosen by the General Services Administration (GSA) to be considered for the new FBI headquarters, including the Springfield GSA site (the other two sites are in Maryland). The GSA, in cooperation with the FBI, is currently in the process of its National Environmental Policy Assessment (NEPA) review on the three sites, releasing its draft Environmental Impact Statement (EIS) in early November. These studies had originally been expected last spring, along with a short list of developers to be selected to compete for the headquarters. The agency has indicated that the delay will not push back the project's ultimate timeline, which calls for a final award in the spring of 2016, but since a Request for Proposals (RFP) has not yet been released, it would appear difficult to meet that deadline.

The environmental impact statement will determine what mitigation measures might need to be put into place to minimize the disruption a new headquarters could create (for traffic, flooding or other similar infrastructure issues), since those concerns will likely impact the overall cost to build a new headquarters. Now that the draft study has been completed, GSA will hold a 45-day public comment period (closing on January 6th), which will include a series of meetings similar to when it initiated the process. Staff is working to develop a strategic plan, including a coordinated coalition effort with state and federal legislators, as well as other Virginia stakeholders affected by this decision, emphasizing the united Congressional, state, and local support for the relocation. Based on its proximity to significant transit and highway options, the Springfield GSA site is by far the best of the three locations.

Second, GSA has recommended a consolidated civilian campus for federal cybersecurity operations, which would be staged over at least three phases and would bring together various agencies working to tackle cybersecurity issues, including divisions of the Department of Homeland Security, FBI, and Secret Service, as well as contractors. The project, anticipated to cost between $450 and $500 million, had $35 million allocated for the design and construction in the FY 2015 appropriations bill for the GSA. Though the Obama Administration requested $227 million in FY 2016 for the project, there has been bipartisan criticism over whether the creation of such a campus is necessary and fiscally responsible, and no appropriations to GSA for the Cyber Campus were included in either the House or Senate Financial Services appropriations bills for FY 2016. However, GSA's interest in this concept could present a significant development opportunity for Fairfax County. The Virginia Economic Development Partnership (VEDP) has put together a list of potential sites (similar to the original list from the FBI search) for the GSA to consider for a possible cyber security campus in Fairfax, and the County should continue to work closely with VEDP on such opportunities in the future.

DRAFT of December 2, 2015

SUMMARY PAGE
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- Oppose deficit reduction actions that shift costs, impose unfunded mandates, or pre-empt local programs and taxing authority.
- Support a proactive approach to repositioning the County in anticipation of possible long-term reductions in federal funding.

FEDERAL AGENCY RELOCATION & CONSOLIDATION……...…….…….7

- Provide needed funding for transportation projects essential for DOD relocation and consolidation, as well as other transportation improvements and unfunded project costs.
- Seek legislative language requiring: traffic impact analyses of recommendations in future government relocation and consolidation proposals; greater coordination between military installations and host communities on Transportation Demand Management (TDM); and greater coordination with host community for relocations to existing facilities.
- Support continuation of the Mark Center parking cap.

TRANSPORTATION-RELATED LEGISLATION……..9

- Continue consultation with localities regarding the implementation of existing Department of Transportation regulations and new regulations suggested in the Senate DRIVE Act and House STRR Act.
- Pursue a longer-term funding solution for surface transportation programs that includes long-range transportation planning and more funding for: the Surface Transportation Program (STP), the Congestion Mitigation and Air Quality (CMAQ) Program, and TIFIA loans.
- Continue to provide dedicated funding support for Dulles Rail Phase 2, the Washington Metropolitan Area Transit Authority (WMATA), and Metro 2025.
- Expand the federal government's funding partnership with Fairfax County to ensure continuation of the region's economic vitality, especially as it relates to transit-oriented development.
- Support permanent parity between the level of transportation benefits provided for transit and parking.
- Oppose expansion of the perimeter and slot rules for Reagan National Airport in FAA Reauthorization.
- Support additional federal funding for the TIGER grant program.
- Provide additional support and funding for several priority projects including Route 7 Widening, I-66 Corridor Improvements, Richmond Highway Widening, Soapstone Connector, Fairfax County Parkway Widening, and the Frontier Drive Extension.

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- Support relocation of the FBI headquarters to the Springfield GSA site and the construction of the Cyber Campus facility in Fairfax County.
- Support passage of the Marketplace Fairness Act.
- Support the tax-exempt status of municipal bonds as comprehensive tax reform is considered in 2015.
- Maintain funding for and the structure of the Community Development Block Grant (CDBG) program.
- Support federal funding to mitigate the costs of educating federally connected children living in Fairfax County.
- Support the continuation of funding for Department of Justice programs that support local law enforcement, and legislation that assists local governments to develop and implement programs to improve outcomes for individuals with mental illness who are involved in the criminal justice system.

RECOMMENDED STRATEGIES FOR 114TH CONGRESS

December 2, 2015

OVERALL FEDERAL FUNDING AND SEQUESTRATION

Fairfax County recognizes the challenges posed by a difficult national fiscal climate, and the need to reassess, and perhaps redirect, the allocation of federal resources. However, the County also maintains that federal assistance to state and local governments can help mitigate the effects of state and local budgetary issues, and that those federal investments in state and local infrastructure projects help produce private sector jobs, improve our competitiveness, and generate federal tax revenues. As Congress works to adopt the federal budget, it is essential to avoid significant reductions to high-priority programs affecting the lives of Fairfax County residents. In general, the County opposes federal funding initiatives that shift costs to localities, impose unfunded mandates, or pre-empt local programs and taxing authority.

The County supports a proactive approach to repositioning itself in anticipation of possible long-term reductions in federal funding, leveraging the County's location in the National Capital Region, well-educated workforce and strong business climate to attract additional federal facilities, consolidations of personnel, and increased government contracting and government building opportunities, including the possible relocation of the FBI building at the Springfield site and the possible location of a cybersecurity campus in Northern Virginia.

FEDERAL AGENCY RELOCATION & CONSOLIDATION

- ***Provide needed funding for transportation projects essential for DOD relocation and consolidation.*** Essential projects remain to mitigate the impacts of BRAC 2005. The County has made efforts to find various sources of funding to improve mobility near Fort Belvoir, including applying for Northern Virginia regional funds for various projects, such as widening US Route 1 from Mount Vernon Memorial Highway to Napper Road.

    - ***US-1 Belvoir Widening Funding****:* The Fort Belvoir Base Realignment relocation of 12,000 personnel to Fairfax County, along with increased transit and traffic patterns at the Mark Center in Alexandria, created an immediate need for infrastructure improvements in the Fort Belvoir area. As a result of these increased transportation requirements, the US Route 1 project received funding of $180 million, appropriated under the Defense Access Roads program administered by the DOD Office of Economic Assistance (OEA). These funds were necessary to improve road access and traffic flow to the Army Hospital. It is essential that the full $180 million be targeted to meet the intent of the original legislation, potentially including additional and much needed transportation improvements required to accommodate the enhanced federal presence in the Route 1 corridor. Fairfax County continues to work with the Congressional delegation, federal agencies, and its state partners on efforts to ensure that the full $180 million is utilized to mitigate impacts on the Route 1 corridor, in order to meet the intent of the original legislation. *(Revised)*

- ***Provide funding for other transportation improvements and unfunded project costs:*** Fairfax County must also continue to work with its federal partners to address the needs around the area affected most directly by the 2005 BRAC actions. As such, the following transportation

improvements are needed to address the BRAC relocation efforts. Total unfunded project costs to address BRAC impacts, above and beyond what is incorporated in existing plans, include, but are not limited to the following project list:

Fairfax County Parkway/Neuman Street Interchange	$ 50 million
Improvements to Fairfax County Parkway between I-95 to Route 1	$ 55 million
Transit Center and Ridesharing Facility(s)	$ 45 million
Implementation of expanded bus service and circulator service	$ 75 million
Interchange at US Route 1 and Fairfax County Parkway	$ 55 million
I-395/Route 236 (Duke Street/Little River Turnpike) Interchange	$ 20 million
I-95/I-395 (Shirley Highway) Transit Service	$ 10 million

- ***Seek legislative language requiring greater coordination between a federal agency and host communities in any future federal government relocation and consolidation proposal for both new facilities and the use of existing facilities:*** The County requests that, if Congress authorizes another federal government relocation or consolidation, such as a building for the DoD, FBI, or the Cyber Campus, the appropriate federal agency be required to analyze the transportation impacts of such a recommendation, both on the facility and the surrounding community, before final recommendations are made. Coordination should continue following such relocations, as well. For example, these agencies should provide Transportation Demand Management services and strategies, such as providing information on transit options, mandating that employees stationed at the facility telecommute or arrive at work before or after peak rush hour, assigning parking to carpool users, and other options. *(Revised)*

- ***Support continuation of the Mark Center parking cap:*** The County supports a Mark Center parking cap limit of 2,500. Northern Virginia's Congressional Delegation has been actively involved in the establishment of legislation limiting the Mark Center parking for many years. Legislative language instituting a parking cap of 2,000 spaces at the Mark Center was included in the FY 2012 and FY 2013 DOD appropriations bills, because of concerns over increased traffic and the impact of the Mark Center construction on the surrounding region. However, current law allows the Secretary of the Army and the Virginia Department of Transportation (VDOT) to waive the original cap numbers, if the increase is based on traffic monitoring and Congressional committee approval. As a result of increased utilization, the cap was raised to 2,500, and then in the FY 2015 omnibus appropriations measure to 3,000. This year, however, the FY 2016 Senate DOD appropriations bill reduces the Mark Center parking cap to 2,500 (no equivalent provision was included in the House FY 2016 bill, so the House version retains the 3,000 level). Report language from these DOD appropriations bills may be part of an FY 2016 omnibus appropriations bill or a long-term CR, in which case the County would support inclusion of the Senate report language, reducing the cap to 2,500. The HOV ramp is expected to be completed this winter and the parking cap should be retained as the impacts of the project are monitored. *(Revised)*

TRANSPORTATION-RELATED LEGISLATION

Surface Transportation Reauthorization

- ***Continue consultation with localities regarding the implementation of Moving Ahead for Progress in the 21st Century (MAP-21) regulations and new regulations suggested in the Senate DRIVE Act and House STRR Act:*** As the Department of Transportation (USDOT) works toward completion of its implementation of MAP-21 and turns toward a new surface transportation reauthorization, Fairfax County supports continued essential coordination and consultation between the USDOT and local governments and regional entities. USDOT should develop rules to establish performance measures and standards in consultation with states, Metropolitan Planning Organizations (MPOs), and other stakeholders. *(Revised)*

- ***Support enactment of a long-term transportation reauthorization bill to allow long-range transportation planning***. Fairfax County supports a fully funded six-year transportation bill, because of the critical role that the nation's transportation network plays in the movement of people and goods across the United States. A long-term solution with sufficient revenues is needed to maintain and build the multimodal infrastructure that our region and the nation need to remain active and dynamic participants in a 21st century economy. Further, funding must continue to be provided to regions and localities. Both the Senate and House have proposed long-term transportation reauthorization bills, the Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act and the STRR Act, respectively. *(New)*

- ***Urge Congress to provide more funding for the Surface Transportation Program (STP) and increase the portion of STP dollars that are sub-allocated to local areas***. The STP program receives only 27 percent of the highway funding from MAP-21, though it has to support the vast majority of the highway system. MAP-21 reduced the share of STP funds allocated to local areas (and their decision-makers) by 20 percent. The Senate DRIVE Act, S. 1647, seeks to continue this trend by reducing the amount of STP funding for local areas. The County supports restoring the sub-allocated percentage to 62.5 percent. *(New)*

- ***Urge Congress to fund the Congestion Mitigation and Air Quality (CMAQ) Program, including obligation authority with program funding***. Support inclusion of such a provision in any final transportation reauthorization bill. *(New)*

- ***Support the full $1 billion funding level for Transportation Infrastructure Finance and Innovation Act (TIFIA) Loans*:** While the Senate-passed DRIVE Act adds eligibility for transit-oriented development (TOD) projects and lowers the threshold for such projects from $50 million to $10 million, it also unfortunately cuts TIFIA to $300 million per year, from the $1 billion level included in MAP-21. The House STRR bill reduces the program to $200 million per year. Fairfax County supports the lower threshold for TOD projects, but maintaining the full $1 billion TIFIA funding is critically important, particularly for the large projects being considered in this region, such as the I-66 Corridor Improvements, that could benefit from the TIFIA program. *(Revised)*

Rail to Dulles Phase 2

- ***Continued support of Phase 2 of the Rail to Dulles Metrorail:*** Preliminary construction of Phase 2 began in 2014 and is expected to be completed in late 2019. The design has progressed to approximately 93 percent, with the overall project at 24 percent completion. All Systems, Utilities, and Civil Packages have been completed and submitted for permit or issued for construction (IFC). Fairfax County has advanced the design of the parking garages at Innovation Center Station and Herndon Station, which are scheduled to begin construction in April 2017, with completion expected in mid-2019. As of September 2015, the County has drawn down $37.6 million of its $403.3 million TIFIA loan for payments to MWAA. Fairfax County requests that the federal government continue its support of the project through the TIFIA Loan program, combined with additional federal and state funding for Phase 2, while maintaining existing federal oversight.

- In addition to the new Metrorail extension, other projects are needed within the area to support the expanded system. Priority projects include those incorporated within the multimodal access management plans recommended by the Tysons Metrorail Station Access Management Study (TMSAMS), the Reston Metrorail Access Group (RMAG), and Herndon Metrorail Stations Access Management Study (HMSAMS), along with funds for reexamining sound wall requirements at various locations along the corridor. *(Revised)*

Transit-Oriented Development

- ***Expand the federal government's funding partnership with Fairfax County for transit-oriented development to ensure continuation of the region's economic vitality:*** Fairfax County is considering various options for funding the infrastructure to support transit-oriented development throughout the County, in particular the TOD planning opportunities authorized in MAP-21. Priority projects within one such area (Tysons) include the extension of the Route 7 widening from Route 123 to I-495; Route 7 improvements from the Dulles Toll Road to Reston Avenue; design work for other Tysons-wide transportation improvements; and neighborhood improvements outside of Tysons. Additional infrastructure funding is also needed to support TOD in Springfield, Seven Corners, Reston, Richmond Highway, and other areas of the County.

- Nationwide, nearly $1 trillion in direct tax subsidies and $4 trillion in loan guarantees to direct new development has been provided by the federal government to the real estate sector and investors over the last five years. As previously discussed, legislation to lower the cost threshold for TOD projects for TIFIA loans is currently being considered, as is legislation that would expand the financing options for TOD railroad projects. Fairfax County supports legislation that promotes transit-oriented growth, along with maintaining funding for TIFIA. *(Revised)*

WMATA Funding

- ***Continue to provide full, dedicated funding for the Washington Metropolitan Area Transit Authority (WMATA):*** Fairfax County urges Congress to include full federal funding of $150 million for WMATA in FY 2016 appropriations. Such support is particularly critical now, as recent safety and maintenance issues at WMATA have been caused, in part, by aging infrastructure. WMATA is the only major transit provider in the country without a permanent, dedicated revenue source for a significant part of its revenue base. The entire operating budget of $1.79 billion is derived from passenger fares and contributions from the governments of the District of Columbia, Virginia, Maryland, and the region's local governments. A grant included in the Passenger Rail Investment and Improvement Act of 2008 authorized federal support of $1.5 billion for WMATA over ten years to address the system's urgent capital and safety needs. That funding was conditioned on adoption of a dedicated funding source(s) by the region, to provide an additional $1.5 billion to match the federal funds. As these conditions were met, the full $150 million in federal funding has been appropriated each year through FY 2015. However, while the Senate FY 2016 Transportation appropriations bill maintains full funding at $150 million, the House Appropriations Committee slashes FY 2016 funding for WMATA by one-third (lowering the amount to $100 million). These federal funds will provide urgently-needed capital improvements, currently budgeted by WMATA at $1.3 billion, with the remaining $1.15 billion contributed by Virginia, Maryland and DC.

- ***Support continued federal funding of Metro 2025***: Metro 2025 will help Metro and the Washington Metropolitan region grow and thrive in the future, as Fairfax County is projected to grow by 20 percent by 2040, placing more pressure on a Metro system that is already nearing capacity. To address this need, Metro developed a strategic plan that will guide decisions over the next ten years and ensure that the system continues to support the region's competitiveness in the future. Metro has proposed a number of initiatives called Metro 2025, including: enhancement of rush-hour capacity by increasing the use of all eight-car trains; expansion of high-volume rail stations to ease congestion; and completion of the bus Priority Corridor Network, which includes a variety of improvements allowing buses to bypass traffic congestion. Additional resources are critical to ensuring the success of this effort. Further, improvements to the system's core capacity are needed before any future extensions can be considered. While addressing future capacity needs is essential, the region must also focus on safety and state of good repair. The County supports WMATA's efforts to enhance the safety and security of the system and its riders, through adequate funding and oversight. It is important to note that in Virginia, local jurisdictions are directly responsible for funding WMATA. Fairfax County provides approximately $60 million each year in local and regional funding for WMATA operating and capital costs. In addition, the County transfers approximately $90 million in state aid to WMATA annually. As such, it is particularly important that Virginia localities, which play such a critical funding role, are included in discussions pertaining to WMATA governance and further funding requirements. *(Revised)*

Parity for Transit Benefits

- ***Support legislation creating permanent parity between the levels of transportation benefits provided for transit and for parking:*** Permanent parity between the level of tax-free transit benefits and parking benefits employers can provide to employees is important in making transit service more attractive to commuters who currently drive alone. In the past several years,

Congress has enacted temporary "patches" that provided parity between transit and parking benefits, but the transit benefit reverted to 2009 levels effective January 1, 2015, with the transit benefit level at $130 per month, and the parking benefit level at $250 per month. Due to the large percentage of government employees currently residing in or commuting to Fairfax County, reduction in transit benefits to 2009 levels creates a significantly negative impact on County residents, as well as local and regional transit systems. Further, since the majority of County transit riders have vehicles available, a reduction in these benefits may result in more commuters driving, thereby worsening the already substantial congestion on Northern Virginia's roads.

The extension of the provision for parity between transit and parking benefits was included in a two-year tax extender bill that was reported out of the Senate Finance Committee in August. The House Ways and Means Committee has passed several piecemeal tax extenders out of committee, but has not included the transit benefit in those bills. Congress may pass a package of tax extenders by the end of the year, but if it runs out of time to do so, it may instead pass a retroactive bill to address that issue at the start of next year, as it did in 2015. The County's delegation has sought to assist commuters in the Northern Virginia region on this issue, and the County strongly supports any future efforts on the matter. *(Revised)*

Federal Aviation Administration (FAA) Reauthorization & Dulles Perimeter Rule

- ***Fairfax County supports preventing further changes to the perimeter and slot rules to protect the balance between the capacities of Dulles International and Reagan National airports***. The recently-passed six-month FAA reauthorization bill extends the FAA's current authorization through March 31, 2016, but neither the House nor Senate has yet begun consideration of a long-term bill. Unfortunately, the last three FAA reauthorization bills (2012, 2011, 2003) have added more permitted slots (allowable takeoffs and landings per hour) at Reagan National Airport and allowed more non-stop flights beyond 1,250 miles (perimeter rule), to the potential detriment of Dulles International. By the end of this year, Reagan will overtake Dulles in domestic enplanements. An estimated 22 million passengers are straining Reagan National's already physically constrained infrastructure, while the shift in flights from Dulles to Reagan is also reducing the competitiveness of Dulles. The interconnectedness of Virginia's aviation system makes Dulles imperative to the continued success of airports around the state. Further, the region has encouraged air expansion at Dulles as a major economic driving force in Fairfax County and Northern Virginia. As a result, the region, the Commonwealth, and the federal government have made significant investments in transportation projects to further spur the airport's growth, including the Metrorail Silver Line extension that will provide greater accessibility to Dulles. Maintaining the existing perimeter and slot rules are essential to the success of these efforts. *(New)*

TIGER

- ***Support the continuation of the TIGER program, with additional funding.*** The Transportation Investment Generating Economic Recovery (TIGER) program previously received an annual appropriation of $500 million. The House FY 2016 transportation appropriations bill slashes funding to $100 million, while the Senate bill maintains the FY 2015 level of $500 million. Fairfax County supports the continuation of the TIGER program at the $500 million level, and supports greater consideration of congestion and mobility issues in the TIGER award process. *(Revised)*

Other projects

In recent years, federal funding opportunities have not existed in the traditional, project-specific format used in the past. However, should any federal transportation funds or other opportunities become available, the County supports the following key transportation priorities:

- **Route 7 Widening from Reston Avenue to Dulles Toll Road:**
  This project will widen Route 7 from four to six lanes, significantly improving the extensive congestion along this and nearby roadways. Route 7 is a major thoroughfare into Tysons, one of the largest employment centers in the nation, and is continually subject to overcrowding and gridlock. Though Fairfax County is working to transform Tysons into a more pedestrian and transit accessible area, vehicle access remains critical, and widening Route 7 is essential to ensuring the movement of people and goods through this congested but economically vibrant area. This project also includes significant safety improvements, including intersection upgrades and multi-use trails on both sides of the roadway, allowing greater access for pedestrians and those on bicycles, creating a truly integrated system for all modes of transportation. *(Revised)*

- **I-66 Corridor Improvements including the I-66/Route 28 Interchange:**
  The Commonwealth is currently working on a project along a 25-mile segment of I-66 from U.S. Route 15 in Haymarket to I-495/Capital Beltway, one of the most congested roadways in the region. This project, which provides three regular lanes in each direction, two express lanes in each direction, ramps, interchange improvements, high-frequency bus service, enhanced commuter park and ride lots, and a parallel trail for bicycles and pedestrians, will move traffic and people more efficiently, and provide additional multimodal options. A major component of this project is the I-66/Route 28 Interchange. Currently, the interchange does not fully accommodate all directional movements. In some instances, left-turn signals are required to travel on and off the interstate, which creates substantial traffic impacts. Removing the signalized movements and providing more direct access will greatly improve vehicle flow and significantly reduce traffic congestion on I-66, Route 28, and Route 29. Extensive congestion on both Route 28 and I-66 also creates a disincentive for development in western Fairfax County. This crucial project will benefit commuters and travelers, not only in Fairfax County, but in Prince William and Loudoun Counties as well. *(Revised)*

- **Richmond Highway Widening and Public Transportation Initiatives:**
  The Richmond Highway (US Route 1) Corridor is one of the most heavily transit-dependent areas of Fairfax County. It is also one of the most congested and economically disadvantaged. The County is working to create a multimodal six-lane facility from the Prince William County line to I-95/I-495. The County is currently working with VDOT to widen Route 1 between Mt. Vernon Memorial Highway (south) and Napper Road, providing a six-lane facility that will complement the existing Richmond Highway project currently under construction from Telegraph Road to Mt. Vernon Memorial Highway. This project will tie into the section of Richmond Highway north of Napper Road, which is also six lanes, resulting in a six-lane facility from Ft. Belvoir to I-95/I-495 in Alexandria. This project includes both pedestrian and bicycle facilities, and provides capacity for future bus rapid transit, as provided in the Route 1 Multimodal Alternatives Analysis completed in January 2015. That analysis focused on a 15-mile portion of US Route 1 that extends from Huntington Metrorail Station, through Fairfax County, to Route 123 at Woodbridge in Prince William County. The study recommends median-running Bus Rapid Transit (BRT) in the corridor

extending from the Huntington Metrorail Station to Woodbridge, with a future Metrorail extension from the Huntington Metrorail Station to the Hybla Valley Community Business Center. *(Revised)*

- **Soapstone Connector**:
  Fairfax County completed a Feasibility Study for the Soapstone Drive Connector/Overpass over the Dulles Toll Road, which would provide connectivity and accessibility to the new Wiehle-Reston East Metrorail Station by connecting major east-west roads (Sunset Hills Road and Sunrise Valley Drive) located north and south of the Toll Road. Fairfax County has selected a consultant to complete the environmental study and begin preliminary engineering, and additional funding is critical to complete final design, acquire right-of-way, and construct the project. *(Revised)*

- **Fairfax County Parkway Widening from Route 123 to Route 29, including the Popes Head Road Interchange:**
  This project widens the Fairfax County Parkway from four to six lanes, and provides or improves pedestrian and bicycle amenities. The construction of a grade-separated interchange at Popes Head Road will be designed to accommodate and connect with the future Shirley Gate Road extension. The Parkway is a heavily congested roadway in Fairfax County, particularly the segment between Route 123 and Route 29. Widening this section of the Parkway and improving the intersection at Popes Head Road will serve to reduce congestion, improve safety, and increase travel time reliability, mainly due to eliminating the traffic signal at Popes Head Road. The multimodal improvements will serve to better connect central and southern Fairfax County with travel choices aimed at reducing congestion. *(New)*

- **Frontier Drive Extension:**
  This project will extend Frontier Drive from Franconia-Springfield Parkway to Loisdale Road, including access to the Franconia-Springfield Metrorail Station and interchange improvements to and from the Parkway. This project will reduce congestion on I-95 between the Fairfax County Parkway and Old Keene Mill Road/Franconia Road, and in the area around the Springfield Town Center. It also enhances connectivity and access to and from the Franconia-Springfield Metrorail Station, Springfield Town Center, and the Springfield Industrial Park. The project will also create a more walkable, bicycle/pedestrian-friendly environment. The extension of Frontier Drive will also provide significant benefits to the existing Springfield GSA site, already owned by the federal government and currently under consideration for location of the new FBI headquarters (one of three sites being considered, and the only one in Virginia). Though the Springfield GSA site already has substantial and varied transportation and transit options, this project would further increase access, improving the chances for FBI selection and creating benefits for Fairfax County, the Northern Virginia region and the federal government. *(New)*

OTHER FEDERAL PRIORITIES/LEGISLATION

- ***Relocation of Federal Bureau of Investigation (FBI) Headquarters to Springfield GSA Site***
  Continue to support relocation of the FBI headquarters to the Springfield GSA site in Fairfax County: As previously mentioned, the FBI is seeking to move its headquarters from the rapidly deteriorating Hoover Building in Washington, DC – recent media reports have highlighted the urgency of that relocation and the increasingly challenging conditions affecting the federal

employees stationed there. As the GSA moves forward with its solicitation to find a new location, the County will continue to advocate for its Springfield site, which is the only site under consideration that is already owned by the federal government. Governor McAuliffe and the County's Congressional and General Assembly delegations have declared their strong support for the Springfield site, and the County will continue to work with state agencies to further improve the site's benefits for such a relocation. The County will collaborate closely with its federal and state partners throughout this process (drafts of the NEPA compliance reviews are available for public comment through January 6, 2016), in addition to working with key community leaders to develop expressions of support for submission to the GSA. Relocation of the FBI headquarters to the Springfield GSA site remains a top County priority. *(Revised)*

- ***Cyber Campus***
  ***The County supports the establishment of a federal Cyber Campus in Fairfax*:** As the GSA begins a search for a site to locate its consolidated civilian campus for cybersecurity operations, the County will remain actively engaged in the Request For Qualifications (RFQ) process. The site will likely require a 500,000 square foot facility. Such a facility could continue to support Fairfax County's status as a nationwide hub for cyber and tech activity, and could be a significant development opportunity for Fairfax County. *(New)*

- ***The Marketplace Fairness Act***
  The County supports passage of the Marketplace Fairness Act: The County supports the passage of the Marketplace Fairness Act (MFA), which would bring in additional revenue for Fairfax's transportation and education programs by closing a loophole in the current tax code to ensure state and local governments are able to collect sales tax on online and remote sales that they are already owed under current law. The Commonwealth of Virginia's 2013 transportation funding bill noted that if the MFA is enacted, the revenues generated from these sales taxes would largely be allocated to the Commonwealth's Transportation Trust Fund (construction and transit), with the remainder being provided for local needs and public education. On January 1, 2015, the Commonwealth's gas tax increased by 1.6 percent per gallon, because MFA had not been enacted, but these funds are primarily directed toward road maintenance. If MFA is enacted, the Commonwealth can begin collecting taxes on remote sales, allowing the gas tax to revert to its previous level, and resulting in increased funding for construction and transit projects. There are legislative proposals currently pending in both the House and Senate to address this issue. *(Revised)*

- ***Tax-Exempt Status of Municipal Bonds***
  The County supports legislation that would maintain the tax-exempt status of municipal bonds: As the primary source of funding for local infrastructure projects, municipal bonds serve a vital purpose for strengthening the County's economic development. As fiscal constraints tighten, Congress and the Administration are currently considering repealing or capping the tax-exempt status of municipal bond interest to increase federal revenues. Large counties would be particularly damaged by these proposals, which would raise the debt service burden for counties nationwide by over $9 billion annually if the tax-exempt status were repealed. As Congress moves to address comprehensive tax reform, the County urges Congress to maintain this critical exemption. *(Revised)*

- ***Community Development Block Grant Program (CDBG)***
  The County supports increased funding for the Community Development Block Grant Program (CDBG): CDBG provides flexible funding for counties to address housing needs, support water and infrastructure expenditures, and expand economic opportunities for low and moderate income persons. The President's FY 2016 budget included a decreased amount ($2.8 billion for FY 2016) of CDBG funding, compared to the $3 billion requested for FY 2015. Numerous members of the House and Senate have indicated their support for an appropriation of $3.3 billion, in part to keep up with inflation, a move supported by NACo and the U.S. Conference of Mayors. While neither the House nor Senate appropriations bills include the $3.3 billion level of funding, both do include funding levels higher than the President's request ($3 billion in the House, $2.9 billion in the Senate). *(Revised)*

- ***Federal Funding for Costs of Educating Federally Connected Students***
  Fairfax County supports full and appropriate funding for the Impact Aid program: Impact Aid serves many federally connected families and provides the well-educated workforce and strong business climate that is so vital to the functioning of the federal government. Serving 19,784 federally connected children places a significant cost on Fairfax County Public Schools (FCPS) (data from 2012-2013 school year). The federal government attempts to compensate localities for these costs through the Impact Aid program, which is designed to assist local school districts that have lost property tax revenue due to the presence of tax-exempt federal property, or that have experienced increased expenditures due to the enrollment of federally connected children. However, this program has been underfunded in recent years, and does not adequately compensate localities for the actual cost of providing a quality K-12 education. In FY 2015, FCPS expected to receive approximately $3.2 million in Impact Aid, which covers only 10.6 percent of the costs incurred by FCPS to educate such children (if this program were fully funded, FCPS would have received an additional $19 million in FY 2015).

- ***Fairfax County supports federal reimbursement for federally connected children***: Significant numbers of federally connected, school-aged children have been placed in Fairfax County through the federal Office of Refugee Resettlement (ORR)—1,177 unaccompanied minors between January 1 and September 30, 2014. Though the County celebrates its diversity, and recognizes that a diverse student population benefits all children in the school system, these placements (and the corresponding financial impacts on FCPS) are often unanticipated, and frequently occur after the adoption of local budgets. It is possible that funding for unaccompanied minors could be included in the omnibus appropriations bill, as this issue has received significant attention in communities across the nation. *(Revised)*

- ***Department of Justice***
  Fairfax County supports reauthorization and full funding ($50 million) for the Justice and Mental Health Collaboration Program (JMHCP): JMHCP provides funding for state and local governments to develop and implement programs designed to improve outcomes for individuals with mental illness who are involved in the criminal justice system. For many years, police officers have been the first responders when an individual is in the midst of a mental health crisis – the Fairfax County Police Department responds to more than 5,000 calls each year that are mental health related. As a result, many of these calls lead to incarceration for low-level offenses (trespassing, disorderly conduct), precluding the individual from receiving appropriate treatment in the community for the underlying mental health issues with which he or she is grappling. In

fact, nearly four in ten inmates at the Fairfax County Adult Detention Center (ADC) have been identified as needing mental health care, and more than one in four have a serious mental health illness and co-occurring substance use disorder. Though the impacts of mental health challenges on public safety are increasingly receiving national attention, the fact remains that the criminal justice system is ill-equipped to deal with such issues, and substantial changes must be made. *(New)*

- ***The County supports full funding for Department of Justice programs that provide critical support to County law enforcement:*** These programs include the Byrne/ Justice Assistance Grant Program (Byrne/JAG), the State Criminal Alien Assistance Program (SCAAP), and the COPS Hiring Grant Program. The federal funding from these programs assists the County in fighting crime, managing better outcomes for youth, and achieving the highest level of public safety for its residents. *(New)*

Federal Funding & Legislative Principles
114th Congress

DRAFT revisions December 2, 2015
Adopted December 2, 2014

PRIORITY PRINCIPLES *(see also "Recommended Strategies for 114th Congress")*

Overall Federal Funding and Sequestration

Principles for Sequestration legislation:

- Support a balanced approach to federal deficit reduction solutions, acknowledging that federal assistance to state and local governments can help mitigate further layoffs and that federal investments in state and local infrastructure projects help produce private sector jobs and improve our competitiveness. *(114th Congress position)*
- Oppose deficit reduction actions that shift costs to localities, impose unfunded mandates, or pre-empt local programs and taxing authority. *(114th Congress position)*
- Support a proactive approach to repositioning the County in anticipation of possible long-term reductions in federal funding, leveraging the County's location in the National Capital Region, well-educated workforce, and strong business climate to attract additional federal facilities, consolidations of personnel, and increased government contracting opportunities (including expansion of cybersecurity contracting and other agency consolidations). *(114th Congress position)*
- Support timely federal budget decisions, in order to eliminate uncertainty that is detrimental to the Northern Virginia economy, which is closely tied to the federal government. *(114th Congress position)*
- Support maintaining the tax-exempt status of municipal bonds as a critical tool generating investments in vital public infrastructure for localities, saving state and local governments nationwide hundreds of billions in interest costs over the last century. *(114th Congress position.)*

Federal Agency Relocation and Consolidation

Principles for Relocation and Consolidation-related legislation:

- Support the inclusion of sufficient funds to address the planning, infrastructure, and transportation issues raised by the relocation of over 21,000 defense workers to Fort Belvoir, resulting from the 2005 Base Realignment and Closure Commission (BRAC). *(114th Congress position)*
- Ensure sufficient funding for other BRAC impacts, including significant increases in students to Fairfax County Public Schools. (*114h Congress position)*
- Ensure greater coordination between federal agencies and host communities for any federal government relocation and consolidation proposals, for both new facilities and the use of existing facilities, including analyzing transportation impacts before final recommendations are made and coordinating implementation efforts following such relocations. *(Revises 114h Congress position.)*

Transportation

Principle for Transportation funding:

- The level of federal investment in the nation's transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly. Investments in transportation are necessary for a strong economy, and in the current climate, could help spur growth. Northern Virginia's need for transportation solutions for all modes will continue to grow in size and scope. Fairfax County has taken actions to substantially increase local funding for transportation infrastructure and service. The Commonwealth has as well, but the federal government must also do its part, as future generations will pay the price for the current inaction. (*114th Congress position)*

Principles for Surface Transportation Authorization:

- In order to allow long-term transportation planning, support long-term transportation reauthorization legislation, including sufficient funding. *(New position.)*
- Support coordination with local governments and regional entities as USDOT develops rules to establish performance measures and standards for numerous programs. (*114th Congress position)*
- Support language included in current authorization giving priority to highway transportation funding for evacuation routes surrounding military facilities. *(114th Congress position)*
- Greater decision-making authority for determining how transportation funding is spent should be given to metropolitan areas and local governments. *(114th Congress position)*
- Safety must continue to be an important focus of transportation projects. *(114th Congress position)*

Federal Funding & Legislative Principles
114th Congress

DRAFT revisions December 2, 2015
Adopted December 2, 2014

Principles for Transportation legislation:

- Urge Congress to appropriate the annual portion of the $1.5 billion in federal funds authorized for the Washington Metropolitan Area Transit Authority (WMATA)'s critical capital needs ($150 million per year for 10 years). Each of the WMATA signatory jurisdictions has approved the Compact amendments required for WMATA to qualify for these federal funds and the non-federal matches have been identified. (*114th Congress position)*
- To address current and future capacity needs for the Metrorail system, WMATA has proposed a number of initiatives called Metro 2025, including: enhancement of rush-hour capacity by upgrading to the use of all eight-car trains; expansion of high-volume rail stations to ease congestion; and, completion of the bus Priority Corridor Network. Additional resources are critical to ensuring the success of this effort. Further, improvements to the system's core capacity are needed before any future extensions can be considered. Federal investment in Metro 2025 is essential to keeping Metro and the Washington Metropolitan region moving forward. *(Revises 114th Congress position)*
- Support legislation creating permanent parity between the level of transportation benefits provided for transit and for parking. *(114th Congress position)*

Principle for Federal Aviation Administration (FAA) Reauthorization:

- Oppose further changes to the perimeter and slot rules for Dulles and Reagan National Airports to protect the balance between these airports. *(New position.)*

Social Safety Net

Principle for Social Safety Net funding:

It is the responsibility of government at all levels – federal, state, and local – to help Americans who are unable to fully meet their own needs. As a result of recent economic hardships, those needs are greater now than ever. Healthy and productive individuals, families, and communities are the foundation of the United States' present and future security and prosperity, and ensuring this foundation requires a strong partnership among all levels of government to maintain the critical safety net.

In assessing potential federal cuts to the social safety net, the County will consider the significance of the impact, both fiscally to the County and the potential magnitude of the impact on individuals living at subsistence levels, in accordance with the following objectives:

- Support programs that help residents of Fairfax County meet their basic needs, from nutrition programs to homelessness prevention and affordable housing;
- Support programs that get Americans back to work and support economic development, including job training and child care;
- Support programs and funding streams that provide local flexibility to meet the needs of a changing and challenging economic climate, while avoiding penalties to localities that exhibit prudent fiscal management;
- Support programs that promote school readiness for at-risk children;
- Support programs that protect the health and well-being of vulnerable residents;
- Oppose changes that shift additional responsibilities to localities, weakening the federal/state/local partnership, particularly in a state where financial support for the social safety net tends to be minimal;
- Support adequate federal funding to meet federal mandates, as costly federal mandates must be accompanied by appropriate funding, or at a minimum, adequate flexibility to ensure the success of priority programs.

Principles for Human Services/Education legislation:

- Fully fund costs of mandates and support flexibility and additional resources to carry them out, such as the No Child Left Behind Act (NCLB) and Individuals with Disabilities Education Improvement Act (IDEA). *(114h Congress position)*
- Support elimination of the current "prior use" rule for tax credits on school renovation and reconstruction, which disallows these credits when the building is rehabilitated and used in the same manner as before the rehabilitation. This could provide a tool for rehabilitating aging County schools. *(114th Congress position)*
- Support incentives for affordable housing creation and preservation. *(114th Congress position)*

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- Support federal funding initiatives that will advance research, surveillance, reporting, and diagnostics for Lyme disease. (*114th Congress position)*
- Support funding which improves access to affordable, quality child care for families with low income, including increases to the Child Care and Development Block Grant and Head Start. *(114th Congress position)*
- Support efforts to improve access to affordable immunosuppressant drug coverage for kidney transplant patients. Patients with end stage renal disease are already provided special Medicare coverage, but while Medicare already covers immunosuppressant drugs for transplant patients under age 65, coverage is only for a three-year period. (*114th Congress position)*
- Support federal funding to the states for adult protective services as well as funding for state long-term care ombudsman programs. *(114th Congress position)*
- Support appropriate oversight by the Centers for Medicare and Medicaid Services of Medicaid-funded transportation service, in order to resolve ongoing complaints stemming from consistent poor performance and ensure adequate service is restored. *(Revises 114th Congress position)*
- Support close monitoring of implementation of the Affordable Care Act (ACA), ensuring provision of critical health coverage, an efficient allocation of resources and a smooth transition to a new health care landscape, while providing clear direction and appropriate incentives for consumers and employers, and avoiding both service reductions and restrictions on access to care. *(114th Congress position)*
- Support full funding for Impact Aid, which provides funding to school divisions that educate federally connected students. Though Fairfax County educates significant numbers of children whose parents are employed in military, civilian or related positions, the funding received through this program is a small fraction of the actual cost of providing quality K-12 education. *(114th Congress position)*
- Support federal reimbursement for costs associated with educating unaccompanied minors placed in Fairfax County by the Office of Refugee Resettlement (ORR). *(114th Congress position)*
- Support full funding for the HOME Investment Partnerships Program (HOME), which provides funding for affordable housing through acquisition, rehabilitation, new construction, and tenant-based rental assistance. *(New position)*
- Support federal assistance to state and local governments to develop and implement programs designed to improve outcomes for individuals with mental illness involved in the criminal justice system. *(New position)*

Federal Bureau of Investigation (FBI) Relocation

Principles for Federal Bureau of Investigation (FBI) Relocation legislation:

- Support relocation of the FBI headquarters to a site in Fairfax County with close proximity to transit and numerous transportation options, in order to mitigate transportation impacts while encouraging redevelopment and job growth in the County. *(114th Congress position)*
- Support relocation of the FBI to existing federal land within Fairfax County, and oppose actions that remove property from the County's tax rolls. *(114th Congress position)*

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CONTINUING PRINCIPLES

Consumer Protection

Principle for Consumer Protection legislation:

- Support efforts to enhance consumer protections in products sold by alternative financial services, such as payday loans and vehicle title loans, to minimize the negative financial impact of such products on financially vulnerable consumers. Payday and vehicle title loans are often associated with practices which drive consumers further into debt. *(New position)*

Elections

Principles for Elections legislation:

- Support security and reliability of elections equipment and results. *(114th Congress position)*

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114th Congress

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Adopted December 2, 2014

- Oppose costly, unfunded mandates for elections equipment and unrealistic timelines for implementation of new federal mandates. *(114th Congress position)*
- Support sufficient federal funding to assist localities in implementing any new federal mandates for elections equipment, including accessibility requirements. The Virginia Department of Elections has indicated that its share of Help America Vote Act funds will be exhausted by FY 2018; currently, these funds comprise 60 percent of the Department's annual spending. *(Updates 114th Congress position)*
- Monitor potential impacts of the Supreme Court decision striking down Section IV of the Voting Rights Act, which eliminated the requirement that changes to Virginia's election laws be "pre-cleared." *(114th Congress position)*

Energy/Climate Change

Principles for Energy/Climate Change legislation:

- Support legislation providing funding for state and local governments to address issues related to global climate change, including energy conservation, use of renewable energy sources (including waste to energy), green buildings and vehicles, reduced emissions, and greenhouse gases. *(114th Congress position)*
- Support funding and incentives to increase research and development for emerging energy efficient and renewable technologies. *(114th Congress position)*

Environment

Principles for Environmental legislation:

- Support incentives and innovations that encourage environmental preservation and resource conservation. *(114th Congress position)*
- Support incentives for open space preservation. *(114th Congress position)*
- Support adequate funding to local governments and achievable timelines for any new federal environmental regulations or mandates, particularly requirements related to the Chesapeake Bay watershed. (*114th Congress position)*

Federal Contracting

Principles for Federal Contracting legislation:

- Support efforts to streamline and increase efficiency and productivity in federal government operations, by maximizing the strengths of both federal contractors and federal government employees. Such efforts to strike this balance should be accomplished in a thoughtful, open process that is not arbitrary in nature. (*114th Congress position)*
- Support the critical partnership that exists between the public and private sectors in the conduct of federal government operations. This is particularly important in Fairfax County, where federal employees and federal contractors each contribute significantly to the local and state economy. *(114th Congress position)*

Homeland Security/Emergency Operations

Principles for Homeland Security/Emergency Operations legislation:

- Support greater funding for "high risk" areas such as Northern Virginia and Fairfax County. *(114th Congress position)*
- Support timely delivery of funds and ways to achieve greater flexibility for use of funds, while maintaining strong accountability standards. *(114th Congress position)*
- Support federal assistance for the implementation of "Next Generation 911," a major change in the provision of 911 services that is particularly critical for the National Capital Region. *(New position)*

Immigration

Principles for Immigration legislation:

- Support stricter federal action to improve the enforcement of federal immigration laws and policies by federal agencies. *(114th Congress position)*
- Oppose actions that would compromise the County's ability to deliver local government programs and services that benefit or protect the community as a whole. *(114th Congress position)*
- Oppose legislation that would mandate local governments to enforce federal immigration laws, especially in the area of law enforcement. *(114h Congress position)*

Federal Funding & Legislative Principles
114th Congress

DRAFT revisions December 2, 2015
Adopted December 2, 2014

Land Use

Principles for Land Use legislation:

- Oppose any diminution of local land use authority, either by further limiting the scope of local regulatory authority or by creating new and more elaborate land use regulatory structures. (*114th Congress position)*
- The County supports the concept that disputes over land use authority are local in character and should be solved at the local level. Further, the County requests that the development community and regional entities discuss any concerns or problems with the County before seeking legislative solutions. *(114th Congress position)*

Local Taxation

Principles for Local Taxation legislation:

- Preserve existing local taxing authority. Encroachment upon local authority skews local accountability and hampers efforts to provide for constituent needs in the most cost effective and efficient manner. *(114th Congress position)*
- Support legislation allowing local governments to participate in the Federal Offset Program, which would improve the ability of local governments to collect delinquent local taxes by offsetting the owed taxes with reductions in the federal income tax refunds of the delinquent individual. *(114th Congress position)*
- Support legislation to allow states to collect sales and use taxes on sales made over the internet by those retailers without a physical presence in that state (often referred to as the Marketplace Fairness Act), with consideration given to mitigating compliance burdens on smaller online businesses. These tax payments are already required under current Virginia law, but compliance with this requirement is very limited. Passage of such legislation would play a key role in transportation funding in Virginia, as it was included as part of the transportation funding package enacted in 2013. *(114th Congress position)*

Public Safety – Gangs

Principles for Gang legislation:

- Support greater federal efforts to assist localities with gang prevention or intervention programs. *(114th Congress position)*
- Support stronger prevention measures. *(114th Congress position)*

Public Safety – Weapons

Principles for Weapons legislation:

- Support efforts to reauthorize the federal assault weapons ban included in the Violent Crime Control and Law Enforcement Act of 1994. *(114th Congress position)*

Telecommunications/Communications

Principles for Telecommunications legislation:

- Oppose any preemption or circumvention of local governments' historical control over land use decisions and oppose any attempt to eliminate local governments' right to charge, on a non-discriminatory basis, fair and reasonable compensation for use of public property. *(114th Congress position)*
- Oppose any reduction or diminution of local government authority to: address consumer needs; regulate consumer services; and negotiate and enforce cable franchises that include provisions such as redlining prohibitions, franchise fees, public, educational, and governmental channels and financial support, customer service provisions, and technical construction standards. *(114th Congress position)*

Board Agenda Item
December 8, 2015

10:40 a.m.

Presentation by the Original Mount Vernon High School Re-Utilization Task Force

ENCLOSED DOCUMENTS:
None

PRESENTED BY:
Karen Corbett Sanders, Chairman, Task Force

Original Mount Vernon High School
Re-utilization Task Force
Final Report
December 1, 2015

I. Introduction

The Original Mount Vernon High School (OMVHS) is a historically significant building located at 8333 Richmond Highway, Alexandria VA 22309 in the Mount Vernon Magisterial District of Fairfax County. The school has been leased to the Islamic Saudi Academy (ISA) since 1985. The ISA has indicated that it plans to vacate the building and "return" it to Fairfax County in October 2016. The return of this valuable and historic site to the county provides an excellent opportunity for economic renewal and community building for the Mount Vernon and Lee Magisterial Districts.

The County has received over $100 million ($3,399,919.20/per year) in rental revenues over the course of the 30-year lease. The building has an estimated 144,107 square feet of useable space in its current configuration of the main building and annex. It is located on 22.5 acres of land zoned C-8 and R-2. The Fairfax County Board of Supervisors owns the building and land. The Fairfax County Park Authority owns an additional 17.76 acres, zoned R-2. Fairfax County has indicated that the George Washington Recreation Center is currently under-performing and could benefit from a comprehensive approach to developing the total campus. The total acreage of the combined campus (which includes the school, the annex, athletic fields and the recreation center) is 40.26 acres.

In the spring of 2015, Supervisor Gerald (Gerry) Hyland (Mount Vernon District) established a Re-Utilization Task Force to determine appropriate uses of the building. Headed by Karen Corbett Sanders, the Task Force is comprised of business and community representatives from the Mount Vernon and Lee Districts[1]. The group's efforts commenced with the review of the education section of Supervisor Hyland's 2010 Mount Vernon District Visioning Task Force, which looked at potential uses for the building if it were to be vacated by the ISA. The Fairfax County History Commission has also participated in the Task Force and is committed to working with the County to preserve the historic structure.

The Task Force's focus has been on identifying potential uses of the building and lands which would both benefit the community, be consistent with the County's strategic priorities, and contribute to the economic renewal efforts in the Mount Vernon and Lee magisterial districts. The County's strategic priorities for development are:

[1] A list of Task Force members is provided in Appendix 1.

1) Diversify the economic base,
2) Create places where people want to be,
3) Improve efficiencies and effectiveness of the development review process,
4) Encourage public private infrastructure projects,
5) Improve social equity in public education (early childhood development, work force development, non-traditional education),
6) Improve the agility of county government.

Both Supervisors Gerry Hyland and Jeff McKay have indicated that they see the building as an important asset for the Mount Vernon and Lee communities. The Task Force and the local Supervisors are concerned that the building not be left vacant for an extended period of time for public security reasons. It is for this reason that interim and long-term solutions were evaluated and presented in this concept document.

Any future use of the building will require Fairfax County to bring the structure up to all applicable code requirements, including (but not limited to), building code and the Americans with Disabilities Act (ADA) Standards for Accessible Design. The Task Force encourages the Board of Supervisors and the County Executive to move quickly on any necessary modifications to the building required prior to new occupants moving in. Options for the immediate or phased in occupancy (once the ISA vacates) of the ADA and Code compliant sections of the building should be explored.

Interim solutions focus on the in-building use. It is likely that the interim phase could range from 5-8 years given the need to potentially amend the Comprehensive Plan. It will also be important to provide stability for the interim users.

II. The Approach Taken

After touring the facility, the Task Force met for brainstorming sessions to discuss a number of options for the building[2]. Additionally, Fairfax County staff provided the Task Force with background materials, and the Task Force reached out to the non-profit, education and business communities to identify potential tenants for the campus. A preliminary list was developed, and each option was evaluated in the context of the stated goal:

- Provided synergies with other building uses,
- Did not duplicate activities being provided in the close proximity of the building, and
- Could potentially utilize the space in the short term, longer term, or both.

[2] The different options are included in Appendix 2.

Each of the ideas was discussed within the Task Force, assessed as to how each met the County Strategic Plan Criteria, the local supervisor's objectives, and the vision of the Task Force, and determined as to the strategic fit with the vision. In some instances, the Task Force recognized that there was a need for a service but felt that it might be more appropriate for that service to be provided in a different location. Additionally, the potential uses were assessed as to whether they would be able to pay for their use of the building, possibly generate revenues for the building, or result in a transfer of funds currently being paid for by Fairfax County to lease space elsewhere.[3]

Fairfax County Staff Activity Supporting the Re-Development of the Building

Fairfax County Staff have worked closely with the Task Force Chair, participated in the group's meetings, and responded to requests for information. Unfortunately, much of the information required for decision-making is not readily available and requires the County to hire external consultants for evaluation. A timeline for the acquisition of this information is provided in Appendix 3.

This report reflects the research and recommendations of the Task Force. The report is strictly advisory in nature and holds no regulatory authority. No commitments to any of the potential groups mentioned have been made; Fairfax County Government will pursue user agreements at a future date. Additional land use and other regulatory approvals may be required for the proposed uses contained in this report.

III. Task Force Recommendation

Taking into account the priorities of the Supervisors and the County, the Task Force developed three options for the reuse of the Original Mount Vernon High School building and surrounding campus. Although identified as stand alone options, nothing precludes them from being looked at in tandem with each other, or the creation of a hybrid option.

Option 1: the Mount Vernon and Lee Community Center

Option 1 received the most support from Task Force members. The option that could begin in the interim phase envisions the building to be a multi-purpose community center as a destination and anchor for the redevelopment of the Route 1 Corridor.

[3] An assessment of whether a tenant will contribute financially to the building is provided in Appendix 2 as well.

Similar to the McLean Community Center, the Mount Vernon and Lee Community Center will provide the opportunity to:

- Be a destination for community members to participate in educational, entertainment, and recreational activities,
- Provide the area's non-profit organizations to be co-located and realize efficiencies in their service delivery models,
- Provide an opportunity for veterans, retiring service members, and small businesses to develop work force readiness and business management skills, which is one of the goals of the Governor's New Virginia Economy,
- Improve the government service delivery model in the region,
- Preserve this historically relevant building along the Route 1 Corridor,
- Provide synergies with the George Washington Recreation Center for the development of the campus, while potentially subsidizing the project through a public- private partnership on part of the land.

This option is contingent on the commitment of a couple of "anchor clients" that would attract Mount Vernon and Lee community members to visit the building on a regular basis. Additionally, the option is contingent on developing a plan that would expand parking so as to limit disruption to the Mt. Zephyr community.

Envision the Original Mount Vernon High School as the Mount Vernon and Lee Community Center, a destination for local residents to gather and enjoy performances in the auditorium, educational classes, and seminars and possibly catered events in the library or the commercial cafeteria that could be transformed into a coffee house/bakery with guest artists performing in the evenings. Both a local bakery and Union Kitchens have expressed an interest in the space which could be used as a kitchen incubator developing opportunities for work force development and an incubator space for caterers and food service providers.

During the day, the school will continue to buzz with a pre-school operating in the space currently being used by the ISA for pre-school. Courses offered by Northern Virginia Community College (NOVA) either for early college credit, or dual enrollment credit for local high school students and area residents, and Fairfax Adult and Community Education (ACE) courses supporting work force development skills could be available to parents on the second floor. Additional training opportunities and incubator space would be provided through the Virginia Values Veterans team and other veteran support organizations working with the Northern Virginia Technology Council. It may be possible to showcase the work of the incubator companies and other small businesses during the course of the year via community opportunity fairs on the main level, perhaps in partnership with the Mount Vernon Lee Chamber of Commerce.

Additionally, the Center for American Military Musicians Organization (CAMMO) will offer music therapy to its clients in the old band and orchestra building. The

group's multiple musical organizations will provide live music on the Richmond Highway corridor to a broader audience not encumbered by security restrictions of a military base. Complementing CAMMO's presence, the Fairfax County Public Access TV channel will locate a satellite facility enabling greater coverage of events, businesses, and the community in the Mount Vernon and Lee Districts. Additionally, the Mount Vernon Children's Community Theater has also expressed interest in having space in the building where they could have performances, administrative offices, and possibly use of a classroom for training. On Sundays, the Auditorium could be used as a place of worship. One local Church (Rising Hope) approached the Task Force about the potential of using the auditorium for its "overflow" because it has outgrown its current location.

The gym and weight rooms provide more opportunities for the Teen Center, which will be relocated from the South County Government Building to the OMVHS building. The Teen Center and the George Washington Recreation Center patrons could jointly use some of the space. This increases the offerings of the Community Center option. The second floor provides space opportunities for the area's non-profits to be co-located, thus increasing opportunities for collaboration. Space (currently paid for by the County via grants) vacated by the non-profits along the Richmond Highway corridor could be re-purposed for economic development.

Satellite office space could also be made available for Fairfax County Government organizations to facilitate greater community engagement. These include: an office for the School Board Members and the Fire Marshall. An office would facilitate Q&A with builders, community members and potentially provide opportunities for students to interact with the public servants.

The green space surrounding the OMVHS will extend the Community Center to outdoor space. The existing ball fields provide an excellent opportunity for athletic clubs to practice. Separate playgrounds for children and the elderly provide opportunities for the young and old, with paths connecting the main building of the OMVHS to the George Washington Recreation Center in the rear of the property. There may even be an opportunity to have community gardens.

By designating a portion of the OMVHS as a Multi-Tenant Nonprofit Center, the County creates an opportunity to grow the level and value of services provided to members of the community, while at the same time enhancing the working relationships among the non-profits, the County personnel, and the programs they administer. The location of the Original Mount Vernon HS building is ideal because it offers:

- Proximity to the South County Government building.
- Easy access to public transportation.
- Size.
- Potential to create green space open to the community.

- Potential for creation of a substantial economic hub for the Richmond Highway Corridor.
- Development of this location as a Nonprofit Center would,
    - Further enhance the community perception of the County's commitment to social service issues,
    - Further enlighten the community to the contributions that nonprofit agencies make through the programs and services they provide and administer,
    - Facilitate wrap around services provided to the vulnerable and struggling families and individuals including those with pre-school students,
- Provide stable, long-term tenants to minimize the overhead and maximize the services to the community.

Similar to the successful McLean Community Center, it is anticipated that an appointed volunteer board would oversee the management of the building. The board would be responsible for scheduling space, security and maintenance oversight.

Additional alternatives for the building re-use include:

Option 2: School Use

Option 2 envisions returning the facility to FCPS for the purpose of:

- Returning Walt Whitman Middle School to its previous neighborhood location (to eliminate the attendance island of the middle school presently outside the Mt. Vernon Pyramid.) Walt Whitman Middle School was originally located where the present Mount Vernon High School is located on Old Mount Vernon Road. When the two schools exchanged locations, Walt Whitman was located in the Original Mount Vernon HS from 1973 through 1985. All students are presently bused to the former Stephen Foster Intermediate School Site on Parkers Lane adjacent to the Sherwood Hall Regional Library.
- Using the facility for a magnet school (such as the performing arts)
- Lease the facility to a "Charter School." in the form of lease income.

FCPS was offered the building; however they expressed concerns about cost, size, location and impact on the renovation queue for other schools in the County. Senior staff indicated that the cost of renovating the school to meet current education specifications and code would exceed $30 million, which would be difficult to realize in the current budget climate. Additionally, the project has not been included in the Capital Improvement Plan. Inclusion would shift projects already in the queue located both inside the Mount Vernon area and elsewhere in the County.

Advocates for the return of Walt Whitman Middle School to its former location within its attendance area cite the importance of re-establishing a neighborhood school. This would enable greater student and family participation in the "neighborhood" school activities. In addition, the closer proximity to Fort Belvoir and the attendance area could significantly decrease bus travel time, maintenance, and operating (gasoline) costs. Advocates believe it may be possible to reach out to Fort Belvoir and the Department of Army and pursue a Fairfax County - FCPS – Department of Army partnership. Others on the Task Force have expressed concerns regarding student safety and the proximity to a widened Richmond Highway.

Option 3: Commercialize All or Parts of the Property

Option 3 monetizes the re-development of the building and land by selling all or a significant portion of the building and contiguous land parcels. It should be noted that there is limited support for the option of selling all or a significant portion of the property. There is support, however, for leveraging the building and the property to facilitate partnership opportunities with public, private and non-profit partners to fulfill the goals of the County, the community, and the Task Force, while maximizing the return on investment and revenues to the public.

These goals are contained in the Board of Supervisor's adopted Strategic Plan to Facilitate the Economic Success of Fairfax County and focus on "further diversifying the economy, creating places where people want to be, investing in infrastructure, and achieving economic success through education and social equity." In the unlikely event that the County decided to monetize the whole property, the Task Force encourages the county to use proffers resulting from the sale of the land to realize the needs identified by the Task Force to create a community and cultural center and co-location space for the area's non-profits in the Mount Vernon and Lee communities.

V. Possible Funding Sources – A combination of land re-use and leases

A possible means of financing the development of the Community Center project would include swapping parcels of the Park Authority land near the George Washington Recreation Center for parcels owned by the Board of Supervisors (BOS) fields closer to the OMVHS building. This would preserve the green space around the building for the Park Authority and contribute to the economic development closer to the current Mount Vernon High School. The Task Force believes this should be done to rectify the current situation in which the George Washington Recreation Center is partially located on non-Park Authority land.

Some members of the Task Force believe that land that is now controlled by the BOS and the Park Authority, and possibly with consolidation of other adjacent property, would have its best use as a similar residential development as what

was done on Radford Avenue. Re-developing a subset (possibly 10 acres) of the original Park Authority land in the rear of the property near the George Washington Recreation Center could provide the County with much needed funds and result in economic development of the this area.

Redevelopment of the land could require a change in the current zoning to allow for building attractive single-family homes similar to those built by Ryland Homes in 2005 on Radford Avenue. There is precedent for this approach. Currently the land around the George Washington Recreation Center and fronting on Old Mount Vernon Road is zoned R-2. The surrounding residential areas are zoned R-2 and R-3. The school -property is zoned C-8 and R-2.

A number of years ago, a developer had approached several landowners in the area in an attempt to consolidate property for a higher density, single-family development. The vision was to build single-family houses on smaller lots similar to what Ryland Homes built in 2005 on Radford Ave. The Radford Avenue site redeveloped an abandoned C-8/R-2 site into a narrow lot, single-family development that sold quickly and enhanced the value of the surrounding property. The Task Force believes that any redevelopment of the land should be done in consultation with the neighboring communities.

The density of 6 to 10 units per acre would be necessary to attain a low enough finished lot cost to sustain a sales price of $ 650,000 to $ 850,000. $ 850,000 at the high end under current market conditions would probably not be marketable, but the expectation is that in the near future, a growing economy, and the demand for housing will allow these prices to be marketable.

It is somewhat difficult to determine the market value of the land since the density increase is not assured. A developer may not want to or be able to develop all of the available land so the revenue projection may vary. Raw land might be worth $ 500,000 per acre, more or less based on lot yield. The out sale price of a house will determine the finished lot value. With high-end housing, the sale revenue could possibly be $ 5,000,000 to $ 10,000,000. Additionally, once sold, the homes would generate property tax revenue.

Additionally, if UCM were to move its operations into the Community Center building, then its current location, the old post office site on Fordson Road in the Lee District, could also be re-developed (possibly by consolidating it with land nearby). The proceeds could contribute to the development of the OMVHS site.

Leases and Operating Costs

In looking at the viability of the Community Center, we presume that transferring leases to the building would pay for a portion of the annual operating costs. The non-profit tenant leases would be paid for by the existing grants held by the Mount Vernon non-profits utilizing the space, the Center for American Military

Musicians Organization (CAMMO) (through grants), the veterans organizations (via DoD and Virginia state funding), Northern Virginia Community College for class room and administrative space, and fees paid by class attendees, rent paid by the commercial bakery, leasing of venue space, and a portion of the ticket sales for events. Additional revenue could be generated by the leasing of excess building space for commercial use.

The current utility costs for the building are estimated to be:

Dominion Power:	$175,000
Fairfax Water:	14,000
Water Filtration	2,500
Washington Gas	43,000
Total	$235,000/year

Additionally, any operating budget would have to include:

Building Manager: responsible for operations, client interface, and common space scheduling;
Building Maintenance: responsible for day to day maintenance of the building;
Cleaning staff;
Grounds Maintenance

Obviously, the operating costs would be recovered in the manner described above.

V. Historic Architecture and Condition

The school building is historically significant because of its construction by the Public Works Administration Project (PWA). Designed in the Colonial Revival Expression, it was the County's second high school constructed after Fairfax High School and was followed by Clifton (subsequently torn down), Floris (torn down), Herndon (middle school sits on the site today), and Oakton (property sold).

The OMVHS is one of the most significant buildings on Richmond Highway south of the Capital Beltway and north of the Occoquan River. However, it is not designated as protected by the County's Historic Overlay Districts and the Fairfax County Architectural Review Board (ARB). The property was listed in the Fairfax County Inventory of Historic Sites in the early 1990s. The Virginia Department of Historic Resources determined the property eligible for listing in the National Register of Historic Places in 1987, but a new Preliminary Information Form (PIF) is now required to confirm that the property remains eligible for the National Register. Fairfax County will undertake submission of a new PIF in mid-late 2016. This work will inform future efforts towards formally listing the property in

the National Register and the potential for use of historic tax credits for redevelopment opportunities.

An initial review by Mr. Richard Bierce, AIA, and Historical Architect, suggests that it might be possible to preserve the integrity of the main education building but have more flexibility with the separate buildings. He believes that from an historical perspective, the front drive and walk are historically significant. The Cupola, the library and auditorium spaces are also important from a hierarchy of preservation and uses.[4] Mr. Bierce will be developing a fuller analysis of the historical preservation piece.

Mr. Earl Flanagan, Mt. Vernon District Planning Commissioner was able to obtain valuable information about asbestos and building upgrades from the architect hired by the ISA when they originally leased the building. According to the architect, all asbestos has been removed or contained in interior duct work within the walls and by covering up floor tiling. This is an acceptable measure for remediation. However, any major renovations could require additional remediation or asbestos removal. The county has also hired contractors to perform an ADA assessment, a structural assessment, and a hazardous materials assessment of the building. The results of this study will be used in determining what upgrades must be made to the building before new occupants can move in to all or parts of the building.

VI. Public Response to the Task Force Recommendations

On October 21, 2015 a public meeting was held at which all the options were presented, and additional input solicited. Subsequent to the meeting, the public was encouraged to submit feedback via an on-line portal. An overwhelming majority of the comments were supportive of the establishment of a Mount Vernon and Lee Community Center. There was mixed support (both for and against) for the redevelopment of the land for housing. Similar reactions were provided re: the use of the building as a stand-alone school. However, the majority supported the use of the building and grounds for the provision of educational programming. Appendix 4 summarizes the comments provided by the meeting participants and contains all comments received via email.

VII. Next Steps

The Task Force is providing its recommendations to the Board of Supervisors on December 8. A meeting with the new Member of the Board of Supervisors representing Mount Vernon will be scheduled in advance of the meeting. Once

[4] Mr. Bierce's initial assessment of the building and a floor plan are found in Appendix 4.

the contractor's reports are presented to the County re: ADA, structural and hazardous materials, the associated costs and timeline will be amended in the report.

The Task Force recommends that the County initiate a formalized process for soliciting bids from interested parties for inclusion in the Mount Vernon and Lee Community and Cultural Center. A follow up community meeting should be held to update the community on the interim and long term plans for the building subsequent to the Board of Supervisor's meeting, and all of the external contractor reports are received and an analysis of the comprehensive plan and zoning options is conducted. Additionally, we recommend that an interest meeting be held during the first quarter of 2016 for potential interim tenants. We also recommend that the County establish an advisory panel to shepherd the redevelopment process for the campus.

Appendix 1: List of Task Force Members

Prefix	First Name	Middle Name	Last Name	Title
Ms.	Carrie	Ann	Alford	Mt. Vernon History Commissioner
Mr.	William	P.	Bock	Community Member Rep
Miss	Sara	M.	Brandt-Vorel	Community Member Rep
Ms.	Martha		Coleman	MVHS PTSA Rep
Mrs.	Karen		Corbett Sanders	Chair and WPHS PTSA Rep
Mr.	Earl	Layton	Flanagan	Ex Officio Rep
Mr.	Mike		Frank	Mount Zephyr CA Rep
Mr.	Arthur	R.	Genuario	Athletic Rep
Mr.	Linwood		Gorham	FCPA Board Rep. Mount Vernon
Ms.	Judy		Harbeck	MVCCA Rep
Mr.	John	C.	Harris	Community Member Rep
Mrs.	Edythe	Frankel	Kelleher	SFDC Rep
Mr.	Brett	W.	Kenney	Ex Officio Rep
Mr.	Richard	J.	Knapp	Lee District Rep
Mr.	David		Levine	Good Shepherd Housing Rep
Ms.	Victoria		McLeod	Lee District Rep
Ms.	Nichelle		Mitchem	UCM Rep
Ms.	Lois	M.	Passman	Ex-Officio Rep
Ms.	Yvette		Prosser	SCHS PTSA Rep
Ms.	Jeannine	D.	Purdy	Lee District Rep
Mr.	Tim		Rizer	Chamber of Commerce Rep

Mr.	Dale	S.	Rumberger	Community Member Rep
Mrs.	Barbara	H.	Sullivan	Mount Vernon At Home Rep
Ms.	Rebecca		Todd	Chamber of Commerce Rep

Appendix 2: Options Reviewed by Task Force

Potential Building Uses					
Fairfax Public Access	Remote Access for Juvenile and Domestic Relations Court	Space for serving people with disabilities	Walt Whitman Middle School	Visitor's Center	Mount Vernon at Home
Center for American Military Music Opportunities (CAMMO)	Magisterial District Offices (excluding Supervisor)	Transitional Adult High School	College/University Satellite (NVCC)	Non Profits Sr Volunteer or Volunteer Fairfax satellite office	Good Hope Rising satellite church
Virginia Values Veterans	Vocational Training Center	Class Credit Recovery Center for students	Theater Group	New Hope Housing	Playgrounds w/ outdoor exercise equipment for seniors and children
Wounded Warriors Project (Va. Veterans and Family Services)	Teen Center	Adult & Community Education and Work Force Readiness	Training Kitchen	Good Shepherd Housing	Senior affordable housing
DoD Veterans Skills Bridge	Satellite Office for FCPS and SACC registration for peak period	Charter School	Coffee shop w/ entertainment space	United Community Ministries	High density housing
Small Business Incubator(s), Food Incubator	Head Start / pre-school space	Magnet or Governor's School for the Humanities	Regional Memory Care Center	NoVA Satellite Location for courses	Community Gardens

These concepts were reviewed by the Task Force and determined to meet several criteria.

These concepts were reviewed by the Task Force and determined to fit better at another location.

Appendix 3: County Timeline

Former Mount Vernon High School
November 16, 2015

DRAFT

ITEM	***DATE***
County Compiling Data/Information	
-Corridor/Area Leases	completed July 2015
-Land Use Matrix, Building and property	completed July 2015
-Building Surveys Cost: $300,000	
-M.E.P., Hazardous Materials, ADA	end December 2015
-Historic Structures Report	Spring 2016
-Countywide Needs	end December 2015
-Preliminary Information Report (PIF)	mid-late 2016-VDHR
County analysis of Building Surveys	begin January 2016
ISA work to return building to County	June 2016–Oct. 2016
Site and Building Security needed, building unoccupied	begin October 2016
Refinement of uses based on Countywide needs and Task Force report	begin Summer 2015
Use Determinations/explore land use approvals needed	begin October 2015
Concept master plan	begin December 2015
File any necessary land use approvals/concurrent processing	Spring 2016
*Authorize Plan Amendment, if needed (8 month process)	
County renovations	March 2017
-Need to know user groups in order to complete	
Earliest date of Building Occupation	March 2017

Appendix 4: Community Input

In reviewing all of the comments obtained at the October 21, 2015 community meeting and subsequent correspondence, general support was indicated for the following initiatives, as aligned with the Fairfax County Board of Supervisors' Strategic Plan to Facilitate the Economic Success of Fairfax County goals:

Goal 1: Further diversify our economy

- ✓ Small business incubator
- ✓ Coffee shop with entertainment space

Goal 2: Create places where people want to be

- ✓ Support for community/teen/senior center, where indoor programming could take place
  - Multicultural center
  - Reservable space for community use
  - Community center
  - Recreation center
  - Athletic services for youth
  - Senior center
  - Interfaith use
  - Community engagement space
- ✓ Support for component that allows for access to services
  - Services for people with disabilities
  - Immigrant services
  - Hypothermia site
  - Access for the blind and disabled
  - Mental health services
  - Homeless services
- ✓ Support for arts and culture component
  - NVCC dance and arts performances
  - Performing arts (revenue generating)
  - Dinner theatre
  - Amphitheatre

Goal 4: Invest in natural and physical infrastructure

- ✓ Support for outdoor recreation component
  - Water play facility
  - Skate park
  - Playground

Goal 5: Achieve economic success through education and social equity

- ✓ Support for an educational program component
  - Early childhood education
  - Childcare
  - ESOL/SAT classes
  - Tutoring
  - College preparatory classes
  - Technology/computer lab
  - Arts education
  - Head start
  - STEM
  - College classes/university satellite
  - Credit recovery classes
  - Adult and continuing education
- ✓ Support for workforce development component
  - Veteran's skill bridge program
  - Workforce readiness classes
  - Vocational classes
- ✓ Support for co-location of non-profit and other community-serving organizations
  - Co-located non-profit center
  - Multicultural center
  - Immigrant services
  - Faith-based use
  - Veterans organizations
  - Relocate United Community Ministries
  - CAMMO/VA Values Veterans

Note:
There was mixed support for:

- ± Housing – some individuals expressed support for affordable and senior housing, while others were opposed to housing being developed on-site
  - High density affordable housing
  - Artist affordable housing
  - Revenue generating housing
  - Residential Alzheimer's care center
  - 55+ community
- ± School – some individuals expressed support for a school on the site (middle school/magnet school), while others were opposed to a physical school structure on-site (although educational programming was supported)

Appendix 5: Preservation Report by Mr. Bierce

C. Richard Bierce, AIA
Consultant

Historical Architect and Preservation

7932 Bolling Drive Alexandria, VA 22308
703-447-9432 crbierce@aol.com

MEMORANDUM June 15, 2015
(amended 8-25-15)

TO: Chair Karen C. Sanders
Old Mt. Vernon High School, Future Use Task Force
RE: Recommended Preservation Priorities

Working from memory and some photographs taken during the tour on 6-03, I have listed some initial suggestions about recommended preservation priorities for the school. These may change or be refined upon further reflection and once plans become available for more detailed scrutiny.

A. Preservation Priorities: Building Exteriors:

- Retain the following features:
  - The fundamental massing and profile of the main building that faces Rte.1;
  - The fenestration pattern of windows and doors in the main building;
  - The fundamental massing and detailing of the Home Ec. Building:
  - The details of the double hung windows, in terms of the visual appearance of being operable, with true divided light sash, that will have profiles to match the original; (this assumes that these windows will be replaced for structural reasons as well as for energy performance- it is possible to restore the original sash and to incorporate discreet storm panels in the openings.)
  - The massing and detailing of the gymnasium;
  - The main entry motif; (likely that the original doors have been replaced- but not now certain)
  - The cupola;
  - The basic block-shape and character of the later service buildings behind the main block;

B. Preservation Priorities: Exterior Spaces:

- Retain the following:
  - The raised terrace that extends the full length of the main building (principal façade) with a designed landscape; (existing landscaping should be removed and re-configured in large measure as mature trees are impinging upon the building itself)
  - The 'courtyard' spaces enclosed by the wings of the main building;
  - The forecourt lawn area of the gymnasium;
  - Parking areas that flank the site on the right and left side should be retained to address future needs, and should be screened more completely. The parking area in front may be lost in highway expansion but retained if possible.

C. Preservation Priorities: Building Interiors:

- Retain the fundamental relationship of corridors and classrooms in the main building;
    - Partitions between classrooms may be altered, and doorways as well, when altered compatibly.
- Retain materials, features, systems and textures from the original period of the main building;
    This includes the wood casework at doors and windows, the original doors and hardware that meet new uses and codes, the ceramic tile wainscot in the corridors, the surviving original light fixtures, the stair features, (all of which should be catalogued more thoroughly as adaptive re-use plans are generated)
- Retain the spatial form and character of principal large gathering areas such as the auditorium and the library, including all associated decorative details as noted above.

D. Next Steps:

- With access for study of as-built plans, a more precise, complete and detailed list of recommended preservation priorities will be prepared.
- With access to floor plans, an initial space planning and area zoning study will be undertaken in response to estimated square footage requirements submitted by all potential tenants and agencies which may be considered for occupancy in the school building.
- Although neither required by statute or referenced to this point in committee discussions, should it prove useful, the Fairfax County Architectural Review Board would be pleased to examine and evaluate plans and ideas that emerge in the next stages of the re-use process. The Board has several members with strong historic, architectural, archaeological and landscape experience and design skills that may be employed in reviewing and advising on projects as directed from time to time by the Board of Supervisors in other circumstances.

Board Agenda Item
December 8, 2015

10:50 a.m.

Items Presented by the County Executive

Board Agenda Item
December 8, 2015

ADMINISTRATIVE – 1

Extension of Review Period for 2232 Applications (Springfield, Mount Vernon, Hunter Mill, and Lee Districts)

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

RECOMMENDATION:
The County Executive recommends that the Board extend the review period for the following applications: 2232-S15-5, FS-V15-21, FS-H15-6, 2232-L15-11.

TIMING:
Board action is required on December 8, 2015, to extend the review period of the applications noted above before their expiration date.

BACKGROUND:
Subsection B of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission." The need for the full time of an extension may not be necessary, and is not intended to set a date for final action.

The review period for the following applications should be extended:

2232-S15-5	Verizon Wireless 12601 Braddock Road Centreville, VA Springfield District Accepted August 9, 2015 Extend to March 31, 2016

Board Agenda Item
December 8, 2015

FS-V15-21	Verizon Wireless 8630 Richmond Highway Alexandria, VA Mount Vernon District Accepted August 25, 2015 Extend to January 22, 2016
FS-H15-6	Verizon Wireless 2401 Centreville Road Herndon, VA Hunter Mill District Accepted August 28, 2015 Extend to January 25, 2016
2232-L15-11	Department of Public Works and Environmental Services 6209 Rose Hill Drive Alexandria, VA Lee District Accepted September 16, 2015 Extend to May 13, 2016

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning, DPZ
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ
Douglas W. Hansen, Senior Planner, Facilities Planning Branch, Planning Division, DPZ

Board Agenda Item
December 8, 2015

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Huntington Levee (Mount Vernon District)

ISSUE:
Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project SD-000037-001, Huntington Levee, Fund 400-C40100, Stormwater Services Fund.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing for January 12, 2016, at 5:00 p.m.

TIMING:
Board action is requested on December 8, 2015, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:
This project consists of the construction of an approximately 2,800 linear foot long embankment with a four-foot tall I-wall and eight-foot wide asphalt trail along the embankment top (the levee). The levee will include a pumping station and drainage facilities. The levee is intended to mitigate storm-related flooding within the Huntington community.

Land rights for these improvements are required on 24 properties, plus additional areas of undeveloped right-of-way not accepted within the state system. The construction of this project requires the acquisition of storm drainage easements, flood plain and storm drainage easements, restrictive planting easements, grading agreement and temporary construction easements, vacation and grant of a water line easement, vacation and grant of sanitary sewer easement, quitclaim of waterline easements, vacation of sidewalk easement, and temporary access easement.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on

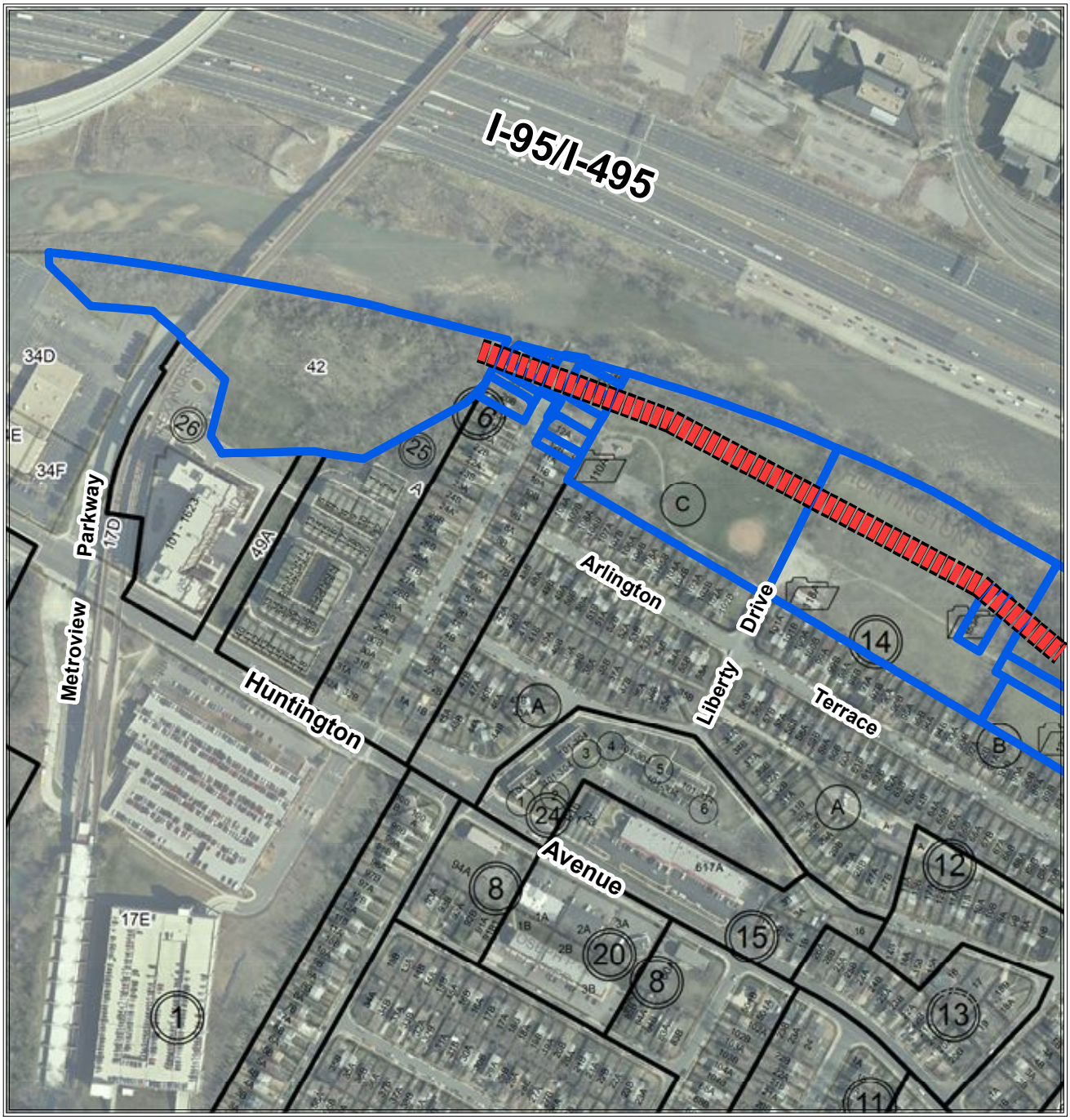
schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. §§ 15.2-1903 through 15.2-1905 (2012). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:
Funding is available in Project SD-000037-001, Huntington Levee, Fund 400-C40100, Stormwater Services Fund. This project is included in the FY2016 - FY2020 Adopted Capital Improvement Program (with future Fiscal Years to FY2025). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:
Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

HUNTINGTON LEVEE



N

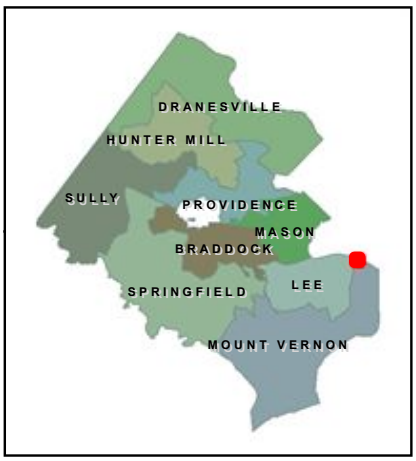
Tax Map: 83-1

Project SD-000037-001
Mount Vernon

Affected Properties:

Proposed Improvements:

0 0.04 0.08 0.16 Miles



HUNTINGTON LEVEE

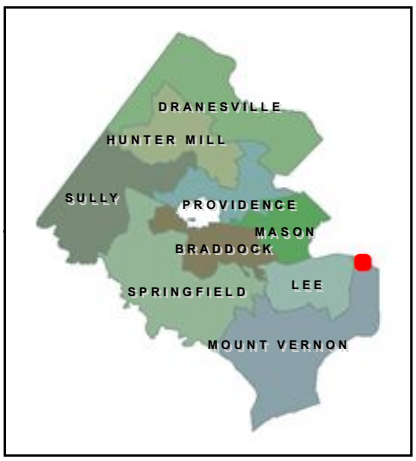
Tax Map: 83-1

Project SD-000037-001
Mount Vernon

Affected Properties:

Proposed Improvements:

0 0.04 0.08 0.16 Miles



ATTACHMENT B

LISTING OF AFFECTED PROPERTIES
Project SD-000037-001
Huntington Levee
(Mount Vernon District)

PROPERTY OWNER(S)

1.	Hubert N. Hoffman, Jr. Trustee Lennar Multifamily Communities, LLC contract purchaser Address: N/A (vacant land)	083-3-01-0042
2.	Michael D. Mori Address: 5635 Fenwick Drive Alexandria, VA 22303	083-1-16-0012-A
3.	Michael D. Mori Address: Vacant – undeveloped Fairfax Terrace right-of-way adjacent to TM 083-1-16-0012-A	NONE
4.	Saul A. Romero & Ana F. Arevalo Address: 5634 Fenwick Drive Alexandria, VA 22303	083-1-16-0020-B
5.	Saul A. Romero & Ana F. Arevalo Address: Vacant land adjacent to TM 083-1-16-0020-B	083-1-16-0020-C
6.	AIMCO Riverside Park, LLC contract purchaser – existence, but not identity disclosed by owner Address: 2000 Huntington Avenue Alexandria, VA 22303	083-1-01-0101

Board Agenda Item
December 8, 2015

ADMINISTRATIVE – 3

Streets into the Secondary System (Providence District)

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

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

Subdivision	**District**	**Street**
The Estates at Fair Oaks	Providence	Amber Hills Court

TIMING:
Routine.

BACKGROUND:
Inspection has been made of this street, and it is recommended for acceptance into the State Secondary System.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Form

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
William D. Hicks, P.E., Director, Land Development Services, DPWES

Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

ENGINEERING MANAGER: Imad A. Salous, P.E.

BY: Nestia 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: 2834-SD-001

SUBDIVISION PLAT NAME: The Estates at Fair Oaks

COUNTY MAGISTERIAL DISTRICT: Providence

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 10/08/2015

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Amber Hills Court	CL Highland Place (Route 2518) - 760' NE CL Valley Road (Route 1019)	754' SE to End of Cul-de-Sac	0.14
		TOTALS:	0.14

NOTES:

Board Agenda Item
December 8, 2015

ADMINISTRATIVE – 4

Authorization for the Fairfax County Department of Family Services to Apply for and Accept Grant Funding from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start: Early Head Start/Head Start Grant

ISSUE:
Board of Supervisors authorization is requested for the Fairfax County Department of Family Services to apply for and accept funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of $8,870,828, including $1,019,786 in Local Cash Match. Funding will be used to continue to provide services through the County's Early Head Start and Head Start programs. Funding will enable the County to serve 678 children and their families in a comprehensive, seamless birth-to-five Head Start and Early Head Start program. This funding will continue to support 55/54.5 FTE existing grant positions. It is anticipated that all awards will be issued by May 2016, with four annually appropriated renewals, for a total grant period of five years. As a result of federal legislation and subsequent regulations, which were effective on December 9, 2011, programs are being transitioned to a competitive five year grant cycle. The total required non-federal match will be met through $1,019,786 in Local Cash Match from the Federal-State Grant Fund, and $942,975 from in-kind contributions. 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 as per Board policy.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the Department of Family Services to apply for and accept funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start. Funding in the amount of $8,870,828, including $1,019,786 in Local Cash Match, will support the continuation of Early Head Start and Head Start services to 678 children and their families. This funding will continue to support 55/54.5 FTE existing grant positions.

TIMING:
Board action is requested on December 8, 2015. The Department of Family Services has received notification that grant applications will be due in mid-December.

Board Agenda Item
December 8, 2015

BACKGROUND:
Early Head Start and Head Start are national child and family development programs that provide quality early childhood education and comprehensive family support services to income eligible families with children birth to five years of age and expectant parents. Fairfax County currently provides federally funded Early Head Start services to 244 pregnant women, infants, toddlers, and their families, and Head Start services to 434 children ages three to five and their families.

Services are provided by the Office for Children, Fairfax County Public Schools and Higher Horizons Day Care Center, Inc., and include services offered in a home-based option, center-based option and a family child care option. As a result of federal legislation and subsequent regulations, which were effective on December 9, 2011, the Head Start Designation Renewal System is transitioning programs to a competitive five year grant cycle. Previous awards under this grant program were considered continuation awards based on the County's original grant application and were non-competitive. This is the first year the County will be required to apply under the new regulations.

FISCAL IMPACT:
Grant funding in the amount of $8,870,828, including $1,019,786 in Local Cash Match is being requested to support the continuation of Early Head Start and Head Start services to 678 children and their families. The total required non-federal match will be met through $1,019,786 in Local Cash Match from the Federal-State Grant Fund, and $942,975 from in-kind contributions. It should be noted that including the in-kind contributions, total funding for this program is $9,813,803. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for anticipated grant awards and the Local Cash Match of $1,019,786 is available from the Local Cash Match Reserve. This grant does allow the recovery of indirect costs; however because this funding opportunity is highly competitive, the Department of Family Services has elected to omit inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF POSITIONS:
There are no new grant positions associated with this award. This funding is a continuation of the existing Early Head Start and Head Start programs, therefore funding will continue to support 23/23.0 FTE positions associated with Early Head Start services and 32/31.5 FTE positions associated with Head Start services, for a total of 55/54.5 FTE positions. The County is under no obligation to continue these positions once grant funding expires.

Board Agenda Item
December 8, 2015

ENCLOSED DOCUMENTS:
Attachment 1 – Summary of Grant Proposal

STAFF:
Patricia D. Harrison, Deputy County Executive
Nannette M. Bowler, Director, Department of Family Services
Anne-Marie D. Twohie, Director, Office for Children, Department of Family Services

Attachment 1

HEAD START/EARLY HEAD START GRANT

SUMMARY OF GRANT PROPOSAL

Grant Title:	Head Start and/or Early Head Start – Fairfax County including the Cities of Falls Church and Fairfax, VA
Funding Agency:	Department of Health and Human Services, Administration for Children and Families, Office of Head Start
Applicant:	Department of Family Services
Partners:	Department of Family Services, Fairfax County Public Schools, Higher Horizons Day Care, Inc., and Community Family Child Care Providers
Purpose of Grant:	Early Head Start and Head Start are national child development programs that provide quality early childhood education and comprehensive family support services to income eligible families with children birth to five years of age and expectant parents. The purpose of this grant is to serve 678 children and their families in a comprehensive, seamless birth-to-five Head Start and Early Head Start program. Children will be served in a home-based, center-based or family child care option.
Funding Amount:	$8,870,828, including $1,019,786 in Local Cash Match. The total required non-federal match will be met through $1,019,786 in Local Cash Match from the Federal-State Grant Fund, and $942,975 from in-kind contributions. It should be noted that including the in-kind contributions, total funding for this program is $9,813,803. It is anticipated that this grant will have four annually appropriated renewals for a total grant period of five years.
Positions:	There are no new grant positions associated with this award; however funding will continue to support a total of 55/54.5 FTE existing grant positions.
Proposed Use of Funds:	Funding will support the continuation of quality early childhood education and comprehensive family support services. Funding will primarily support program operations, staffing, materials and equipment. Funding will also support training and technical assistance for the purpose of improving quality and helping prepare children to succeed in school.

Target Population:	Children from birth to five years of age and their families and expectant parents who reside in areas of the County that have high poverty rates, large numbers of children on EHS/HS waiting lists, lack of affordable housing, limited transportation and large populations of immigrant families.
Performance Measures:	The success of the program will be based on full compliance with Head Start program performance standards.
Grant Period:	Awards will be issued for a one year period, with four annually appropriated renewals for a total project period of five years.

Board Agenda Item
December 8, 2015

ADMINISTRATIVE – 5

Authorization of a Public Hearing on a Proposal to Abandon Part of Sanger Street (Mount Vernon District)

ISSUE:
Authorization of a public hearing on a proposal to abandon a portion of Sanger Street.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the abandonment of the subject right-of-way.

TIMING:
It is recommended that the Board take action on December 8, 2015, to provide sufficient time to advertise the public hearing for January 12, 2016, at 4:00 p.m.

BACKGROUND:
The applicant, Lorton Valley III L.C., is requesting that a portion of Sanger Street be abandoned under §33.2-909 of the Code of Virginia. The subject right-of-way is located on the west side of Interstate 95 south of Lorton Road. Although it is not fully constructed and receives only minimal use, this portion of Sanger Street is still in the Virginia Department of Transportation (VDOT) State Secondary System (Route 747).

The applicant has made the request per the intended requirements of RZ-2011-MV-033, which calls for the relocation of Sanger Street to a new alignment specified on the Conceptual Development Plan; the zoning application has been deferred until the matter of ownership of this right-of-way is settled. The current ownership of the right-of-way is irregular: it is currently held by the Commonwealth Transportation Board (CTB), but carries a Secondary State Highway designation (Route 747). As such the right-of-way was referred to Fairfax County for removal of the Secondary State Highway status by VDOT. Assuming that the abandonment is approved, VDOT has represented that they will proceed to the CTB for sale of the property to the applicant. (The applicant's letter, Attachment I, contains a typographical error, referring to the zoning case as RZ-2011-MV-003.)

In this situation, the effect of the abandonment will be to convert the right-of-way to a parcel held by the CTB which has the authority to convey the property and to ensure that any utility requirements are met.

Traffic Circulation and Access
The abandonment will have no long-term impact on pedestrian, transit, or vehicle circulation and access. There is no development on the adjacent property, and the proposed new Sanger Street alignment will provide future access to the new development.

Easements
Public easement needs have been identified by the Fairfax County Water Authority. Verizon has a service line within the candidate right-of-way. Since the Commonwealth Transportation Board owns the right-of-way these requirements must be transmitted to the CTB for final execution. No other permanent easement needs were identified.

To protect the interests of the public during the transition between the abandonment and the dedication of the future roadway various temporary access easements and a temporary turnaround easement must be provided. The applicant has committed to provide these easements on their property.

The proposal to abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:
None.

Board Agenda Item
December 8, 2015

ENCLOSED DOCUMENTS:
Attachment I: Application Letter
Attachment II: Notice of Intent
Attachment III: Order of Abandonment
Attachment IV: Metes and Bounds Description
Attachment V: Vacation Plat
Attachment VI: Vicinity Map

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Donald Stephens, FCDOT

WALSH COLUCCI
LUBELEY & WALSH PC

H. Mark Goetzman
Phone: 703.528.4700 x5452
Fax: 703.528.6050
mgoetzman@thelandlawyers.com

July 31, 2014

BY OVERNIGHT DELIVERY

Donald Stephens
Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895

Re: Request for Proposed Abandonment of a Portion of Sanger Street, adjacent to the Property of Lorton Valley III L.C., Mt. Vernon Magisterial District, Fairfax County, Virginia

Dear Donald:

This letter constitutes a request and statement of justification to abandon a portion of Sanger Street, Route 747, Fairfax County, Virginia (the "Abandoned Area"), located in the Mount Vernon Magisterial District. This request is made on behalf of Lorton Valley III L.C. (the "Applicant") pursuant to Virginia Code Section 33.2-909. The Applicant is the owner of Parcel B, Lorton Valley III LC Property, Fairfax County Tax Map #107-4-01-0098 (the "Lorton Property"), the property adjacent to the Abandoned Area.

The Applicant is currently processing a rezoning and final development plan for the Lorton Property with Fairfax County, identified as RZ/FDP 2011-MV-003 Lorton Valley III, LC-Giles Overlook (the "Rezoning"), to allow 31 single-family detached homes on the Lorton Property. The Rezoning includes the area to be abandoned as shown on the plat entitled "Plat Showing Abandonment of a Portion of Sanger Street Virginia State Route 747" prepared by Urban, Ltd., dated March 27, 2014, and attached hereto. The total area to be abandoned is 48,401 square feet or 1.1111 acres.

The Abandoned Area was conveyed to the Commonwealth of Virginia ("VDOT") by virtue of a Deed and Plat recorded in Deed Book 731 at page 8, among the land records of Fairfax County, Virginia. The Abandoned Area is improved but is no longer necessary, as a new portion of Sanger Street is being dedicated over the Lorton Property. Access will be provided from a cul-de-sac to be constructed on the Lorton Property which adjoins the portion of Sanger Street not being abandoned. Following the abandonment, VDOT will be in a position to declare the Abandoned Area as surplus property and convey the Abandoned Area to Lorton, the adjacent property owner.

I request your review of this application and ask that the matter be scheduled for a public hearing before the Board of Supervisors as soon as possible. As you are aware, per the request of the County and VDOT, the Applicant proceeded with an abandonment under former Virginia Code Section 33.1-151 to be administered entirely by VDOT. That request was formally submitted to VDOT in April. VDOT has only recently changed its position and is requiring abandonment by the Board under 33.2-909 (former Code section 33.1-155). Given this loss of time, anything you can do to expedite this process and get us to the Board in September or early October is greatly appreciated.

If you have any questions regarding the above or require additional information, please do not hesitate to give me a call.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

H. Mark Goetzman

cc: Peter Olechnovich
Bob Brown
Kevin O'Connor

HMG/aoh

NOTICE OF INTENT TO ABANDON

A PORTION OF SANGER STREET
MOUNT VERNON DISTRICT
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on January 12, 2016, at 4:00 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA, pursuant to Virginia Code Ann. § 15.2-2204 on the proposed abandonment of a portion of a public road known as Sanger Street (Route 747), pursuant to Virginia Code §33.2-909 along a portion of the northeast properties at Tax Maps 107-4-01-0098, 107-4-01-0084, 107-4-01-0083, and 107-4-01-0082. That portion of the road, consisting of 91,242 square feet, is located on Tax Map 107-4, and is described and shown on the plat dated March 27, 2014, and on the metes and bounds schedule, each prepared by Urban, Ltd., both of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033, telephone no. (703) 877-5600.

MOUNT VERNON DISTRICT
§33.2-909

ORDER OF ABANDONMENT OF

A PORTION OF SANGER STREET
MOUNT VERNON DISTRICT
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 12th day of January, 2016, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code §33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this portion of the road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

WHEREFORE, BE IT ORDERED:

That the portion of Sanger Street (Route 747) comprising a total area of 91,242 square feet, running southwest along the northeast property line at Tax Map 107-4-01-0098, located on Tax Map 107-4 and shown on the plat dated March 27, 2014, and metes and bounds description, each prepared by Urban, Ltd., and attached hereto and incorporated herein, is hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

This abandonment is subject to any right, privilege, permit, license or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

_____

By: Catherine A. Chianese
Clerk to the Board

§33.2-909

urban™

PLANNERS
ENGINEERS
LANDSCAPE ARCHITECTS
LAND SURVEYORS

Description of Abandonment of Portion of Sanger Street, Virginia State Route 747 Fairfax County, Virginia

Beginning at a point on the most southerly corner of the land of INOVA Health Care Services, as recorded in Deed Book 18338 at Page 498 among the land records of Fairfax County, Virginia; Said point also being on the easterly right-of-way line of Interstate 95, a variable width right-of-way; Thence departing the land of said INOVA Health Care Services and running with the easterly right-of-way line of said Interstate 95;

South 08°04'16" West a distance of 567.47 feet to a point;

South 07°56'07" West a distance of 598.14 feet to a point on the most westerly corner of the land of Lorton Valley III, LLC, as recorded in Deed Book 13119 at Page 1181 among the land records of Fairfax County, Virginia; Thence departing the easterly right-of-way line of said Interstate 95 and running with the land of said Lorton Valley III, LLC;

South 78°54'34" West a distance of 140.40 feet to a point;

South 74°57'58" West a distance of 84.93 feet to a point;

North 15°02'02" West a distance of 60.00 feet to a point;

North 74°57'58" East a distance of 83.67 feet to a point;

188.26 feet along the arc of a tangent curve to the left having a radius of 161.00 feet and subtended by a chord bearing North 41°27'58" East a distance of 177.72 feet to a point;

North 07°57'58" East a distance of 802.00 feet to a point on the westerly line of the land of Maria L. Selig, Trustee, as recorded in Deed Book 20370 at Page 263 among the land records of Fairfax County, Virginia; Thence running with the land of said Maria L. Selig, Trustee;

183.12 feet along the arc of a tangent curve to the left having a radius of 352.00 feet and subtended by a chord bearing North 06°56'14" West a distance of 181.06 feet to a point;

North 21°50'26" West a distance of 34.88 feet to a point; Thence departing the land of said Maria L. Selig, Trustee and running through the right-of-way of Sanger Street, Virginia State Route 747, a variable width right-of-way;

169.83 feet along the arc of a non-tangent curve to the left having a radius of 224.00 feet and subtended by a chord bearing North 02°50'02" West a distance of 165.79 feet to a point;

North 65°26'45" East a distance of 1.88 feet to a point on the westerly line of the land of the aforementioned INOVA Health Care Services; Thence running with the land of said INOVA Health Care Services;

North 68°09'34" East a distance of 4.12 feet to a point;

South 21°50'26" East a distance of 190.06 feet to a point;

South 82°19'40" East a distance of 55.27 feet to the point of beginning and containing an area of 91,242 square feet or 2.0945 acres, more or less.

ATTACHMENT V

NOTES

1. THE PROPERTIES DELINEATED HEREON ARE LOCATED ON FAIRFAX COUNTY TAX MAPS #107-4-01-0098, 107-4-01-0084, 107-4-01-0083, AND 107-4-01-0082.

AREA TABULATION

TOTAL AREA OF ABANDONMENT 91,242 S.F. OR 2.0945 ACRES

LINE DATA

LINE	BEARING	DISTANCE
L1	N 82°19'40" W	55.27'
L2	S 21°50'26" E	190.06'
L3	N 68°09'34" E	4.12'
L4	S 80°51'50" E	201.58'
L5	**S 65°26'45" W**	**1.88'**

CURVE DATA

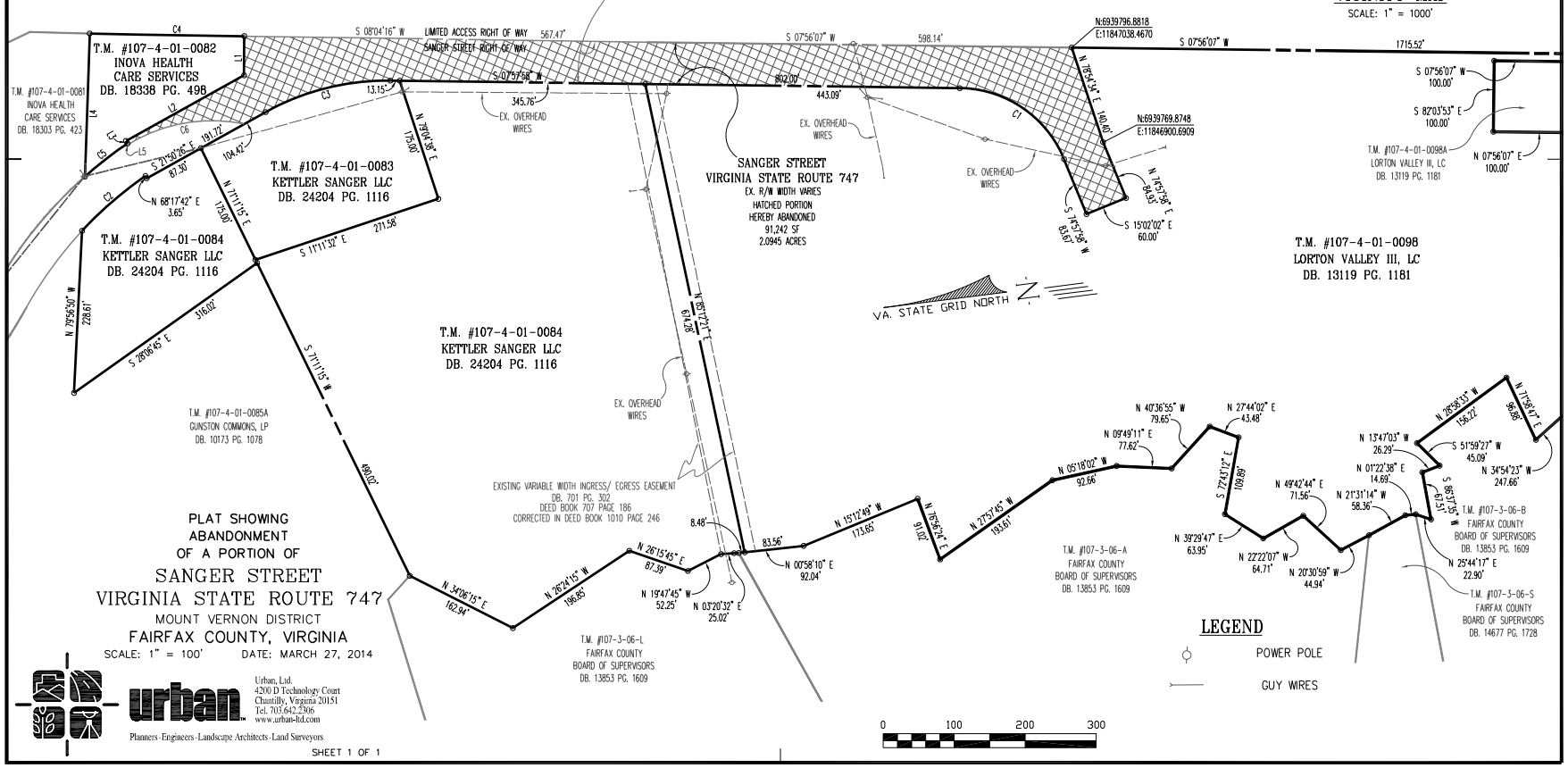
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	161.00'	188.26'	177.72'	S 41°27'58" W	66°59'54"	106.56'
C2	549.00'	118.26'	118.03'	N 33°39'53" W	12°20'30"	59.36'
C3	**352.00'**	**183.12'**	**181.06'**	**N 06°56'14" W**	**29°48'24"**	**93.68'**

COMMONWEALTH OF VIRGINIA
KEVIN P. O'CONNOR
No. 1967
LAND SURVEYOR

CERTIFIED CORRECT:

KEVIN P. O'CONNOR LS #1967

VICINITY MAP
SCALE: 1" = 1000'

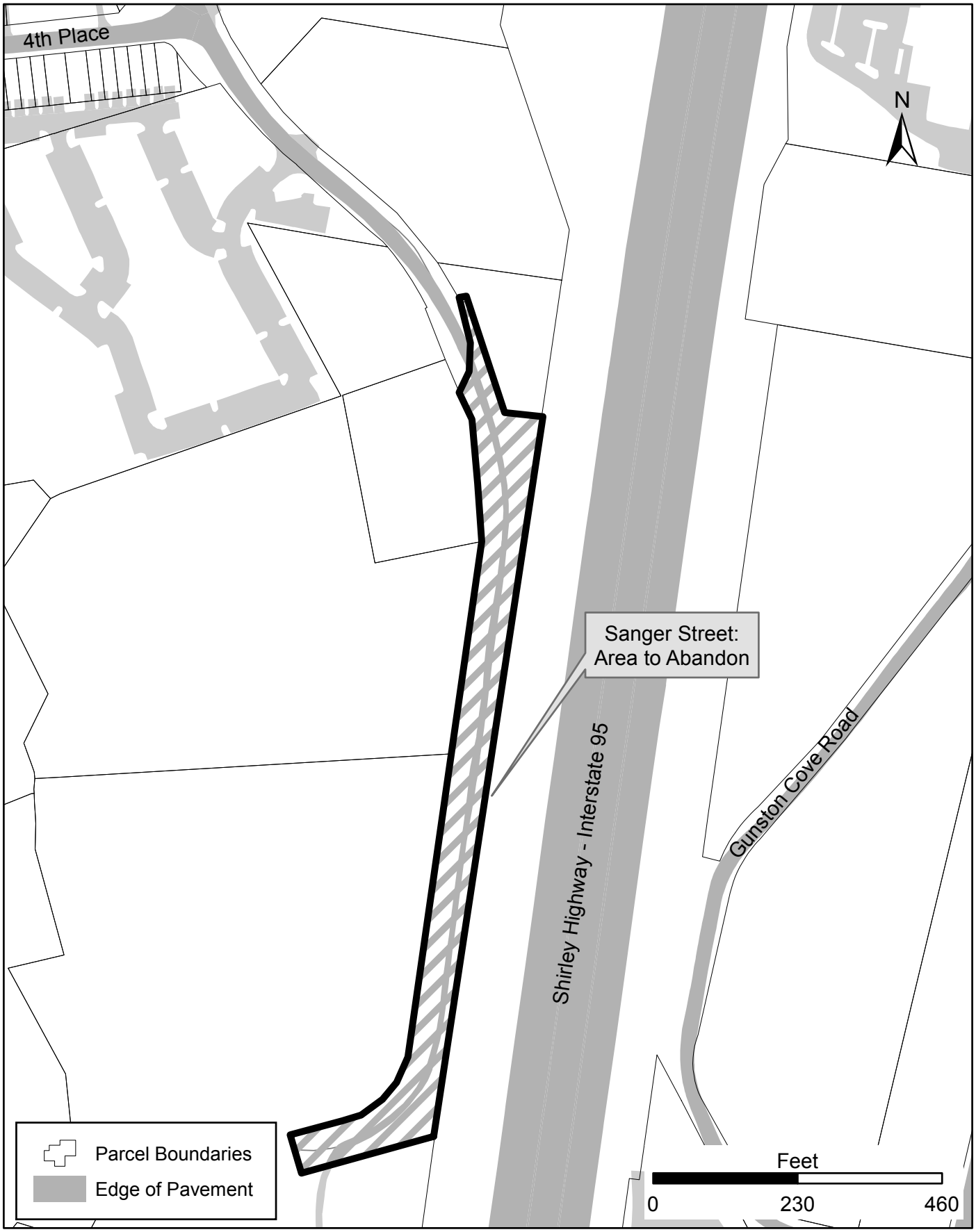


PLAT SHOWING
ABANDONMENT
OF A PORTION OF
SANGER STREET
VIRGINIA STATE ROUTE 747
MOUNT VERNON DISTRICT
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 100' DATE: MARCH 27, 2014

urban
Urban, Ltd.
4200 D Technology Court
Chantilly, Virginia 20151
Tel. 703.642.2306
www.urban-ltd.com
Planners · Engineers · Landscape Architects · Land Surveyors

SHEET 1 OF 1

Vicinity Map - Tax Map 107-4



Board Agenda Item
December 8, 2015

ADMINISTRATIVE - 6

Supplemental Appropriation Resolution AS 16141 for the Fairfax County Economic Development Authority to Accept Grant Funding from the Commonwealth of Virginia – Commonwealth Development Opportunity Fund (COF) for CARFAX, Inc.

ISSUE:
Board of Supervisors' approval of Supplemental Appropriation Resolution AS 16141 for the Fairfax County Economic Development Authority (FCEDA) to accept grant funding in the amount of $150,000 from the Commonwealth of Virginia as part of the Commonwealth's Development Opportunity Fund for CARFAX, Inc. This grant will assist the County with the expansion of CARFAX's headquarters operation. No Local Cash Match is required. However, Fairfax County will provide transportation improvements scheduled in the Sully District.

RECOMMENDATION:
The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 16141 for the FCEDA to accept the grant funding in the amount of $150,000 to convey to CARFAX, Inc. as the state portion of the grant. No Local Cash Match is required. Fairfax County will provide transportation improvements in the Sully District. The transportation improvements identified for the COF match are already planned and funded within the Fairfax County Department of Transportation, and will not require any additional County funding.

TIMING:
Board approval is requested on December 8, 2015.

BACKGROUND:
Fairfax County competed with another jurisdiction for the expansion of this headquarters operation. As part of the negotiations, the Commonwealth of Virginia supported the expansion of its business units within Fairfax County, with a Commonwealth's Development Opportunity Fund grant. The grant is a Performance Grant and a performance agreement has been executed to ensure, on behalf of Fairfax County and the Commonwealth of Virginia that the projected growth occurs.

As part of the Commonwealth's Development Opportunity Fund grant, Fairfax County must provide a local match which will be in the form of a pedestrian infrastructure improvement relevant to the firm's new location in Centreville, Virginia, which is already planned and funded in the County budget. The road improvement was identified by coordinating with Fairfax County Department of Transportation.

In addition, as stated in the Performance Agreement, the Commonwealth of Virginia will provide the following incentive. Please note that this does not pass through the County nor does it require a County match.

- Estimated funding of $84,000 from the Virginia Jobs Investment Program (VJTIP)

FISCAL IMPACT:
Funding in the amount of $150,000 will be provided to Fairfax County to be made available to CARFAX, Inc. for the costs of the tenant build-out of the new facility in Centreville as permitted by Section 2.2-115(C) of the Virginia Code and as permitted by the current COF statute. There is no Local Cash Match required. However, Fairfax County must provide a pedestrian improvement relevant to the firm's new location. This improvement has already been identified, planned, and funded within the Fairfax County Department of Transportation. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. A schedule of COF payment has been set forth in the Performance Agreement with metrics that have been agreed upon.

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

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

ENCLOSED DOCUMENTS:
Attachment 1: Supplemental Appropriation Resolution AS 16141
Attachment 2: Commonwealth Development Opportunity Fund Performance Agreement
Attachment 3: Notification of COF Award from the Commonwealth of Virginia

STAFF:
Gerald L. Gordon, President, FCEDA
Rodney Lusk, Director National Marketing, FCEDA

Attachment 1

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 16141

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on December 8, 2015, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2016, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G1616, Economic Development Authority	$150,000
Grant:	1160008-2016, Commonwealth Development Opportunity Fund – CARFAX	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	$150,000
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Economic Development Partnership, $150,000

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND

PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** made and entered as of September 1, 2015, by and between the **COUNTY OF FAIRFAX, VIRGINIA** (the "Locality") a political subdivision of the Commonwealth of Virginia (the "Commonwealth"), and **CARFAX, INC.** (the "Company"), a Pennsylvania corporation authorized to transact business in the Commonwealth.

WITNESSETH:

WHEREAS, the Locality has been awarded a grant of and expects to receive $150,000 from the Commonwealth's Development Opportunity Fund (a "COF Grant") through the Virginia Economic Development Partnership Authority ("VEDP") for the purpose of inducing the Company to expand, improve, equip, and operate its headquarters facility located at 5860 Trinity Parkway, Centreville, Virginia 20120, and further identified by Fairfax County Tax Map No. 0544 15 0007B (the "Facility"), thereby making or causing to be made a significant Capital Investment, and creating and Maintaining a significant number of New Jobs, as such capitalized terms are hereinafter defined;

WHEREAS, the Locality is willing to provide the funds from the COF Grant to the Company with the expectation that the Company will meet certain criteria relating to Capital Investment and New Jobs;

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

WHEREAS, it is anticipated that the expansion, improvement, equipping, and operation of the Facility will entail a capital expenditure of approximately $5,000,000, of which approximately $4,010,528 will be invested in the purchase of furniture, fixtures, and equipment and approximately $989,472 will be invested in the up-fit of the building;

WHEREAS, it is anticipated that the expansion, improvement, equipping, and operation of the Facility will further entail the creation and Maintenance of 120 New Jobs at the Facility;

WHEREAS, the Locality has determined that the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the COF Grant:

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

Section 1. Definitions.

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

"Average Annual Wage" means the average salary of all New Jobs as determined by adding the annual salary of each New Job together and dividing such sum by the total number of New Jobs as of the date of the applicable progress report provided by Company pursuant to Section 6 below or the Performance Date, as applicable.

"Capital Investment" means a capital expenditure by or on behalf of the Company on or after June 1, 2015, in taxable real property, taxable tangible personal property, or both, at the Facility. A capital expenditure related to a leasehold interest in real property will be considered to be made "on behalf of the Company" if a lease between a developer and the Company is a capital lease, or is an operating lease having a term of at least ten years, and the real property would not have been constructed or improved but for the Company's interest in leasing some or all of the real property. Only the capital expenditures allocated to the portion of the real property to be leased by the Company will count as "Capital Investment." The purchase or lease of furniture, fixtures, machinery and equipment, including under an operating lease, and expected building up-fit and tenant improvements by or on behalf of the Company will qualify as Capital Investment.

"Maintain" means that the New Jobs will continue without interruption from the date of creation through the Performance Date. Positions for the New Jobs will be treated as Maintained during periods in which such positions are not filled due to (i) temporary reductions in the Company's employment levels (so long as there is active recruitment for open positions), (ii) strikes, and (iii) other temporary work stoppages.

"New Job" means new permanent full-time employment of an indefinite duration at the Facility created after June 1, 2015 and for which the standard fringe benefits are provided by the Company for the employee, and for which the Company pays an average annual wage of at least $95,000. Each New Job must require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the Company's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. The New Jobs must be in addition to the 649 full-time jobs at the Facility as of June 1, 2015.

"Performance Date" means December 31, 2018. If the Locality, in consultation with the VEDP, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets, the Locality may agree to extend the Performance Date by up to 15 months. If the Performance Date is extended, the Locality shall send written notice of the extension to the Company and VEDP and the date to which Performance Date has been extended shall be the "Performance Date" for the purposes of this Agreement.

"Targets" means the Company's obligations to make or cause to be made Capital Investments at the Facility of at least $5,000,000 and to create and Maintain at least 120 New Jobs at the Facility, all as of the Performance Date.

"Virginia Code" means the Code of Virginia of 1950, as amended.

Section 2. <u>Targets; Statutory Criteria</u>.

By the Performance Date, the Company will expand, improve, equip, and operate the Facility in the Locality, make or cause to be made a Capital Investment of at least $5,000,000, and create and Maintain at least 120 New Jobs at the Facility.

The Locality hereby strongly encourages the Company to ensure that at least 30% of the New Jobs are offered to "Residents" of the Commonwealth, as defined in Virginia Code Section 58.1-302. In pertinent part, that definition includes natural persons domiciled in Virginia or natural persons who, for an aggregate of more than 183 days of the year, maintained a place of abode within the Commonwealth, whether domiciled in the Commonwealth or not.

The average annual wage of the New Jobs of at least $95,000 is more than the prevailing average annual wage in the Locality of $78,466. The Locality is not a high-unemployment locality, with an unemployment rate for 2014, which is the last year for which such data is available, of 4.1% as compared to the 2014 statewide unemployment rate of 5.2%. The Locality is not a high-poverty locality, with a poverty rate for 2013, which is the last year for which such data is available, of 6.0% as compared to the 2013 statewide poverty rate of 11.7%.

Section 3. <u>Disbursement of COF Grant</u>.

By no later than December 30, 2015 the Locality will request the disbursement to it of the COF Grant. If not so requested by the Locality by December 30, 2015, this Agreement will terminate. The Locality and the Company will be entitled to reapply for a COF Grant thereafter, based upon the terms, conditions and availability of funds at that time.

The COF Grant in the amount of $150,000 will be paid to the Locality, upon its request. Within 30 days of its receipt of the COF Grant proceeds, the Locality will disburse the COF Grant proceeds to the Company as an inducement to the Company to achieve the Targets at the Facility. The Company will use the COF Grant proceeds for build-out at the Facility, as permitted by Section 2.2-115(D) of the Virginia Code.

Section 4. <u>Break-Even Point; State and Local Incentives</u>.

(a) *State-Level Incentives:* VEDP has estimated that the Commonwealth will reach its "break-even point" by the Performance Date. The break-even point compares new revenues realized as a result of the Capital Investment and New Jobs at the Facility with the Commonwealth's expenditures on incentives, including but not limited to the COF Grant. With

regard to the Facility, the Commonwealth expects to provide incentives in the following amounts:

Category of Incentive:	Total Amount
COF Grant	$150,000
Virginia Jobs Investment Program ("VJIP") (Estimated)	$84,000

The proceeds of the COF Grant shall be used for the purposes described in Section 3. The VJIP grant proceeds shall be used by the Company to pay or reimburse itself for recruitment and training costs.

(b) *Locality-Level Incentives:* Provided that the Commonwealth pays the GOF Grant to the Locality, the Locality expects to provide the following incentive, as a matching grant or otherwise, for the Facility:

Category of Incentive:	Total Amount
Centreville Road-Machen Road Intersection Pedestrian Improvement Project (the "Pedestrian Improvement Project") (Estimated Up-To)	$237,000

The Company acknowledges and agrees that the Pedestrian Improvement Project was an important factor in the Company's decision to expand, improve, equip, and operate the Facility in the Locality. The Locality believes the Pedestrian Improvement Project will benefit the Company as it provides a signalized pedestrian crosswalk and curb ramps for accessibility.

If, by the Performance Date, the funds disbursed or committed to be disbursed by the Locality associated with the Pedestrian Improvement Project total less than the $150,000 COF Grant local match requirement, the Locality, subject to appropriation, will make an additional non-cash grant in the nature of public infrastructure improvements to or for the benefit of the Company of the difference at the Performance Date, so long as the Company has met its Targets. Any changes to the Locality's incentive from the incentive described above will require the prior approval of the Company and VEDP.

Section 5. <u>Repayment Obligation</u>.

(a) *If Statutory Minimum Eligibility Requirements are Not Met:* Section 2.2-115 of the Virginia Code requires that the Company make a Capital Investment of at least $5,000,000 in the Facility and create and Maintain at least 50 New Jobs paying an average annual wage of at least $78,466 at the Facility in order to be eligible for the COF Grant. Failure by the Company to meet either of these statutory minimum eligibility requirements by the Performance Date shall constitute a breach of this Agreement and the entire COF Grant must be repaid by the Company to the Locality.

(b) *If Statutory Minimum Eligibility Requirements are Met:* The provisions of this subsection (b) shall become applicable only if the Company has met the statutory minimum eligibility requirements set forth in subsection (a). For purposes of repayment, the COF Grant is to be allocated as $75,000 (50%) for the Company's Capital Investment Target and $75,000 (50%) for its New Jobs Target. If the Company has achieved 100% of the Capital Investment Target and met at least 90% of the New Jobs Target at the Performance Date, then and thereafter the Company is no longer obligated to repay any portion the COF Grant. If the Company has achieved 100% of the Capital Investment Target, but has not met at least 90% of the New Jobs Target at the Performance Date, the Company shall repay to the Locality that part of the COF Grant that is proportional to the shortfall. For example, if at the Performance Date, the Company has made Capital Investments of at least $5,000,000 but only 90 New Jobs have been created and Maintained (reflecting achievement of 75% of the New Jobs Target), the Company shall repay to the Locality 25% of the moneys allocated to the New Jobs Target ($18,750). As noted in subsection (a), failure to make Capital Investments of at least $5,000,000 by the Performance Agreement will trigger an obligation by the Company to repay the entire $150,000 COF Grant.

(c) *Determination of Inability to Comply:* If the Locality or VEDP shall determine at any time prior to the Performance Date (a "Determination Date") that the Company is unable or unwilling to meet and Maintain its Targets by and through the Performance Date, and if the Locality or VEDP shall have promptly notified the Company of such determination, the Company must repay the entire COF Grant to the Locality. Such a determination will be based on such circumstances as a filing by or on behalf of the Company under Chapter 7 of the U.S. Bankruptcy Code, the liquidation of the Company, an abandonment of the Facility by the Company or other similar significant event that demonstrates the Company will be unable or is unwilling to satisfy the Targets for the COF Grant.

(d) *Repayment Dates:* ***Such repayment shall be due from the Company to the Locality within ninety days of the Performance Date or the Determination Date, as applicable.*** Any moneys repaid by the Company to the Locality hereunder shall be repaid by the Locality promptly to VEDP for redeposit into the Commonwealth's Development Opportunity Fund. The Locality shall use reasonable efforts to recover such funds, including legal action for breach of this Agreement. The Company shall be liable for all attorneys' fees and costs incurred by the Locality in connection with any legal action brought to collect such funds. The Locality shall have no responsibility for the repayment of any sums hereunder unless said sums have been received by the Locality from the Company.

Section 6. <u>Company Reporting</u>.

The Company shall provide, at the Company's expense, detailed verification reasonably satisfactory to the Locality and VEDP of the Company's progress on the Targets. Such progress reports will be provided annually, starting at March 31, 2016, and covering the period through the prior December 31, and at such other times as the Locality or VEDP may reasonably require. Such progress reports shall substantiate (i) the amount of Capital Investment, (ii) the number of New Jobs created and Maintained, (iii) the Average Annual Wage paid to those employees and (iv) the average level of fringe benefits provided to those employees. If the Company wishes to count as Capital Investments the capital expenditures made on its behalf by a lessor or a

developer of the Facility, the Company is responsible for assembling and distributing the documentation necessary to verify the capital expenditures made on behalf of the Company.

With each such progress report, the Company shall report to VEDP the amount paid by the Company in the prior calendar year in Virginia corporate income tax. VEDP has represented to the Company that it considers such information to be confidential proprietary information that is exempt from public disclosure under the Virginia Freedom of Information Act and that such information will be used by VEDP solely in calculating aggregate return on invested capital analyses for purposes of gauging the overall effectiveness of economic development incentives.

The Company hereby authorizes the Locality, including the Locality's Department of Tax Administration, to release to VEDP the Company's real estate tax, business personal property tax and machinery and tools tax information. Such information shall be marked and considered confidential and proprietary and shall be used by VEDP solely for verifying satisfaction of the Capital Investment Target.

If requested by VEDP, the Company shall provide to VEDP copies of the Company's quarterly filings with the Virginia Employment Commission covering the period from June 1, 2015 through the Performance Date.

Section 7. Notices.

Formal notices and communications between the Parties shall be given either by (i) personal service, (ii) delivery by a reputable document delivery service that provides a receipt showing date and time of delivery, (iii) mailing utilizing a certified or first class mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery, or (iv) delivery by facsimile or electronic mail (email) with transmittal confirmation and confirmation of delivery, addressed as noted below. Notices and communications personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices and communications mailed shall be deemed effective on the second business day following deposit in the United States mail. Notices and communications delivered by facsimile or email shall be deemed effective the next business day, not less than 24 hours, following the date of transmittal and confirmation of delivery to the intended recipient. Such written notices and communications shall be addressed to:

if to the Company, to:

CARFAX, INC.
5860 Trinity Parkway
Suite 600
Centreville, Virginia 20120
Facsimile: (703) 218-2853
Email: BobTowle@carfax.com
Attention: Bob Towle

with a copy to:

IHS
15 Inverness Way East
Englewood, CO 80112
Email: Brent.Richter@ihs.com
Attention: Brent Richter

if to the Locality, to:

County of Fairfax, Virginia
12000 Government Center Parkway
Suite 552
Fairfax, Virginia 22035-0066
Facsimile: 703.324.2531
Email: Edward.Long@FairfaxCounty.gov
Attention: Edward L. Long, Jr., County Executive

with a copy to:

County of Fairfax, Virginia
12000 Government Center Parkway
Suite 552
Fairfax, Virginia 22035-0066
Facsimile: 703.324.2531
Email: David.Bobzien@FairfaxCounty.gov
Attention: County Attorney

with a further copy to:

Fairfax County Economic Development Authority
8300 Boone Boulevard
Suite 450
Tysons Corner, Virginia 22182
Facsimile: 703.813.1269
Email: ggordon@fceda.org
Attention: Gerald L. Gordon, Ph. D., President and CEO

if to VEDP, to:

Virginia Economic Development Partnership
901 East Byrd Street, 19th Floor
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Facsimile: 804.545.5611
Email: mbriley@yesvirginia.org
Attention: President and CEO

with a copy to:

Virginia Economic Development Partnership
901 East Byrd Street, 19th Floor
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Facsimile: 804.545.5611
Email: smcninch@yesvirginia.org
Attention: General Counsel

Section 8. Miscellaneous.

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

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

brought only in such court. In the event of any such litigation, the Locality shall notify the President and Chief Executive Officer of VEDP in writing.

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

(d) *Severability*: If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) *Attorney's Fees:* Except as noted in Section 5(d), attorney's fees shall be paid by the party incurring such fees.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

COUNTY OF FAIRFAX, VIRGINIA

By _____
Name: EDWARD L. LONG JR
Title: County Executive
Date: 11/12/2015

CARFAX, INC.

By _____
Name: _____
Title: _____
Date: _____

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

COUNTY OF FAIRFAX, VIRGINIA

By _____
Name: _____
Title: _____
Date: _____

CARFAX, INC.

By _____
Name: Adrienne Webster
Title: VP Human Resources
Date: 11/10/15

COMMONWEALTH of VIRGINIA

Office of the Governor

Maurice A. Jones
Secretary of Commerce and Trade

August 14, 2015

Mr. Edward L. Long, Jr.
County Executive
Fairfax County
12000 Government Center Parkway, Suite 552
Fairfax, Virginia 22035

Dear Mr. Long:

I am delighted to inform you that Governor McAuliffe has preliminarily approved a $150,000 grant from the Commonwealth's Opportunity Fund to assist Fairfax County with the expansion of CARFAX. Formal approval will occur when CARFAX finalizes its decision and we can jointly announce this significant accomplishment for your community.

The CARFAX facility is extremely important to both the Commonwealth and Fairfax County, and we are hopeful that the Opportunity Fund Grant will encourage CARFAX to make a favorable decision. You certainly have our full support as we work to this end. If you are successful in securing this commitment from CARFAX to expand in Fairfax County, please notify Suzanne Clark at the Virginia Economic Development Partnership (804-545-5806) so that the announcement of their decision can be coordinated with the company and you. Governor McAuliffe has followed this project closely and would like to participate in the official announcement if his schedule permits. If not, a mutually agreed upon joint press release is the appropriate vehicle for the public disclosure of this project.

We would like to remind you that in accordance with the Commonwealth's Opportunity Fund guidelines, a performance agreement between the County and CARFAX is essential prior to the actual payment of this grant. This item will be required when your payment request is submitted.

Patrick Henry Building • 1111 East Broad Street • Richmond, Virginia 23219 • (804) 786-7831 • TTY (800) 828-1120

I want to thank you for your efforts in working on this project to bring economic growth to Fairfax.

Sincerely,

Maurice A. Jones

Maurice A. Jones

MAJ:kme

cc Mr. Martin J. Briley
Virginia Economic Development Partnership

Ms. Suzanne Clark
Virginia Economic Development Partnership

Board Agenda Item
December 8, 2015

ADMINSTRATIVE - 7

Authorization to Advertise a Public Hearing to Amend Articles 2, 3, and 7 of Chapter 3, County Employees with Proposed Housekeeping Revisions to the County's Three Retirement Ordinances

ISSUE:
Authorization to advertise a public hearing to amend Articles 2, 3, and 7 of Chapter 3, County Employees with proposed housekeeping revisions to the county's three retirement ordinances.

RECOMMENDATION:
The Boards of Trustees of the Employee's, Uniformed and Police Officers Retirement Systems recommend that the Board of Supervisors authorize advertisement of a public hearing to consider the proposed amendments to Chapter 3 of the County Code.

TIMING:
Board action is requested on December 8, 2015, to provide sufficient time to advertise the proposed public hearing on January 12, 2016, at 4:00 p.m.

BACKGROUND:
The county must apply every five years for determination letters from the Internal Revenue Service (IRS) that its three retirement systems continue to meet the criteria for tax-exempt status. The next application is due January 31, 2016.

In reviewing the three ordinances in anticipation of their submission to the IRS, it was determined that it would be beneficial to make them (1) more stylistically consistent and logically organized, (2) harmonize with each other as much as possible under the law, (3) more reflective of current operating practices and (4) free of any provisions no longer serving a useful purpose.

Revisions of the ordinances to accomplish these purposes are housekeeping in nature and reflect no substantive changes to rules or process. Highlights of these revisions, which are fully set forth in the attachments, are as follows:

- Capitalize the term "County" throughout the ordinances;
- Update citations to the *Code of Virginia* made in the ordinances;

- Provide that members of the Boards of Trustees for the three Retirement Systems are subject to the State and Local Government Conflict of Interests Act;

- Expressly allow ex-officio Trustees, such as the Directors of Finance and Human Resources, to send other agency officials in their place to Board of Trustee meetings when necessary due to scheduling or other considerations, as has been done in practice; and

- Remove a duplicate definition of the term “social security breakpoint” from the Uniformed Retirement System ordinance.

Prior to this meeting, employee group representatives were advised of the proposed revisions. In addition, the Office of the County Attorney (OCA) met with the Boards of Trustees for the three Retirement Systems to discuss the proposed revisions and answer any questions.

FISCAL IMPACT:
There is no actuarial cost and no fiscal impact associated with these changes.

ENCLOSED DOCUMENTS:
Attachment 1: Fairfax County Code, Article 2, with proposed amendments shown
Attachment 2: Fairfax County Code, Article 3, with proposed amendments shown
Attachment 3: Fairfax County Code, Article 7, with proposed amendments shown
Attachment 4: List of revisions

STAFF:
Joseph Mondoro, Chief Financial Officer
Jeffrey Weiler, Executive Director to the Retirement Boards
Benjamin R. Jacewicz, Assistant County Attorney

ARTICLE 2. - Fairfax County Employees' Retirement System

Division 1. - Generally.

Section 3-2-1. ~~- Definitions.~~ Fairfax County Employees' Retirement System established.

Under the authority of Section 51.1-801 of the *Code of Virginia*, there is hereby established a retirement system for employees, formerly known as the Fairfax County Supplemental Retirement System, to be known henceforth as the "Fairfax County Employees' Retirement System," by and in which name it shall, pursuant to the provisions of this Article, transact all of the System's business. The Fairfax County Employees' Retirement System is intended to satisfy the requirements of Sections 401(a) and 414(d) of the Internal Revenue Code for qualified governmental pension plans. (20-81-3; 10-01-3; 50-13-3.)

Section 3-2-2. - Definitions.

~~For the purposes of this Article~~Unless provided otherwise in another Section, the following ~~words and phrases shall have the meanings respectively ascribed to them by~~definitions shall apply to this ~~Section~~Article:

(a) *Accrued sick leave credit* shall mean:

(1) For employees whose ~~county~~County or ~~school board~~School Board employment commenced by reporting for work before January 1, 2013 (members of Plans A or B), ~~accrued sick leave credit shall mean~~ the credit allowed a member with more than five (5) years of service for purposes of determining retirement eligibility. Credit shall be allowed at the rate of one (1) month for every one-hundred-seventy-two (172) hours of accrued unused sick leave, and pro rata credit shall be allowed for each fraction thereof.

(2) For employees whose ~~county~~County or ~~school board~~School Board employment commenced by reporting for work on or after January 1, 2013 (members of Plans C or D), ~~accrued sick leave credit shall mean~~ the credit allowed a member with more than five (5) years of service for purposes of determining retirement eligibility. Credit shall be allowed at the rate of one (1) month for every one-hundred-seventy-two (172) hours of accrued unused sick leave, and pro rata credit shall be allowed for each fraction thereof; however, for employees whose ~~county~~County or ~~school board~~School Board employment commenced by reporting to work on or after January 1, 2013, notwithstanding the amount of the employee~~'~~'s accrued sick leave balance, the maximum amount of accrued sick leave credit that may be used for determining retirement eligibility and for computing the member's retirement ~~benefits and~~ allowances and benefits shall be the employee~~'~~'s accrued sick leave balance or two-thousand-eighty (2,080) hours, whichever is less.

(b) *Accumulated contributions* shall mean the sum of all amounts deducted or picked up from the compensation of a member and credited to his or her individual account in the members~~'~~' contribution account, any amounts transferred from another retirement plan pursuant to Section 3-2-24.1, together with interest credited on such amounts and any other amounts he or she shall have contributed, or transferred thereto, as provided in Section 3-2-28(c).

(c) *Actuarial equivalent* shall mean a benefit of equal value when computed upon the basis of ~~the 1971 Group Annuity Mortality Table for Females and an interest rate of five percent~~such actuarial tables as are adopted by the Board.

(d) *Average final compensation* shall mean the average annual creditable compensation of a member during the thirty-six (36) consecutive months (seventy-eight (78) consecutive pay periods for

members who are paid on a biweekly basis) in which the member received his or her highest creditable compensation.

(1) In the event that a member's creditable service is less than thirty-six (36) months (seventy-eight (78) pay periods), his or her average final compensation shall be his or her average monthly creditable compensation received during the entire period of creditable service multiplied by twelve (12) (average biweekly creditable compensation multiplied by twenty-six (26) for biweekly paid members).

(2) In determining average final compensation for members who retire after July 1, 1988, the member's accrued unused sick leave at the time of retirement may, at the option of the member, be substituted for an equivalent period of creditable service as if the member had continued to work at his or her final salary during the period of his or her accrued unused sick leave; provided, ~~however,~~ that in determining the average final compensation for members who became members of ~~this~~the System on or after January 1, 2013 (~~i.e.,~~ members of Plans C or D), no more than two-thousand-eighty (2,080) hours of the member's accrued unused sick leave may be used for this purpose.

(3) For purposes of computing a service-connected disability retirement allowance under Section 3-2-36, a member's average final compensation shall be computed as if ~~the~~a member had received compensation (including salary increases which the Board determines would have been awarded to the member) for any period prior to retirement during which the member ceased employment on account of a disability for which he or she received compensation benefits under the Virginia ~~Worker's~~Workers' Compensation Act.

(4) Notwithstanding the foregoing, whenever the Director of the Department of Human Resources ~~Director~~, at the request of the Board, the member, or the member's beneficiary, determines that the member's receipt of a merit increment was delayed as a result of either or both of the amendments to Section 4.3-2 of the Personnel Regulations, effective July 13, 1991, and July 11, 1992, respectively, and that the member would otherwise have been entitled to such merit increment under the Personnel Regulations, based upon ~~his or her~~the Human Resources Director's review of the member's County personnel and payroll records, the Board shall calculate the member's average final compensation in a manner which approximates the average final compensation the member would have if the member had received the merit increment at the time he or she would have been entitled to receive such merit increment but for the aforesaid amendments to Section 4.3-2 of the Personnel Regulations. In performing such calculation, the Board shall utilize the following assumptions ~~and procedures~~:

(~~1~~A) If the employee was scheduled to receive a merit increment in ~~Fiscal~~fiscal years 1992 and/or 1993, ~~it is assumed that~~then it was delayed.

(~~2~~B) The employee received no promotions, demotions, reclassifications or regrades from the date of the delayed merit increment(s).

(~~3~~C) The employee moved through the steps of the pay grade as quickly as possible according to his or her respective pay plan.

(~~4~~D) The delayed merit increments and all future merit increments occurred on the day and the month which is the same day and month when the employee retires.

(~~5~~E) The employee is ~~assumed to be~~ in full employment each year if in full employment at the time of the delayed merit increment and also at the time of retirement.

~~(6)~~ A factor shall be derived utilizing these assumptions ~~(1) through (5)~~, and ~~said factor shall be~~then used to calculate the increase, if any, in ~~a~~the member's final average compensation. If at the time of retirement, the employee has service credit for three (3) years or more at the longevity step of the pay grade in which his or her position falls, then there shall be no adjustment to the member's average final compensation. This ~~amendment~~rule shall apply to all applications for allowances and benefits filed with the ~~respective Boards of Trustees~~Board on or after July 13, 1991. The ~~respective Boards of Trustees are~~

~~hereby authorized and directed to~~Board shall make any necessary retroactive adjustments to allowances and benefits.

(5) Notwithstanding the foregoing, in the case of any SESRP member, creditable compensation for each year after the effective date of the agreement referenced in ~~Section 3-2-1~~Subsection (~~u~~cc) shall equal 1.05634 times the SESRP member~~'~~'s unadjusted compensation.

(~~1~~6) Periods of leave without pay under the federal Family and Medical Leave Act of 1993 (FMLA) shall be disregarded in determining periods of consecutive months or ~~payroll~~pay periods in calculating average final compensation.

(e) *Beneficiary* shall mean any person, other than a member, entitled to receive benefits as provided by the System. The Board shall provide a member with a form on which to designate in writing one or more beneficiaries of the member's benefits upon the member's death. The Board shall maintain any such written designation on file. A designated beneficiary may be changed from time to time by written notice by the member filed with the Board.

(f) *Board* shall mean the Board of Trustees of the System, as provided for in this Article.

(g) *Creditable compensation* shall mean the full compensation, including ~~pickup~~pick-up contributions, holiday hours worked, administrative emergency leave worked, shift differential paid and civilian roll call hours paid, but excluding all overtime pay except roll call hours paid, earned on or after July 1, 1993, and excluding performance bonuses, and amounts paid upon separation from employment which represent the unused portion of ~~an~~the employee~~'~~'s accrued annual leave. In cases where the compensation includes maintenance and other prerequisites, the Board shall fix the value of that portion of the compensation not paid in money. Effective for plan years after December 31, 1988, compensation in excess of $~~200,000.00 (~~200,000.00, as indexed under Section 415(d) of the Internal Revenue Code~~)~~, shall be disregarded. Notwithstanding the foregoing, effective for members whose ~~county~~County or ~~school board~~School Board employment commenced by reporting for work on or after July 1, 1996, compensation in excess of the limit set forth in Section 401(a)(17) of the Internal Revenue Code shall be disregarded. In determining the compensation of an employee under this ~~plan section~~definition, the rules of Section 415(c)(3) of the Internal Revenue Code shall apply. Effective for plan years on or after January 1, ~~2001~~2001, an employee~~'~~'s compensation shall include amounts not includible in gross income by reason of Section 132(f)(4) of the Internal Revenue Code.

(h) *Creditable service* shall mean the sum of membership service credit, plus prior service credit, plus portability service credit purchased pursuant to Section 3-2-24.1, plus accrued sick leave ~~service~~ credit.

(i) *DROP* shall mean the Deferred Retirement Option Program, as provided for by Section 3-2-57.

(j) *Employee* shall mean any person regularly employed in rendering service to the County whose compensation is fully or partially paid directly or indirectly by the County. ~~The term "employee"~~It shall also include all officers and other persons regularly employed by the School Board who are not eligible for membership in the Virginia Retirement System (VRS).

(~~j~~k) *Employer* shall mean the ~~County~~ School Board or an authority in the general County having the power to appoint an employee to office or employment paid directly or indirectly by the County and/or the Board of Trustees of the System.

(~~k~~l) *Executive Director* shall mean the Executive Director of the Fairfax County Retirement Administration Agency.

(m) *Internal Revenue Code* shall mean the federal income tax statutes, as they may be amended or superseded from time to time in the future.

(n) *Medical Examining Board* shall mean the physician or physicians provided for by Section 3-2-9.

(~~l~~o) *Member* shall mean any person included in the membership of the System as provided ~~in~~for by Section 3-2-19.

(~~m~~p) *Membership service credit* shall mean credit for service rendered while a member of ~~this~~the System, or as otherwise provided in Section 3-2-23. Service rendered while a member of SESRP shall be treated without duplication as service rendered while a member of ~~this~~the System.

(~~n)~~ q) *Normal retirement date* shall mean:

(1) For employees whose ~~county~~County or ~~school board~~School Board employment commenced by reporting for work before January 1, 2013 (members of Plans A and B), ~~normal retirement date shall mean~~

(A) The date on which a member in service attains the age of ~~50,~~fifty (50) years, provided said member~~'~~'s age while in service, combined with the years of his or her creditable service, equals at least the sum of eighty (80) years; or

(B) The date on which a member attains the age of ~~65.~~sixty-five (65) years.

(2) For employees whose ~~county~~County or ~~school board~~School Board employment commenced by reporting for work on or after January 1, 2013 (members of Plans C and D), ~~normal retirement date shall mean~~

(A) The date on which a member in service attains the age of ~~55,~~fifty-five (55) years, provided ~~said member's~~ age while in service, combined with the years of his or her creditable service, equals at least the sum of eighty-five (85) years; or

(B) The date on which a member attains the age of ~~65.~~sixty-five (65) years.

(~~o~~r) ~~Pickup~~*Pick-up contributions* shall mean a member's regular ~~member's~~ contributions which ~~are~~is picked up, through a salary reduction~~,~~ by the County from ~~active members~~the member's compensation for service rendered on or after December 22, 1984.

(~~p~~s) *Plan A* shall mean the option effective July 1, 1981, available to employees whose ~~county~~County or ~~school board~~School Board employment commenced by reporting for work on or before December 31, 2012, providing for current and new members to:

(1) Contribute four percent (4%) of compensation up to the taxable wage base and five -and -one-third percent (5 1/3%) of compensation in excess of the taxable wage base; and

(2) Receive normal (and early) service retirement benefits based on one -and -eight-tenths percent (1.8%) of average final compensation up to ~~his Social Security~~the social security breakpoint plus two (2%) percent of ~~his~~ average final compensation in excess of ~~his Social Security~~the social security breakpoint times years of service.

(~~q~~t) *Plan B* shall mean the option effective July 1, 1981, available to employees whose ~~county~~County or ~~school board~~School Board employment commenced by reporting for work on or before December 31, 2012, providing for current and new members to:

(1) Contribute five -and -one-third percent (5 1/3%) of all compensation; and

(2) Receive normal (and early) service retirement benefits based on two percent (2%) of the average final compensation times years of service.

(~~r~~u) *Plan C* shall mean the option effective beginning on January 1, 2013, providing for current and new members to:

(1) Contribute four percent (4%) of compensation up to the taxable wage base and five -and -one-third percent (5 1/3%) of compensation in excess of the taxable wage base; and

(2) Receive normal (and early) service retirement benefits based on one -and -eight-tenths percent (1.8%) of average final compensation up to ~~his Social Security~~the social security breakpoint plus two percent (2%) of ~~his~~ average final compensation in excess of ~~his Social Security~~the social security breakpoint times years of service;

subject to the definitions, terms and conditions applicable to Plan C set forth herein.

(~~s~~v) *Plan D* shall mean the option effective beginning on January 1, 2013, providing for current and new members to:

(1) Contribute five -and -one-third percent (5 1/3%) of all compensation; and

(2) Receive normal (and early) retirement benefits based on two percent (2%) of the average final compensation times years of service;

subject to the definitions, terms and conditions applicable to Plan D set forth herein.

(~~t~~w) *Primary social security benefit* shall mean the primary insurance amount to which the member is entitled, for old age or disability, as the case may be, pursuant to the federal Social Security Act as in effect at his or her date of retirement, under the provisions of this Chapter, except as otherwise specifically provided.

(x) *Prior service credit* shall mean credit for service rendered prior to the establishment of the Fairfax County Supplemental Retirement System (the predecessor of this System) on July 1, 1955, as provided in Section 3-2-24.

(~~u~~y) *Retirement allowance* shall mean the retirement payments to which a member is entitled as provided in this Article.

(~~v~~z) ~~SESRP~~*School Board* shall mean the ~~former~~ Fairfax County School Board, a political subdivision of the Commonwealth of Virginia.

(aa) *Service* shall mean service as an employee for which compensation is paid by the employer, but shall not include time spent on leave without pay.

(bb) *SESRP* shall mean the former Fairfax County Senior Executive Service Retirement Plan.

(~~w~~cc) *SESRP member* shall mean an individual who entered into an agreement with the County to participate in SESRP in lieu of further participation in the System and who was either still an active participant in SESRP or still receiving benefits under SESRP on January 1, 1996.

(~~x) Service shall mean service as an employee for which compensation is paid by the employer, but shall not include time spent on leave without pay.~~ dd) *Social security* shall mean the federal Social Security Act and its programs for old age, survivors and disability insurance and benefits, as applicable.

(~~y~~ee) *Social* ~~Security~~*security breakpoint* shall mean the average of the taxable wage base for the thirty-five (35) calendar years ending with the year in which the member attains ~~Social Security~~social security normal retirement age. In determining a member~~'s Social Security~~'s social security breakpoint during any particular plan year, it is assumed that the taxable wage in effect at the beginning of the plan year ~~will~~shall remain the same for all future years.

(~~z~~ff) *System* shall mean the Fairfax County Employees~~' Retirement System provided for in Section 3-2-2.~~' Retirement System. When any part of this Article refers to multiple retirement systems, the Employees' Retirement System shall be referred to as "this System," rather than "the System."

(~~aa~~gg) *Taxable wage base* shall mean the maximum amount of wages received during the calendar year on which ~~Social Security~~social security taxes are payable by ~~the~~a member and by the employer, as such amount is defined in Section 3121(a) of the Internal Revenue Code~~, or as that Section may be amended or superseded from time to time in the future.~~

~~(bb) Executive Director shall mean the Executive Director of the Fairfax County Retirement Administration Agency. (cc) Internal Revenue Code shall mean the federal income tax statutes~~. (20-81-3; 5-85-3; 28-89-3; 27-90-3, § 1; 15-93-3; 22-93-3; 37-94-3; 25-95-3; 27-97-3; 14-00-3; 10-01-3; 18-01-3; 8-03-3; 8-04-3; 26-12-3.)

Section 3-2-~~2. - Fairfax County Employees' Retirement System Established.~~ 2.1. - Definitions elsewhere in County Code and in County Personnel Regulations.

~~Under the authority of Virginia Code, Section 51.1-801, there is hereby established a retirement system for employees, formerly known as the Fairfax County Supplemental Retirement system, to be known henceforth as the "Fairfax County Employees' Retirement system," by and in which name it shall, pursuant to the provisions of this Article, transact all of its business. The Fairfax County Employees' Retirement System is intended to satisfy Internal Revenue Code §§ 401(a) and 414(d) requirements for qualified governmental pension plans. (20-81-3; 10-01-3; 50-13-3.)~~

Unless this Article provides otherwise, the definitions provided in Sections 1-1-2, 3-3-1, and 3-3-12 of the *Code of the County of Fairfax*, and Chapter 2 of the Fairfax County Personnel Regulations shall apply herein.

Section 3-2-3. - Duties of the employer.

The employer shall keep all necessary records relating to the hiring and employment of members and from time to time shall furnish such information as the Board may require in the discharge of its duties. Upon employment of a member, the employer shall inform the member of his or her duties and obligations in connection with the System as a condition of employment. (20-81-3.)

Section 3-2-4. - ~~Acceptance of employment deemed consent~~Consent to provisions of Article required for employment.

By and upon acceptance of employment, every member shall be deemed to consent and agree to any deductions or employer ~~pickup~~pick-up of amounts from his or her compensation required by this Article and to all other provisions thereof. (20-81-3; 5-85-3.)

Section 3-2-5. ~~-~~ Protection against fraud ~~and deceit.~~ .

(a) ~~Any~~In addition to any other provisions of law, any person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record or records of the System in any attempt to defraud the System shall be guilty of a misdemeanor and shall be punished accordingly.

(b) Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the System in an attempt to defraud the System shall forfeit all rights to the ~~benefit or~~retirement allowance or benefit obtained by such misrepresentation. Making a false statement or falsifying or permitting to be falsified any record of ~~this~~the System, in an attempt to defraud the System shall constitute grounds for dismissal from service.

(c) Whenever the Board shall find, after notice and hearing, that a person has obtained a ~~benefit or~~retirement allowance or benefit from ~~this~~the System by false statement or falsification of record, it shall immediately terminate the ~~benefit or~~ allowance or benefit if the entire ~~benefit or~~ allowance or benefit was obtained by such misrepresentation or the additional amount of the ~~benefit or~~ allowance or benefit so obtained by such misrepresentation. Any ~~benefit or~~ allowance or benefit or additional amount of ~~a benefit or~~an allowance or benefit obtained by false statement or falsification of a record shall be deemed to be an overpayment, and the Board shall take all necessary legal and administrative steps to recover the overpayment.

(d) The Board shall adopt rules and regulations pursuant to Section 3-2-15 ~~of this Article~~ to implement the provisions of this ~~section~~Section; provided~~, however~~, that the failure of the Board to do so shall not prevent the implementation of the sanctions called for by this Section. A final judgment of conviction by a court of competent jurisdiction in a prosecution under Subsection (a) of this Section shall be prima facie evidence of fraud under Subsections (b) and (c) of this Section; provided, ~~however,~~ that a conviction under Subsection (a) of this Section shall not be a prerequisite for action by the Board under Subsections (b) or (c) of this Section. The remedies provided the System under this Section are in addition and supplemental to any other remedies it may have under law. (20-81-3; 27-90-3, § 1.)

Section 3-2-6. - ~~Assignment of benefits prohibited; benefits~~Benefits unassignable; non-attachable.

The right of any member to a retirement allowance, to the return of accumulated contributions or any other right accrued or accruing to any person under ~~the provisions of~~ this Article and the money covered by this Article shall not be subject to execution, garnishment or attachment, and to the extent permitted by law, the operation of bankruptcy or insolvency law or any other process of law whatsoever except for administrative actions pursuant to ~~Chapter 13(§ 63.1-249~~Section 63.2-1900 *et seq.*~~) of Title 63.1~~ of the *Code of Virginia* or any court process to enforce a child or child and spousal support obligation, and shall be unassignable except as specifically provided in this Article. However, retirement benefits and assets created under this Article which are deemed to be marital property pursuant to ~~Chapter 6(§~~Section 20-89.1 *et seq.*~~) of Title 20~~ of the *Code of Virginia* may be divided or transferred by the court by direct assignment to a spouse or former spouse pursuant to Section 20-107.3 of the *Code of Virginia*~~, Section 20-107.3.~~. (20-81-3; 5-85-3; 13-92-3; 1-93-3.)

Section 3-2-7. - Errors ~~in records; correction and adjustment.~~ resulting in over- or under-payment.

(a) Should any change or error in the records or in the computation of a member''s or beneficiary''s benefit or refund result in any member or beneficiary receiving from the System an amount more ("overpayment") or less than he or she would have been entitled to receive had the records or computation error been correct, the Board shall have the power to correct such error and, as far as practicable, to adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

(b) An overpayment shall constitute a debt owed by the recipient to the System and the Board is authorized to use any and all legal and/or action to collect the overpayment and any accrued interest.

(c) The Board is authorized to enter into written agreements with recipients of overpayments to provide for installment payments to recover the overpayment, the amount of accrued interest, and interest on any unpaid balance.

(d) The Board is authorized to compromise any disputed overpayment.

(e) Interest shall accrue on overpayments at the rate or rates established by the Board; provided, however, that no interest shall accrue if the Board has exercised its adjustment authority under Subsection (a) of this Section or under any other circumstances in which the Board, in its discretion, determines that interest shall not accrue. (20-81-3; 27-90-3, § 1.)

Section 3-2-8. - Amendment of Article.

The Board of Supervisors shall have the continuing right and power to amend or supplement this Article at any time, which right and power is hereby expressly reserved. But no amendment shall be made unless an actuarial report has been filed with the Board of Supervisors as to its effect upon the System and no amendment shall be adopted which willshall reduce the then accrued benefits of members or beneficiaries below the extent they are then covered by accumulated reserves, which reserves shall constitute a trust fund for the payment of such benefits. At least thirty (30) days prior to the public hearing before the Board of Supervisors on any proposed amendment, the Board of Trustees of the System shall be provided with the text of the proposed amendment to provide it the opportunity to submit its comments on the proposed amendment to the Board of Supervisors; provided, however, this limitation shall not prevent the Board of Supervisors from adopting an emergency amendment under the provisions ofSection 15.2-504 of the *Code of Virginia* Section 15.1-504.. (20-81-3; 27-90-3, § 1.)

Section 3-2-9. - Medical Examining Board; members; duties. .

The Medical Examining Board shall consist of the County Director of the Health ServicesDepartment (or his or her designee) and, in the discretion of the Board, one (1) or two (2) other physicians designated by the Board. The duties of the Medical Examining Board shall be to arrange for and pass upon all medical examinations required under this Article or requested by the Board and to investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement. The members of the Medical Examining Board, who may act individually or collectively, shall report in writing to the Board their conclusions and recommendations upon all matters referred to it. (20-81-3; 27-97-3.)

Division 2. - Board of Trustees.

Section 3-2-10. - Administration of System vested in Board of Trustees.

The general administration and the responsibility for the proper operation of the System and for making effective the provisions of this Article are hereby vested in the Board~~ of Trustees of the System~~. The Board in its discretion, may, by rule or regulation adopted under Section 3-2-15(a), delegate authority to the Executive Director to perform certain duties and administrative responsibilities. (20-81-3; 27-90-3, § 1.)

Section 3-2-11. - Membership; term of office.

(a) The Board of Trustees of the System shall consist of ~~ten (10) trustees as follows: The County~~ the following members:

- Director of the Department of Finance, who shall be the Treasurer of the Board, or his or her permanent designee, sitting ex officio; ~~the personnel officer responsible for employee benefits for Fairfax County; the personnel officer responsible for employee benefits of~~

- Director of the Department of Human Resources, or his or her permanent designee, sitting ex officio;

- Assistant Superintendent for Human Resources for the Fairfax County Public Schools, or his or her permanent designee, sitting ex officio; ~~four~~

- Four (4) ~~trustees~~persons appointed by the Board of Supervisors; ~~two (2) members elected by the County employees who are members of this system: One (1) elected by~~

- One (1) School Board ~~employees and one (1) elected by general County employees; and one (1) trustee who shall be a~~employee elected by the members of the System;

- One (1) County employee elected by members of the System who are County employees; and

- One (1) retired member elected by ~~the~~ retired members of the System.

Responsibility for the conduct of said elections shall rest with the County Executive.

(b) With the exception of the Director of ~~Finance,the personnel officer responsible for employee benefits for Fairfax County, and the personnel officer responsible for employee benefits for Fairfax County Public Schools, all of whom shall be ex officio members of the Board, the terms of office of the Trustees~~the Department of Finance, the Director of the Department of Human Resources, and the Assistant Superintendent for Human Resources the term of office of the trustees shall be four (4) years. The only persons eligible to be elected by County or School Board employees to the Board are County or School Board employees~~,~~ who are members of ~~this system~~the System, respectively. The office of such trustees shall be vacated should such trustees separate from County or School Board service prior to ~~the~~ completion of their term. (20-81-3; 27-90-3, § 1; 9-91-3; 2-93-3.)

Section 3-2-12. - Vacancies in office.

If a vacancy occurs in the office of a ~~Trustee~~trustee of the System, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled. (20-81-3.)

Section 3-2-13. - Compensation of ~~Trustees~~trustees.

Those trustees eligible for compensation under County policy may receive compensation at a rate set by the Board of Supervisors. (20-81-3.)

Section 3-2-14. - Accountable to the Board of Supervisors.

The Board of Trustees of the System shall be accountable to the Board of Supervisors. (20-81-3.)

Section 3-2-15. - Functions of the Board.

(a) Subject to the limitations of this Article, the Board shall, from time to time, establish rules and regulations for the administration of the ~~system~~System and for the transaction of its business, copies of which shall be made available to interested parties.

(b) The Board may employ and pay out of the ~~system~~System funds for all services as shall be required.

(c) The Board shall keep in convenient form such data as shall be necessary for an actuarial valuation of the ~~system~~System and for checking the experience of the ~~system~~System.

(d) The Board shall keep minutes of all its proceedings. These minutes shall be open to the public for inspection ~~in accordance with the Virginia Freedom of Information Act, except as limited by the Privacy Protection Act of 1976.~~ , unless applicable law provides otherwise.

(e) The Board shall submit to the Board of Supervisors annually an independent audit showing the fiscal transactions of the System for the preceding fiscal year, the amount of accumulated cash and securities of the System, and the last balance sheet indicating the financial condition of the System.

(~~e~~f) Beginning on July 1, 1990, the Board shall cause an actuarial valuation to be made of the System annually.

(g) The Board shall review adverse decisions as provided by Section 3-2-49. (20-81-3; 27-90-3, § 1.)

Division 3. ~~-~~ – Management of Funds.

Section 3-2-16. - Board trustee of funds; investment of same.

(a) The Board shall be the trustees of funds created by this Article and shall have full power to invest and ~~reinvest~~re-invest such funds. Such investments and ~~reinvestments~~re-investments shall be conducted with bona fide discretion and in accordance with the laws of ~~this~~the Commonwealth of Virginia as such laws apply to fiduciaries investing such funds. The Board may, upon the exercise of bona fide discretion, employ investment counsel, who shall be subject to the same limitations herein provided for the Board. Subject to such limitations, the Board shall have full power to hold, purchase, sell, assign, transfer or otherwise dispose of any of the securities or investments in which any of the funds created herein have been invested, as well as the proceeds of such investments and any money belonging to such funds.

~~No member of the Board~~(b) No trustee shall be personally liable for losses suffered by the System on investments made under the authority of and in compliance with this Section. (20-81-3.)

Section 3-2-17. - Treasurer fiscal officer of the Board.

The Treasurer of the Board shall be the custodian of all of its funds and securities or evidences of such when in the custody of a fiduciary agent. He or she shall give bond as a condition for the faithful performance of his or her duties and the proper accounting of all funds and securities coming into his or her hands. He or she shall deposit all money in the name of the Board and disburse the same only on vouchers signed by such person as is designated for the purpose by the Board. (20-81-3.)

Section 3-2-18. - Prohibited interest of member or employee of Board.

(a) The State and Local Government Conflict of Interests Act, Section 2.2-3100 *et seq.*, of the *Code of Virginia*, shall apply to members and employees of the Board.

~~Except as otherwise provided in this Article, no member or employee of the Board shall have any direct or indirect interest in the gains or profits of any investment held by the system.~~ (b) No member or employee of the Board shall, directly or indirectly, for himself or herself or as an agent in any manner use the funds of the ~~system~~System, except to make such current and necessary payments as are authorized by the Board. (20-81-3.)

Division 4. - Membership in System.

Section 3-2-19. - ~~Persons comprising membership.~~ Membership composition.

(a) Membership shall be composed of the following:

(~~a~~1) All persons who were members of ~~this~~the System on the effective date of this Article and all SESRP members; provided, ~~however,~~ that benefits under ~~this~~the System in the case of SESRP members shall be in lieu of, and not in addition to, benefits under SESRP.

(~~b)~~ 2) Future employees as hereinafter identified, except those listed in ~~Subsections (b)(1), (b)(2),~~Subparagraphs (A) and (~~b~~B)~~(3)~~ of this ~~Section~~Subsection.

(~~1) Exceptions for non-School Board County employees.~~ A) Employees who are members of the Virginia Retirement System (VRS) and the Educational Employees' Supplemental Retirement System ~~(Article 4~~of Fairfax County (ERFC), the Fairfax County ~~police officers~~Police Officers Retirement System ~~(Article 7)~~, or the Fairfax County Uniformed Retirement System ~~(Article 3)~~ and employees who are eligible to become members of those systems, are not eligible for membership in this System; provided ~~however~~, that an employee who is a member of such a system shall be eligible for membership in this ~~system~~System if he or she elects in writing to withdraw from such system, pursuant to the rules and regulations of this System and of the system of which he or she was previously a member. If the withdrawal from the other system occurs due to being employed in a different position by the same appointing authority, the employee ~~will~~shall be required to purchase service credit under this System for service rendered while a member of such other system, pursuant to the rules of Section 3-2-23.

If the withdrawal from the other system occurs due to being employed by a different appointing authority, the employee ~~will~~shall be permitted but not required to purchase service credit under this System for service rendered while a member of such other system, pursuant to the rules of Section 3-2-23. Exempt ~~limited term~~benefits eligible and exempt ~~part-time~~temporary employees are not eligible for membership in this System; provided, ~~however,~~ that any such employee who became a member of this System under the provisions of this Article in effect at the time ~~they~~he or she commenced ~~their~~his or her service with the County shall continue to be a member.

The following employees who elect, in writing at the time of their initial eligibility not to become members of ~~this~~the System, ~~not to become members~~ shall be exempted from ~~this~~the System: ~~Elected~~elected officials, including constitutional officers and persons appointed to fill vacancies in elective offices, and their appointed deputies or assistants.

(2B) School Board employees who are members of the Virginia Retirement System (VRS) are not eligible for membership in this System. Substitute employees, food service employees whose assigned employment is less than three (3) hours per day, and temporary employees are not eligible for membership in this System.

(3) Certain members of the Uniformed or Police Officers Retirement Systems who are appointed to serve as a deputy county executive. Notwithstanding any other provision of this Chapter or Article to the contrary, an active member of either the Uniformed Retirement System or the Police Officers Retirement System who has more than five years of creditable service in such system and who is appointed to serve as a deputy county executive shall remain a member of the system to which he or she belonged, whether the Uniformed Retirement System or the Police Officers Retirement System, prior to his or her appointment as a deputy county executive, and shall not become a member of this System as a result of such appointment. (c) Any employee, otherwise qualified, who elected not to or was unable to become a member of this the System pursuant to any ordinance then in effect,; provided, he or she pays into this System all contributions which would have been due from him or her had he or she been a member of thisthe System during the period of his or her employment, plus interest on such contributions at the rate or rates established by the Board, for each of the years for which membership service credit is sought. Any election to purchase membership service credit under this Subsection through the payment of contributions for a prior period of employment mustshall be made within one (1) year after the employee is first eligible to make such an election or by (six months (6) from the effective date of this amendment) [September 17, 1990], whichever is later.

(d) Provisions for the transfer of uniformedb) Uniformed employees of the Department of Animal Control into the membership oftransferring to the Fairfax County Uniformed Retirement System (Uniformed System): .

(1) Members of this System who were uniformed employees of the Department of Animal Control, including the Director, on or after October 1, 1985, except those eligible to remain in this System pursuant to Subsection 3-2-19(d)(2) of this Section, are hereby transferred to membership in the Fairfax County Uniformed Retirement System effective the latter of October 1, 1985, or the date of their appointment.

(2) Those members subject to transfer to the Uniformed Retirement System pursuant to Subsection 3-2-19(d)(1) of this Section who as of the date of adoption of this Subsection 3-2-19(d)[December 16, 1985] have attained normal retirement age under this System shall continue as members of this System unless within thirty (30) days after the adoption of this Subsection 3-2-19(d) they make an irrevocable election in writing to transfer into the Uniformed Retirement System pursuant to the provisions of this subsectionSubsection.

(3) Members of this System being transferred to the Uniformed Retirement System pursuant to this Subsection shall, within thirty (30) days of the adoption of this Subsection [December 16, 1985], make an irrevocable election in writing to either waive membership service credit in the Uniformed Retirement System based upon their service in this System or to purchase membership service credit in the Uniformed Retirement System based on their service in this System pursuant to the provisions of Section 3-3-24. Members who fail to make an election shall be deemed to have elected to waive membership service credit.

(4) Members with five (5) or more creditable years of service with this System who elected to waive membership service credit in the Uniformed Retirement System pursuant to Subsection 3-2-19(d)(3) of this Section shall make at the same time an irrevocable election in writing whether to receive a refund of their accumulated contributions (with interest), reduced by the amount of any retirement allowances previously received by them under any of the provisions of this Article, or to receive a deferred vested benefit from this System mutatis mutandis, under the provisions of SubsectionSection 3-2-38(b). Members who fail to make an election shall be deemed to have elected a refund. Members with less than five (5) years of creditable service with this System who elect to waive membership service credit in the Uniformed Retirement System pursuant to Subsection 3-2-19(d)(3) of this Section shall be refunded their accumulated contributions (with interest) reduced by the amount of any retirement allowances previously received by them under any provisions of this Article.

(5) With respect to each member electing to purchase membership service credit in the Uniformed Retirement System pursuant to Subsection 3-2-19(d)(3) of this Section, the Board shall transfer the funds in the member''s contribution account as well as those funds in the retirement allowance account attributable to the member''s service to the Board of Trustees of the Uniformed Retirement System, who shall credit such funds to the appropriate accounts of the Uniformed Retirement System.

(6) The Board shall transfer to the Board of Trustees of the Uniformed Retirement System any employee or employer contributions received by it attributable to members transferring to the Uniformed Retirement System pursuant to Subsection 3-2-19(d)(1) or (2) of this Section for service rendered after the effective date of the members'' transfer. The Board of Trustees of the Uniformed Retirement System shall credit such funds to the appropriate accounts of the Uniformed Retirement System.

(e) Provisions for the transfer of certainc) Certain employees of the Public Safety Communications Center in the job classes of Public Safety Communications Squad Supervisor, Public Safety Communications Assistant Squad Supervisor, Public Safety Communicator III, Public Safety Communicator II, or Public Safety Communicator I into the membership oftransferring to the Fairfax County Uniformed Retirement System (Uniformed System): Members of this System who elect to enter DROP on or before September 1, 2005, are not eligible for transfer to the Uniformed System:

.

(1) Members of this System who are in one of the job classes identified hereinin this Subsection, on or before June 30, 2005, shall have the opportunity to transfer to membership in the Fairfax County Uniformed Retirement System, effective the start of the first pay period beginning on or about October 1, 2005.

(2) Members of this System who are eligible for transfer to the Uniformed Retirement System pursuant to Subsection 3-2-19(e)(1) of this Section may elect to maintain their membership in this System and not transfer to the Uniformed Retirement System.

(3) Members of this System who are eligible for transfer to the Uniformed Retirement System pursuant to Subsection 3-2-19(e)(1) of this Section and elect to do so, shall, after the adoption of Subsection 3-2-19(e) of this Section, on or before September 1, 2005, make an irrevocable election in writing to transfer to the Uniformed Retirement System. Members electing to transfer to the Uniformed Retirement System may elect to transfer to the Uniformed Retirement System but not purchase membership service credit in the Uniformed Retirement System based upon

their service in this System, or may elect to purchase membership service credit in the Uniformed Retirement System based on their service in this System pursuant to the provisions of Section 3-3-24. Transferring members who fail to make an election shall be deemed to have elected to waive the opportunity to purchase membership service credit in the Uniformed Retirement System.

(4) Members with five (5) or more creditable years of service with this System who elect to waive membership service credit in the Uniformed Retirement System shall make at the same time an irrevocable election in writing whether to receive a refund of their accumulated contributions with interest reduced by the amount of any retirement allowance previously received by them under ~~any provisions of~~ this Article, or to receive a deferred vested benefit from this System mutatis mutandis, under the provisions of ~~Subsection~~Section 3-2-38(b). Members who fail to make an election shall be deemed to have elected not to receive a deferred vested benefit. Members with less than five (5) years of creditable service with this System who elect to waive membership service credit in the Uniformed Retirement System pursuant to Subsection ~~3-2-19~~(e)(3) of this Section shall be refunded their accumulated contributions (with interest) reduced by the amount of any retirement allowances previously received by them under ~~any provisions of~~ this Article.

(5) With respect to each member electing to purchase membership service credit in the Uniformed Retirement System pursuant to Subsection ~~3-2-19~~(e)(3) of this Section, the Board shall transfer the funds in the member~~'~~'s contribution account as well as those funds in the retirement allowance account attributable to the member~~'~~'s service to the Board of Trustees of the Uniformed Retirement System, who shall credit such funds to the appropriate accounts of the Uniformed Retirement System. Members electing to purchase membership service credit in the Uniformed Retirement System shall have the option of paying to the Board of Trustees of the Uniformed Retirement System the difference between the employee contributions that would have been required under the Uniformed Retirement System plus interest, and their employee contributions plus interest to this System for the period for which membership service credit is sought. Members who elect to pay the difference between the employee contributions plus interest that would have been required under the Uniformed Retirement System and their employee contributions plus interest to this System, shall not be eligible to enter the DROP under the Uniformed Retirement System until the entire amount of the difference in employee contributions plus interest has been paid to the Uniformed Retirement System and the member otherwise meets the eligibility requirements to enter the DROP under the Uniformed Retirement System. In lieu of paying the difference between the employee contributions that would have been required under the Uniformed Retirement System plus interest and their employee contributions plus interest to this System, a member may elect to have the amount of membership service credit transferred to the Uniformed Retirement System actuarially reduced based on the amount that would have been required.

(6) The Board shall transfer to the Board of Trustees of the Uniformed Retirement System any employee or employer contributions received by it attributable to member~~'~~'s transfer to the Uniformed Retirement System pursuant to Subsection ~~3-2-19~~(e)(1) or (2) of this Section for service rendered after the effective date of the member~~'~~'s transfer. The Board of Trustees of the Uniformed Retirement System shall credit such funds to the appropriate accounts of the Uniformed Retirement System.

(~~f~~7) Members of this System in one of the job classes identified in this Subsection who elect to enter the DROP on or before September 1, 2005, are not eligible for transfer to the Uniformed Retirement System.

(d) Notwithstanding any other provision of this Chapter or Article to the contrary, an active member of either the Fairfax County Uniformed Retirement System or the Fairfax County Police Officers Retirement System who has more than five (5) years of creditable service in such system and who is appointed to serve as a Deputy County Executive shall remain a member of the system to which he or she belonged, whether the Uniformed Retirement System or the Police Officers Retirement System, prior to his or her appointment as a Deputy County Executive, and shall not become a member of this System as a result of such appointment.

(e) Persons receiving a normal or early service retirement allowance from this System, the Fairfax County Uniformed Retirement System ~~(Article 3)~~, or Fairfax County Police Officers Retirement System ~~(Article 7),~~ are eligible for membership only under the terms and conditions set forth in Section 3-2-43. (~~g)~~20-81-3; 34-81-3; 23-85-3; 36-86-3; 14-87-3; 27-90-3, § 1; 45-93-3; 23-05-3; 26-12-3.)

Section 3-2-19.1. - Interest rates for purchases for membership service credit.

The Board may at any time and from time to time, establish a new interest rate or rates which shall be applicable to purchases of membership service credit under Subsection (c) of ~~this~~ Section~~. (20-81-3; 34-81-3; 23-85-3; 36-86-3; 14-87-3; 27-90-3, § 1; 45-93-3; 23-05-3; 26-12-3.)~~ 3-2-19.

Section 3-2-20. - Cessation of membership.

The membership of any person in the System shall cease:

(a) If he or she ceases to be an employee for a period of five (5) years, having had less than five (5) years of creditable service on his or her date of separation from the County or School Board; or

(b) Upon separation and withdrawal of his or her accumulated contributions; or

(c) If a member, as defined in ~~Subsection~~Section 3-2-19(b)(1) ~~of this Section~~, gives the Board written ~~notification~~notice of his or her withdrawal from the System; or

(d) Upon death. (20-81-3; 4-81-3.)

Division 5. - Service Credit.

Section 3-2-21. - Statement to be filed with Board.

Under such rules and regulations as are adopted by the Board, each member or someone on his or her behalf shall file with the Board in such form as the Board may prescribe, a statement of the facts pertaining to his or her status as a member, which shall include a statement of all service rendered as an employee~~,~~ and such other information as the Board may require. Until such statement is filed, no member or his or her beneficiary shall be eligible to receive any benefits under this Article. (20-81-3.)

Section 3-~~2~~7-22. - Year of service.

The Board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one (1) year of service for all service rendered in any period of twelve (12) consecutive months. (20-81-3.)

Section 3-2-23. - Membership service credit.

(a) Each member shall receive membership service credit for periods in which he or she received compensation and was a member of ~~this~~the System, provided that any former member of ~~this~~the System who ceased his or her ~~county~~County or ~~school board~~School Board employment and withdrew his or her accumulated member contributions from the System may purchase membership service credit by paying into the System all accumulated contributions that would have been collected from him or her during his or her prior period or periods of membership, plus interest at the rate or rates established by the Board, for the entirety of any period of prior service for which membership service credit is sought; a member may not purchase credit for only a portion of any prior period of service, but may only purchase credit for an entire prior period of service. In the event that a member of either Plan A or Plan B who ceased his or her ~~county~~County or ~~school board~~School Board employment and withdrew his or her accumulated member contributions from the System seeks, on or after January 1, 2013, to purchase credit for periods during which he or she received compensation as a member of ~~this~~the System, he or she may only become a member of, and purchase membership service credit in, either Plan C or Plan D, by paying into the System all accumulated contributions which would have been collected from him or her during his or her prior period or periods of membership, plus interest at the rate or rates established by the Board, for the entirety of any period of prior service for which membership service credit is sought; however, notwithstanding the foregoing, a member of any of the four Plans (A, B, C or D) that are part of the ~~Employees' Retirement~~ System who ceased his or her ~~county~~County or ~~school board~~School Board employment, but who left his or her accumulated member contributions in the System, ~~must~~shall, upon his or her return to ~~county~~County or ~~school board~~School Board employment, rejoin the Plan to which he or she formerly belonged. Such member may satisfy some or all of the amount due from ~~his~~him or her for the purchase of such service through a rollover from an individual retirement account if ~~and only if~~ the entire amount in that account is attributable to a rollover from ~~this~~the System. Such member may also satisfy some or all of the amount due from him or her for the purchase of such service through a direct trustee-to-trustee transfer from an eligible deferred compensation plan described in ~~section~~Section 457(b) of the Internal Revenue Code maintained by an eligible employer described in ~~section~~Section 457(e)(1)(A)~~ of the Internal Revenue Code~~, or through a direct trustee-to-trustee transfer from an annuity contract described in ~~section~~Section 403(b) of the Internal Revenue Code.

(b) Members in service shall also receive membership service credit for periods of service-connected disability retirement from ~~this~~the System.

(c) Members whose service is terminated to enter into the armed forces of the United States and who subsequently return to service ~~in this System~~ shall be granted membership service credit for the period of their service in the armed forces of the United States to the extent required under ~~the provisions of~~ federal and state law.

(d) A member who transfers from a position in the service of the Fairfax County Public Schools (~~Schools~~FCPS) in which he or she was a member of the Virginia Retirement System (VRS) and the Educational Employees~~'~~' Supplemental Retirement System of Fairfax County (~~ER-FC~~ERFC) to a position in the County service shall receive membership service credit for periods that he or she had been employed by ~~the Schools~~FCPS and was a member of VRS and ~~the ER-FC~~ERFC, if such

service ~~will~~shall not be considered in the calculation of any ~~benefit or~~retirement allowance or benefit from VRS or ~~ER-FC~~ERFC, and if such member pays into this System all contributions that would have been due from him or her had he or she been a member of this System, plus interest at the rate or rates established by the Board, for each of the years for which membership service credit is sought.

(e) The Board may at any time, and from time to time, establish a new interest rate or rates which shall be applicable to Subsections (a) and (d) of this Section. Any election to purchase membership service credit under Subsections (a) or (d) of this Section may be made at any time by a member of the System while in service. The Board may enter into agreements with members purchasing membership service credit under the provisions of Subsections (a) and (d) of this Section to pay the member contributions due from them in installments, provided that such members shall not be entitled to such membership service credit until all payments under such agreements have been made.

(f) (1) Under such rules and regulations as are adopted by the Board, any employee who has been a member of the Virginia Retirement System (VRS) and the Educational Employees' Supplemental Retirement System ~~(Article 4~~of Fairfax County (ERFC), the Fairfax County Police Officers Retirement System ~~(Article 7)~~, or the Fairfax County Uniformed Retirement System ~~(Article 3)~~, and who withdraws therefrom and becomes a member of this System, may purchase membership service credit for service rendered while a member of such other system by paying into this System all contributions that would have been due from him or her had he or she been a member of this System for each of the years for which membership service credit is ~~subject~~sought. (A member may purchase membership service credit for prior service while a member of ~~the Virginia Retirement System~~VRS only for service due to employment by the Fairfax County Public Schools (FCPS).)

(2) The amount due from a member for such purchase of membership service credit ~~must~~shall be satisfied, to the extent possible, (a) by directing the trustees of the system from which he or she is withdrawing to transfer his or her accumulated member contributions in such system directly to this System, without distribution to such employee, if such transfers are available under such system, or (b) through (i) a rollover from the system from which he or she is withdrawing (if the member would be eligible for a refund from such system), (ii) a rollover from an individual retirement account in which all contributions were derived from a rollover from ~~a~~such system, or (iii) a direct trustee-to-trustee transfer from an eligible deferred compensation plan described in ~~section~~Section 457(b) of the Internal Revenue Code maintained by an eligible employer described in ~~section~~Section 457(e)(1)(A) ~~of the Internal Revenue Code~~, or through a direct trustee-to-trustee transfer from an annuity contract described in ~~section~~Section 403(b) of the Internal Revenue Code. To the extent that a rollover or direct transfer permitted under this ~~Section 3-2-23~~Subsection is insufficient to purchase the necessary membership service credit, other arrangements permitted by the rules and regulations adopted by the Board shall be made for purchasing such membership service credit. (20-81-3; 5-85-3; 27-90-3, § 1; 45-93-3; 36-94-3; 7-00-3; 10-01-3; 8-03-3; 26-12-3.)

Section 3-2-24. ~~Credit for prior~~ – Prior service credit.

(a) Prior service credit may be granted to persons who were members of the Fairfax County Supplemental Retirement System on July 1, 1955, or who were employees who ~~had~~ previously left service to enter directly into the armed forces of the United States and who were still in the armed forces on or after that date as provided in Subsection (b) of this Section.

(b) Each member shall receive membership service credit for military leave, provided he or she returns to full employment within ninety (90) days of discharge and such discharge is other than dishonorable. This amendmentSubsection shall be applied retroactively to January 1, 2003. (20-81-3; 27-90-3, § 1; 30-09-3.)

Section 3-2-24.1. – Portability of service credit.

(Aa) Definitions. For the purpose of this section, these terms shall be defined as follows:

(1) " *Accepting plan*" shall mean the retirement plan or system which is receiving membership assets from another defined benefit retirement plan or system in order to permit a current member to purchase portability service credit in the accepting plan through the use of his or her membership contributions toin the transferring plan.

(2) " *Portability service credit*" shall mean service credit purchased in an accepting plan by the transfer of membership assets from the transferring plan.

(3) " *Transferring plan*" shall mean the retirement plan or system which is transferring membership assets to an accepting plan to enable a former employee of the transferring plan to purchase portability service credit in the accepting plan through the use of his or her membership contributions in the transferring plan.

(Bb) The Board of Supervisors of Fairfax County may enter into agreements with the Virginia Retirement System (VRS) or with any political subdivision of the Commonwealth of Virginia to permit any vested member of the Virginia Retirement SystemVRS or any vested member of a retirement plan or system of a political subdivision of the Commonwealth of Virginia to purchase portability service credit in the Fairfax County Employees' Retirementthis System; provided, however, that the Board of Supervisors may only enter into such agreements with political subdivisions of the Commonwealth of Virginia whose retirement plans or systems constitute defined benefit plans, or eligible deferred compensation plans described in sectionSection 457(b) of the Internal Revenue Code maintained by an eligible employer described in sectionSection 457(e)(1)(A) of the Code.

(Cc) The purchase of portability service credit in thisthe System pursuant to this Section may only be made within eighteen (18) months of the date when a member commences employment in a position covered by thisthe System, or, for employees who are members of thisthe System on the date of the enactment of this ordinance,March 24, 2003, within eighteen (18) months of thethis date of the enactment of this ordinance.

(Dd) In order to purchase portability service credit in thisthe System, the member mustshall be a vested member of the transferring plan and the transferring plan mustshall be holding member contributions that are subject to transfer. A member desiring to purchase portability service credit shall make written application for the purchase of such credit to the System. The System willshall determine from the transferring plan the amount of the member''s assets that would be subject to transfer to the System. Based upon the amount subject to transfer, the Board of Trustees of the System willshall determine the amount of portability service credit that would be actuarially equivalent to the amount of the assets to be transferred to the System; this amount willshall represent the maximum amount of portability service credit that can be purchased. The Board of Trustees willshall communicate the amount of portability service credit that can be purchased to the member in writing; however, in no event willshall the amount of portability service credit that can be purchased exceed the duration of the member''s employment in a position that was covered by the

transferring plan. The member shall have thirty (30) days from the date of the letter advising him or her of the amount of portability service credit that can be purchased to determine whether to proceed with the purchase or to withdraw his or her application for the purchase of portability service credit.

(~~E~~e) In the event that the assets transferred are not sufficient to purchase portability service credit in ~~this~~the System equivalent to five (5) years of service, the member ~~will~~shall not become vested in ~~this~~the System until his or her creditable service equals five (5) years.

(~~F~~f) The purchase of portability service credit in ~~this~~the System shall be accomplished upon the transfer of assets from the transferring plan to ~~this~~the System. Upon the completion of such transfer, the member shall lose all rights to any ~~benefits and~~ allowances and benefits from the transferring plan, and ~~will~~shall only be entitled to receive ~~benefits and~~ allowances and benefits from ~~this~~the System.

(~~G~~g) When a vested member of this System leaves his or her covered employment and enters a position covered by the Virginia Retirement System (VRS) or by a defined benefit retirement plan of a political subdivision of the Commonwealth of Virginia with which the Board of Supervisors has entered into a portability agreement, the former member of this System may purchase portability service credit in ~~the Virginia Retirement System~~VRS or the retirement ~~plan~~system of the political subdivision of the Commonwealth for whom he or she shall then work. In order to purchase such portability service credit, the member must make application in writing to this System, requesting that his or her membership assets be transferred to the accepting plan. The amount of assets subject to transfer shall be an amount equal to the greater of (i) ~~his or her~~the member's accumulated member contributions with interest thereon, or (ii) an amount representing the present value of ~~his or her~~the member's accrued benefits with this System. Upon the transfer of membership assets from this System to the accepting plan, the member shall lose all rights to any ~~benefits or~~ allowances or benefits from this System based upon the service giving rise to the assets transferred to the accepting plan by this System. Should such a person resume service in a position covered by this System in the future, he or she may purchase service credit for such prior service or purchase portability service credit, if eligible to do so, in accordance with the provisions of this Article at the time he or she again becomes a member of this System. (18-01-3; 8-03-3.)

Division 6. - Contributions.

Section 3-2-25. - Member contributions.

(a) There shall be picked up from the compensation of each member for each and every payroll period ending subsequent to December 22, 1984, the contribution payable by such member as provided in this Section; provided, ~~however,~~ that no contributions shall be required or permitted of any SESRP member. The Board of Supervisors may, from time to time, revise the rates of member contributions to the System.

(b) Except as provided in Subsection (a) of this Section ~~3-2-25(a)~~, all present and future members, otherwise qualified, who, on or before December 31, 1981, and upon approval of the Board ~~of Trustees~~, or within thirty (30) days of appointment as employees:

(1) Do not agree in writing to the ~~provisions~~terms set forth in ~~Section 3-2-25~~Subsection (b)(2) of this Section and Section 3-2-32(a)(2) ~~will~~shall be considered ~~as~~ participants in Plan A and contributions shall be made for each pay period for which he or she received compensation equal to four percent (4%) of his or her creditable compensation until his or her annual creditable compensation during the calendar year exceeds the taxable wage base. When such

a member''s annual creditable compensation during the calendar year exceeds the taxable wage base, contributions shall be made equal to five -and -one-third percent (~~51~~5 1/3%) of his or her creditable compensation.

(2) Agree in writing to the ~~provisions~~terms set forth in ~~Section 3-2-25(b)(2)~~this Subsection and Section 3-2-32(a)(2) ~~will~~shall be considered participants in Plan B~~,~~ and ~~contribution~~contributions shall be made for each pay period for which he ~~received~~or she receives compensation subsequent to the election of Plan B equal to five -and -one-third percent (~~51~~5 1/3%) of his or her creditable compensation.

(c) Notwithstanding any other provision of this Section, no ~~pickup~~pick-up shall be made from any member''s compensation if the employer''s contribution required hereunder is in default.

(d) The Board may modify the method of collecting the ~~pickup~~pick-up contributions of members so that the employers, departments, institutions, and agencies required to remit to the Treasurer of the Board as provided in Subsection (b) of this Section may retain the amounts picked up by them with respect to members'' salaries and have a corresponding amount deducted from County funds otherwise payable to them.

(e) The Board ~~of Trustees~~ may approve written requests to change the offered optional plan selected under Subsection (b) of this Section when such requests are made not later than December 31, 1981.

(f) All contributions required to be made under ~~paragraphs~~Subsections (b) and (c) ~~above~~of this Section with respect to current services rendered by an active member on or after December 22, 1984, shall be picked up by the County, and shall be treated as the employer''s contribution in determining tax treatment under Section 414(h)(2) of the ~~United States~~ Internal Revenue Code ~~for federal tax purposes, pursuant to 26 USC § 414(h)(2)~~. For all other purposes under this ~~chapter~~Chapter and otherwise, such ~~pickup~~pick-up contributions shall be treated as contributions made by a member in the same manner and to the same extent as contributions made by a member prior to December 22, 1984. All picked -up amounts shall be included in compensation for purposes of calculating member benefits under Division 8. The County ~~of Fairfax~~ shall pay such picked -up amounts from the same source of funds which is used in paying earnings to the employee. (20-81-3; 34-81-3; 36-83-3; 5-85-3.)

Section 3-2-26. - Employer contributions.

(a) Each employer shall contribute at an annual rate to be fixed by the Board of Supervisors.

(b) The aggregate present value of future employer contributions payable into the retirement allowance account shall be sufficient, when combined with the amount then held in the members'' contribution account and the retirement allowance account together with the present value of future employee contributions, to provide the estimated prospective benefits payable. The annual employer contribution rate shall be fixed as equal to the employer normal cost ~~(normal cost component)~~ plus an expense rate, as long as the System''s funding ratio (actuarial value of the System's assets divided by actuarial accrued liability of the System) remains within a corridor, the lower measurement of which is described below and the upper measurement of which is one-hundred-twenty percent (120%). The employer normal cost and System actuarial accrued liability are to be measured using the entry age normal funding method.

- To the extent that the System''s funding ratio exceeds one-hundred-twenty percent (120%), a credit shall be established equal to the amount of assets in excess of one-hundred-twenty percent (120%) of the actuarial accrued liability.

- To the extent that the System''s funding ratio is lower than the lower measure of the corridor, a charge shall be established equal to the difference between the lower measure plus the actuarial accrued liability and the assets.

The employer contribution shall be adjusted by a fifteen (15) year amortization of thisthe credit or charge described in this Subsection, to be paid until the funding ratio re-enters the corridor, at which time it willshall cease.

Effective with the fiscal year 2016 County contribution rate, the lower measure of the corridor shall be established at ninety-five percent (95%). The ninety-five percent (95%) threshold shall be increased until it reaches one-hundred percent (100%), no later than by the year 2020. Once the lower measurement of the corridor reaches one-hundred percent (100%), the fifteen (15) year amortization described above shall be over a fixed fifteen (15) years with additional fifteen (15) year amortization layers created annually. Once the System's funding ratio reaches one-hundred percent (100%), such amortizations shall cease.

In the event of an ordinance change that affects benefits, the employer contribution rate shall be changed effective with the July 1 coincident with or next following the date of adoption of the ordinance change. The employer normal cost component shall be adjusted to the level required by the ordinance change and there willshall be an additional component to the employer cost equal to the increase in actuarial accrued liability. Any additional actuarial accrued liability which does not reduce the funding level below one-hundred-twenty percent (120%) shall be excluded from this component. (20-81-3; 27-90-3; 16-02-3,3; 28-15-3, § 1.1)

Division 7. - Assets of System.

Section 3-2-27. - Assets to be credited to one of two accounts.

All of the assets of the System shall be credited, according to the purpose for which they are held, to one (1) of two (2) accounts, namely, "the members'' contribution account," and "the retirement allowance account." (20-81-3.)

Section 3-2-28. - Members'' contribution account.

(a) The members'' contribution account shall be the account to which all members'' contributions, pickuppick-up contributions and interest allowances as provided in this Article shall be credited. In the case of any SESRP member, the member''s contribution account shall consist of the amount in the Severance Account as defined in the provisions of SESRP effective on January 1, 1996, and the member''s accumulated contributions to the System in existence at the time the member elected to participate in the SESRP. After January 1, 1996, the member''s contribution account of any SESRP member shall annually be credited with the difference between the SESRP member''s creditable compensation and the member's unadjusted compensation. From this account shall be paid the accumulated contributions of a member required to be returned to him or her upon withdrawal or paid in the event of his or her death before retirement.

(b) Each member''s contribution and pickuppick-up contributions provided for in Section 3-2-25 shall be credited to the individual account of that member.

(c) Each individual account of the members'' contribution account shall be credited annually with interest at a rate or rates established by the Board; provided, however, that interest shall accrue on any such contribution beginning at the end of the calendar year in which each such contribution was made, and further provided that interest shall not be accredited or accumulated to the individual accounts of members who have ceased to be employees for a period of more than five (5) years. The Board may at any time, and from time to time, establish a new interest rate or rates which shall be applicable under this Section.

(d) Upon the retirement of a member, his or her accumulated contributions shall be transferred from the members'' contribution account to the retirement allowance account.

(e) Upon receipt of a completed application, the Board shall refund the individual accounts of members who have ceased to be employees after completing fewer than five (5) years of creditable service. The completed application mustshall include an election by the member directing the System to refund the individual account directly to the member or to directly transfer the account to another plan as permitted under the provisions of the Internal Revenue Code. (20-81-3; 5-85-3; 27-90-3; 40-08-3.)

Section 3-2-29. - Retirement allowance account.

(a) The retirement allowance account shall be the account in which shall be accumulated all employer contributions, amounts transferred from the members'' contribution account, and to which all income from the invested assets of the systemSystem after all expenses for required services shall be credited. This amountaccount shall pay retirement allowances, other benefits payable after a member''s retirement, and necessary expenses of the systemSystem.

(b) The amount of interest allowances provided for in Section 3-2-28 shall be transferred each year from the retirement allowance account to the members' contributions' contribution account. (20-81-3.)

Section 3-2-30. - Deposits.

For the purpose of meeting disbursements the Board willshall maintain sufficient cash equivalents. (20-81-3.)

Division 8. –Benefits and Conditions Thereof. .

Section 3-2-31. - Service retirement.

(a) Normal Retirementservice retirement. Any member, in service at his or her normal retirement date or within nineninety (90) days prior thereto, and who has completed five (5) years of creditable service, may retire at his or her normal retirement date or thereafter upon written notice to the Board, made by the member or his or her duly appointed agent, and stating the time the retirement is to become effective. However, such effective date shall be subsequent to the filing of such notice.

(b) Early Retirementservice retirement. Any member who has completed twenty-five (25) years of creditable service and attained the age of fifty (50) years, or any member who has completed at least ten (10) years of creditable service and whose age, when combined with the years of his or her creditable service equals at least the sum of seventy-five (75) years, may retire pursuant to the procedures set forth in Subsection (a) of this Section. (20-81-3; 14-87-3.)

Section 3-2-32. - Service retirement allowance and other benefits.

(a) Normal ~~Retirement.~~ service retirement.

(1) Upon normal service retirement after July 1, 1981, a member participating in either Plan A or Plan C shall receive an annual retirement allowance payable monthly for life consisting of an amount equal to one -and -eight-tenths percent (1.8%) of his or her average final compensation not in excess of his ~~Social Security~~or her social security breakpoint plus two percent (2%) of the average final compensation in excess of his ~~Social Security~~or her social security breakpoint, said sum multiplied by the number of years of creditable service.

(2) Upon normal service retirement after July 1, 1981, and after undergoing the additional cost deductions through December 31, 1981, a member participating in either Plan B or Plan D shall receive an annual retirement allowance payable monthly for life consisting of an amount equal to two percent (2%) of his or her average final compensation, said amount multiplied by the number of years of creditable service. In the event a participant in Plan B retires before December 31, 1981, the accumulated additional deductions in excess of four percent (4%) of pay not in excess of the taxable wage base shall be refunded and the member~~'~~'s retirement allowance ~~will~~shall be determined in accordance with Subsection (a)(1) of this Section.

(3) ~~Additional benefits:(A)~~ Pre-62 compensating benefit. In addition to the allowance provided in Subsections (a)(1) and (2) of this Section, any member who had retired prior to the age of sixty-two (62) years and before July 1, 2000, shall receive except as provided in Subsection (a)(4) of this Section ~~3-2-32(a)(3)(B)~~ an additional monthly benefit equal to one (1%) percent of the average final compensation not in excess of his ~~Social Security~~or her social security breakpoint times years of service until such member attains the age of ~~62. This additional benefit shall be referred to as the Pre-62 Compensating Benefit~~sixty-two (62) years.

(~~B)~~ 4) Pre-social security benefit. In addition to the allowance provided in Subsections (a)(1) and (2) of this Section, any member who retires on or after July 1, 2000, or any member who had retired prior to the age of ~~62,~~sixty-two (62) years, before July 1, 2000 and who had not attained the age of sixty-two (62) years as of July 1, 2000, shall receive an additional monthly benefit equal to one percent (1%) of the average final compensation not in excess of his ~~Social Security~~or her social security breakpoint times years of service until the first month after such member is entitled to an unreduced ~~Social Security benefit. This additional benefit shall be referred to as the Pre-Social Security Benefit~~social security benefit. Any member who retired on or after July 1, 2000, and before February 26, 2001, and was at least sixty-two (62) years of age but not yet entitled to an unreduced ~~Social Security~~social security benefit as of the date of his or her retirement, shall receive the ~~Pre-Social Security Benefit~~pre-social security benefit, without interest, retroactive to the effective date of his or her retirement. However, the ~~Pre-Social Security Benefit~~pre-social security benefit provided herein shall not be credited to the DROP accounts of members of Plans C or D who elect to participate in the ~~Deferred Retirement Option Program provided for in Section 3-2-57~~DROP; however, upon the completion of the member~~'~~'s DROP period, the member shall be entitled to receive the ~~Pre-Social Security Benefit~~pre-social security benefit provided herein if he or she is not then entitled to an unreduced ~~Social Security Benefit~~social security benefit until the first month after such member is entitled to an unreduced ~~Social Security benefit.~~social security benefit. The term *unreduced social security benefit* shall mean a social security benefit not reduced as a result its receipt before the normal retirement age for receiving social security benefits, as defined by applicable federal statute and regulation.

(b) Early ~~Retirement~~ service retirement. Upon early service retirement, a member shall receive an amount which shall be determined in the same manner as for retirement at his or her normal retirement date under Subsections (a)(1) and (a)(2) of this Section, with years of creditable service and average final compensation being determined as of the date of his or her actual retirement~~,~~ and the amount of the retirement allowance so determined being reduced on an actuarial equivalent basis for the period that the actual retirement date precedes the date the member ~~will~~shall attain the age ~~65~~ of sixty-five (65) years.

(c) Joint and ~~Last Survivor Option~~last survivor option. A member may elect to receive a decreased retirement allowance during his or her lifetime and to have such retirement allowance, or a specified fraction thereof, continue after his or her death to his or her spouse, for his or her spouse~~'~~'s lifetime. Such election may be made or changed at any time up to the member~~'~~'s actual retirement date. After the member~~'~~'s actual retirement date, such election may not be changed except as permitted ~~by Subsections~~in Subdivisions (1) and (2) of this Subsection ~~(c)~~. The amount of ~~such~~any retirement allowance for a spouse provided by this Subsection shall be determined on an actuarial equivalent basis and shall be calculated at the member~~'~~'s actual retirement date using the actuarial adjustment factors in Table 1.

(1) In the event a retired member has elected a reduced retirement allowance in consideration of a continued allowance to his or her spouse after the member's death, and the member and such spouse are divorced after the retirement date, the member may discontinue the allowance to the spouse, and the member's retirement allowance may be increased to that amount to which the member would have been entitled had no election been made, if the spouse's right to the allowance has been extinguished pursuant to a final decree of divorce or a final property order entered in connection with a divorce case. The increase in the member's retirement allowance shall take effect as of the date of the final decree of divorce or final property order or July 1, 1988, whichever is later.

(2) In the event a retired member has elected a reduced retirement allowance in consideration of a continued allowance to his or her spouse after the member's death, and such spouse predeceases the member, such member's retirement allowance shall be increased to that amount to which the member would have been entitled had no election been made. The increase in the member's retirement allowance shall take effect as of the day following the date of the spouse's death.

TABLE 1
FAIRFAX COUNTY EMPLOYEES~~'~~' RETIREMENT SYSTEM

Actuarial Adjustment Factors That Would Apply to ~~Participants~~Members with a Normal or Early Service Retirement ~~Benefit~~Allowance Determined Under Section 3-2-32 Who Elect a Joint and Last Survivor Option.

Percent of Benefit Allowance Continued to Spouse Upon Participant'Member's Death	Factor for Equal Ages	Increase/Decrease For Each Full Year Beneficiary is Older (Younger) Than Employee	Maximum Factor
100%	85%	0.7%	96%
75%	89%	0.6%	97%
66.67%	90%	0.5%	98%
50%	92%	0.4%	99%

(d) Minimum Benefit: benefit.

(1) In no event shall the annual retirement allowances for a member retiring after December 31, 1970, be less than that determined under the systemSystem as in effect on or prior to such date, nor shall any member''s annual retirement allowance be less than $300.00.

(2) If the retirement allowance of any member who retires during a calendar year beginning on or after January 1, 1979, to December 31, 1981, inclusive, would have been larger if computed as of December 31 of the calendar year preceding the member''s retirement, the member shall be entitled to the larger retirement allowance. A member who elects to receive such an allowance shall also be eligible for a refund of his or her contributions accumulated from January 1 of the year of his or her retirement through the date of his or her actual retirement. (20-81-3; 34-81-3; 36-88-3; 11-00-3; 10-01-3; 26-12-3; 50-13-3.)

Section 3-2-33. - Ordinary disability retirement.

(a) Any member who is in service or who is within one (1) year of the date that he or she ceased being in service and who has five (5) or more years of creditable service may retire on account of disability, not compensable under the provisions of Section 3-2-35, upon written application to the Board, made by the member or his or her employer, setting forth at what time the retirement is to become effective; provided, that such effective date shall be after the last day of service, but shall not be more than ninety (90) days prior to the execution and filing of such application; and provided further, that the Medical Examining Board, after a medical examination of such member, shall certify that such member is, and has been continuously since such effective date if prior to the filing of the application, mentally or physically incapacitated for further employment by the employer, that such incapacity is likely to continue into the indefinite future, and that such member should be retired.

(b) Any member who has not been in service for more than a year at the time of application who is otherwise eligible for ordinary disability retirement may be granted an ordinary disability retirement if and only if:

(1) Written application is made containing a justification for the failure to apply within one (1) year of ceasing service; and

(2) The Board finds:

(A) The disability arose in the course of the member~~'~~'s service;

(B) The disability was the proximate cause of the member~~'~~'s ceasing to be in service; and

(C) There was good cause for the member not to have filed an application while in service or within one (1) year after the date that he or she ceased to be in ~~Service~~service.

(c) In the event that a member is granted an ordinary disability retirement pursuant to Subsection (b) of this Section, the Board shall establish an effective date which considering all the circumstances of the individual case is just; provided ~~however~~, such date shall be no more than ninety (90) days prior to the execution and filing of his or her application. (20-81-3; 34-81-3; 27-90-3, § 1.)

Section 3-2-34. - Ordinary disability retirement allowance.

Upon ordinary disability retirement, as provided for in Section 3-2-33, a member shall receive an annual retirement allowance, payable monthly during his or her lifetime and continued disability, consisting of an amount equal to two percent (2%) of his or her average final compensation multiplied by the number of years of creditable service. However, said retirement allowance shall not be greater than sixty percent (60%) of the member~~'~~'s average final compensation or less than ~~three hundred dollars (~~$300.00~~)~~ per annum. (20-81-3.)

Section 3-2-35. - Service-connected disability retirement.

(a) Any member who is in service, or within one (1) year of the date that he or she ceased to be in service may retire on account of disability which is due to injury by accident and/or disease(s) which arose out of and in the course of the member~~'~~'s service; provided, that the Medical Examining Board, after a medical examination of such member shall certify that such member is, and has been continuously since the date such retirement is to be effective, mentally or physically incapacitated for further employment by the employer as a result of such injury by accident and/or disease(s), that such incapacity is likely to continue into the indefinite future, and that such member should be retired. The Board shall determine whether a member is disabled due to injury by accident and/or disease(s) which arose out of and in the course of a member~~'~~'s service. In making this determination, the Board shall consult the decisions of the ~~Industrial~~Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia which have applied or construed similar language under the Virginia Workers~~'~~' Compensation Act.

(b) The member or his or her employer ~~must~~shall submit a written application setting forth at what time the retirement is to become effective; provided, that such effective date shall be after the last day of service but shall not be more than ninety (90) days prior to the date of such application. Prior to submitting such application, the member ~~must~~shall apply for all ~~Social Security~~social security benefits to which he or she may be entitled. The member shall also report his or her injury by accident and/or disease(s) and make a claim for ~~Workers' Compensation~~workers' compensation benefits to his or her employer in accordance with the policies and procedures established by the County or the ~~County~~ School Board and other authority. He or she shall cooperate in the investigation of his or her workers' compensation claim by the employer or its agent. The member shall submit copies of the dispositions as made of his ~~Workers' Compensation and Social~~

~~Security~~or her workers' compensation and social security claims and any subsequent awards or other documents reflecting any modification or termination of such benefits ~~to the Board~~. In making its determination of a member~~'~~'s eligibility for retirement under this Section, the Board shall give great weight to the decisions of the ~~Industrial~~Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia on the compensability of his or her disability under the Virginia Workers~~'~~' Compensation Act; and the Board may modify its prior determination of eligibility under this Section in light of any such decision within ninety (90) days after the date that such decision becomes final.

(c) Any member otherwise eligible for ordinary disability retirement under Section 3-2-33, who applies for retirement pursuant to this Section, and whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to ~~the provisions of~~ Section 3-2-33.

(d) Any member who has not been in service for over one (1) year at the time of his or her application who is otherwise eligible for service-connected disability retirement under this Section may be granted a service-connected disability retirement ~~if and only~~under this Section if:

(1) Written application is made containing a justification for the failure to apply within one (1) year of ceasing to be in service; and

(2) The Board finds:

(A) The disability arose in the course of the member~~'~~'s service;

(B) The disability was the proximate cause of the member~~'~~'s ceasing to be in service; and

(C) There was good cause for the member not to have filed an application while in service or within one (1) year after the date that he or she ceased to be in service. (20-81-3; 24-85-3; 14-87-3; 27-90-3, § 1.)

Section 3-2-36. - Service-connected disability retirement allowance.

(a) Upon service-connected disability retirement under ~~the provisions of~~ Section 3-2-35, a member shall receive an annual retirement allowance, payable monthly and during his or her lifetime and continued disability, consisting of an amount equal to sixty-six ~~-~~and ~~-~~two-thirds percent (66 2/3%) of his or her average final compensation. However, the allowance shall be reduced by fifteen percent (15%) of the amount of any primary ~~Social Security~~social security benefit to which said member is entitled ~~under any Federal Social Security Act,~~ and by the amount of any compensation paid to the member under the Virginia Workers~~'~~' Compensation Act ~~("the Act")~~ for temporary total or partial incapacity.

(b) When the amount of a member~~'~~'s primary ~~Social Security~~social security benefit has once been determined for purpose of applying the fifteen percent (15%) reduction described above, the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under ~~any Federal Social Security Act~~social security. However, the amount of the reduction shall be increased by an award of a cost-of-living increase to a member~~'~~'s compensation for temporary total or partial incapacity under the ~~Act~~Virginia Workers' Compensation Act (Act). When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation~~,~~ the amount of such payments shall no longer be used to reduce the retirement allowance~~,~~ and, accordingly,

subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.

(c) If a member receives his or her compensation for temporary total or partial incapacity under the ~~Act~~Virginia Workers' Compensation Act (Act) in the form of a lump sum payment, he or she shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he or she would have received equal the amount of his or her lump sum benefit under the Act; provided, ~~however,~~ neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act, nor a lump sum payment or portion thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member~~'~~'s retirement under Section 3-2-~~35~~35, shall be offset against the member~~'~~'s allowance under this Section; and~~,~~ provided further, that in the event that a member receives a lump sum settlement of benefits that he or she is or may be entitled to in the future under the Act, and said settlement does not specify how much of the lump sum represents settlement of his or her entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such lump sum which in its judgment represents compensation for such benefits. (20-81-3; 4-83-3; 1-93-3; 23-07-3; 47-08-3; 23-11-3; 66-13-3, § ~~1~~1.)

Section 3-2-37. - Service-connected accidental death benefit.

If death of a member is caused by an accident occurring prior to retirement, and such death is compensable under the Virginia ~~workers'~~Workers' Compensation Act, there shall be paid, in addition to any other benefits of this Article or other legislation, the following:

(a) For a member whose death occurs before retirement:

(1) The member~~'~~'s accumulated contributions~~,~~ as provided in Section 3-2-28(c) to ~~the~~his or her designated beneficiary duly approved, acknowledged, and filed with the Board, otherwise to the member~~'~~'s estate; provided, no benefit is payable under Section 3-2-38 or under Section 3-2-42; and

(2) The sum of ~~ten thousand dollars (~~$10,000.00~~)~~ to ~~the~~his or her designated beneficiary duly approved, acknowledged, and filed with the Board, otherwise to the member~~'~~'s estate.

(b) For a member whose death occurs after retirement~~.~~:

(1) The member~~'~~'s accumulated contributions~~,~~ as provided in Section 3-2-28(c) less the amount of any retirement ~~allowance~~allowances previously received by the member, such sum to be paid to his or her designated beneficiary duly approved, acknowledged~~,~~ and filed with the Board, otherwise to the member~~'~~'s estate; provided, no benefit is payable under Section 3-2-32(c) or under Section 3-2-38; and

(2) The sum of ~~ten thousand dollars (~~$10,000.00~~)~~ to his or her designated beneficiary duly approved, acknowledged~~,~~ and filed with the Board, otherwise to the member~~'~~'s estate~~. Designated beneficiaries under this Section may be changed from time to time pursuant to the procedure prescribed by the Board~~. (20-81-3; 34-81-3; 5-85-3.)

Section 3-2-38. - Refund of contributions upon withdrawal or death; ~~and~~ deferred vested ~~benefits.~~ benefit.

(a) Refund of contributions.

(1) If a member has ceased to be an employee, otherwise than by death or by retirement under ~~the provisions of~~ this Article, and has fewer than five (5) years of creditable service on his or her date of separation, he or she shall be eligible for a refund of the total of his or her accumulated contributions (with interest) which have been reduced by the amount of any retirement allowances previously received by him or her under ~~any of the provisions of~~ this Article. The member ~~must~~shall file a written application with the Board for such refund, and the application ~~must~~ shall include an election by the member directing the System to have the refund paid directly to the member or to transfer the refund amount to another plan identified by the member as permitted under the ~~provisions of the~~ Internal Revenue Code~~. (b) If a member has five or more years of creditable service on his date of separation from the County, the member may leave his accumulated contributions in the fund and receive a deferred annuity payable beginning the date the member attains age 65, or in an actuarially reduced amount payable at the optional early retirement age, in accordance with applicable provisions of this Article. In lieu of a deferred vested annuity, a member with five or more years of creditable service may elect to receive a refund of his accumulated contributions (with interest) reduced by the amount of any retirement allowance previously received under any of the provisions of this Article. The member must file a written application with the Board on separation, or at any time thereafter, so long as he has not yet begun to receive a deferred vested annuity. The application must include an election by the member directing the System to have the refund paid directly to the member or to transfer the amount to another plan identified by the member as permitted under the provisions of the Internal Revenue Code. The refund shall be made not later than 90 days after the receipt of the application~~.

(~~c~~2) Should death occur to a member in service who has completed less than fifteen (15) years of creditable service or to a member on retirement, the amount of his or her accumulated contributions, reduced by the amount of any retirement ~~allowance~~allowances previously received by him or her under any of the provisions of this Article, shall then be payable in a lump sum to a designated beneficiary on file with the System, or in the absence of a designated beneficiary, to his or her estate; provided, no benefit is payable under ~~subparagraph (c) of Section 3-2-32. Such designated beneficiary may be changed from time to time by written notice by the member, signed and filed with the Board~~Section 3-2-32(c).

(~~d~~3) Should death occur to a member in service who has completed fifteen (15) years of creditable service and if the member~~'~~'s designated beneficiary~~, duly approved, acknowledged and filed~~ on file with the ~~Board~~System, is not the member~~'~~'s spouse, a lump sum payment equaling the amount of the member~~'~~'s accumulated ~~contribution~~contributions, as provided in Section 3-2-28(c), shall be paid to the designated beneficiary.

(~~e~~4)Should death occur to a member in service who has completed fifteen (15) years of creditable service and has no designated beneficiary, a lump sum payment equaling the member~~'s contribution~~'s contributions shall be paid to the member~~'~~'s estate; provided, that~~,~~ if such member~~'~~'s spouse is the sole person entitled under the laws of the Commonwealth of Virginia to the benefits provided hereunder then said spouse shall have the same right to elect benefits as is provided to spouses in Section 3-2-42.

(~~f~~5) All refunds shall be mailed to the last address on record with the Board. Refunds that have not been claimed within six (6) months shall become the property of the System.

(~~g~~6)A member who becomes eligible for membership in either the Virginia Retirement System (VRS) and the Educational Employees' Supplemental Retirement System ~~(Article 4~~of Fairfax

County (ERFC), the Fairfax County Police Officers Retirement System (Article 7), or the Fairfax County Uniformed Retirement System (Article 3) prior to receipt of any refund amount to which he or she is entitled may elect in writing to transfer the amount of his or her refund directly from this System to the system for which he or she has become eligible for membership, under such rules and regulations as are adopted by the Board and by the board of the system for which he or she has become eligible for membership. In the alternative, to the extent that a refund is an "eligible rollover distribution" within the meaning of Section 402(f)(2)(A) of the Internal Revenue Code Section 402(f)(2)(A), such a member may (a) pursuant to the rules and regulations of the system of which he or she is eligible to become a member, elect in writing to roll over the portion of his or her refund which represents such an eligible rollover distribution directly from this System to the system for which he or she has become eligible for membership or (b) elect in writing to roll over the portion of his or her refund which is such an eligible rollover distribution directly to an individual retirement account.

(h7)Effective on and after January 1, 2007, if a member dies while performing "qualified military service," as defined in Section 414(u) of the Internal Revenue Code, any additional benefits that would have been provided under the System if the member had resumed employment on the day prior to his or her death and then terminated employment due to death shall be paid to such member's designated beneficiary or, if applicable, estate. This provision shall also apply to Section 3-2-42 regarding spouse retirement allowances.

(8) In lieu of electing deferred vested benefit pursuant to Subsection (b) of this Section, a member with five (5) or more years of creditable service may elect to receive a refund of his or her accumulated contributions made to the System (with interest) reduced by the amount of any retirement allowances previously received under this Article. The member shall file a written application with the Board on separation, or at any time thereafter, so long as he or she has not yet begun to receive a deferred vested benefit. The application shall include an election by the member directing the System to pay the refund paid directly to the member or to transfer the refund to another plan identified by the member as permitted under the Internal Revenue Code. The refund shall be made not later than ninety (90) days after the receipt of the application.

(b) Deferred vested benefit. If a member has five (5) or more years of creditable service on his or her date of separation, the member may leave his or her accumulated contributions in the System and receive a deferred vested benefit payable beginning on the date the member attains sixty-five (65) years of age, or in an actuarially reduced amount payable at the optional early retirement age, in accordance with applicable provisions of this Article. (20-81-3; 34-81-3; 5-85-3; 27-90-3; 45-93-3; 10-01-3; 40-08-3; 01-11-3.)

Section 3-2-39. - Medical examination of beneficiary of disability retirement allowancereevaluation of disabled members; penalty for unjustified refusal to accept medical attention or, vocational rehabilitation or selective employment, or to submit to medical examination.

(a) At least once each year during the first five (5) years following the retirement of a member on a disability retirement allowance, and once in every three (3) year period thereafter, the Board shall require any such member prior to his or her normal retirement date to undergo a medical examination by the Medical Examining Board; provided, that said medical examination requirement shall not be applicable to a member on a disability retirement allowance during the period such member is receiving benefits under the Virginia Workers' Compensation Act. On recommendation of the Medical Examining Board, the Board may waive the medical examination requirement as to any such member. Should such a member refuse to submit to any such medical examination, his or

her disability retirement allowance shall be discontinued until his or her withdrawal of such refusal; and should his or her refusal continue for one (1) year, all his or her rights to any further disability retirement allowance shall cease.

(b) Members who are receiving service-connected disability retirement allowances pursuant to Section 3-2-35, and who are receiving periodic payments from their employers pursuant to the Virginia Workers'' Compensation Act (Act) which are required to be offset against the allowances pursuant to Section 3-2-36, shall cooperate with and accept medical examinations, vocational rehabilitation, and selective employment provided by the employer pursuant to the Virginia Workers' Compensation Act. In the event that such a member''s periodic payments are suspended by the Virginia Workers'' Compensation Commission (Commission) for unjustified refusal to accept medical examinations, vocational rehabilitation, and/or selective employment, the Board may, if in its determination such refusal was unjustified, direct that the allowance pursuant to Section 3-2-36 shall be computed as if the member received the suspended payments; and should such member''s unjustified refusal continue for one (1) year, all his or her rights to any future disability retirement allowance shall cease. The Board shall make appropriate adjustment to the member''s allowance if the suspension by the Workers Compensation Commission is subsequently reversed or modified. Employers shall promptly notify the Board of any suspensions or releases from suspensions affecting members subject to this Subsection. For purposes of this SectionSubsection, an order of the Workers' Compensation Commission suspending compensation for unjustified refusal creates a rebuttable presumption that the member unjustifiably refused medical examinations, vocational rehabilitation, and/or selective employment. (20-81-3; 36-88-3; 11-98-3.)

Section 3-2-40. - Reduction of service-connected disability retirement allowance.

(a) Whenever the Board ascertains that any member receiving a service-connected disability retirement allowance is, prior to his or her normal retirement date, engaged in a work paying more than the difference between his disabilityor her allowance and the current salary of the position from which he or she retired, the Board shall reduce such retirement allowance to an amount which, together with the amount earned by him or her, equalequals the amount of the current salary of the position from which he or she retired. A member receiving a service-connectionconnected disability retirement allowance mustshall submit a copy of that portion of his or her federal income tax return showing the amount of his or her earned income, and he or she shall also be required to submit copies of all W-2 forms (wage statements) provided him or her by his employersor her employer(s) to the Board by May 30th of each year. Should such member refuse to submit copies of his or her federal income tax return or W-2 forms to the Board, his retirementor her allowance shall be discontinued until his or her withdrawal of such refusal; and should his or her refusal continue for one (1) year, all his or her rights to any further service-connected disability retirement allowance shall cease. The Board shall have the power to reduce the member''s service-connected disability retirement allowance to an amount less than that provided in the first sentence of this SectionSubsection, but not less than twenty-five dollars ($25.00) a month, to recoup the amount of any overpayment from the System to the member on account of the member''s earnings in excess of the maximum amount allowed under this Section.

(b) The Board shall adopt written regulations governing the administration of this Section, providing for, among other things, the notification to the members deemed appropriate, and allowing for late submission of required documentation for good cause shown.

(c) Should the Medical Examining Board report and certify to the Board at any time that any member receiving a service-connected disability retirement allowance is able to engage in gainful occupation or work paying more than the difference between his or her retirement allowance and the current salary of the position from which he or she retired, and should the Board find that such member shall have refused an offer of employment considered by the Board suitable to his or her capacity, he or she shall not be entitled to any such allowance during the continuance of such refusal, unless in the opinion of the Board such refusal was justified. (20-81-3; 36-88-3; 27-90-3, § 1.)

Section 3-2-41. - Cessation of disability retirement allowance.

(a) Should a member ~~received~~receiving a disability retirement allowance return to service at any time prior to his or her normal retirement date, his or her disability retirement allowance shall cease, and he or she shall again become a contributing member. Upon his or her return to service, he or she shall be given membership service credit for all creditable service that he or she had accumulated as of the effective date of his or her disability retirement. In addition, any member returning to service after a period of service-connected disability retirement shall be given membership service credit for the period of his or her service-connected disability retirement.

(b) When a member returns to service under the circumstances described in Subsection (a) of this Section, any excess accumulated contributions of such member over the disability retirement ~~allowance~~allowances received by him or her shall be transferred from the retirement allowance account to the member's contribution account.

(c) Should the Board at any time determine that a member who is receiving an ordinary disability retirement allowance is no longer incapacitated, the Board shall promptly terminate his or her ~~ordinary disability retirement~~ allowance and notify the member in writing at his or her address as shown in the System's records.

(1) Such member may appeal the action of the Board under ~~the provisions of~~ Section 3-2-49.

(2) Within thirty (30) days of receipt of such notice, or within thirty (30) days of his or her receipt of the Board's denial of his or her appeal of the termination of his or her ordinary disability retirement allowance, if appealed, such member, if eligible, may apply in writing for a normal or early service retirement allowance. Such members shall be deemed to be in service during this thirty (30) day period solely for the purpose of applying for a service retirement and shall not be granted creditable service for this thirty (30) day period. For purposes of determining their eligibility for such retirement and calculating the appropriate retirement allowance, such members shall be credited with all the creditable service that they had as of the effective date of their ordinary disability retirement. The effective date of such member's normal or early service retirement pursuant to this ~~Section~~Subsection shall be the effective date of termination of his or her ordinary disability retirement allowance.

(d) Should the Board at any time determine that a member who is receiving a service-connected disability retirement allowance is (i) no longer incapacitated or (ii) no longer incapacitated due to an injury by accident and/or ~~diseases~~disease(s) which arose out of and in the course of his or her service, the Board shall promptly terminate his or her service-connected disability retirement allowance and notify the member in writing at his or her address as shown in the System's records.

(1) If at that time such member has five (5) or more years of creditable service and the Board determines that such member is presently incapacitated from further employment with his or

her employer due to injury by an accident and/or disease(s) which did not arise out of and in the course of his or her service and such incapacity is likely to continue indefinitely, the Board shall grant such member an ordinary disability retirement allowance effective as of the date of termination of his or her service-connected disability retirement allowance. For purposes of determining their eligibility for such retirement and calculating the appropriate retirement allowance, such members shall be credited with all the creditable service that they had as of the effective date of their service-connected disability retirement and shall receive membership service credit for the period of their service-connected disability retirement.

(2) Any member whose service-connected disability retirement allowance has been terminated by the Board under this ~~section~~Section may appeal the action of the Board under ~~the provisions of~~ Section 3-2-49.

(3) Within thirty (30) days of receipt of such notice, or within thirty (30) days of his or her receipt of the Board~~'~~'s denial of his or her appeal of the termination of his or her service-connected disability retirement allowance, if appealed, such member, if eligible, may apply in writing for a normal or early service retirement allowance. Members whose service-connected disability retirement had been changed by the Board to ordinary disability pursuant to Subsection (d)(1) of this Section may apply for a normal or early service retirement allowance in lieu of the ordinary disability retirement allowance. Members shall be deemed to be in service during this thirty (30) day period solely for the purpose of applying for a service retirement and shall not be granted creditable service for this thirty (30) day period. For purposes of determining their eligibility for such retirement and calculating the appropriate retirement allowance, such members shall be credited with all the creditable service that they had as of the effective date of their service-connected disability retirement. The effective date of such member~~'~~'s normal or early service retirement pursuant to this ~~Section~~Subsection shall be the effective date of termination of his or her service-connected disability retirement allowance. (20-81-3; 27-90-3, § 1; 6-95-3; 14-98-3.)

Section 3-2-42. - Spouse retirement allowance.

Should death occur to a member in service who has completed five (5) years of creditable service, a retirement allowance shall be payable to the member~~'~~'s spouse if said spouse is the member's designated beneficiary duly approved, acknowledged and filed with the Board. The annual retirement allowance~~,~~ payable monthly for life shall be ~~50~~fifty percent (50%) of the annual retirement allowance provided in ~~Subsections~~ Sections 3-2-32(a)(1) ~~and (a)(2) of Section~~or 3-2-32(a)(2), with creditable service and average final compensation being determined as of the date of the member~~'~~'s death. Said spouse shall elect in writing within one-hundred-eighty (180) days of the member~~'~~'s death, or within ninety (90) days of receiving notice from the Board, whichever comes first, to receive the benefits outlined above in this Section or a lump sum payment of the member~~'~~'s contributions, plus interest as provided in Section 3-2-28(c)~~herein~~; in the event no election is made, said spouse shall receive benefits in the form of a lump sum. If a death is due to a service-connected accident as defined in Section 3-2-37 and the designated beneficiary under Section 3-2-37(a)(1) and (a)(2) is the member~~'~~'s spouse, the spouse shall elect in writing within one-hundred-eighty (180) days of the member~~'~~'s death, or within ninety (90) days of receiving notice from the Board, whichever comes first, to receive either the benefits contained in this Section or those contained in Section 3-2-37(a)(1). In the event of the spouse~~'~~'s death prior to receiving allowances under this Section equaling the sum of the member~~'s contribution~~'s contributions to the System, plus interest, said sum, reduced by the amount of any retirement allowances previously paid under this Section, shall be paid to the spouse~~'~~'s designated beneficiary duly approved, acknowledged and filed with the Board, otherwise to the spouse~~'~~'s estate. (20-81-3; 5-85-3; 20-87-3; 29-09-3.)

Section 3-2-43. - Cessation of normal or early service retirement allowance.

(a) ~~The provisions of~~ Subsection (b) of this Section shall apply to persons who are receiving a normal or early service retirement allowance from this System, the Fairfax County Uniformed Retirement System, or the Fairfax County Police Officers Retirement System and who submitted their application for such allowance to the Board of such system on or before July 21, 1986. ~~The provisions of~~ Subsection (c) of this Section shall apply to persons who are receiving a normal or early service retirement allowance from this System, the Uniformed Retirement System, or the Police Officers Retirement System and who submitted their application for such allowance to the Board of such system after July 21, 1986. ~~The provisions of~~ Personnel Regulation Section 9-2-4 shall apply to persons covered by either Subsection (b) or (c) of this Section.

(b) Should a person receiving a normal or early service retirement allowance from this System, the Fairfax County Uniformed Retirement System, or the Fairfax County Police Officers Retirement System (~~"~~retiree~~"~~) return to regular service in a permanent position in any office or employment paid directly or indirectly by ~~Fairfax~~the County, he or she shall elect to receive such retirement allowance under ~~the provisions of either Subsection (b)(1) or (b)(2) of this Section.~~one (1) of the following two (2) options:

(1) Such allowance shall not commence or, if already commenced, shall cease while the retiree is so employed. His or her allowance shall commence or resume upon application or reapplication by the retiree after he or she has ceased permanent employment in such a position. The allowance of a retiree of this System who is appointed to a position covered by the Uniformed Retirement System or Police Officers Retirement System shall commence or resume at that cost-of-living adjustment amount pursuant to Section 3-2-44 which would have been payable had the retiree continued to receive his or her allowance without interruption. A retiree who elects in writing at the time of reappointment to a position covered by this Article not to become a member shall be exempted from this System. A retiree who elects in writing at the time of reappointment to a position covered by this Article to become a member shall be eligible:

(A) For recomputation of his or her allowance to take into account compensation and creditable service attributable to the period of reemployment resulting in a deferral or cessation of his or her allowance under this ~~Section~~Subsection;

(B) To make a new election for any optional benefit to which he or she is entitled; and

(C) For a retirement allowance for a service-connected disability arising out of and in the course of his or her reemployment.

A retiree of the Uniformed Retirement System or Police Officers Retirement ~~Systems~~System who is appointed to a position covered by this Article and elects in writing within thirty (30) days of such appointment may be excluded from membership in this System.

(2) Such allowance shall commence or shall not cease while the retiree is so employed. A retiree electing this option shall be excluded from membership in this System or any system covering the position, service in which results in the application of this ~~Section~~Subsection.

(c) A person receiving a normal or early service retirement allowance from this System, the Fairfax County Uniformed Retirement System, or the Fairfax County Police Officers Retirement System

("retiree"), may return to employment for which compensation is paid directly or indirectly by Fairfaxthe County Subject, subject to the following conditions:

(1) A retiree shall not receive in combined compensation and retirement allowance, computed monthly, any more than one-hundred-fifteen percent (115%) of the then current maximum monthly salary for a Deputy County Executive in the County's Compensation Plan. The appropriate Board is authorized and directed toRetirement System Board of Trustees shall reduce the retiree's allowance as necessary to keep the combined salary and allowance at this limit. For purposes of this Subsection, a retiree's allowance shall be deemed to be the allowance that he or she would receive if he or she had not elected a joint orand last survivor option which results in an actuarially reduced allowance. Employers under all three (3) systems shall report salaries paid to retirees to the retiree's Board of Trustees.

(2) A retiree who is employed in a position service in which would otherwise make him or her eligible for membership in this systemSystem, the Uniformed Retirement System, or the Police Officers Retirement System, shall not be eligible for membership in that system.

(d) Notwithstanding any other provision of this Article or any other Article of this Chapter, a retireeperson receiving a normal or early service retirement allowance from this System, the Fairfax County Uniformed Retirement System, or the Fairfax County Police Officers Retirement System (retiree) may be employed in a position under his or her former appointing authority subject to the following terms and conditions:

(1) If the retiree is a member of this System and service in the position to which he or she is to be re-appointed ordinarily would result in membership in this System, his or her normal or early service retirement allowance shall be suspended for the duration of his or her new employment. During his or her new employment, he or she shall make member contributions to this System. At the time of his or her new employment, he or she shall be entitled to make all elections available to new members of this System, and if otherwise eligible, during his or her employment, he or she may apply for ordinary or service-connected disability retirement. In such case, his or her combined years of service and his or her average final compensation based on his or her new employment shall be used in calculating the disability retirement allowance. On re-application for service retirement from his or her new employment, the retiree shall receive as his or her service retirement allowance the higher of (i) his or her initial service retirement allowance increased by any cost-of-living increases that were granted by the Board to service retirements during the period of his or her new employment or (ii) a service retirement allowance calculated on the basis of his or her combined years of creditable service in his or her initial and new employment and his or her average final compensation calculated on the basis of the creditable compensation that he or she received during both his or her initial and new employment as if there had been no break in service.

(2) A retiree who is a member of this System and who is to be re-appointed to a position service in which would result in membership in either the Fairfax County Uniformed orRetirement System or the Fairfax County Police Officers Retirement SystemsSystem but for his or her membership in this System, shall be subject to the provisions of either Subsection (ba) or (c)b) of this Section, whichever is applicable.

(3) If the retiree is a member of either the Uniformed Retirement System or Police Officers Retirement SystemsSystem and service in the position to which he or she is to be appointed would result in membership in this System but for his or her membership in the other system,

the retiree shall be subject to the provisions of either Subsection (b) or (c) of this Section, whichever is applicable.

(4) ~~The provisions of this~~This Subsection ~~(d)~~ shall apply to all persons appointed to positions on or after March 1, 1990, service in which would ordinarily make them members of this System, the ~~Employees',~~ Uniformed Retirement System, or the Police Officers Retirement ~~Systems~~System. (20-81-3; 35-81-3; 36-86-3; 27-90-3, § 1; 10-01-3; 11-05-3.)

Section 3-2-44. - Cost-of-living adjustments.

Monthly retirement allowances shall be adjusted effective July 1, 1981, and each July 1 thereafter in order to reflect changes in the cost of living since the date of the benefit commencement; provided, ~~however,~~ that such adjustments shall not affect the amount of the ~~Social Security~~social security benefit allowance payable pursuant to Section 3-2-32(a)(3)~~(A)~~ or Section 3-2-32(a)(~~3)(B~~4); and, provided further, that allowances for service-connected disability retirement shall be subject to ~~the provisions of~~ Subsection (d) of this Section. The monthly benefit allowance to be effective July 1 of any such year shall be the benefit in effect immediately prior to such adjustment increased for the basic cost-of-living increase provided for in Subsection ~~3-2-44~~(a) of this Section and the supplemental cost-of-living increase, if any, provided for in Subsection (b) of this Section with such ~~increases~~increase reduced as provided in Subsection (c) of this Section in the event the monthly retirement allowance has been in pay status for less than twelve (12) months.

(a) The basic cost-of-living increase shall be the lesser of four percent (4%) and the percentage corresponding to the percentage increase in the Consumer Price Index during the twelve (12) calendar month period ending with the March immediately ~~proceeding~~preceding the July in which the increase is effective. For the purpose of this Section, Consumer Price Index shall mean the Consumer Price Index for all Urban Consumers (CPI-U) as issued by the Bureau of Labor Statistics of the U.S. Department of Labor for the appropriate Standard Metropolitan Statistical Area (SMSA) that includes ~~Fairfax~~the County~~, Virginia~~.

(b) As part of each annual actuarial valuation, the actuary shall determine the percentage supplemental cost-of-living increase (not greater than one percent (1%) that can be provided on the following July ~~first~~1 based upon the available actuarial surplus). The Board then may, but shall not be required to, increase the benefits of all retirement allowances in pay status on each ~~of the~~ July ~~firsts~~1 by such actuarially determined percentage. For the purpose of this Section, ~~"~~available actuarial surplus~~"~~ shall mean the excess of the actuarial value of the assets of the System over the actuarial accrued liabilities of the System as disclosed in the annual actuarial valuation of the System.

(c) In the event a member has not been in pay status for twelve (12) full months, the basic cost-of-living increase and the supplemental cost-of-living increase shall be determined as the percentage of the full increase determined in Subsections (a) and (b) ~~above~~of this Section as follows:

Number of Complete Months Member Has Been in Pay Status	Percentage of Full Increase
• Less than 3	0%
• 3, 4 or 5	25%
• 6, 7 or 8	50%

• 9, 10 or 11 .....75%

(d) Cost-of-living adjustments provided by this Section shall be applied to the net amount of the member's service-connected disability retirement allowance after all reductions required by Section 3-2-36 have been made. The member's allowance after the adjustments of cost of living provided by ~~the~~this Section at any date in time shall be determined by retroactive computation from the date of initial retirement, and the application of all applicable cost-of-living adjustments to the net allowance which the member is entitled to under Section 3-2-36.

(e) The Board of Supervisors reserves the right to amend, terminate or modify the post-retirement increases described in Subsection (b) of this Section. Upon termination, no further increases to benefits shall be due or payable to any member or beneficiary. However, any such amendment, termination or modification shall not reduce the amount of benefits then being paid to any member or beneficiary who received benefits payments as of the date of the amendment, termination or modification. Furthermore, no amendment, termination or modification shall reduce the rights of any member as of June 30, 1981, to increases such member was entitled to based upon the terms of the plan in effect on June 30, 1981. (20-81-3; 27-90-3, § 1; 1-93-3; 11-00-3; 26-10-3.)

Section 3-2-45. - Social Security benefit proviso.

If a member does not qualify for or loses primary ~~Social Security~~social security benefits~~,~~ to which he or she is entitled under ~~the Federal Social Security Act,~~social security because of his or her failure to make application therefor or because of his or her violation of the Social Security Act, such primary ~~Social Security~~social security benefits shall nevertheless be considered as being received by such member for the purposes of this Article. (20-81-3; 27-90-3, § 1.)

Section 3-2-46. - Retention rights.

Participation in the System does not convey the right to be retained in service~~,~~ or any right or claim to any assets of, or benefit from, the System unless such right has ~~Specifically~~specifically accrued under ~~the provisions of~~ this Article. (20-81-3; 27-90-3, § 1.)

Section 3-2-47. - Vesting on termination of ~~system~~System; non-reversion of funds.

Upon termination of the ~~system~~System or upon complete discontinuance of contributions to the ~~system~~System, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, are non-forfeitable. No portion of the assets of the ~~system~~System shall be used for, or diverted to, purposes other than for the exclusive benefit of the members and their beneficiaries prior to the satisfaction of all liabilities with respect to members and their beneficiaries. (20-81-3.)

Section 3-2-48. - Non-retroactivity to ~~members terminating~~employees retired or terminated prior to July 1, 1981.

With the exception of the benefit adjustment provided under Section 3-2-32(d)(2), the benefits provided by this Article, and ~~the provisions of~~ Section 3-2-~~43~~43, shall not apply to members retired or terminated prior to July 1, 1981. Benefits for such members shall be in accordance with the ordinance in effect prior to July 1, 1981. However, retirement allowances determined thereunder shall be subject to the cost-of-living adjustments provided in Section 3-2-44. (20-81-3.)

Section 3-2-~~49.~~49 - Review of adverse decisions.

(a) Any member adversely affected by a decision of the Board shall receive written notice of said decision and may, within thirty (30) days of receipt of said notice, request in writing a review by the Board of said decision, pursuant to procedures established by the Board.

(b) Notwithstanding ~~the provisions of~~ Subsection (a) of this Section, upon written application of a member adversely affected by a decision of the Board and for good cause shown, the Board may reconsider such previous decision. This Subsection is to apply retroactively. (20-81-3; 36-83-3.)

Section 3-2-50. ~~–~~Transfer to Senior Executive Service Plan.

Repealed by 01-96-3.

Section 3-2-51. ~~–~~Masculine usage includes the feminine.

~~The masculine whenever used herein shall include the feminine. (20-81-3.)~~

Repealed by16-__-3.

Section 3-2-52. - Limitation on annual retirement allowance.

Notwithstanding any other provision of this Article, the annual retirement allowance to which any member may be entitled shall not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code and any regulations issued by the U.S. Department of the Treasury ~~Regulations issued~~ thereunder, and in calculating such limits a member~~'~~'s compensation shall include any differential wage payments for military service as defined under Section 3401(h)(2) of the Internal Revenue Code and paid on or after January 1, 2009. Notwithstanding any provision of ~~this~~the Internal Revenue Code to the contrary, the limitations imposed by this Section apply only to retirement allowances granted under this Article, and not to any retirement allowance provided to any employee under any other Article of this Chapter. Such limits shall be applied annually for the twelve (12~~-~~) month period commencing each July 1 and ending the following June 30. A benefit payable other than in the form of an annuity shall not exceed the amount which, when converted to an actuarial equivalent annual benefit, does not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code. Effective June 30, 2000, the mortality tables prescribed by the Uruguay Round Agreement Acts (GATT), as set forth in Internal Revenue Service ~~Rev. Rul.~~Revenue Ruling 2001-62 (superseding and modifying ~~Rev. Rul.~~Revenue Ruling 95-29), or as further updated or modified by the Internal Revenue Service, shall be used in determining the actuarial equivalent amount of such benefit. (27-90-3, § 2; 10-91-3; 21-96-3; 8-03-3; 01-11-3.)

Section 3-2-53. - Distribution of benefits.

Notwithstanding any other provision of this Article, effective for plan years beginning after December 31, 1986, the entire interest of each member shall be distributed to such member not later than the required beginning date specified below, or ~~will~~shall be distributed, beginning not later than the required beginning date, over the life of such member or over the lives of such member and a beneficiary or over a period not extending beyond the life expectancy of such member or the life expectancy of such member and a beneficiary. For this purpose, the term ~~"~~*required beginning date*~~" means~~ shall mean April 1 of the calendar year following the later of the calendar year in which the member attains ~~age~~ seventy-and-a-half (70½) years of age, or the calendar year in which the member retires. If a member dies after distribution of the member~~'~~'s interest has begun, the remaining portion, if any, of such interest shall be distributed at least as rapidly as under the method of distribution being used as of the date of death. If a member dies before the

distribution of the member''s interest has begun, any death benefit shall be distributed within five (5) years after the death of such member, unless (1) any portion of the member''s interest is payable to (or for the benefit of) a designated beneficiary, (2) such portion willshall be distributed over the life of such beneficiary or over a period not extending beyond the life expectancy of such beneficiary, and (3) if the beneficiary is someone other than the member''s surviving spouse, such distributions willshall begin not later than one (1) year after the date of the member''s death or such later date as the U.S. Secretary of the Treasury may by regulations prescribe. If the beneficiary is the surviving spouse of the member, (1) distribution shall begin on or before the latest of one (1) year after the date of the member''s death, such later date as the U.S. Secretary of the Treasury may by regulations prescribe, or the date on which the member would have attained seventy-and-one-half (70½) years of age 70½ and (2) if the surviving spouse dies before the distributions to such spouse begin, the distribution rules specified in this paragraphSection shall be applied as if the surviving spouse were the member. Distributions from the System willshall be made in accordance with the requirements of Section 401(a)(9) Internal Revenue Code, including the rules for incidental death distributions set forth at Section 401(a)(9)(G). (27-90-3, § 2; 26-12-3; 50-13-3.)

Section 3-2-54. - Direct rollovers to other plans.

(a) General. This Section 3-2-54 applies to distributions made on or after January, 1, 1993. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee''s election under this Section 3-2-54,, a distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. However, to the extent that any portion of the amount of the rollover is comprised of after-tax contributions, the distribution may only be rolled over to an eligible retirement plan that separately accounts for after-tax contributions.

(b) Definition. Definitions.

(1) *Eligible rollover distribution*. An eligible rollover distribution is shall mean any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee''s designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.

(2) *Eligible retirement plan*. An eligible retirement plan is shall mean any one of the following that accepts the distributee''s eligible rollover distribution: an individual retirement account described in Section 408(a) of the Internal Revenue Code; an individual retirement annuity described in Section 408(b) of the Internal Revenue Code; an annuity plan described in Section 403(a) of the Internal Revenue Code; a qualified trust described in Section 401(a) of the Internal Revenue Code; an annuity contract described in Section 403(b) of the Internal Revenue Code; an eligible deferred compensation plan described in Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state; or effective for distributions made after December 31, 2007, a Roth IRA described in Section 408A of the Internal Revenue Code, provided the eligible rollover distribution is considered a ""qualified rollover contribution"" under Section 408A(e) of the Internal Revenue Code. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan isshall be an individual retirement account or individual retirement annuity.

(3) *Distributee*~~. A distributee includes~~ shall mean a member or former member. In addition, the member~~'~~'s or former member~~'~~'s surviving spouse, and the member~~'~~'s or former member~~'~~'s spouse or former spouse who is entitled to receive benefits from the System, ~~are~~shall be distributees with regard to the interest of the spouse or former spouse. Effective for distributions on or after January 1, 2010, a distributee ~~includes~~also shall include a non-spouse beneficiary of a deceased member or former member who may make an eligible rollover distribution in a direct trustee-to-trustee transfer to an ~~"~~"inherited~~"~~" individual retirement account.

(4) *Direct rollover*~~. A direct rollover is~~ shall mean a payment by the System to the eligible retirement plan specified by the distributee. (45-93-3; 21-96-3; 8-03-3; 01-11-3)

Section 3-2-55. - Additional retirement allowance.

(a) ~~For purposes of this section only, the following words and phrases shall have the following meanings:~~ Definitions.

(1) *Active member* shall mean a member of ~~this~~the System who is an employee on July 1, 1995, or who becomes an employee thereafter, and whose membership in ~~this~~the System has not ceased at any time from either July 1, 1995, or from when he or she became an employee (whichever is later)~~,~~ until the effective date of his or her subsequent retirement.

(2) *Retired member* shall mean a member of ~~this~~the System who is receiving a retirement allowance on July 1, ~~1995. The phrase "member of this~~1995, or whose effective date of retirement is on or before July 1, 1995. A member of the System who is receiving a retirement allowance~~" includes those members~~ shall include any member whose effective date of retirement is on or before July 1, 1995.

(3) *Retirement allowance* shall mean a normal service retirement allowance, an early service retirement allowance, an ordinary disability retirement allowance, a deferred ~~annuity under the provisions of Section 3-2-38(b)~~vested benefit, or a spouse retirement allowance~~ under the provisions of Section 3-2-42.~~.

(4) *Base annual retirement allowance* ~~means~~shall mean the initial calculation of a member~~'~~'s or spouse~~'~~'s annual retirement allowance without regard for any deductions for withholding or other benefit elections or adjustments under Section 3-2-7. For a member ~~retired pursuant to Section 3-2-31(a) (~~taking normal service retirement under Section 3-2-31(a), this is the allowance calculated under Section 3-2-32(a)(1) ~~(~~for a member in Plan A ~~member)~~ or under Section 3-2-32(a)(2) ~~(~~for a member in Plan B~~ member)~~; for a member ~~retired pursuant to Section 3-2-31(b) (~~taking early service retirement~~),~~ under Section 3-2-32(b), this is the allowance calculated under Section 3-2-32(b); for a member retired on account of ordinary disability under Section 3-2-33, this is the allowance calculated under~~ Section 3-2-34; for a member receiving a deferred annuity, the allowance calculated under the provisions of~~ Section 3-2-38(b); and for a spouse receiving a spouse retirement allowance, this is the allowance calculated under ~~the provisions of~~ Section 3-2-42.

(5) *Adjusted base annual retirement allowance* shall mean the base annual retirement allowance of a retired member or of the spouse of a member receiving the base spouse annual retirement allowance ~~provided~~ under Section 3-2-42, as increased by any cost-of-living adjustments applied to the member~~'~~'s or spouse~~'~~'s retirement allowance from the effective date of his or her retirement~~,~~ or~~ of his or her~~ election of the spouse retirement allowance~~,~~ through July 1, 1995.

(6) A member is "*Member in service*" for purposes of this Section when he or she is shall mean a member of thisthe System.

(b) The adjusted base annual retirement allowance of each retired member or spouse receiving a retirement allowance on July 1, 1995, shall be increased by three percent (3%), effective July 1, 1995 (modified adjusted base annual retirement allowance). Adjustments to the retired member's or spouse's retirement allowance made under the provisions of this Article after July 1, 1995, shall be computed on the basis of the modified adjusted base annual retirement allowance.

(c) When an active member retires, or the eligible spouse of an active member elects to receive the spouse retirement allowance after July 1, 1995, after his or her base annual retirement allowance has been computed under the provisions of the applicable sectionSection of this Article, the resulting base annual retirement allowance shall be increased by three percent (3%) (initial base annual retirement allowance). Adjustments to the member's or spouse's retirement allowance under the provisions of this Article after July 1, 1995, shall be computed on the basis of his or herthe initial base annual retirement allowance.

(d) If a member is entitled to the three percent (3%) increase provided for by either Subsection (b) or (c) of this Section, and if at the time he or she is entitled to such increase, he or she is also eligible to receive the Pre-62 Compensating Benefitpre-62 compensating benefit under Section 3-2-32(a)(3)(A) or the Pre-Social Security Benefitpre-social security benefit under Section 3-2-32(a)(3)(B4), his or her Pre-62 Compensating Benefit or Pre-Social Security Benefitpre-62 compensating benefit or pre-social security benefit shall also be increased by three percent (3%).

(e) Effect of separationSeparation from service.

(1) A member who:

(A) Separated from service other than by death or retirement with five (5) or more years of creditable service in thisthe System prior to July 1, 1995, and

(B) Has not withdrawn his or her accumulated contributions as of July 1, 1995, and

(C) Subsequently applies for and is determined to be eligible for a deferred annuityvested benefit after July 1, 1995,

shall have his or her or her deferred annuityvested benefit computed mutatis mutandi in the same manner as an active member under subsectionSubsection (c) of this Section.

(2) A member in service on or after July 1, 1995, who:

(A) Subsequently separates from service other than by death or retirement with five (5) or more years of creditable service in thisthe System, and

(B) Does not withdraw his or her or her accumulated contributions, and

(C) Subsequently applies for and is determined to be eligible for a deferred annuity,vested benefit,

shall have his or her deferred annuityvested benefit computed mutatis mutandi in the same manner as an active member under subsectionSubsection (c) of this Section.

(3) A member in service on or after July 1, 1995, who,

(A) Subsequently separates from service other than by death or retirement with five (5) or more years of creditable service in ~~this~~the System, and

(B) Does not withdraw his or her accumulated contributions, and

(C) Thereafter, returns to service and again becomes a member of ~~this~~the System, and

(D) Subsequently applies for and is determined to be eligible for a normal service, early~~,~~ service or ordinary disability retirement allowance, or ~~for~~ a deferred ~~annuity~~vested benefit,

shall have his or her allowance or deferred ~~annuity~~vested benefit computed mutatis mutandi in the same manner as an active member under ~~subsection~~Subsection (c) of this Section.

(4) A member in service on or after July 1, 1995, who

(A) Thereafter separates from service, and

(B) Withdraws his or her accumulated members~~'~~' contributions, and

(C) Subsequently returns to service and again becomes a member of ~~this~~the System, and

(D) At that time makes arrangements to purchase credit for all of his or her previous service in ~~this~~the System under ~~the provisions of~~ this ~~Ordinance~~Article, and

(E) Thereafter applies for and is determined to be eligible for a normal service, early~~,~~ service or ordinary disability retirement, or for a deferred ~~annuity~~vested benefit,

shall have his or her allowance or deferred ~~annuity~~vested benefit computed mutatis mutandi in the same manner as an active member under ~~subsection~~Subsection (c) of this Section.

(f) A member~~'~~'s spouse who is receiving an allowance under the joint and last survivor option provided by Section 3-2-32(c), on July 1, 1995, shall have such allowance increased by three percent (3%), effective July 1, 1995. Adjustments to such allowance under ~~the provisions of~~ this Article after July 1, 1995, shall be computed on the basis of this increased allowance.

(g) Notwithstanding the sixty percent (60%) of average final compensation limit contained in Section 3-2-34, the initial base annual retirement allowance of an active member who becomes eligible to receive an ordinary disability retirement allowance and who is entitled to the increase provided by ~~subsection~~Subsection (c) of this Section, may exceed sixty percent (60%), but shall not exceed sixty-one -and -eight-tenths percent (61.8%)~~,~~ of his or her average final compensation.

(h) Notwithstanding any provision of this Section to the contrary, no adjustment under ~~the provisions of~~ this Section shall be made which would violate the limitations provided by Section 3-2-52 concerning the limitations imposed by Section 415 of the Internal Revenue Code and ~~the~~any U.S. Treasury regulations issued thereunder; provided, ~~however,~~ that any adjustment under ~~the provisions of~~ this Section may be made up to those limitations. (12-95-3; 11-00-3.)

Section 3-2-56. - Spousal acknowledgment.

Any application for service or disability retirement allowance under this Article shall include a statement made by the spouse of the member, if any, acknowledging, in the presence of a notary public,

that the spouse has read and understands the provisions of this Article concerning allowance and payment options and the allowance and payment options, if any, the member has elected to receive. (12-98-3.)

Section 3-2-57. - Deferred Retirement Option Program.

Effective July 1, 2005, there is hereby established a Deferred Retirement Option Program ("DROP") for eligible members of ~~this~~the System. Members of the System in service who are eligible for normal service retirement are eligible to elect to participate in this program.

(a) Definitions.

(1) *DROP period* ~~means~~shall mean the three~~-~~ (3) year period immediately following the commencement of the member's participation in the DROP.

(2) *Eligible member* ~~means~~shall mean any member who has reached, or will reach within sixty (60) days, his or her normal retirement date as defined in ~~§~~Section 3-2-1(n).

(b) Election to participate.

(1) An eligible member may participate in the DROP only once. An eligible member who desires to participate in the DROP ~~must~~shall file an application with the Fairfax County Retirement Administration Agency not less than sixty (60) days prior to the date of the commencement of the member's participation in the DROP.

(2) A member's election to participate in the DROP is irrevocable, with the exception that a member who elects to participate in the DROP may revoke that election prior to the commencement of his or her DROP period; once revoked, a member may not then elect to participate in the DROP for a period of at least twelve (12) months from the date of his or her revocation.

(3) At the time of an eligible member's election to participate in the DROP, he or she ~~must~~shall make an election in writing pursuant to ~~§~~Section 3-2-32(c) as to whether or not to receive a reduced retirement allowance in order to provide a retirement allowance for his or her spouse after the member's death.

(4) An eligible member who elects to participate in the DROP ~~will~~shall agree to do so for a period of three (3) years.

(5) Subject to any limitation on the number of accrued sick leave hours that may be converted to creditable service as provided in Section 3-2-1(a)(2), an eligible member who elects to participate in the DROP shall, at the time of his or her election to participate in the DROP, make an election in writing as to whether he or she wishes to convert all of his or her available accrued sick leave to creditable service or to convert all but forty (40) hours of his or her accrued sick leave to creditable service. Sick leave that is either carried over or that accrues during the DROP period shall not be converted to creditable service at the conclusion of the DROP period.

(c) Continued employment.

(1) A participating DROP member shall, upon commencement of his or her DROP period, continue to work for the County or School Board in the position he or she held before the effective date of his or her election to participate in the DROP~~ program~~. Thereafter, the

participating DROP member ~~will~~shall perform the services of that position or any other position to which he or she is promoted or transferred.

(2) A participating DROP member ~~will~~shall continue to accrue annual and sick leave and, if eligible, compensatory time during the DROP period. At the conclusion of the DROP period, the member ~~will~~shall receive the payment for his or her accrued annual and compensatory leave that he or she would have received upon retirement. In no case ~~will~~shall a participating DROP member receive payment for his or her accrued annual and compensatory leave at the commencement of the member~~'~~'s participation in the DROP.

(3) A participating DROP member ~~will~~shall continue to remain eligible for health and life insurance benefits provided by the County or the School Board to its employees and ~~will~~shall remain eligible to participate in the County~~'~~'s or ~~the~~ School Board~~'~~'s deferred compensation plan. The deductions from the salary of a participating DROP member for health and life insurance ~~benefit will~~benefits shall be the same deductions that would have been taken had the participating DROP member been an active County or School Board employee, not the deductions that would be taken from the retirement benefits and allowances of a retiree.

(4) All County or School Board personnel policies and regulations shall continue to apply to a participating DROP member after the commencement of his or her DROP period. A participating DROP member ~~will~~shall remain eligible for annual merit pay increments and promotions during the DROP period. However, a participating DROP member's salary during his or her DROP period ~~will~~shall not be included in the computation of the member's average final compensation. A participating DROP member ~~is~~shall also be subject to the County's disciplinary policies and regulations.

(5) If a participating DROP member~~'~~'s continued employment with ~~Fairfax~~the County or the School Board is interrupted by military service, there ~~will~~shall be no interruption of the member~~'~~'s participation in the DROP. During the period of the participating DROP member~~'~~'s military service, the member~~'~~'s retirement benefits and allowances ~~will~~shall continue to be paid into the participating member~~'~~'s DROP account until the member~~'~~'s DROP period ends. At the end of the DROP period, the member~~'~~'s DROP account balance ~~will~~shall be paid to the member whether or not he or she has returned to his or her former County or School Board position, and the member ~~will~~shall begin to receive his or her normal retirement benefits.

(6) Except as otherwise set forth herein, a participating DROP member~~'~~'s continued service ~~will~~shall be deemed to be normal service retirement and ~~will~~shall not count as creditable service with the System.

(7) Upon commencement of a participating DROP member~~'~~'s DROP period, the County or the School Board ~~will~~shall cease to withhold contributions to the System from the participating DROP member~~'~~'s salary.

(8) The salary received by a participating DROP member during his or her DROP period ~~will~~shall not be included by the County or the School Board in the base that is used to determine the amount of the County~~'~~'s or the School Board~~'~~'s employer contributions to the System.

(d) DROP account.

(1) Upon commencement of the participation of a member of either Plan A or Plan B, whose ~~county~~County or ~~school board~~School Board employment commenced by reporting for work

before January 1, 2013, in the DROP, the member's service retirement allowance pursuant to §Section 3-2-32(a)(1) or (2) and the additional retirement allowance pursuant to §Section 3-2-32(a)(3) willor (4) shall be paid into the member's DROP account. Upon commencement of the participation of a member of either Plan C or Plan D, whose countyCounty or school boardSchool Board employment commenced by reporting for work on or after January 1, 2013, in the DROP, the member's service retirement allowance pursuant to §Section 3-2-32(a)(1) or (2) willshall be paid into the member's DROP account; the additional retirement benefits provided for in §Section 3-2-32(a)(3) and (4) shall not be credited to the DROP accounts of members of Plans C and D, although members of those plansPlans shall remain eligible to receive the additional retirement benefits provided for in §Section 3-2-32(a) upon the completion of their DROP period, if they then meet the requirements for eligibility for such benefits set forth in §Section 3-2-32(a)(3) and (4). The initial amount credited to a member's DROP account willshall be computed based on his or her average final compensation as of the date of the commencement of the DROP period.

(2) The initial monthly amount willshall be increased each July 1 based upon the annual cost-of-living adjustment provided to retirees pursuant to §Section 3-2-44. Any other changes that occur during the DROP period that would result in an alteration of the participating DROP member's retirement benefits and allowances and benefits if he or she were retired willshall also result in adjustments to the monthly amount credited to a participating DROP member's DROP account.

(3) The participating DROP member's DROP account willshall be credited with interest at an annual rate of five percent (5%), compounded monthly. Interest willshall not be pro-rated for any period less than a full month.

(4) Contributions by the County or the School Board and the participating DROP member into the System for the participating DROP member willshall cease.

(5) Amounts credited to a participating DROP member's DROP account willshall not constitute annual additions under 26 U.S.C. § 415.Section 415 of the Internal Revenue Code.

(6) A participating DROP member's DROP account willshall not be an account that is separate and distinct from the assets of the System; a participating DROP member's DROP account balance willshall remain part of the assets of the System.

(e) Cessation of County or School Board employment.

(1) At the conclusion of a participating DROP member's three-year DROP period, the member's County or School Board employment willshall automatically cease. The participating DROP member shall then begin to receive normal service retirement benefits and allowances and benefits computed based upon his or her average final compensation at the time of the commencement of the DROP period and his or her creditable service at the time of the commencement of the DROP period, plus cost-of-living increases provided to retirees and any other benefit improvements that may have been granted to retirees during the participating DROP member's DROP period. At least sixty (60) days prior to the conclusion of a participating DROP member's DROP period, the member mustshall make one of the following elections concerning payment of his or her DROP account balance:

(A) The member may receive payment of his or her DROP account balance as a lump sum.

(B) The member may elect to roll over his or her DROP account balance into a qualified retirement plan, such as an IRA.

(C) The member may elect to receive payment of a portion of his or her DROP account balance and roll over the remaining portion into a qualified retirement plan, such as an IRA. If the member elects this method of receiving his or her DROP account balance, he or she must specify, in writing, the specific amount to be paid as a lump sum and the specific amount to be rolled over.

(D) The member may elect to use his or her DROP account balance to increase his or her monthly retirement ~~benefits and~~ allowances and benefits. The amount of the increase ~~will~~shall be determined based on the actuarial equivalent of the member~~'~~'s DROP account balance.

(E) The member may divide his or her DROP account balance in half, and may then elect to use ~~50~~fifty percent (50%) of his or her DROP account balance to increase his or her monthly retirement ~~benefits and~~ allowances and benefits, and to receive the remainder in any manner listed in ~~paragraphs~~Subparagraphs (A), (B) and (C) above. In the event that the participating DROP member does not make the election required by this ~~section,~~Subsection, the DROP account balance ~~will~~shall be used to increase his or her monthly retirement ~~benefits and~~ allowances and benefits. The amount of the increase ~~will~~shall be determined based on the actuarial equivalent of the member~~'~~'s DROP account balance.

(2) A participating DROP member may terminate his or her County or School Board employment at any time, in which case the effective date of the member~~'~~'s termination of his or her County or School Board employment shall be treated as the end of the DROP period for ~~the provisions~~all purposes of this ~~section~~Section.

(3) In the event that the employment of a participating DROP member is terminated by the County or the School Board during the DROP period for any reason, the effective date of the member~~'~~'s separation from County service shall be treated as the end of the DROP period for all purposes of this Section.

(f) Death or disability during DROP period.

(1) If a participating DROP member dies during the DROP period, the participating DROP member~~'~~'s designated beneficiary on record with the System shall receive payment of the member~~'~~'s DROP account balance and the member~~'~~'s accumulated contributions; if there is no designated beneficiary on record with the System, payment of these amounts shall be made to the participating DROP member~~'~~'s estate. In the event that the participating DROP member has elected a joint and last survivor option pursuant to the terms of ~~§~~Section 3-2-32(c), the participating DROP member~~'~~'s surviving spouse ~~will~~shall receive payment of the participating DROP member~~'~~'s DROP account balance and ~~will~~shall begin to receive ~~benefits and~~retirement allowances and benefits pursuant to the joint and last survivor option election of the participating DROP member.

(2) If a participating DROP member becomes disabled during the DROP period, the participating DROP member ~~will~~shall receive:

(A) In the case that a participating DROP member suffers a disability that would be considered an ordinary disability as defined in §Sections 3-2-33 and 3-2-3535, the effective date of the member''s disability willshall be treated as the end of the participating DROP member''s DROP period.

(B) In the case that a participating DROP member suffers a service-connected disability as set forth in §Section 3-2-36, the participating DROP member may elect either (i) to receive the service-connected disability retirement benefits and allowances and benefits to which he or she would otherwise be entitled or (ii) to receive the normal service retirement benefits and allowances and benefits to which he or she would be entitled plus his or her DROP account balance. An election to receive service-connected disability retirement benefits and allowances or severe service- connected disability retirementand benefits shall constitute a waiver of the member''s right to receive any amounts credited to his or her DROP account balance.

(g) Execution of documents and adoption of rules and regulations. The County Executive is authorized to execute all documents necessary or appropriate to operate the DROP including, but not limited to, the establishment of a trust within which the participating DROP members'' DROP accounts shall be held and administered. The Board of Trustees is also authorized to adopt rules and regulations governing the DROP. Any documents executed by the County Executive shall be approved for form by the County Attorney prior to execution. (20-05-3; 40-08-3; 41-08-3; 27-10-3; 26-12-3.)

Division 9. 9 – Benefit Restoration Plan.

Section 3-2-58. - Benefit Restoration Plan.

(a) There is hereby established a Benefit Restoration Plan for the System.

(b) Purpose and intent; rule of construction.

(1) In establishing this Benefit Restoration Plan, the Board of Supervisors intends to establish and maintain a ""qualified governmental excess benefit arrangement,"" as defined and authorized by Section 415(m) of the federal Internal Revenue Code Section 415(m), 26 U. S. C. Section 415(m), and as is permitted by Va. Code Ann. Section 51.1-1302 1302 of the *Code of Virginia*. The purpose of this Benefit Restoration Plan is to restore, through a non-qualified arrangement, the benefits lost by the application of the limitation on annual benefits under Section 415(b) of the Internal Revenue Code Section 415(b) as applicable to governmental plans. This Benefit Restoration Plan shall exist in addition to all other retirement, pension, or other benefits available to Participantsparticipants, including the benefits established by thisthe System.

(2) This sectionSection shall be construed to ensure compliance with the provisions of federal and state law, and any regulations promulgated thereunder, governing such qualified governmental excess benefit arrangements, including, but not limited to Section 415(m) of the Internal Revenue Code Section 415(m), and Va. Code Ann. Sections 51.1-1302, 51.1-1303, and 51.1-1304,1304 of the *Code of Virginia*, as in effect at the time of the adoption of this sectionSection and as subsequently amended.

(c) Definitions.

(1) *Administrator* or *Plan Administrator* shall mean the Board of Trustees of the Employees' Retirement System, which is responsible for the general administration and operation of the Benefit Restoration Plan and for making effective the provisions of this Section. Under the oversight of the Board of Trustees, the Executive Director of the Retirement Administration Agency shall be responsible for the day -to -day operation and administration of the Benefit Restoration Plan.

(2) *Beneficiary* shall mean the person or persons entitled under the provisions of this Article governing this System to receive any benefits payable after the Participant'participant's death.

(3) Board*Benefit Restoration Plan* or *Plan* shall mean the Board of Trustees of the Employees' RetirementBenefit Restoration Plan for the System established underby this ArticleSection.

(4) Internal Revenue Code means the federal Internal Revenue Code, as the same may be amended from time to time, and, to the extent not inconsistent therewith, regulations issued there under. (5) *Effective* Date. The effective*date* shall mean the date of this section is its date ofSection's adoption [June 5, 2006].

(65) *Eligible* Member*member* shall mean a retired member of the Employees' Retirement System and whose benefits thereunder are reduced by the application of the limitations on annual benefits under Section 415(b) of the Internal Revenue Code Section 415(b) as applicable to governmental plans.

(7) Member shall mean a member of the Employees' Retirement System established under this Article.

(8) Employer shall mean an employer as defined under the Employees' Retirement System established under this Article. (9) 6) *Enabling statute* shall mean Chapter 13 of Title 51.1 of the *Code of Virginia* Code (1950), as amended.

(107) *Grantor* Trust*trust* shall mean the trust fund described in sub-sectionSubsection (i)(3) of this Section and established and maintained for the Benefit Restoration Plan.

(118) *Participant* shall mean an Eligible Membereligible member qualified to participate in the Benefit Restoration Plan.

(12) Benefit Restoration Plan or Plan shall mean the Benefit Restoration Plan for the System established by this Section.

(139) *Plan* Sponsor*sponsor* shall mean the Board of Supervisors of Fairfax County, Virginia.

(1410) *Plan* Year*year* shall mean the twelve (12-) month period beginning on the first day of July. 1.

(1511) *Restoration* Death Benefit*death benefit* shall mean the benefit due the Beneficiarybeneficiary of a Participantparticipant under the Benefit Restoration Plan as determined under this Section.

(1612) *Restoration* Retirement Benefit*retirement benefit* shall mean the benefit due a Participantparticipant or his or her Beneficiarybeneficiary under the Benefit Restoration Plan determined under this Section.

~~(17) Retirement System or System shall mean the Employees' Retirement System established under this Article.~~

(d) Eligibility and ~~Participation~~ participation.

(1) Eligibility and ~~Date~~date of ~~Participation~~participation. Each ~~Eligible Member~~eligible member shall be a ~~Participant~~participant in ~~this~~the Benefit Restoration Plan commencing with the date he or she first becomes, or again becomes, an ~~Eligible Member~~eligible member.

(2) Length of ~~Participation~~participation. Each ~~Eligible Member~~eligible member who becomes a ~~Participant~~participant shall be or remain a ~~Participant~~participant for so long as he or she is entitled to future benefits under the terms of ~~this~~the Benefit Restoration Plan.

(e) Restoration ~~Retirement Benefit (1)~~ retirement benefit. Subject to the terms and conditions set forth in this Section, a ~~Participant~~participant who retires or is retired under the System and who is entitled to the payment of benefits under the System shall be entitled to a ~~Restoration Retirement Benefit~~restoration retirement benefit, generally expressed as a benefit payable monthly for the life of the ~~Participant~~participant and commencing at the applicable time provided under this Article, equal to the excess, if any, of:

(~~i~~1) The amount of the ~~Participant'~~participant's retirement allowance under the ~~Retirement~~ System, determined without regard to the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, over

(~~ii~~2) The amount of the ~~Participant'~~participant's retirement allowance under the ~~Retirement~~ System.

To the extent that the ~~Participant'~~participant's retirement allowance payable under the ~~Retirement~~ System is increased at any time due to increases in limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, whether by statute, regulation, actions of the U.S. Secretary of the ~~U. S.~~ Treasury or his or her delegate or otherwise, the ~~Participant's Restoration Retirement Benefit~~participant's restoration retirement benefit shall be reduced correspondingly.

(f) Death ~~Benefit~~benefit.

(1) Death after ~~Benefit Commencement~~benefit commencement. If a ~~Participant~~participant dies after his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, the only benefits payable under the Benefit Restoration Plan to his or her ~~Beneficiary~~beneficiary after his or her death shall be those, if any, provided under the form of payment being made to him or her at his or her death.

(2) Death before ~~Benefit Commencement~~benefit commencement. If a ~~Participant~~participant dies before his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, the only benefit payable under the Benefit Restoration Plan with respect to him or her shall be the ~~Restoration Death Benefit~~restoration death benefit, if any, provided in ~~sub-section~~Subsection (f)(3) of this Section.

(3) Restoration ~~Death Benefit~~death benefit. Subject to the terms and conditions set forth herein, if a ~~Participant~~participant dies on or after the ~~Effective Date~~effective date and before his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, his or her

~~Beneficiary~~beneficiary shall be entitled to a ~~Restoration Death Benefit~~restoration death benefit as follows:

(A) If his or her ~~Beneficiary~~beneficiary is entitled to receive any death benefit under the ~~Retirement~~ System, such ~~Beneficiary~~ beneficiary shall be entitled to receive as a ~~Restoration Death Benefit~~restoration death benefit under the Benefit Restoration Plan an amount equal to the excess, if any, of:

(i) The amount of such death benefit under the ~~Retirement~~ System, determined without regard to the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, over

(ii) The actual amount of such death benefit under the ~~Retirement~~ System.

To the extent that the ~~Participant'~~participant's accrued benefit or any death benefit payable under the ~~Retirement~~ System is increased at any time due to increases in the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, whether by statute, ~~regulations~~regulation, actions of the U.S. Secretary of the Treasury or his or her delegate or otherwise, the ~~Participant's Restoration Death Benefit~~participant's restoration death benefit shall be reduced correspondingly.

(g) Vesting. ~~(1) Vesting. A Participant's Restoration Retirement Benefit or Restoration Death Benefit~~A participant's restoration retirement benefit or restoration death benefit, as the case may be, shall be vested at the time of his or her retirement under the ~~Retirement~~ System or death, but only to the extent, and determined in the manner, that such ~~Participant~~participant has a vested and non-forfeitable right to his or her retirement allowance under the ~~Retirement~~ System.

(h) Payment of ~~Benefits~~benefits.

(1) ~~Time~~ Timing and ~~Manner~~manner for ~~Payment of Benefits. A Participant's Restoration Retirement Benefit, or the Restoration Death Benefit~~payment of benefits. A participant's restoration retirement benefit, or the restoration death benefit, shall be payable at the same time and in the same manner as the ~~Participant'~~participant's retirement allowance or comparable death benefit (other than his or her accumulated contributions or contribution refund death benefit) is paid under the ~~Retirement~~ System, whether as elected by the ~~Participant~~participant or otherwise payable. For a ~~Member~~member who is receiving a retirement allowance under the System on the ~~Effective Date~~effective date, and who would immediately be an ~~Eligible Member~~eligible member upon the ~~Effective Date~~effective date, such ~~Member~~member shall immediately commence receiving a ~~Restoration Retirement Benefit~~restoration retirement benefit on a prospective basis.

(2) Discretionary ~~Use~~use of ~~Other Methods of Payment~~other methods of payment. In the sole discretion of the Administrator, monthly payment amounts of less than $100.00, or such amount as the Administrator may from time to time determine, may be paid on an annual or semi-annual basis, in arrears and without interest.

(3) Benefit ~~Determination~~determination and ~~Payment Procedure~~payment procedure. The Administrator shall make all determinations concerning eligibility for benefits under the Benefit Restoration Plan, the time or terms of payment, and the form or manner of payment to the ~~Participant~~participant (or the ~~Participant's Beneficiary~~participant's beneficiary in the event of the death of the ~~Participant~~participant). The Administrator shall promptly notify the ~~Employer~~employer and, where payments are to be made from a ~~Grantor Trust~~grantor trust, the

trustee thereof, of each such determination that benefit payments are due and provide to the ~~Employer~~employer or trustee such other information necessary to allow the ~~Employer~~employer or trustee to carry out said determination, whereupon the ~~Employer~~employer or trustee shall pay such benefits in accordance with the Administrator~~'~~'s determination.

(4) Payments to ~~Minors~~minors and ~~Incompetents. If a Participant or Beneficiary~~incompetents. If a participant or beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits ~~will~~shall be paid to such person as the Administrator may designate for the benefit of such ~~Participant or Beneficiary~~participant or beneficiary. Such payments shall be considered a payment to such ~~Participant or Beneficiary~~participant or beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Benefit Restoration Plan.

(5) Distribution of ~~Benefit When Distributee Cannot Be Located~~benefit when distributee cannot be located. The Administrator shall make all reasonable attempts to determine the identity and/or whereabouts of a ~~Participant~~participant or his or her ~~Beneficiary~~beneficiary entitled to benefits under the Benefit Restoration Plan, including the mailing by certified mail of a notice to the last known address shown on the ~~Employer'~~employer's or the Administrator~~'~~'s records. If the Administrator is unable to locate such ~~a~~ person entitled to benefits hereunder, or if there has been no such claim made for such benefits, the ~~Employer~~employer shall continue to hold the benefit due such person, subject to any applicable statute of escheats.

(i) Funding.

(1) The undertaking to pay the benefits hereunder shall be unfunded obligations payable solely from the general assets of the ~~Employer~~employer and subject to the claims of the ~~Employer'~~employer's creditors.

(2) Except as provided in a ~~Grantor Trust~~grantor trust established as permitted ~~in sub-section~~under Subsection (i)(3) of this Section, nothing contained in the Benefit Restoration Plan and no action taken pursuant to ~~the provisions of~~ this Section shall create or be construed to create a trust of any kind of a fiduciary relationship between the ~~Employer~~employer and the ~~Participant~~participant or his or her ~~Beneficiary~~beneficiary or any other person or to give any ~~Participant or Beneficiary~~participant or beneficiary any right, title, or interest in any specific asset or assets of the ~~Employer~~employer. To the extent that any person acquires a right to receive payments from the ~~Employer~~employer under the Benefit Restoration Plan, such rights shall be no greater than the right of any unsecured general creditor of the ~~Employer~~employer.

(3) Use of ~~Grantor Trust Permitted~~grantor trust permitted. Notwithstanding any provision of this Section to the contrary, the Benefit Restoration Plan Sponsor may in its sole discretion elect to establish and fund a ~~Grantor Trust~~grantor trust for the purpose of providing benefits under the Benefit Restoration Plan.

(j) Plan ~~Administrator.~~ administrator.

(1) The Plan Administrator ~~has~~shall have full and complete authority and discretion to control and manage the operation of and shall decide all matters under the Benefit Restoration Plan pursuant to this Section and the ~~Enabling Statute~~enabling statute. The Administrator ~~has~~shall have any and all powers as may be necessary or advisable to discharge its duties under the

Benefit Restoration Plan including the power and authority to interpret the terms of the Benefit Restoration Plan.

(2) The Plan Administrator ~~is~~shall be responsible for performing the duties required for the operation of the Benefit Restoration Plan, and ~~is~~shall be responsible for supervising the performance of any other persons who may assist in the performance of the Plan Administrator~~'~~'s responsibilities under this Section and the ~~Enabling Statute~~enabling statute.

(3) To enable the Plan Administrator to perform its responsibilities, ~~Employer~~employer(s) shall promptly provide to the Plan Administrator complete and accurate information on any matter that is required by the Administrator in order to make any decision or determination under the Benefit Restoration Plan. The Plan Administrator shall rely upon this information supplied by the ~~Employer~~employer, and shall have no duty or responsibility to verify this information.

(4) Except as prohibited by law or by this Section, the Plan Administrator may delegate any of its duties to the Executive Director~~ of the Retirement Administration Agency~~. The Plan Administrator may contract with any person to provide services to assist in the administration of the Benefit Restoration Plan. The Plan Administrator ~~must~~shall make such contracts in compliance with all applicable ~~State~~state and local laws and regulations. Any person other than the Plan Administrator who performs services regarding the Benefit Restoration Plan ~~is~~shall be subject to the supervision and direction of the Plan Administrator~~,~~ and ~~does~~shall not have the authority to control the operation of the Plan.

(k) Termination and ~~Amendment~~amendment of ~~the~~ Benefit Restoration Plan.

(1) Termination~~ of the Benefit Restoration Plan~~. The Board of Supervisors ~~of the County of Fairfax, Virginia,~~ hereby reserves the right to terminate this Benefit Restoration Plan at any time~~,~~; provided, that no such termination shall reduce, suspend, or terminate the ~~Restoration Retirement Benefit or Restoration Death Benefit~~restoration retirement benefit or restoration death benefit otherwise payable to a ~~Participant or Beneficiary~~participant or beneficiary hereunder as of the date of such termination.

(2) Amendment~~ of the Benefit Restoration Plan~~. The Board of Supervisors~~ of the County of Fairfax, Virginia,~~ hereby reserves the right to amend this Benefit Restoration Plan at any time~~,~~; provided, that no such amendment shall reduce, suspend, or terminate the ~~Restoration Retirement Benefit or Restoration Death Benefit~~restoration retirement benefit or restoration death benefit otherwise payable to a ~~Participant or Beneficiary~~participant or beneficiary hereunder as of the date of such ~~termination~~amendment.

(l) ~~Miscellaneous. (1)~~ Non-assignability.

The interests of each ~~Participant~~participant hereunder in the Benefit Restoration Plan are not subject to the claims of the ~~Participant'~~participant's creditors; and neither the ~~Participant~~participant nor his ~~Beneficiary~~or her beneficiary, shall have any right to sell, assign, transfer, or otherwise convey the right to receive any payments hereunder or any interest under the Benefit Restoration Plan, which payments and interest are expressly declared to be non-assignable and non-transferable. ~~(2)~~ Notwithstanding the ~~preceding sub-section~~foregoing, the Plan Administrator shall honor any process for a debt to the ~~Employer~~employer who has employed the ~~Participant~~participant and any administrative actions pursuant to ~~Va. Code Ann. Sections~~Section 63.2-~~1900,~~1900 *et seq.* of the *Code of Virginia*, or any court process to enforce a child or spousal support obligation, in the manner as described in Section 3-2-6~~ of this Article~~ mutatis mutandi. Restoration ~~Retirement Benefits and/or Restoration Death Benefits~~retirement benefits

and/or restoration death benefits created under this Section which are deemed to be marital property pursuant to ~~Va. Code Ann. Sections~~Section 20-89.1 *et seq.* of the *Code of Virginia* may be divided or transferred by the court by direct assignment to a spouse or former spouse pursuant to ~~Va. Code Ann.~~ Section 20-~~107.3.~~107.3 of the *Code of Virginia*. Under no circumstances ~~may~~shall a payment under this ~~sub-section~~Subsection take place before the ~~Participant'~~participant's benefit under the ~~Retirement~~ System is actually paid. (12-06-3.)

Document comparison by Workshare Compare on Thursday, November 19, 2015 2:50:22 PM

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Description	ERS Current
Document 2 ID	file://C:\Users\payres\Desktop\ERS2\ERS Revised.docx
Description	ERS Revised
Rendering set	Standard

Legend:	
Insertion	
~~Deletion~~	
~~Moved from~~	
Moved to	
Style change	
Format change	
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Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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ARTICLE 3. - Fairfax County Uniformed Retirement System.

Division 1. - Generally.

Section 3-3-1. - ~~Definitions.~~ Fairfax County Uniformed Retirement System established.

Under the authority of Section 51.1-801 of the *Code of Virginia*, there is hereby established a retirement system for employees, to be known as the "Fairfax County Unformed Retirement System," by and in which name it shall, pursuant to the provisions of this Article, transact all of its business. The Fairfax County Uniformed Retirement System is intended to satisfy the requirements of Sections 401(a) and 414(d) of the Internal Revenue Code for qualified governmental pension plans. (1961 Code, § 9-73; 11-74-9; 28-77-3; 51-13-3.)

Section 3-3-2. - Definitions.

~~For the purposes of this Article~~Unless provided otherwise in another Section, the following ~~words and phrases shall have the meanings respectively ascribed to them by~~definitions shall apply to this ~~Section~~Article:

(a) *Accrued sick leave credit* shall mean:

(1) For employees whose ~~county~~County employment commenced by reporting for work before January 1, 2013 (members of Plans A, B, C, or D), ~~accrued sick leave credit shall mean~~ the credit allowed a member with more than five (5) years of service for purposes of determining retirement eligibility. Credit shall be allowed at the rate of one (1) month for every one-hundred-seventy-two (172) hours of accrued unused sick leave, and pro rata credit shall be allowed for each fraction thereof.

(2) For employees whose ~~county~~County employment commenced by reporting for work on or after January 1, 2013 (members of Plan E), ~~accrued sick leave credit shall mean~~ the credit allowed a member with more than five (5) years of service for purposes of determining retirement eligibility. Credit shall be allowed at the rate of one (1) month for every one-hundred-seventy-two (172) hours of accrued unused sick leave, and pro rata credit shall be allowed for each fraction thereof; however, for employees whose ~~county~~County employment commenced by reporting to work on or after January 1, 2013, notwithstanding the amount of the employee's accrued sick leave balance, the maximum amount of accrued sick leave credit that may be used for determining retirement eligibility and for computing the member's retirement ~~benefits and~~ allowances and benefits shall be the employee's accrued sick leave balance or two-thousand-eighty (2,080) hours, whichever is less.

(b) *Accumulated contributions* shall mean the sum of all amounts deducted or picked up from the compensation of a member and credited to his or her individual account in the members' contribution account, any amounts transferred from another retirement plan pursuant to Section 3-3-25.1, together with interest credited on such amounts and any other amounts he or she shall have contributed or transferred thereto as provided in Section 3-3-29(c).

(c) *Actuarial equivalent* shall mean a benefit of equal value when computed ~~on~~upon the basis of ~~the 1971 Group Annuity Mortality Tables for Females and an interest rate of five percent~~such actuarial tables as are adopted by the Board.

(d) *Average final compensation* shall mean the average annual creditable compensation of a member during the three (3) consecutive years (seventy-eight (78) consecutive pay periods) of creditable service in which such compensation was at its greatest amount, or during the entire period of his or her creditable service if less than three (3) years. In determining creditable compensation, premium payments such as overtime pay shall not be included.

(1) In determining average final compensation for members who retire on or after January 1, 1988, the member's accrued unused sick leave at the time of retirement may, at the option of the member, be substituted for an equivalent period of creditable service as if the member had

continued to work at his or her final salary during the period of his or her accrued unused sick leave; provided, ~~however,~~ that in determining the average final compensation for members who became members of ~~this~~the System on or after January 1, 2013 (~~i.e.,~~ members of Plan E), no more than two-thousand-eighty (2,080) hours of the member's accrued unused sick leave may be used for this purpose.

(~~1~~2) ~~Rule applicable to members ordered or called to active duty with the armed forces of the United States on or after August 2, 1990, with or without their consent, other than for training at the request of the member.~~ If a member ordered or called to active duty with the armed forces of the United States on or after August 2, 1990, with or without his or her consent, other than for training at the request of the member, is entitled to service credit as a result of such military service pursuant to Section 3-3-25(b) and he or she otherwise would have no creditable compensation attributable to some portion or all of such period of service, his or her average final compensation shall be calculated as if he or she had continued to receive the creditable compensation as defined in this Article and approved and established for his or her position by the County ~~Pay and~~ Compensation Plan, including ~~pickup~~pick-up contributions, during the period of military service for which he or she is receiving service credit. A member shall be entitled to the benefit of the application of this rule for up to a cumulative total of four (4) years of military service commencing on or after August 2, 1990. The Board ~~is authorized and directed to~~shall make any and all necessary retroactive adjustments to members' allowances as a result of this rule.

(3) Notwithstanding the foregoing, whenever the ~~Personnel~~ Director~~,~~ of the Department of Human Resources, at the request of the Board, the member, or the member's beneficiary, determines that the member's receipt of a merit increment was delayed as a result of either or both of the amendments to Section 4.3-2 of the Personnel Regulations, effective July 13, 1991, and July 11, 1992, and that the member would otherwise have been entitled to such merit increment under the Personnel Regulations, based upon the ~~Personnel~~Human Resources Director's review of the member's personnel and payroll records, the Board shall calculate the member's average final compensation as if the member had received the merit increment at the time he or she would have but for the aforesaid amendments to Section 4.3-2 of the Personnel Regulations. This ~~amendment~~rule shall apply to all applications for allowances and benefits filed with the Board ~~of Trustees~~ on or after July 13, 1991. The Board ~~of Trustees is hereby authorized and directed to~~shall make any necessary retroactive adjustments to allowances and benefits.

(~~2~~4) Periods of leave without pay under the federal Family and Medical Leave Act of 1993 (FMLA) shall be disregarded in determining periods of consecutive months or ~~payroll~~pay periods in calculating average final compensation.

(e) *Beneficiary* shall mean any person entitled to receive benefits as provided by the System. The Board shall provide a member with a form on which to designate in writing one or more beneficiaries of the member's benefits upon the member's death. The Board shall maintain any such written designation on file. A designated beneficiary may be changed from time to time by written notice by the member filed with the Board.

(f) *Board* shall mean the Board of Trustees of the System, as provided for in this Article.

(g) *Creditable compensation* shall mean the full compensation, including ~~pickup~~pick-up contributions, holiday hours worked, administrative emergency leave worked, shift differential paid and regularly scheduled hours paid, credited at the base rate of pay but excluding premium pay such as all overtime, including Fair Labor Standards Act (FLSA) overtime and excluding performance bonuses. Effective for plan years after December 31, 1988, compensation in excess of $~~200,000.00 (~~200,000.00, as indexed under Section 415(d) of the Internal Revenue Code~~)~~, shall be disregarded. Notwithstanding the foregoing, effective for members whose ~~county~~County employment commenced by reporting for work on or after July 1, 1996, compensation in excess of the limit set forth in Section 401(a)(17) of the Internal Revenue Code shall be disregarded. In determining the compensation of an employee under this ~~plan section~~definition, the rules of Section 415(c)(3) of the Internal Revenue Code shall apply. Effective for plan years on or after January 1, 2001 an employee's compensation shall include amounts not includible in gross income by reason of Section 132(f)(4) of the Internal Revenue Code.

(h) *Creditable service* shall mean the sum of membership service credit, plus prior service credit, plus portability service credit purchased pursuant to Section 3-3-25.1, plus accrued sick leave credit.

(i) *DROP* shall mean the Deferred Retirement Option Program, as provided in Section 3-3-57.

(j) *Early retirement* shall mean the retirement upon completion of twenty (20) years of service with an actuarial reduction of the normal retirement allowance accrued.

(k) *Employee* shall mean any person regularly employed within the Fire and Rescue Department, the Sheriff's Department, and the Department of Animal Control, with the exception of clerical personnel in these ~~Departments~~departments, or as a park police officer or ~~Helicopter Pilot~~helicopter pilot, rendering service to the County, and any person regularly employed within the Department of Public Safety Communications who transferred into ~~this~~the System pursuant to Section 3-2-19(e) or who ~~were~~was appointed to ~~positions~~a position in the classes identified in Section 3-3-20(a)(4) on or after July 1, 2005, whose compensation is fully or partially paid directly or indirectly by the County.

(~~j~~l) *Employer* shall mean an authority in the general County having the power to appoint an employee to office or employment paid~~,~~ directly or indirectly~~,~~ by the County and the Board of Trustees of the System.

(~~k~~m) *Executive Director* shall mean the Executive Director of the Fairfax County Retirement Administration Agency.

(n) *Internal Revenue Code* shall mean the federal income tax statutes, as they may be amended or superseded from time to time in the future.

(p) *Medical Examining Board* shall mean the physician or physicians provided for by Section 3-3-~~10 who may act individually or collectively.~~10.

(~~l~~q) *Member* shall mean any person included in the membership of the System as provided in Section 3-3-20.

(~~m~~r) *Membership service credit* shall mean credit for service rendered while a member of ~~this~~the System, or as otherwise provided in Section 3-3-24.

(~~n~~s) *Normal retirement date* shall mean either (1) the member's fifty-fifth (55th) birthday, provided, said member shall have completed six (6) years of creditable service as a uniformed member of the Fire and Rescue Department, Sheriff's Department, or Department of Animal Control, or as a park police officer, ~~Helicopter Pilot~~helicopter pilot, or ~~Sheriff~~sheriff, or (2) the date the member completes twenty-five (25) years of creditable service as a uniformed member of the Fire and Rescue Department, Sheriff's Department, or Department of Animal Control, or as a park police officer, ~~Helicopter Pilot~~helicopter pilot, or ~~Sheriff~~sheriff. The normal retirement date for members who are former park police officers who elected to remain in ~~this~~the System pursuant to Section 3-3-20(b)(2) shall be computed in the same manner. "Creditable service" for these members shall include service both as a park police officer and as a police officer.

(~~o~~t) ~~Pickup~~*Pick-up contributions* shall mean a member's regular ~~member's contributions~~contribution which ~~are~~is picked up, through a salary reduction ~~in salary~~, by the County from ~~active members~~the member's compensation for service rendered on or after December 22, 1984.

(~~p~~u) *Plan A* shall mean the option effective July 1, 1981, available to employees whose ~~county~~County employment commenced by reporting for work on or before March 31, 1997, providing for current members of Plan A to:

(1) Contribute four percent (4%) of compensation up to the taxable wage base and five -and -three-fourths percent (5 3/4%) of compensation in excess of the taxable wage base; and

(2) Accrue normal retirement benefits as provided for in Section 3-3-33(a)(1)(A) and (B) or as provided for in Section 3-3-33(a)(2)(A). Further, cost-of-living adjustments shall not be applicable to the allowance until the member reaches age ~~55,~~fifty-five (55) years, at which time the full benefits prescribed in Section 3-3-33 and Section 3-3-45 shall become payable.

(~~q~~v) *Plan B* shall mean the provision effective July 1, 1981, allowing current members the option and requiring new members whose ~~county~~County employment commenced by reporting for work on or before March 31, 1997, to:

(~~A~~1) Contribute seven -and -eight -one-hundredths percent (7.08%) of compensation up to the taxable wage base and eight -and -eighty-three-one-hundredths percent (8.83%) of compensation in excess of the taxable wage base; and

(~~B~~2) Accrue normal retirement benefits as provided for in Section 3-3-33(a)(1)(A), (B), and (C) or as provided for in Section 3-3-33(a)(2)(A) and (B). Cost-of-living adjustments provided for in Section 3-3-45 ~~will~~shall be applied to this amount from the date of retirement. Additionally, ~~50~~fifty percent (50%) of the retirement allowance provided in Section 3-3-33(a)(1)(B) shall be payable from the date of retirement. Upon attainment of age ~~55,~~fifty-five (55) years, benefits shall be based on the provisions of Section 3-3-33(a)(1)(A) and (B).

(~~r~~w) *Plan C* shall mean the provision effective April 1, 1997, allowing then-existing members of Plan A who elect to transfer to Plan C prior to April 1, 1997, to:

(~~A~~1) Contribute four percent (4%) of compensation; and

(~~B~~2) Accrue normal retirement benefits as provided for in Section 3-3-33(a)(1)(D) or as provided for in Section 3-3-33(a)(2)(C). Further, cost-of-living adjustments shall not be applicable to the allowance until the member reaches age ~~55,~~fifty-five (55) years, at which time the full benefits prescribed in ~~Section~~Sections 3-3-33 and ~~Section~~ 3-3-45 shall become payable.

(~~s~~x) *Plan D* shall mean the provision effective April 1, 1997, allowing then-existing members of Plan B, and requiring new members whose ~~county~~County employment commenced by reporting for work on or after April 1, 1997, but on or before December 31, 2012, to:

(~~A~~1) Contribute seven -and -eight -one-hundredths percent (7.08%) of compensation; and

(~~B~~2) Accrue normal retirement benefits as provided for in Section 3-3-33(a)(1)(D) or as provided for in Section 3-3-33(a)(2)(D). Cost-of-living adjustments provided for in Section 3-3-45 ~~will~~shall be applied to this amount from the date of retirement.

(~~t~~y) *Plan E* shall mean the option effective beginning on January 1, 2013, requiring new members whose ~~county~~County employment commenced by reporting for work on or after January 1, 2013, to:

(~~A~~1) Contribute seven -and -eight one-hundredths percent (7.08%) of compensation; and

(~~B~~2) Accrue normal retirement benefits as provided for in Section 3-3-33(a)(1)(D) or as provided for in Section 3-3-33(a)(2)(D). Cost-of-living adjustments provided for in Section 3-3-45 ~~will~~shall be applied to this amount from the date of retirement.

(~~u~~z) *Primary social security benefit* shall mean the primary insurance amount to which the member is entitled, for old age or disability, as the case may be, pursuant to the federal Social Security Act as in effect at his or her date of retirement, under the provisions of this Chapter, except as otherwise specifically provided.

(aa) *Prior service credit* shall mean credit for service rendered prior to the effective date of this Article [May 6, 1974], or as otherwise provided in Section 3-3-25.

(~~v~~bb) *Qualifying employment* shall mean employment that qualifies an employee for participation in the System, and defined specifically to mean regular employment by the Fire and Rescue Department, the Sheriff's Department, and the Department of Animal Control, with the exception of clerical employment in these departments, or as a park police officer or helicopter pilot rendering service to the County, whose compensation is fully or partially paid directly or indirectly by the County.

(cc) *Retirement allowance* shall mean the retirement payments to which a member is entitled as provided in this Article.

(~~w~~dd) *Salary* shall mean the compensation, including ~~pickup~~pick-up contributions, established for each position as approved in the County ~~Pay and~~ Compensation Plan.

(~~x~~ee) *Service* shall mean service as an employee for which compensation is paid by the employer, but shall not include time spent on leave without pay.

(~~y)~~ ff) *Social security* shall mean the federal Social Security Act and its programs for old age, survivors and disability insurance and benefits, as applicable.

(gg) *Social security breakpoint* shall mean the average of the taxable wage base for the thirty-five (35) calendar years ending with the year in which the member attains ~~Social Security~~social security normal retirement age. In determining a member's ~~Social Security~~social security breakpoint during any particular plan year, it is assumed that the taxable wage in effect at the beginning of the plan year ~~will~~shall remain the same for all future years.

(~~z~~hh) *System* shall mean the Fairfax County Uniformed Retirement System. When any part of this Article refers to multiple retirement systems, the Uniformed Retirement System shall be referred to as "this System," rather than "the System."

(ii) *Taxable wage base* shall mean the maximum amount of wages received during the calendar year on which ~~Social Security~~social security taxes are payable by the member and by the employer, as such amount is defined in Section 3121(a) of the Internal Revenue Code~~, or as that Section may be amended or superseded from time to time in the future. (aa)System shall mean the Fairfax County Uniformed Retirement System~~.

~~(bb) Early retirement shall mean the retirement upon completion of 20 years' service with an actuarial reduction of the normal pension accrued. (cc) Qualifying employment shall mean employment that qualifies an employee for participation in this Retirement System, and defined specifically to mean regular employment by the Fire and Rescue Department, the Sheriff's Department, and the Department of Animal Control, with the exception of clerical employment in these Departments, or as a Park Police Officer or Helicopter Pilot rendering service to the County, whose compensation is fully or partially paid directly or indirectly by the County.~~ (1961 Code, § 9-72; 11-74-9; 28-77-3; 20-81-3; 5-83-3; 22-83-3; 23-85-3; 36-88-3; 29-89-3; 27-90-3, § 3; 43-92-3; 15-93-3; 37-94-3; 21-96-3; 14-00-3; 10-01-3; 18-01-3; 8-03-3; 8-04-3; 36-10-3; 27-12-3.)

Section 3-3-~~2. - Fairfax County Uniformed Retirement System established.~~ 2.1. – Definitions elsewhere in County Code and in County Personnel Regulations.

~~Under the authority of Chapter 4, Article 1, Title 51-112 of the 1950 Virginia Code, as amended, there is hereby established a retirement system for employees, to be known as the "Fairfax County Unformed Retirement System" by and in which name it shall, pursuant to the provisions of this Article, transact all of its business. The Fairfax County Uniformed Retirement System is intended to satisfy Internal Revenue Code §§ 401(a) and 414(d) requirements for qualified governmental pension plans.~~

~~(1961 Code, § 9-73; 11-74-9; 28-77-3; 51-13-3.)~~

Unless this Article provides otherwise, the definitions provided in Sections 1-1-2, 3-3-1, and 3-3-12 of the *Code of the County of Fairfax*, and Chapter 2 of the Fairfax County Personnel Regulations shall apply herein.

Section 3-3-3. - Social Security Breakpoint.

~~For the purposes of computing retirement benefits and allowances under this System, Social Security breakpoint shall mean the average of the taxable wage base for the thirty-five (35) calendar years ending with the year in which the member attains Social Security normal retirement age. In determining a member's Social Security breakpoint during any particular plan year, it is assumed that the taxable wage in effect at the beginning of the plan year will remain the same for all future years.~~ Repealed by 16-__-3.

Section 3-3-4. - Duties of appointing authorities.

The authority having the power to hire the services of a member shall keep such records and from time to time shall furnish such information as the Board may require in the discharge of its duties. Upon

employment of a member, the authority shall inform the member of his or her duties and obligations in connection with the ~~system~~System as a condition of employment. (1961 Code, § 9-74; 11-74-9.)

Section 3-3-5. ~~- Acceptance of employment deemed consent~~– Consent to provisions of Article required for employment.

~~Upon~~By and upon acceptance of employment, every member shall be deemed to consent and agree to any deductions or employer ~~pickup~~pick-up of amounts from his or her compensation required by this Article and to all other provisions thereof. (1961 Code, § 9-75; 11-74-9; 5-85-3.)

Section 3-3-6. - Protection against fraud ~~and deceit~~.

~~Any~~In addition to any other provisions of law, any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the ~~system~~System in any attempt to defraud the ~~system~~System shall be guilty of a misdemeanor and shall be punished accordingly. (1961 Code, § 9-76; 11-74-9.)

Section 3-3-7. ~~- Assignment of benefits prohibited~~– Benefits unassignable; non-attachable.

The right of any member to a retirement allowance, the return of accumulated contributions or any other right accrued or accruing to any person under ~~the provisions of~~ this Article and the money created by this Article shall be unassignable and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws or any other process of law whatsoever except for administrative actions pursuant to ~~Chapter 13 (§ 63.1-249~~Section 63.2-1900 *et seq.*~~) of Title 63.1~~ of the *Code of Virginia*, or any court process to enforce a child or child and spousal support obligation, and shall be unassignable except as specifically provided in this Article. However, retirement benefits and assets created under this Article which are deemed to be marital property pursuant to ~~Chapter 6 (§~~Section 20-89.1 *et seq.*~~) of Title 20~~ of the *Code of Virginia*, may be divided or transferred by the court by direct assignment to a spouse or former spouse pursuant to Section 20-107.3 of the *Code of Virginia*~~, Section 20-107.3.~~ . (1961 Code, § 9-77; 11-74-9; 3-80-3; 5-85-3; 13-92-3; 1-93-3.)

Section 3-3-8. ~~- Error in records; corrections and adjustments~~– Errors resulting in over- or under-payment.

Should any change or error in the records result in any member or beneficiary receiving from the ~~system~~System more (overpayment) or less than he or she would have been entitled to receive had the records or computation been correct, the ~~board~~Board shall have the power to correct such error~~,~~ and, as far as practicable, to adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid. (1961 Code, § 9-78; 11-74-9.)

Section 3-3-9. - Amendment of Article.

The Board of Supervisors shall have the continuing right and power to amend or supplement this Article at any time, which right and power is hereby expressly reserved. But no amendment shall be made unless an actuarial report has been filed with the Board of Supervisors as to its effect upon the ~~system~~System and no amendment shall be adopted which ~~will~~shall reduce the then accrued benefits of ~~employees~~members or beneficiaries below the extent they are then covered by accumulated reserves, which reserves shall constitute a trust fund for the payment of such benefits. (1961 Code, § 9-79; 11-74-9.)

Section 3-3-10. - Medical Examining Board.

The Medical Examining Board shall consist of the ~~County~~ Director of the Health ~~Services~~Department (or his or her designee) and, in the discretion of the Board, one (1) or two (2) other physicians designated by the Board. The duties of the Medical Examining Board shall be to arrange for and pass upon all medical examinations required under this Article or requested by the Board and to investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement. The members of the Medical Examining Board, who may act individually or collectively, shall

report in writing to the Board their conclusions and recommendations upon all matters referred to it. (1961 Code, § 9-80; 11-74-9; 27-97-3.)

Section 3-3-10.1. - Post-employment physical examinations.

(a) Any member or person eligible to participate in the~~ Uniformed Retirement~~ System who applies for service-connected disability retirement or severe service-connected disability retirement on or after July 1, 2004, shall disclose to the Board~~ of Trustees~~ any and all medical records and information, including, but not limited to any pre-employment or post-employment physical examination, any examination made relating to any claim under the Virginia Workers' Compensation Act and any and all other further tests or examinations required by the Board to assist it in its determination of whether the disability for which the member seeks retirement is service-connected or if it is the result of a preexisting condition.

(b) Failure to disclose to the Board any medical record or information required hereunder or to undergo any further required tests or examinations shall preclude a member who does not disclose such medical records and information or such other further tests or examinations from receiving service-connected disability retirement as provided for in Section 3-3-36 and from receiving severe service-connected disability retirement as provided for in Section 3-3-37.2. (34-04-3.)

Division 2. - Board of Trustees.

Section 3-3-11. - Administration of ~~system~~System vested in Board of Trustees.

The general administration and the responsibility for the proper operation of the ~~system~~System and for making effective the provisions of this Article are hereby vested in the Board~~ of Trustees of the system~~. (1961 Code, § 9-81; 11-74-9.)

Section 3-3-12. - Membership; term of office.

(a) The Board of Trustees of the ~~system~~System shall consist of ~~10 Trustees as follows: four Trustees~~the following members:

- Four (4) persons appointed by the Board of Supervisors; ~~two Trustees~~
- Two (2) persons elected by the uniformed employees of the Fire and Rescue Department and the employees of the Department of Public Safety Communications; ~~one Trustee~~
- One (1) person elected by the uniformed employees of the Sheriff's Department and the Department of Animal Control and park police and ~~Helicopter Pilot~~helicopter pilot members of the ~~system; one Trustee~~System;
- One (1) person elected by the retirees of the ~~system~~System; ~~the~~
- Director of the Department of Finance, who shall be ~~treasurer~~the Treasurer of the Board, or his or her permanent designee, sitting ex officio; and ~~the Director of Personnel or the personnel officer responsible for employee benefits for Fairfax County.~~
- Director of the Department of Human Resources, or his or her permanent designee, sitting ex officio.

(b) With the exception of the Director of the Department of Finance~~,~~ and ~~the~~ Director of ~~Personnel, or the personnel officer responsible for employee benefits for Fairfax County, who shall be ex officio members of the Board~~the Department of Human Resources, the terms of office of the ~~Trustees~~trustees shall be four (4) years.

(c) The only persons eligible to be elected by the uniformed employees of the Fire and Rescue Department and the employees of the Department of Public Safety Communications as ~~Trustees~~trustees are uniformed employees of the Fire and Rescue Department and employees of the Department of Public Safety Communications. The only persons eligible to be elected as a ~~Trustee~~trustee by the uniformed employees of the Sheriff's Department and the Department of Animal Control and park police and ~~Helicopter Pilot~~helicopter pilot members of ~~this system~~the System are

uniformed employees of the Sheriff's Department and the Department of Animal Control and park police and ~~Helicopter Pilot~~helicopter pilot members of ~~this system~~the System. The offices of such trustees shall be vacated should such ~~members~~trustees separate from service prior to the completion of their term.

(d) The only persons eligible to be elected as a ~~Trustee~~trustee by the retirees of the ~~system~~System are retirees of the ~~system~~System. (1961 Code, § 9-82; 11-74-9; 20-81-3; 13-92-3; 40-93-3; 36-10-3; 59-13-~~3~~3.)

Section 3-3-13. - Vacancies in office.

If a vacancy occurs in the office of ~~the Trustee~~a trustee of the ~~system~~System, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled. (1961 Code, § 9-83; 11-74-9.)

Section 3-3-14. - Compensation of ~~Trustees~~trustees.

The ~~Trustees~~trustees of the ~~system~~System may receive compensation at the rate set by the Board of Supervisors. (1961 Code, § 9-84; 11-74-9.)

Section 3-3-15. - Accountable to the Board of Supervisors.

The Board of Trustees of the ~~system~~System shall be accountable to the Board of Supervisors. (1961 Code, § 9-85; 11-74-9.)

Section 3-3-16. - Functions of the Board.

(a) Subject to the limitations of this Article, the Board shall, from time to time, establish rules and regulations for the administration of the ~~system~~System and for the transaction of its business, copies of which shall be made available to interested parties.

(b) The Board may employ and pay out of the ~~system~~System funds for all services as shall be required.

(c) The Board shall keep in convenient form such data as shall be necessary for an actuarial valuation of the ~~system~~System and for checking the experience of the ~~system~~System.

(d) The Board shall keep minutes of all its proceedings, which shall be open to public inspection unless applicable law provides otherwise. ~~It~~

(e) The Board shall submit to the Board of Supervisors annually an independent audit showing the fiscal transactions of the ~~system~~System for the preceding fiscal year, the amount of accumulated cash and securities of the ~~system~~System, and the last balance sheet indicating the financial condition of the ~~system~~System.

(~~e~~f) At least once in each two (2) year period, beginning July 1, 1969, the Board shall cause an actuarial evaluation to be made of the ~~system~~System.

(g) The Board shall review adverse decisions as provided by Section 3-3-50. (1961 Code, § 9-86; 11-74-9.)

Division 3. - Management of Funds.

Section 3-3-17. - Board trustee of funds; investment of same.~~:~~

(a) The Board shall be the trustee of funds created by this Article and shall have full power to invest and re-invest such funds. Such investments and re-investments shall be conducted with bona fide discretion and in accordance with the laws of ~~this State~~the Commonwealth of Virginia as such laws apply to fiduciaries investing such funds. The Board may, upon the exercise of bona fide discretion, employ investment counsel, who shall be subject to the same limitations herein provided for the Board. Subject to such limitations~~;~~, the Board shall have full power to hold, purchase, sell, assign, transfer, or

otherwise dispose of any of the securities or investments in which any of the funds created herein have been invested, as well as the proceeds of such investments and any money belonging to such funds.

(b) No trustee shall be personally liable for losses suffered by the System on investments made under the authority of and in compliance with this Section. (1961 Code, § 9-87; 11-74-9.)

~~Footnotes:~~

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~~9. As to investment of the funds of the System, see Va. Code Ann. § 51-112.1.~~

Section 3-3-18. - Treasurer fiscal officer of the Board.

The Treasurer of the Board shall be the custodian of all of its funds and securities or evidences of such when in the custody of a fiduciary agent. He or she shall give bond, conditioned upon the faithful performance of his or her duties and the proper accounting of all funds and securities coming into his or her hands. He or she shall deposit all money in the name of the Board and disburse the same only on vouchers signed by such person as is designated for the purpose by the Board. (1961 Code, § 9-88; 11-74-9.)

Section 3-3-19. - Prohibited interest of member or employee of Board.

(a) The State and Local Government Conflict of Interests Act, Section 2.2-3100 *et seq.* of the *Code of Virginia,* shall apply to members and employees of the Board.

~~Except as otherwise provided in this Article, no member or employee of the Board shall have any direct or indirect interest in the gains or profits of any investment held by the system.~~ (b) No member or employee of the Board shall, directly or indirectly, for himself or herself or as an agent in any manner use the funds of the ~~system~~System, except to make such current and necessary payments as are authorized by the Board. (1961 Code, § 9-89; 11-74-9.)

Division 4. - Membership in System.

Section 3-3-20. ~~- Persons comprising membership~~ – Membership composition.

(a) Membership shall be composed of the following:

(1) Present employees, as hereinafter identified, except those listed in Subsection (2)(B) of this Section:

(A) All persons who were employees on the effective date of this Article or who were on leave from service on such date; or

(B) Any employee, otherwise qualified, who has been a member of another Fairfax County retirement system, and who has withdrawn therefrom, provided he or she pays into this ~~system~~System all contributions which would have been due from him or her had he or she been a member of this ~~system~~System, plus interest at the rate or rates, as established by the Board, for each of the years for which membership service credit is sought.

(2) Future employees, as hereinafter identified, except those listed in Subparagraph (B) of this ~~Section~~Subsection:

(A) All persons who hereafter shall become employees, persons receiving a normal or early service retirement allowance from this System, the Fairfax County Employees' Retirement System ~~(Article 2)~~, or Fairfax County Police Officers Retirement System ~~(Article 7)~~ eligible for membership only under the terms and conditions set forth in Section 3-3-43.

(B) ~~Exceptions.~~ Employees who are members of the Virginia Retirement System (VRS) and the Educational Employees Supplemental Retirement System ~~(Article 4), the~~of Fairfax County (ERFC), the Employees' Retirement System ~~(Article 2)~~, or the ~~Fairfax County~~ Police Officers

Retirement System (Article 7), and future employees who are eligible to become members of those systems are not eligible for membership in this System; provided, however, that an employee who is a member of such a system shall be eligible for membership in this System if he or she elects in writing to withdraw from such system, pursuant to the rules and regulations of this System and of the system of which he or she was previously a member. If the withdrawal from the other system occurs due to being employed in a different position by the same appointing authority, the employee willshall be required to purchase service credit under this System for service rendered while a member of such other system, pursuant to the rules of Section 3-3-24. If the withdrawal from the other system occurs due to being employed by a different appointing authority, the employee willshall be permitted but not required to purchase service credit under this System for service rendered while a member of such other system, pursuant to the rules of Section 3-3-24. Elected officials, who elect in writing at the time of their employment not to become members, shall be exempted from this System.

(3) The membership in this System of uniformed employees of the Department of Animal Control transferred from the Employees' Retirement System to this System pursuant to the provisions of Section 3-2-19(d) shall commence on October 1, 1985, or date of appointment, whichever is later. For purposes of this Article, such members shall be deemed to have been appointed on or after January 1, 1984, regardless of being granted any membership service credit pursuant to Section 3-3-24. Uniformed employees of the Department of Animal Control, including the Director, appointed on or after October 1, 1985, shall become members of this System upon appointment.

(4) The membership in this System of certain employees of the Public Safety Communications Center transferred from the Employees' Retirement System to this System pursuant to the provisions of Section 3-2-19(e), shall commence on October 1, 2005, or date of appointment, which ever is later. Employees of the Public Safety Communications Center appointed on or after July 1, 2005, in the class specification Public Safety Communications Squad Supervisor, Public Safety Communications Assistant Squad Supervisor, Public Safety Communicator III, Public Safety Communicator II or Public Safety Communicator I, or any successor class specification(s) to these class specifications, shall become members of this System upon appointment.

(b) Provisions for transfer of parkPark police members oftransferring to the Fairfax County UniformedPolice Officers Retirement System into the membership of the Fairfax County Police Officer's Retirement System (Police Retirement System):.

(1) Members of this System who were park police and who were reclassified as police officers on January 22, 1983, shall, within thirty (30) days of the adoption of this Subsection [June 20, 1983], make an irrevocable election, in writing, whether to remain members of this System or to transfer to the Fairfax County Police Officers Retirement System.

(2) Members of this System who were park police and who were reclassified as police officers on January 22, 1983, who elect to remain as members of this System shall continue as members of this System.

(3) Members of this System who were park police and who were reclassified as police officers on January 22, 1983, who elect to transfer to the Police Officers Retirement System shall cease to be members of this System and shall be members of the Police Officers Retirement System as of January 22, 1983.

(4) Members who elect to transfer to the Police Officers Retirement System pursuant to subsectionSubsection (b)(3) of this Section shall make a further election among the following options at the time of their election under Subsection (b)(1) of this Section:

(A) Withdraw the total of his or her accumulated member contributions (with interest) as of January 22, 1983, which shall be reduced by the amount of any retirement allowances previously received by him or her under any of the provisions of this Article. Any member contributions to this System after January 22, 1983, shall be transferred to the transferee's member account in the Police Officers Retirement System. Said refund shall be paid to the

member not later than ninety (90) days from the date of receipt of the member's election by the Board; or

(B) If the member has five (5) or more years of creditable service in this System on January 22, 1983, the member may leave his or her accumulated contributions as of January 22, 1983, in ~~the fund~~this System and receive a deferred ~~annuity~~vested benefit commencing on the first of the month coinciding with or following the date the member attains age ~~55,~~fifty-five (55) years, or in an actuarially reduced amount payable at the optional early retirement age, in accordance with applicable provisions of this Article; and any member contribution made to this System after January 22, 1983, shall be transferred to the transferred member's account in the Police Officers Retirement System; or

(C) The member may transfer his or her accumulated contributions to the Police Officers Retirement System to obtain prior service credit in that ~~System~~system pursuant to Section 3-7-20(b). In this case, the Board shall transfer the member's accumulated contributions (plus interest) as well as that portion of the retirement allowance account representing employer contributions to this System attributable to the member's service in this System to the Police Officers Retirement System.

(5) Members who are required by Subsection (b)(1) of this Section to make an election whether to transfer to the Police Officers Retirement System who fail to do so within the thirty (30~~-~~) day period provided therein shall be deemed to have elected to continue in this System pursuant to Subsection (b)(1) of this Section.

(6) ~~The participation~~Participation in ~~the~~this System of former members who return to qualifying employment shall be determined in accordance with the following terms and conditions:

(A) Former members who have not withdrawn their accumulated contributions from ~~the~~this System as provided in Section 3-3-39 shall return to membership in the plan to which they were contributing at the time their former employment ceased.

(B) Former members who withdrew their accumulated contributions from ~~the~~this System as provided in Section 3-3-39 subsequent to the cessation of their former employment shall become members of Plan D upon their return to qualifying employment. A former member may purchase membership service credit for the period of his or her prior employment, provided that he or she pays into this System all contributions that would have been due from him or her had he or she been a member of this System during the period of his or her prior employment, plus interest on such contributions at the rate or rates established by the Board, for each of the years for which membership service credit is sought. Any election to purchase membership service credit for periods of prior employment under this ~~subsection~~Subsection must be made within one (1) year after the former member returns to qualifying employment.

(c) Members of ~~this~~the System who were deputy sheriffs and who as deputy sheriffs had been performing nursing and/or paramedical duties in the ~~Office of the~~ Sheriff's Department and who when reassigned to civilian positions in the ~~Office of the~~ Sheriff's Department allocated to one of the classes in the Correctional Health Nurse class series, shall, ~~not withstanding~~notwithstanding any other provision in this Chapter to the contrary, remain as members of ~~this~~the System so long as they remain in such positions and for so long as they remain so continuously employed in a position allocated to such classes in the ~~Office of the~~ Sheriff's Department or in other positions covered by this Article.

(d) Notwithstanding any other provision of this Chapter or Article to the contrary, an active member of this System who has more than five (5) years of creditable service in this System and who is appointed to serve as a ~~deputy county executive~~Deputy County Executive shall remain a member of this System, and shall not become a member of the Fairfax County Employees' Retirement System as a result of such appointment. Any such member shall remain a member of this System for so long as he or she is so employed or subsequently resumes working in a position that is covered under this System. (1961 Code, § 9-90; 11-74-9; 35-81-3; 22-83-3; 23-85-3; 36-86-3; 45-93-3, 10-01-3; 32-02-3; 23-05-3; 27-12-3.)

Section 3-3-21. - Cessation of membership.

The membership of any person in the ~~system~~System shall cease :

(~~1~~a) ~~if~~ If he or she ceases to be an employee for a period of five (5) years~~,~~; or

(~~2~~b) ~~upon~~ Upon separation and withdrawal of his or her accumulated contributions~~,~~; or

(~~3~~c) ~~upon~~ Upon death. (1961 Code, § 9-91; 11-74-9; 20-81-~~3~~3.)

Division 5. - Service Credit.

Section 3-3-22. - Statement to be filed with Board.

Under such rules and regulations as are adopted by the Board, each member or someone on his or her behalf shall file with the Board in such form as the Board may prescribe, a statement of the facts pertaining to his or her status as a member, which shall include a statement of all service rendered as an employee, and such other information as the Board may require. Until such statement is filed, no member or his or her beneficiary shall be eligible to receive any benefits under this Article. (1961 Code, § 9-92; 11-74-9.)

Section 3-3-23. - Year of service.

The Board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one (1) year of service for all service rendered in any period of twelve (12) consecutive months. (1961 Code, § 9-93; 11-74-9.)

Section 3-3-24. - Membership service credit.

(a) Each member shall receive membership service credit for periods for which he or she received compensation and was a member of ~~this~~the System or after he or she last became a member in the event of a break in his or her membership, provided that any former member of ~~this~~the System who ceased his or her ~~county~~County employment and withdrew his or her accumulated member contributions from the System may purchase membership service credit by paying into the System all accumulated contributions which were collected from him or her during his or her prior period or periods of membership, plus interest at the rate or rates established by the Board, for the entirety of any period of prior service for which membership service credit is sought~~ or for the period he is on service connected disability retirement~~; a member may not purchase credit for only a portion of any prior period of service, but may only purchase credit for an entire prior period of service. In the event that a member of Plans A, B, C, or D, who ceased his or her ~~county~~County employment and withdrew his or her accumulated member contributions from the System seeks, on or after January 1, 2013, to purchase credit for periods during which he or she received compensation as a member of ~~this~~the System, he or she may only become a member of, and purchase membership service credit in, Plan E, by paying into the System all accumulated contributions which would have been collected from him or her during his or her prior period or periods of membership, plus interest at the rate or rates established by the Board, for the entirety of any period of prior service for which membership service credit is sought; however, notwithstanding the foregoing, a member of any of the five Plans (A, B, C, D or E) that are part of the~~ Uniformed Retirement~~ System who ceased his or her ~~county~~County employment, but who left his or her accumulated member contributions in the System, ~~must~~shall, upon his or her return to ~~county~~County employment, rejoin the Plan to which he or she formerly belonged. Such member may satisfy some or all of the amount due from him or her for the purchase of such service through a rollover from an individual retirement account if ~~and only if~~ the entire amount in that account is attributable to a rollover from the System. Such member may also satisfy some or all of the amount due from him or her for the purchase of such service through a direct trustee-to-trustee transfer from an eligible deferred compensation plan described in ~~section~~Section 457(b) of the Internal Revenue Code maintained by an eligible employer described in ~~section~~Section 457(e)(1)(A)~~ of the Internal Revenue Code~~, or through a direct trustee-to-trustee transfer from an annuity contract described in ~~section~~Section 403(b) of the Internal Revenue Code.

(1) Members who are former park police officers who elected to remain in ~~this~~the System under ~~the provisions of~~ Section 3-3-20(b)(2) shall receive membership service credit for service rendered as a park police officer and for their service as a police officer, including time served as a police officer prior to their election pursuant to Section 3-3-20(b)(2).

(2) Uniformed employees of the Department of Animal Control who transferred into this System pursuant to ~~the provisions of~~ Section 3-2-19(d) may purchase membership service credit in this System for service as a uniformed employee of the Department of Animal Control rendered prior to October 1, 1985, by making an election in writing pursuant to ~~Subsection~~Section 3-2-19(d)(3) and paying to the Board the difference between the employee contributions that would have been required under this System plus interest, and their employee contribution plus interest to the Fairfax County Employees' Retirement System for the period for which membership service credit is sought. The Board is authorized to enter into agreements with such members for the payment of the sum in installments, at the same interest rate, applied to the member's contribution account, so long as the entire sum due, plus interest, is paid within one (1) year of the adoption of Section 3-2-19(d) [December 16, 1985].

(3) With respect to employees of the Public Safety Communications Center who transferred into this System pursuant to ~~the provisions of~~ Section 3-2-19(e) and who purchase membership service credit in this System pursuant to ~~Subsection~~Section 3-2-19(e)(3) and (5) by paying to the Board the difference between the employee contributions that would have been required under this System plus interest, and their employee contribution plus interest to the ~~Fairfax County~~ Employees' Retirement System, the Board is authorized to enter into agreements with such members for the payment of the sum in installments, at the same interest rate, to be applied to the member's contribution account, so long as the entire sum due, plus interest, is paid within three (3) years of October 1, 2005.

(4) Under such rules and regulations as are adopted by the Board, any employee who has been a member of the Virginia Retirement System (VRS) and the Educational Employees Supplemental Retirement System ~~(Article 4), the~~of Fairfax County (ERFC), the Employees' Retirement System ~~(Article 2)~~, or the Fairfax County Police Officers Retirement System ~~(Article 7)~~, and who withdraws therefrom may purchase service credit for service rendered while a member of such other system by paying into this System all contributions that would have been due from him or her had he or she been a member of this System, plus interest at the rate or rates, as established by the Board, for each of the years for which membership service credit is sought. (A member may purchase membership service credit for prior service while a member of ~~the Virginia Retirement System~~VRS only for service due to employment by the Fairfax County Public Schools (FCPS).)

(5) The amount due from a member for such purchase of service credit ~~must~~shall be satisfied, to the extent possible, (a) by directing the trustees of the system from which he or she is withdrawing to transfer his or her accumulated member contributions in such system directly to this System, without distribution to such employee, if such transfers are available under such system, or (b) through (i) a rollover from the system from which he or she is withdrawing (if the member would be eligible for a refund from such system), (ii) a rollover from an individual retirement account in which all contributions were derived from a rollover from a system, (iii) a direct trustee-to -trustee transfer from an annuity described in Section 403(b) of the Internal Revenue Code, or (iv) a direct trustee-to-trustee transfer from an eligible deferred compensation plan described in ~~section~~Section 457(b) of the Internal Revenue Code maintained by an eligible employer described in ~~section~~Section 457(e)(1)(A) ~~of the Internal Revenue Code~~. To the extent that a rollover or direct transfer permitted under ~~§ 3-3-24~~this Subsection is insufficient to purchase the necessary service credit, other arrangements permitted by the rules and regulations adopted by the Board shall be made for purchasing such service credit.

(b) Members in service shall also receive membership service credit for periods of service-connected disability retirement from the System.

(c) A member shall also receive membership service credit for any period during which the member is taking leave without pay from the County service and is receiving compensation from the County for temporary total or temporary partial disability under the Virginia Workers' Compensation Act.

(d) Each member shall receive membership service credit for military leave, provided he or she returns to full employment within ninety (90) days of discharge and such discharge is other than dishonorable. (1961 Code, § 9-94; 11-74-9; 22-83-3; 23-85-3; 45-93-3; 36-94-3; 22-96-3; 10-01-3; 8-03-3; 23-05-3; 27-12-3.)

Section 3-3-25. - ~~Credit for prior~~Prior service credit.

~~(a)~~ The Board shall determine, as soon as practicable after the filing of statements of service, the ~~service~~credit that the member is entitled to receive ~~creditable~~for prior service ~~for~~. Credit for prior service need not have been continuous provided no break in service exceeded five (5) years. When an employee again becomes a member after his or her prior membership has ceased, he or she shall enter the ~~system~~System as an employee not entitled to prior service credit. Members who have had a break in service shall receive full credit for all past County service; provided ~~however~~, that no credit shall be given for a period of employment prior to a break in service in excess of five (5) years. ~~(b) Each member shall receive membership service credit for military leave, provided he or she returns to full employment within 90 days of discharge and such discharge is other than dishonorable.~~ (1961 Code, § 9-95; 11-74-9; 45-93-3; 30-09-3.)

Section 3-3-25.1. - Portability ~~of~~ service credit.

(~~A~~a) Definitions. ~~For the purpose of this section, these terms shall be defined as follows:~~

(1) ~~"~~*Accepting plan*~~"~~ shall mean the retirement plan or system which is receiving membership assets from another defined benefit retirement plan or system in order to permit a current member to purchase portability service credit in the accepting plan through the use of his or her membership contributions in the transferring plan.

(2) ~~"~~*Portability service credit*~~"~~ shall mean service credit purchased in an accepting plan by the transfer of membership assets from the transferring plan.

(3) ~~"~~*Transferring plan*~~"~~ shall mean the retirement plan or system which is transferring membership assets to an accepting plan to enable a former employee of the transferring plan to purchase service in the accepting plan through the use of his or her membership contributions in the transferring plan.

(~~B~~b) The Board of Supervisors ~~of Fairfax County~~ may enter into agreements with the Virginia Retirement System (VRS) or with any other political subdivision of the Commonwealth of Virginia, provided that the retirement system of any other political subdivision of the Commonwealth of Virginia is a defined benefit plan or eligible deferred compensation plan described in ~~section~~Section 457(b) of the Internal Revenue Code maintained by an eligible employer described in ~~section~~Section 457(e)(1)(A) ~~of the Internal Revenue Code~~, to permit any vested member of any such plan to purchase portability credit in ~~the Fairfax County Uniformed Retirement~~this System.

(~~C~~c) The purchase of portability service credit in the ~~Fairfax County Uniformed Retirement~~ System pursuant to this ~~section~~Section may only be made within eighteen (18) months of the date when an employee commences employment in a position covered by the ~~Fairfax County Uniformed Retirement~~ System, or within eighteen (18) months of ~~the date of the enactment of this ordinance~~March 23, 2003, for County employees who are members of the ~~Fairfax County Uniformed Retirement~~ System on ~~the date of the enactment of this ordinance.~~March 23, 2003.

(~~D~~d) In order to purchase portability service credit in the ~~Fairfax County Uniformed Retirement~~ System, the member ~~must~~shall be a vested member of the transferring plan and the transferring plan ~~must~~shall be holding member contributions that are subject to transfer. A member desiring to purchase portability service credit shall make written application for the purchase of such credit to the ~~Fairfax County Uniformed Retirement~~ System. The ~~Fairfax County Uniformed Retirement~~ System ~~will~~shall determine from the transferring plan the amount of the member's assets that would be subject to transfer to the

~~Fairfax County Uniformed Retirement~~ System. Based upon the amount subject to transfer, the Board ~~of Trustees of the Fairfax County Uniformed Retirement System will~~shall determine the amount of portability service credit that would be actuarially equivalent to the amount of the assets to be transferred to the ~~Fairfax County Uniformed Retirement~~ System; this amount ~~will~~shall represent the maximum amount of portability service credit that can be purchased. The Board ~~of Trustees will~~shall communicate the amount of portability service credit that can be purchased to the member in writing; however, in no event ~~will~~shall the amount of portability service credit that can be purchased exceed the duration of the member's employment in a position that was covered by the transferring plan. The member shall have thirty (30) days from the date of the letter advising him or her of the amount of ~~portable~~portability service credit that can be purchased to determine whether to proceed with the purchase or to withdraw his or her application for the purchase of portability service credit.

(~~E~~e) In the event that the assets transferred are not sufficient to purchase portability service credit in the ~~Fairfax County Uniformed Retirement~~ System equivalent to five (5) years of service, the member ~~will~~shall not become vested in the ~~Fairfax County Uniformed Retirement~~ System until his or her creditable service equals five (5) years.

(~~F~~f) The purchase of portability service credit in the Virginia Retirement System (VRS) or the retirement system of any political subdivision of the Commonwealth of Virginia that is covered by this ~~section~~Section shall be accomplished upon the transfer of assets from the transferring plan to ~~the Fairfax County Uniformed Retirement~~this System. Upon the completion of such transfer, the member shall lose all rights to any ~~benefits and~~ allowances and benefits from the transferring plan, and ~~will~~shall only be entitled to receive ~~benefits and~~ allowances ~~from the Fairfax County Uniformed Retirement~~and benefits from this System.

(~~G~~g) When a vested member of ~~the Fairfax County Uniformed Retirement~~this System leaves his or her covered employment and enters a position covered by the Virginia Retirement System (VRS) or by a defined benefit retirement plan of a political subdivision of the Commonwealth of Virginia with which the Board of Supervisors has entered into a portability agreement, the former member of ~~the Uniformed Retirement~~this System may transfer an amount equal to the greater of (i) his or her accumulated member contributions with interest thereon, or (ii) an amount representing the present value of his or her accrued benefits with ~~the Uniformed Retirement~~this System. In order to accomplish the transfer of assets from ~~the Uniformed Retirement~~this System to an accepting plan, the member must make application in writing to ~~the Uniformed Retirement~~this System. Upon the transfer of membership assets from ~~the Uniformed Retirement System~~this to the accepting plan, the member shall lose all rights to any ~~benefits or~~ allowances or benefits from ~~the Uniformed Retirement~~this System based upon the service giving rise to the assets transferred to the accepting plan by this System. Should such a person resume service in a position covered by this System in the future, he or she may purchase service credit for such prior service or purchase portability service credit, if eligible to do so, in accordance with the provisions of this Article at the time he or she again becomes a member of this System. (18-01-3; 8-03-3.)

Division 6. - Contributions.

Section 3-3-26. - Member contributions.

(a) Each member shall contribute for each pay period for which he or she received compensation the amounts prescribed in this Section. Subsequent to December 22, 1984, ~~Fairfax~~the County shall pick up all employee contributions required herein, for all compensation earned on or after December 22, 1984. The Board of Supervisors may, from time to time, revise the rates of member contributions.

(b) All members of Plan A, who, before April 1, 1997, do not elect in writing to accept the provisions set forth in Subsection (d) of this Section ~~3-3-26(d) below~~ and Section 3-3-33(a)(2)(C) ~~will~~shall be considered as participants in Plan A. Contributions shall be made equal to four percent (4%) of such member's creditable compensation per pay period until his or her creditable compensation during the calendar year exceeds the taxable wage base. When such member's annual creditable compensation during the calendar year exceeds the taxable wage base, contributions ~~will~~shall be made equal to five -and -three-quarters percent (5~~¾~~ 3/4%) of said member's creditable compensation per pay period.

(c) All members of Plan B, who before April 1, 1997, do not elect in writing to accept the provisions set forth in Subsection (e) of this Section ~~3-3-26(e)~~ and Section 3-3-33(a)(2)(D)~~, will~~ shall be considered participants in Plan B. Contributions shall be made equal to seven -and -eight -one-hundredths percent (7.08%) of such member's creditable compensation per pay period until his or her creditable compensation during the calendar year exceeds the taxable wage base. When such member's annual creditable compensation during the calendar year exceeds the taxable wage base, contributions ~~will~~shall be made equal to eight -and -eighty-three -one-hundredths percent (8.83%) of said member's creditable compensation per pay period.

(d) All members of Plan A, who, before April 1, 1997, elect in writing to accept the provisions of this Section and Section 3-3-33(a)(2)(C), ~~will~~shall be considered participants in Plan C. Contributions shall be made equal to four percent (4%) of the member's creditable compensation per pay period.

(e) All members of Plan B, who, before April 1, 1997, elect in writing to accept the provisions of this Section and Section 3-3-33(a)(2)(D), and all new members who begin employment that qualifies them for participation in the ~~Uniformed Retirement~~ System on or after April 1, 1997, ~~will~~shall be considered participants in Plan D. Contributions shall be made equal to seven -and -eight -one-hundredths percent (7.08%) of the member's creditable compensation per pay period.

(f) Notwithstanding any other provision of this Section, no pick -up shall be made from any member's compensation if the employer's contribution required hereunder is in default.

(g) The Board may modify the method of collecting the pick-up contributions of members so that the employers, departments, institutions, and agencies required to remit to the Treasurer of the Board may retain the amounts picked up by them with respect to members' salaries and have a corresponding amount deducted from County funds otherwise payable to them.

(h) All contributions required to be made under ~~paragraphs~~Subsections (b), (c), (d) and (e) ~~above~~of this Section with respect to current services rendered by an active member on or after December 22, 1984, shall be picked up by the County and shall be treated as the employer's contribution in determining tax treatment under Section 414(h)(2) of the ~~United States~~ Internal Revenue Code ~~for federal tax purposes, pursuant to 26 USC, § 414(h)(2)~~. For all other purposes~~,~~ under this Chapter and otherwise, such ~~pickup~~pick-up contributions shall be treated as contributions made by a member in the same manner and to the same extent as contributions made by a member prior to December 22, 1984. All picked -up amounts shall be included in compensation for the purpose of calculating benefits under Division 8. The County ~~of Fairfax~~ shall pay such picked -up amounts from the same source of funds which is used in paying earnings to the employee.

(i) With the exception of the transfers between retirement plans specifically allowed as set forth above, no transfers between any of the Plans of the ~~Uniformed Retirement~~ System shall be permitted. (1961 Code, § 9-96; 11-74-9; 20-81-3; 34-81; 5-85-3; 48-96-3.)

Section 3-3-27. - Employer contributions.

(a) Each employer shall contribute at an annual rate to be fixed by the Board of Supervisors.

(b) The aggregate present value of future employer contributions payable into the retirement allowance account shall be sufficient, when combined with the amount then held in the members' contribution account and the retirement allowance account together with the present value of future employee contributions, to provide the estimated prospective benefits payable. The annual employer contribution rate shall be fixed as equal to the employer normal cost plus an expense rate, as long as the System's funding ratio (actuarial value of assets divided by actuarial accrued liability) remains within a corridor, the lower measurement of which is described below and the upper measurement of which is one-hundred-twenty percent (120%). The employer normal cost and System actuarial accrued liability are to be measured using the entry age normal funding method.

- To the extent that the System's funding ratio exceeds one-hundred-twenty percent (120%), a credit shall be established equal to the amount of assets in excess of one-hundred-twenty percent (120%) of the actuarial accrued liability.

- To the extent that the System's funding ratio is lower than the lower ~~measurement~~measure of the corridor, a charge shall be established equal to the difference between ~~that~~the lower ~~measurement~~measure plus the actuarial accrued liability and the assets.

The employer contribution shall be adjusted by a fifteen (15) year amortization of ~~this~~the credit or charge described in this Subsection, to be paid until the funding ratio re-enters the corridor at which time it ~~will~~shall cease.

Effective with the fiscal year 2016 County contribution rate, the lower ~~measurement~~measure of the corridor ~~will~~shall be established at ninety-five percent (95%). The ninety-five percent (95%) threshold ~~will~~shall be increased until it reaches one-hundred percent (100%), no later than by the year 2020. Once the lower measurement of the corridor reaches one-hundred percent (100%), the fifteen (15) year amortization described above shall be over a fixed fifteen (15) years with additional fifteen (15) year amortization layers created annually. Once the System's funding ratio reaches one-hundred percent (100%), such amortizations shall cease.

In the event of an ordinance change that affects benefits, the employer contribution rate shall be changed effective with the July 1 coincident with or next following the date of adoption of the ordinance change. The employer normal cost component shall be adjusted to the level required by the ordinance change and there ~~will~~shall be an additional component to the employer cost equal to the increase in actuarial accrued liability. Any additional actuarial accrued liability which does not reduce the funding level below one-hundred-twenty percent (120%) shall be excluded from this component. (1961 Code, § 9-97; 11-74-9; 23-85-3; 28-89-3; 48-96-3; 10-01-3; 16-02-3; 28-15-3, § ~~2~~2.)

Division 7. - Assets of System.

Section 3-3-28. - Assets to be credited to one of two accounts.

All of the assets of the ~~system~~System shall be credited, according to the purpose for which they are held, to one (1) of two (2) accounts, namely, ~~"~~the members' contribution account,~~"~~ and ~~"~~the retirement allowance account.~~"~~ (1961 Code, § 9-98; 11-74-9.)

Section 3-3-29. - Members' contribution account.

(a) The members' contribution account shall be the account to which all members' contributions, ~~pickup~~pick-up contributions and interest allowances as provided in this Article shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him or her upon withdrawal or paid in the event of his or her death before retirement.

(b) Each member's contribution and ~~pickup~~pick-up contributions provided for in Sections 3-3-26 and 3-3-27 shall be credited to the individual account of ~~such~~that member.

(c) Each individual account of the members' contribution account shall be credited annually with interest at a rate of not less than two percent (2%) per annum on the accumulated contributions of the member; provided, ~~however,~~ that interest shall accrue on any such contribution beginning at the end of the calendar year in which each such contribution was made, and further provided that interest shall not be accredited or accumulated to the individual accounts of members who have ceased to be employees for a period of more than five (5) years.

(d) Upon the retirement of a member, his or her accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account. (1961 Code, § 9-99; 11-74-9; 5-85-3.)

Section 3-3-30. - Retirement allowance account.

(a) The retirement allowance account shall be the account in which shall be accumulated all employer contributions, amounts transferred from the members' contribution account, and to which all income from the invested assets of the ~~system~~System after all expenses for required services shall be

credited. This account shall pay retirement allowances, other benefits payable after a member's retirement, and necessary expenses of the ~~system~~System.

(b) The amount of interest allowances provided for in Section 3-3-29 shall be transferred each year from the retirement allowance account to the members' contribution account. (1961 Code, § 9-100; 11-74-9.)

Section 3-3-31. - Deposits.

For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept available cash, not exceeding ten percent (10%) of the total amount in the accounts of the ~~system~~System, on deposit in one (1) or more banks or trust companies that are approved as depositories for County funds. (1961 Code, § 9-101; 11-74-9.)

Division 8. - Benefits~~ and Conditions Thereof~~.

Section 3-3-32. - Service retirement.

(a) Normal service retirement. Any member in service who has attained the age of fifty-five (55) years and has completed six (6) years of creditable service, or has completed twenty-five (25) years of creditable service may retire at his or her normal retirement date or thereafter upon written notice to the Board made by the member, or his or her duly appointed agent, stating the time the retirement is to become effective. However, such effective date shall be subsequent to his or her last day of service, but not more than ninety (90) days subsequent to the filing of such notice.

(b) Early service retirement. Any member in service who has completed twenty (20) years of creditable service may retire pursuant to the procedures set forth in Subsection (a) of this Section.

(c) Compulsory retirement. Repealed; provided~~ however~~, any member in service who previously had reached compulsory retirement age but who had continued in service pursuant to the exemptions previously provided by ~~the subsection~~this Subsection may continue in service without regard to the limitations set forth in this ~~subsection.~~Subsection. (1961 Code, § 9-102, 11-74-9; 28-77-3; 20-81-3; 5-83-3; 22-83-3; 14-87-3.)

Section 3-3-33. - Service retirement allowance and other benefits.

(a) Normal service retirement. Upon service retirement after July 1, 1988, a member shall receive an annual retirement allowance, payable monthly as provided below:

(1) Effective the first of any month following the member's attainment of age fifty-five (55) years the annual retirement allowance payable for life shall consist of:

(A) For members of Plans A and B, an amount equal to two percent (2%) of the average final compensation, multiplied by the number of years of creditable service.

(B) In addition to the amount of retirement allowance provided in ~~Subsection~~Subparagraph (A) of this ~~Section~~Subsection, members of Plans A and B shall receive an additional amount payable monthly, equal to the primary ~~Social Security~~social security benefit to which such member would be entitled under the provisions of the Social Security Act in effect on the date of the member's retirement if such member were then sixty-five (65) years of age. Further, such additional retirement allowance shall be reduced by the amount of any ~~Social Security~~social security benefits such member may become eligible to receive, at the earliest date of such eligibility. For purposes of this reduction the amount of ~~Social Security~~social security benefits of a member shall be the amount he or she would have been eligible to receive, without regard to any disqualification resulting from the earned income of the member. The ~~Social Security~~social security benefits, for all employees whose ~~county~~County employment commenced by reporting for work after July 1, 1976, ~~will~~shall be determined on a pro rata basis as ratio of the number of years of creditable service in the County

(numerator) and twenty-five (25) years (~~the~~ denominator). This number is never larger than one.

(C) For the ~~participants in~~members of Plan B, the amount prescribed in ~~Subsection~~Subparagraph (A) of this ~~Section~~Subsection shall include cost-of-living adjustments provided for under Section 3-3-45 during the period between the member's retirement and his or her attainment of age ~~55~~ fifty-five (55) years.

(D) For members of Plans C, D and E, an amount equal to two -and -five -tenths percent (2.5%) of the member's average final compensation multiplied by the number of years of creditable service.

(E) For ~~participants in~~members of Plans D and E, the amount prescribed in ~~Subsection~~Subparagraph (D) of this ~~Section~~Subsection shall include cost-of-living adjustments provided for under Section 3-3-45.

(2) For members who retire before attaining the age of ~~55,~~fifty-five (55) years, the annual retirement allowance, payable during the period between retirement and the first of the month following such member's fifty-fifth (55th) birthday, shall be determined as follows:

(A) Members of Plan A ~~participants~~ shall receive the amount provided for in Subsection (a)(1)(A) of this Section. Such allowances shall not be subject to cost-of-living adjustments provided for under Section 3-3-45 until the first of the month following the member's fifty-fifth (55th) birthday. Further, the additional allowance prescribed in ~~Section 3-3-33~~Subsection (a)(1)(B) ~~above~~of this Section shall not be included.

(B) After undergoing the additional deductions through December 31, 1981, members of Plan B ~~Participants~~ shall receive the amount provided for in Subsection (a)(1)(A) of this Section subject to cost-of-living adjustments under Section 3-3-45 plus ~~50~~fifty percent (50%) of the additional allowance provided for under Subsection (a)(1)(B) of this Section.

(C) Members of Plan C ~~participants~~ shall receive the amount provided for in Subsection (a)(1)(D) of this Section. Such allowances shall not be subject to cost-of-living adjustments provided for under Section 3-3-45 until the first of the month following the member's fifty-fifth (55th) birthday.

(D) ~~Participants in~~Members of Plans D and E shall receive the amount provided for in Subsection (a)(1)(D) of this Section subject to cost-of-living adjustments under Section 3-3-45 as provided in Subsection (a)(1)(E) of this Section.

(3) In addition to the allowances provided in Subsections (a)(1) and (a)(2) of this Section, for ~~members of~~participants in Plans A, B, C, D or E retiring after March 18, 2002, the allowances in Subparagraphs (A) and (B) below, referred to as the ~~Pre-Social Security Benefit~~pre-social security benefit, shall be payable until the first month after the member attains the age of eligibility for an unreduced social security retirement benefit. The ~~Pre-Social Security Benefit~~pre-social security benefit shall not be subject to cost -of -living adjustments provided for under Section 3-3-45.

(A) For ~~the participants in Plan~~members of Plans A and ~~Plan~~ B, an additional amount equal to two-tenths of one percent (0.2%) of average final compensation times years of service.

(B) For ~~the participants in~~members of Plan C, D, and E, an additional amount equal to three-tenths of one percent (0.3%) of average final compensation times years of service.

(C) The ~~Pre-Social Security Benefit~~pre-social security benefit provided herein shall not be credited to the DROP accounts of members of Plan E who elect to participate in the ~~Deferred Retirement Option Program provided for in Section 3-3-57~~DROP; however, upon the completion of the member's DROP period, the member shall be entitled to receive the ~~Pre-Social Security Benefit~~pre-social security benefit provided herein if he or she is not then entitled to an unreduced ~~Social Security Benefit~~social security benefit until the first month after such member is entitled to an unreduced ~~Social Security~~social security benefit.

(b) Early service retirement. ~~A~~An amount which shall be determined in the same manner as for retirement at ~~his~~the member's normal retirement date with years of creditable service and average final compensation being determined as of the date of his or her actual retirement, and the amount of the retirement allowance so determined being reduced on an actuarial equivalent basis for the period that the actual retirement date precedes the normal retirement date; provided, ~~however,~~ that for members who retire after July 1, 1988, the amount provided for in Subsection (a)(1)(B) of this Section shall not be reduced on the actuarial equivalent basis.

(1) The allowance for ~~participants in~~members of Plans A and C except those exempted under Subsection (b)(2) of this Section shall be reduced in accordance with the factors prescribed in Table 1.

(2) The allowance for ~~participants in~~members of Plans B, D, and E and ~~participants in~~members of Plans A and C whose age plus creditable service equal seventy-five (75) shall be reduced in accordance with the factors prescribed in Table 2.

(c) Joint and last survivor option. Before the normal retirement date, a member may elect to receive a decreased retirement allowance during his or her lifetime and to have such retirement allowance or a specified fraction thereof, continued after his or her death to the spouse, for his or her lifetime. The amount of such retirement allowance shall be determined on an actuarial equivalent basis and shall be calculated at the member's actual retirement date using the actuarial adjustment factors in Table 3. In the event a retired member has elected a reduced retirement allowance in consideration of continued allowance to his or her spouse after the member's death and such spouse predeceases the member, such member's retirement allowance shall be increased to that amount to which the member would have been entitled had no election been made. In the event a retired member who has elected the joint and last survivor option shall be divorced from his or her spouse, and such former spouse waives his or her rights to the benefits of the election of the joint and last survivor option, the retired member may revoke his or her joint and last survivor election; such revocation must be accompanied by a certified copy of a court order or decree containing the waiver of the spouse's rights under the joint and last survivor option election. Upon the provision of the request to revoke the election and the certified copy of a court order or decree containing the waiver of the spouse's rights under the joint and last survivor option election ~~to~~, the Executive Director~~, the Retirement Administration Agency~~ shall revoke the election and increase the member's retirement allowance to the amount it would have been had no joint and last survivor election ever been made. The effective date of the increase in the member's retirement allowance shall be the first of the month next following the submission of the request to revoke the election accompanied by a certified copy of a court order or decree containing the waiver of the spouse's rights under the joint and last survivor option election.

TABLE 1
FAIRFAX COUNTY UNIFORMED RETIREMENT ~~PLAN~~SYSTEM

Actuarial Reduction Factors That Would Apply to ~~Participants~~Members
With a Normal Retirement Age Requirement of 25 Years of Service
(or, Attainment of Age 55, if Earlier) if They Are Permitted To
Retire Early With a Reduced ~~Pension~~Retirement Allowance After 20 Years of Service

(ASSUMES 4% COST-OF-LIVING ADJUSTMENTS ARE EFFECTIVE
AT AGE 55 WITHOUT CATCH-UP PROVISION)

Age at Retirement	Years of Service					
	20	21	22	23	24	25
38	65.83	71.56	77.79	84.57	91.94	100.00

39	65.83	71.57	77.80	84.58	91.95	100.00
40	65.85	71.58	77.81	84.59	91.96	100.00
41	65.88	71.60	77.82	84.60	91.97	100.00
42	65.93	71.63	77.84	84.61	91.98	100.00
43	65.99	71.67	77.87	84.63	91.99	100.00
44	66.07	71.73	77.91	84.66	92.00	100.00
45	66.17	71.81	77.97	84.69	92.02	100.00
46	66.29	71.91	78.04	84.73	92.04	100.00
47	66.45	72.03	78.13	84.79	92.07	100.00
48	66.64	72.18	78.24	84.86	92.10	100.00
49	66.86	72.36	78.37	84.95	92.14	100.00
50	67.13	72.57	78.53	85.05	92.19	100.00
51	72.81	72.81	78.71	85.18	93.11	100.00
52	78.92	78.92	78.92	86.29	92.97	100.00
53	85.48	85.48	85.48	85.48	92.41	100.00
54	92.50	92.66	92.66	92.66	92.66	100.00
55	100.00	100.00	100.00	100.00	100.00	100.00

TABLE 2
FAIRFAX COUNTY ~~POLICE AND~~ UNIFORMED RETIREMENT ~~PLANS~~ SYSTEM

Actuarial Reduction Factors That Would Apply to ~~Participants~~Members
With a Normal Retirement Age Requirement of 25 Years of Service
(or, Attainment of Age 55, if Earlier) if They Are Permitted To
Retire Early With a Reduced ~~Pension~~Retirement Allowance After 20 Years of Service

(ASSUMES 4% COST-OF-LIVING ADJUSTMENTS
ARE EFFECTIVE AT RETIREMENT)

Age at Retirement	Years of Service					
	20	21	22	23	24	25
38	74.50	79.17	84.06	89.18	94.48	100.00
39	74.18	78.89	83.83	89.01	94.39	100.00
40	73.84	78.61	83.60	88.84	94.30	100.00
41	73.49	78.32	83.37	88.67	94.21	100.00
42	73.11	78.01	83.13	88.50	94.12	100.00
43	72.72	77.68	82.88	88.33	94.03	100.00
44	72.32	77.34	82.61	88.14	93.93	100.00
45	71.89	76.98	82.34	87.95	93.83	100.00
46	71.44	76.61	82.04	87.75	93.73	100.00
47	70.97	76.22	81.74	87.53	93.62	100.00
48	70.48	75.81	81.41	87.31	93.50	100.00
49	69.96	75.38	81.08	87.07	93.38	100.00
50	69.42	74.92	80.72	86.83	93.25	100.00
51	74.45	74.45	80.35	86.57	93.11	100.00
52	79.95	79.95	79.95	86.29	92.97	100.00
53	86.00	86.00	86.00	86.00	92.82	100.00
54	92.66	92.66	92.66	92.66	92.66	100.00
55						

TABLE 3

FAIRFAX COUNTY UNIFORMED RETIREMENT ~~PLAN~~SYSTEM

Actuarial Adjustment Factors That Would Apply to ~~Participants~~Members
With a Normal or Early Service Retirement ~~Benefit~~Allowance Determined Under Section 3-3-33
Who Elect a Joint and Last Survivor Option

Percent of ~~Benefit~~Retirement Allowance Continued to Spouse Upon ~~Participant'~~Member's Death	Factor for Equal Ages	Increase/Decrease For Each Full Year Beneficiary is Older (Younger) Than Employee	Maximum Factor
100%	87%	0.7%	96%
75%	90%	0.6%	97%
66.67%	91%	0.5%	98%
50%	93%	0.4%	99%

(1961 Code, § 9-103; 11-74-9; 28-7-3; 20-81-3; 34-81-3; 36-83-3; 36-88-3; 29-89-3; 27-90-3, § 3; 48-96-3; 28-97-3; 13-98-3; 5-00-3; 17-02-3; 27-12-3; 51-13-3.)

Section 3-3-34. - Ordinary disability retirement.

(a) Any member in service who has five (5) or more years of creditable service may, at any time before his or her normal retirement date, retire on account of disability, not compensable under the Virginia Workers' Compensation Act, upon written application to the Board, made by the member or his or her appointing authority, setting forth at what time the retirement is to become effective; provided, that such effective date shall be after the last day of service, but shall not be more than ninety (90) days prior to the execution and filing of such application; and provided further, that the Medical Examining Board, after a medical examination of such member, shall certify that such member is, and has been continuously since such effective date if prior to the filing of such application, mentally or physically incapacitated for the further performance of duty, and that such incapacity is likely to be permanent and that such member should be retired.

(b) Any member not in service at the time of application who is otherwise eligible for ordinary disability retirement may be granted an ordinary disability retirement if ~~and only if~~:

(1) Written application is made within one (1) year of the date he or she ceased to be in service; and

(2) The Board finds:

(A) The disability arose in the course of the member's service;

(B) The disability was the proximate cause of the member's ceasing to be in service; and

(C) There was good cause for the employee not to have filed an application while in service.

(c) In the event a member is granted an ordinary disability retirement pursuant to ~~subsection~~Subsection (b) of this ~~section~~Section, the Board shall establish an effective date which, considering all the circumstances of the individual case~~,~~ is just; provided ~~however~~, such date shall be no more than ninety (90) days prior to the execution and filing of his or her application. (1961 Code, § 9-104; 11-74-9; 20-81-3; 48-96-3.)

Section 3-3-35. - Ordinary disability retirement allowance.

Upon ordinary disability retirement, as provided for in Section 3-3-~~34~~34, a member shall receive an annual retirement allowance, payable monthly during his or her lifetime and continued disability, consisting of an amount equal to two percent (2%) of his or her average final compensation multiplied by the number of years of creditable service. However, said retirement allowance shall not be greater than sixty percent (60%) of the member's average final compensation. (1961 Code, § 9-105; 11-74-9; 28-77-3; 20-81-3; 48-96-3.)

Section 3-3-36. - Service-connected disability retirement.

(a) Any member in service may, at any time before his or her normal retirement date, retire on account of disability which is due to injury by accident and/or disease(s) which arose out of and in the course of the member's service. The Board shall determine a member is disabled due to injury by accident and/or disease(s) which arose out of and in the course of a member's service. In making this determination, the Board shall consult the decisions of the Virginia Workers' Compensation Commission ~~(formerly the Industrial Commission of Virginia)~~, the Court of Appeals of Virginia, and the Supreme Court of Virginia which applied or construed language under the Virginia Workers' Compensation Act. Furthermore, in making this determination, the Board shall consider any medical record or information and/or any further tests or examinations required pursuant to Section 3-3-10.1.

(b) The member or his or her employer shall be required to submit a written application setting forth at what time the retirement is to become effective; provided, that such effective date shall be after the last day of service but shall not be more than ninety (90) days prior to the date of such application. Prior to submitting such application, the member shall be required to apply for all ~~Workers' Compensation and Social Security~~workers' compensation and social security benefits to which he or she may be entitled. The member shall also be required to submit to the Board copies of the dispositions as made of his ~~Workers' Compensation and Social Security~~or her workers' compensation and social security claims and any subsequent awards or other documents reflecting any modification or termination of such benefits. With respect to the determination of a member's eligibility for retirement under this Section, the Board shall give great weight to the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia on the compensability of his or her disability under the Virginia Workers' Compensation Act; and the Board may modify its prior determination of eligibility under this Section in light of any such decision within ninety (90) days after the date such decision becomes final.

(c) Any member otherwise eligible for ordinary disability retirement under Section 3-3-34, who applies for retirement pursuant to this Section, and whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to ~~the provisions of~~ Section 3-3-34.

(d) Any member who applied for service-connected disability retirement on or before ~~the~~ (effective date of ~~[Ord. No. 24-85-3]~~amendment [December 16, 1985]) shall have his or her eligibility for such retirement governed by the provisions of this Section in effect on that date. Members applying thereafter shall have their eligibility determined by the provisions of this Section.

(e) When an application for service-connected disability retirement has been submitted by a member or on his or her behalf by his or her employer, the appointing authority for the agency in which the member is employed ~~must~~shall certify whether or not there exist any vacant positions within the agency the essential physical job functions of which the member could perform, with or without reasonable accommodation; this certification shall be provided to the member and to the Board. The appointing authority shall have a continuing obligation to notify the member and the Board if any such position becomes vacant between the time of the appointing authority's initial certification and the Board's action on the member's retirement application. ~~Members~~A member who ~~have~~has applied for service-connected disability retirement who ~~meet~~meets the physical requirements for such ~~positions~~position, with or without reasonable accommodation, and who can be retrained to fulfill the other requirements for any such position shall be given the option to accept such position and withdraw his or her application for service-connected disability retirement or to decline such position and proceed with his or her application for service-connected disability retirement. A member shall have

seven (7) days from the date of the appointing authority's certification that a position is available to make his or her election as to whether he ~~will~~or she shall accept the position or proceed with his or her retirement application; the failure of the member to make such election shall constitute an election to proceed with his or her application for retirement. In the event that the member elects not to accept a position for which he or she has received notification, the appointing authority shall have no further duty to notify the member and the Board of any further positions that may subsequently become available. In the event that no such positions are vacant or the member elects not to accept a vacant position, the application for service-connected disability retirement shall proceed to a determination by the Board. The certification by an appointing authority that no such positions exist within ~~his~~the member's agency constitutes an application of specific County personnel policies, procedures, rules and regulations. (1961 Code, § 9-106; 11-74-9; 20-81-3; 24-85-3; 48-96-3; 34-04-3.)

Section 3-3-37. - Service-connected disability retirement allowance.

(a) Any member who is receiving, or has been approved by the Board to receive, service-connected disability retirement, or who has applied for service-connected disability retirement, or whose employer has submitted as application for service-connected disability retirement for such employee as of December 9, 1996, under ~~the provisions of~~ Section 3-3-36, shall receive an annual retirement allowance, payable monthly during his or her lifetime and continued disability, consisting of an amount equal to ~~66 2/3~~sixty-six-and-two-thirds percent (66 2/3%) of the salary the member received at the time of retirement. This allowance shall be reduced by ~~15~~fifteen percent (15%) of the amount of any primary ~~Social Security~~social security benefit to which the member is entitled ~~under any Federal Social Security Act~~ and by the amount of any compensation awarded under the Virginia Workers' Compensation Act ~~("the Act")~~ to the member for temporary total or partial incapacity; provided, however, that no reduction shall be made to a member's service-connected disability retirement allowance due to the member's entitlement to ~~Social Security~~social security disability benefits in whole or in part as the result of a disability other than the disability that served as the basis for the award of service-connected disability retirement.

(b) Any member who submits an application for service-connected disability retirement, or for whom his or her employer submits such application under ~~the provisions of~~ Section 3-3-36 on or after December 9, 1996, shall receive an annual retirement allowance, payable monthly during his or her lifetime and continued disability, consisting of an amount equal to ~~40~~forty percent (40%) of the salary the member received at the time of retirement. However, this allowance shall be reduced by ~~15~~fifteen percent (15%) of the amount of any primary ~~Social Security~~social security disability benefit to which the member is entitled ~~under any Federal Social Security Act~~ and by the amount of any compensation awarded under the Virginia Workers' Compensation Act ~~("the Act")~~ to the member for temporary total or partial incapacity.

(c) When the amount of a member's primary ~~Social Security~~social security benefit has once been determined for purposes of applying the ~~15~~fifteen percent (15%) reduction described in ~~paragraphs~~Subsections (a) and (b) ~~above~~of this Section, the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under ~~any Federal Social Security Act~~social security. However, the amount of the reduction shall be increased by an award of a cost-of-living increase to the member's compensation for temporary total or partial incapacity under the ~~Act~~Virginia Workers' Compensation Act (Act). When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation, the amount of such payments shall no longer be used to reduce the retirement allowance and, accordingly, subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.

(d) If a member receives his or her compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act (Act) in the form of a lump sum payment, he or she shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he or she would have received equal the amount of his or her lump sum benefit under the Act; provided, ~~however,~~ neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act nor a lump sum payment or portion

thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under Section 3-3-36 shall be offset against the member's allowance under this Section; and~~,~~ provided further, that in the event the member receives a lump sum settlement of benefits that he or she is or may be entitled to in the future under the Act, and said settlement does not specify how much of the lump sum represents settlement of his or her entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such lump sum which in its judgment represents compensation for such benefits. (1961 Code, § 9-107; 11-74-9; 28-77-3; 20-81-3; 34-81-3; 4-83-3; 36-88-3; 29-89-3; 1-93-3; 48-96-3; 10-01-3; 23-07-3; 47-08-3; 23-11-3; 67-13-3, § ~~1~~1.)

Section 3-3-37.1. - Joint and last survivor option for disability beneficiaries.

A member of ~~this~~the System who applied for an ordinary or service-connected disability retirement allowance, including those members who are determined to be eligible for severe service-connected disability retirement by the Board, on or after July 1, 1988, may, before his or her actual retirement date, elect the joint and last survivor option provided by ~~Subsection~~Section 3-3-33(c). (36-88-3; 48-96-3.)

Section 3-3-37.2. - Severe service-connected disability retirement.

(a) Any member in service may, at any time before his or her normal retirement date, be retired on account of a severe disability which is due to injury by accident and/or disease(s) which arose out of and in the course of the member's service. The Board shall determine whether a member has suffered a severe disability as defined herein due to injury by accident and/or disease(s) which arose out of and in the course of a member's service. In making this determination, the Board shall consult the decisions of the Virginia Workers' Compensation Commission ~~(formerly the Industrial Commission of Virginia)~~, the Court of Appeals of Virginia, and the Supreme Court of Virginia which applied or construed language under the Virginia Workers' Compensation Act. Furthermore, in making this determination, the Board shall consider any medical record or information and/or any further tests or examinations required pursuant to Section 3-3-10.1.

(b) When a member or his or her employer submits a written application for service-connected disability retirement as set forth in Section 3-3-36, the Board shall determine whether the member meets the requirements for qualification to receive severe service-connected disability as set forth ~~herein~~in this Section. Prior to submitting such application, the member shall be required to apply for all ~~Workers' Compensation and Social Security~~workers' compensation and social security benefits to which he or she may be entitled. The member shall also be required to submit to the Board copies of the dispositions as made of his ~~Workers' Compensation and Social Security~~or her workers' compensation and social security claims and any subsequent awards or other documents reflecting any modification or termination of such benefits. With respect to the determination of a member's eligibility for retirement under this Section, the Board shall give great weight to the decisions of the Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia on the compensability of his or her disability under the Virginia Workers' Compensation Act; and the Board may modify its prior determination of eligibility under this Section in light of any such decision within ninety (90) days after the date such decision becomes final.

(c) Any member otherwise eligible for ordinary disability retirement under Section 3-3-34 whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to ~~the provisions of~~ Section 3-3-34. Any member otherwise eligible for service-connected disability retirement under Section 3-3-36 whom the Board finds to be disabled but not eligible for retirement under this Section, shall be retired pursuant to ~~the provisions of~~ Section 3-3-36.

(d) *Severe disability* ~~is defined as~~shall mean an impairment from the list below that permanently incapacitates the member from performing the necessary duties of the position in which he or she had been employed prior to sustaining the impairment.

(1) Schedule of impairments:

(A) Loss of both hands or both feet;

(B) Loss of one hand and one foot;

(C) Loss of one hand and the sight of one eye;

(D) Loss of one foot and the sight of one eye;

(E) Loss of the sight of both eyes;

(F) Paralysis, either paraplegia or quadriplegia;

(G) Cancers determined to be compensable by the Virginia Workers' Compensation Commission which were caused by documented contact with a toxic substance, pursuant to ~~Virginia Code §~~Section 65.2-402(c) of the *Code of Virginia*;

(H) Loss of speech;

(I) Loss of hearing;

(J) A mental incapacity that meets the criteria for disability benefits under the Federal Old-Age Survivors' and Disability Insurance Act; or

(K) Hepatitis C.

(2) *Loss* ~~means~~shall mean:

(A) With respect to a hand or foot, the dismemberment by severance through or above the wrist or ankle joint, or the partial dismemberment resulting in the loss of functional use of the partially dismembered hand or foot.

(B) With respect to sight, central acuity of 20/200 or less with the use of correcting lenses or visual acuity greater than 20/200 if accompanied by a limitation in the field of vision that the widest diameter of the visual field subtends an angle no greater than 20 degrees. These standards apply to the affected eye if sight loss is claimed for one eye in combination with loss of a hand or foot, or to the better eye if sight loss is claimed for both eyes.

(C) With respect to hearing, a severe and irreversible bilateral loss of hearing that is not correctable with either the use of hearing aids or with corrective surgery.

(e) For the purpose of this Section only, ~~the phrase "~~*member in service*~~"~~ shall ~~be defined to~~ include a member who has not reached his or her normal retirement date and who has been retired on account of a service-connected disability pursuant to the terms of Section 3-3-36.

(f) A member for whom an application for severe service-connected disability is approved by the Board shall not be required to submit to medical re-evaluations as required by Section 3-3-40. (48-96-3; 19-01-3; 7-03-3; 34-04-3.)

Section 3-3-37.3. - Severe service-connected disability retirement allowance.

(a) Any member who retires pursuant to ~~the provisions of~~ Section 3-3-37.2 shall receive an annual retirement allowance, payable monthly during his or her lifetime, consisting of an amount equal to ~~90~~ninety percent (90%) of the salary the member was entitled to receive at the time of his or her retirement. This allowance shall be reduced by ~~15~~fifteen percent (15%) of the amount of any primary ~~Social Security~~social security benefit to which the member is entitled ~~under any Federal Social Security Act~~ and by the amount of any compensation awarded under the Virginia Workers' Compensation Act ~~("the Act")~~ to the member for temporary total or partial incapacity~~.~~; provided, ~~however,~~ that no reduction shall be made to a member's service-connected disability retirement allowance due to the member's entitlement to ~~Social Security~~social security disability benefits in whole or in part as the result of a disability other than the disability that served as the basis for the award of service-connected disability retirement.

(b) When the amount of a member's primary ~~Social Security~~social security disability benefit has once been determined for purposes of applying the ~~15~~fifteen percent (15%) reduction described in ~~paragraph~~Subsection (a) ~~above~~, the amount of the reduction shall not thereafter be increased on account of cost-of-living increases awarded under ~~any Federal Social Security Act~~social security.

However, the amount of the reduction shall be increased by an award of a cost-of-living increase to the member's compensation for temporary total or partial incapacity under the ~~Act~~Virginia Workers' Compensation Act (Act). When the member is no longer entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation, the amount of such payments shall no longer be used to reduce the retirement allowance and, accordingly, subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without the reduction for such payments.

(c) If a member receives his or her compensation for temporary total or partial incapacity under the Virginia Workers' Compensation Act (Act) in the form of a lump sum payment, he or she shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he or she would have received equal the amount of his or her lump sum benefit under the Act; provided, however, neither a lump sum payment or portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act nor a lump sum payment or portion thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under Section 3-3-37.2 shall be offset against the member's allowance under this Section; and~~,~~ provided further, that in the event the member receives a lump sum settlement of benefits that he or she is or may be entitled to in the future under the Act, and said settlement does not specify how much of the lump sum represents settlement of his or her entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such lump sum which in its judgment represents compensation for such benefits. (48-96-3; 10-01-3; 23-07-3; 47-08-3; 23-11-3; 68-13-3, § ~~1)~~1.)

~~**Note** — Ordinance Number 47-08-3 amended this section to reduce the offset for the primary social security benefit from 40 percent to 30 percent. Section 2 of the Ordinance provides: "The effective date of this Ordinance amending Section 3-3-37.3 is July 1, 2008. The reduction of the offset for any primary Social Security benefit from 40% to 30% is to be applied to the calculation of the retirement allowance due to members who are receiving an allowance for severe service-connected disability under Section 3-3-37.2 on or after the effective date of this Ordinance. This change is prospective in application and is not retroactive. The Board of Trustees of the System and the staff of the Retirement Administration Agency are hereby authorized and directed to make all necessary changes in the calculation of a member's allowance to implement this amendment."~~

Section 3-3-38. - Service-connected accidental death benefit.

~~(a)~~ If death of a member is caused by an accident occurring prior to retirement and such death is compensable under the Virginia Workers' Compensation Act, there shall be paid, in addition to any other benefits of this Article or other legislation, the following:

(~~1~~a) For a member whose death occurs before retirement:

(~~A~~1) The member's accumulated contributions~~,~~ as provided in Section 3-3-~~29, Subsection~~ 29(c)~~,~~ to ~~the~~his or her designated beneficiary duly approved, acknowledged, and filed with the Board, otherwise to the member's estate; provided, no benefit is payable under Section 3-3-43; and

(~~B~~2) The sum of ~~Ten Thousand Dollars (~~$10,000.00~~)~~ to ~~the~~his or her designated beneficiary duly approved, acknowledged, and filed with the Board, otherwise to the member's estate.

(~~2~~b) For a ~~person on~~member whose death occurs after retirement:

(~~A~~1) The member's accumulated contributions~~,~~ as provided in Section 3-3-~~29, Subsection~~ 29(c) less the amount of any retirement ~~allowance~~allowances previously received by the member, such sum to be paid to his or her designated beneficiary duly approved, acknowledged and filed with

the Board, otherwise to the member's estate; provided, no benefit is payable under Section 3-3-33; and

(B2) The sum of Ten Thousand Dollars ($10,000.00) to his or her designated beneficiary duly approved, acknowledged and filed with the Board, otherwise to the member's estate. Designated beneficiaries under this Section may be changed from time to time pursuant to the procedure prescribed by the Board. (1961 Code, § 9-108; 11-74-9; 5-85-3.)

Section 3-3-39. - Refund of contributions upon withdrawal or death; and deferred vested benefitsbenefit.

(a) Refund of contributions.

(1) If a member has ceased to be an employee, otherwise than by death or by retirement under the provisions of this Article, and has fewer than five (5) years of creditable service on his or her date of separation, he or she shall be eligible for a refund of the total of his or her accumulated contributions (with interest) which have been reduced by the amount of any retirement allowances previously received by him or her under any of the provisions of this Article. The member mustshall file a written application with the Board for such refund and he or she shall be paid the amount to which he or she is entitled not later than ninety (90) days after receipt of his or her application by the Board. Should a member or a person in retirement die, the amount of his or her accumulated contributions reduced by the amount of any retirement allowanceallowances previously received by him or her under any of the provisions of this Article shall then be payable in a lump sum to a designated beneficiary or in the absence of a designated beneficiary to his or her estate,; provided, no benefit is payable under Subparagraph (c) of Section 3-3-33. Such designated beneficiary may be changed from time to time by written notice by the member, signed and filed with the BoardSection 3-3-33(c).

(b) If a member has five or more years of creditable service on his date of separation from the County, the member may leave his accumulated contributions in the fund and receive a deferred annuity payable beginning the date the member attains age 55. Members who choose a deferred vested annuity are not eligible to receive the Social Security supplement.

(c2) A member who becomes eligible for membership in either the Virginia Retirement System (VRS) and the Educational Employees Supplemental Retirement System (Article 4of Fairfax County (ERFC), the Fairfax County Employees' Retirement System (Article 2), or the Fairfax County Police Officers Retirement System (Article 7) prior to receipt of a refund amount may, under such rules and regulations as are adopted by the Board and by the board of the system of which he or she is eligible to become a member, elect in writing to transfer the amount of his or her refund directly from this System to the system for which he or she has become eligible for membership. In the alternative, to the extent that a refund is an "eligible rollover distribution" within the meaning of Section 402(f)(2)(A) of the Internal Revenue Code Section 402(f)(2)(A), such a member may (a) under rules and regulations of the system of which he or she is eligible to become a member, elect in writing to roll over the amount of his or her refund directly from this System to the system for which he or she has become eligible for membership or (b) elect in writing to roll over the portion of his or her refund which is such an eligible rollover distribution directly to an individual retirement account.

(d3) All refunds shall be mailed to the last address on record with the Board. Refunds that have not been claimed within six (6) months shall become the property of the System.

(b) Deferred vested benefit. If a member has five (5) or more years of creditable service on his or her date of separation from the County, the member may leave his or her accumulated contributions in the System and receive a deferred vested benefit payable beginning the date the member attains fifty-five (55) years of age. Members who choose a deferred vested benefit are not eligible to receive the pre-social security benefit. (1961 Code, § 9-109; 11-74-9; 20-81-3; 34-81-3; 5-85-3; 36-88-3; 45-93-3; 10-01-3; 01-11-3).

Section 3-3-40. - Medical ~~examination of beneficiary of disability retirement allowance~~reevaluation of disabled members; penalty for unjustified refusal to accept medical attention ~~or~~, vocational rehabilitation or selective employment, or to submit to medical examination.

(a) Once each year during the first five (5) years following the retirement of a member on a disability retirement allowance, and once in every three ~~-~~ (3) year period thereafter, the Board shall require any such beneficiary prior to his or her normal retirement date to undergo a medical examination by the Medical Examining Board. Should such a beneficiary refuse to submit to any such medical examination or unreasonably and without just cause or excuse refuse medical attention recommended by the Medical Examining Board, his or her disability retirement allowance shall be discontinued until his or her withdrawal of such refusal; and should his or her refusal continue for one (1) year, all his or her rights to any further disability retirement allowance shall cease.

(b) Members who are beneficiaries of service-connected disability retirement allowances pursuant to Section 3-3-36, and who are receiving periodic payments from their employers pursuant to the Virginia Workers' Compensation Act (Act) which are required to be offset against the allowances pursuant to Section 3-3-37, shall cooperate with and accept medical services or vocational rehabilitation and/or selective employment provided by the employer pursuant to the ~~Virginia Workers' Compensation~~ Act. In the event a member's periodic payments are suspended by the Virginia Workers' Compensation Commission ~~of Virginia~~(Commission) for unjustified refusal to accept medical services, vocational rehabilitation and/or selective employment, the Board may, if in its determination such refusal was unjustified, direct that the allowance pursuant to Section 3-3-37 shall be computed as if the member received the suspended payments. The Board shall make appropriate adjustment to the member's allowance if the suspension by the ~~Workers' Compensation~~ Commission ~~of Virginia~~ is subsequently reversed or modified. Employers shall promptly notify the Board of any suspensions or releases from suspensions affecting members subject to this Subsection, for unjustified refusal creates a rebuttable presumption that the member unjustifiably refused medical services, vocational rehabilitation training, and/or selective employment.

(c) The requirement for medical examinations of disability retirees established in this Section is not applicable to retirees who are receiving severe service-connected disability retirement benefits pursuant to Section 3-3-37.2. (1961 Code, § 9-110; 11-74-9; 28-77-3; 36-88-3.)

Section 3-3-41. - Reduction of service-connected disability retirement allowance.

Repealed by 11-94-3.

Section 3-3-42. - Cessation of disability retirement allowance.

(a) Should a beneficiary of a disability retirement allowance return to service at any time prior to his or her normal retirement date, his or her disability retirement allowance shall cease, and he or she shall become ~~of~~ a member of the ~~system~~System and contributions, in accordance with Section 3-3-26, shall resume. Any service on the basis of which his or her disability retirement allowance was computed shall thereafter be counted as creditable service; and, in addition, the period of disability retirement shall be counted as creditable service for those on service-connected disability retirement.

(b) Any excess accumulated contributions of such beneficiary over the disability retirement allowances received by him or her shall be transferred from the retirement allowance account to the member's contribution account. (1961 Code, § 9-112; 11-74-9; 5-85-3.)

Section 3-3-43. - Cessation of normal or early service retirement allowance.

(a) ~~The provisions of~~ Subsection (b) of this Section shall apply to persons who are receiving a normal or early service retirement allowance from this System, the Fairfax County Employees' Retirement System, or the Fairfax County Police Officers Retirement System and who submitted their application for such allowance to the Board of such system on or before July 21, 1986. ~~The provisions of~~ Subsection (c) of this Section shall apply to persons who are receiving a normal or early service retirement allowance from this System, the Employees' Retirement System, or the Police Officers

Retirement System and who submitted their application for such allowance to the Board of such ~~System~~system after July 21, 1986.

(b) Should a person receiving a normal or early service retirement allowance from this System, the Fairfax County Employees' Retirement System, or the Fairfax County Police Officers Retirement System (~~"~~retiree~~"~~) return to regular service in a permanent position in any office or employment paid directly or indirectly by ~~Fairfax~~the County, he or she shall elect to receive such retirement allowance under ~~the provisions of either Subsection (b)(1) or (b)(2) of this Section~~one (1) of the following two (2) options.

(1) Such allowance shall not commence or, if already commenced, shall cease while the retiree is so employed. His or her allowance shall commence or resume upon application or reapplication by the retiree after he or she has ceased permanent employment in such a position. The allowance of a retiree of this System who is appointed to a position covered by the Employees' Retirement System or Police Officers Retirement System shall commence or resume at that cost-of-living adjustment amount pursuant to Section 3-3-55 which would have been payable had the retiree continued to receive his or her allowance without interruption. A retiree of this System who elects in writing at the time of reappointment to a position covered by this Article not to become a contributing member during the period of his or her reemployment shall be exempted from the requirement to make contributions to this System. A retiree of this System who elects in writing at the time of reappointment to a position covered by this Article to become a contributing member again during the period of his reemployment shall be eligible:

(A) For a recomputation of his or her allowance to take into account compensation and creditable service attributable to the period of reemployment during which his or her allowance was suspended under this ~~Section~~Subsection;

(B) To make new election for any optional benefit to which he or she is entitled; and

(C) For a retirement allowance for a service-connected disability arising out of and in the course of his or her reemployment (in lieu of his or her service retirement allowance).

A retiree of the Employees' Retirement System or Police Officers Retirement System who is appointed to a position covered by this Article and elects in writing within thirty (30) days of such appointment may be excluded from membership in this System.

(2) The retiree may elect to continue to receive his or her service retirement allowance. A retiree electing this option shall not be eligible for membership in the Employees' Retirement System or Police Officers Retirement System if either covers the position in which he or she is reemployed. If he or she is a retiree of this System and the position in which he or she is reemployed is covered by this System, he or she shall not be required to contribute to this System during his or her period of reemployment.

(c) A person receiving a normal or early service retirement allowance from this System, the Fairfax County Employees' Retirement System, or the Fairfax County Police officers Retirement System (~~"~~retiree~~"~~)~~,~~ may return to employment for which compensation is paid directly or indirectly by ~~Fairfax~~the County subject to the following conditions:

(1) A retiree shall not receive in combined compensation and retirement allowance, computed monthly, any more than one-hundred-fifteen percent (115%) of the then current maximum monthly salary for a Deputy County Executive in the County's Compensation Plan. The appropriate ~~Board is authorized and directed to~~Retirement System Board of Trustees shall reduce the retiree's allowance as necessary to keep the combined salary and allowance at this limit. For purposes of this Subsection, a retiree's allowance shall be deemed to be the allowance that he or she would receive if he or she had not elected a joint or last survivor option which results in an actuarially reduced allowance. Employers under all three (3) systems shall report salaries paid to retirees to the retiree's Board.

(2) A retiree who is employed in a position service in which would otherwise make him or her eligible for membership in this System, the Employees' Retirement System, or the Police Officers Retirement System, shall not be eligible for membership in that system.

(d) Notwithstanding any other provision of this Article or any other Article of this Chapter, a ~~retiree~~person receiving a normal or early service retirement allowance from this System, the Fairfax County Employees' Retirement System, or the Fairfax County Police Officers Retirement System (retiree) may be employed in a position under his or her former appointing authority subject to the following terms and conditions.

(1) If the retiree is a member of this System and service in the position to which he or she is to be appointed ordinarily would result in membership this System, his or her normal or early service retirement allowance shall be suspended for the duration of his or her new employment. During his or her new employment, he or she shall make member contributions to this System. At the time of his or her new employment, he or she shall be entitled to make all elections available to new members of this System, and if otherwise eligible, during his or her employment, he or she may apply for ordinary or service-connected disability retirement. In such case, his or her combined years of service and his or her average final compensation based on his or her new employment shall be used in calculating the disability retirement allowance. On re-application for service retirement from his or her new employment, the retiree shall receive as his or her service retirement allowance the higher of (i) his or her initial service retirement allowance increased by any cost-of-living increases that were granted by the Board to service retirements during the period of his or her new employment or (ii) a service retirement allowance calculated on the basis of his or her combined years of creditable service in his or her initial and new employment and his or her average final compensation calculated on the basis of the creditable compensation that he or she received during both his or her initial and new employment, as if there had been no break in service.

(2) A retiree who is a member of this System and who is to be re-appointed to a position service in which would result in membership in either the Employees' Retirement System or Police Officers Retirement Systems but for his or her membership in this System, shall be subject to ~~the provisions of~~ Subsection (b) or (c) of this Section, whichever is applicable.

(3) If the retiree is a member of either the Employees' Retirement or Police Officers Retirement Systems and service in the position to which he or she is to be appointed would result in membership in this System but for this membership in the other system, the retiree shall be subject to ~~the provisions of~~ Subsection (b) or (c) of this Section, whichever is applicable.

(4) ~~The provisions of this~~This Subsection ~~(d)~~ shall apply to all persons appointed to positions on or after March 1, 1990, service in which would ordinarily make them members of this System, the Employees'~~, Uniformed~~ Retirement System, or Police Officers Retirement Systems. (20-81-3; 35-81-3; 36-86-3; 27-90-3, § 3; 10-01-3; 11-05-3.)

Section 3-3-44. - Spouse retirement allowance.

(a) Should death occur to a member in service who has completed five (5) years of creditable service, a retirement allowance shall be payable to the member's spouse if said spouse is the designated beneficiary duly approved, acknowledged and filed with the Board. The annual retirement allowance, payable monthly for life shall be ~~50~~fifty percent (50%) of the annual retirement allowance provided in the first sentence of ~~Subparagraph (a) of~~ Section 3-3-~~33,~~33(a), with creditable service and final compensation being determined as of the date of the member's death. Said spouse shall elect within ninety (90) days after notice by the Board of ~~Trustees of~~ the option of receiving the benefits outlined ~~above~~ in this ~~Section~~Subsection or a lump sum payment of the member's accumulated contributions as provided in Section 3-3-~~39 herein,~~39, or within one-hundred-eighty (180) days of the death of the member, whichever first occurs. If death is due to a service-connected accident as defined in Section 3-3-38, and the designated beneficiary under Section 3-3-38(1)(A) is the member's spouse, the spouse shall elect in writing within ninety (90) days after the notice by the Board ~~of Trustees~~, or within one-hundred-eighty (180) days of the death of the member, whichever first occurs, to receive either the benefits contained in this ~~Section~~Subsection or those contained in Section 3-3-38(1)(A). In the event of the spouse's death prior to receiving allowances under this Section equaling the sum of the member's accumulated contribution, said sum, reduced by the amount of any retirement allowances previously

paid under this Section, shall be paid to the spouse's designated beneficiary duly approved, acknowledged and filed with the Board, otherwise the spouse's estate.

(b) Should death occur to a member in service who has completed five (5) years of creditable service and if the member's designated beneficiary, duly approved, acknowledged and filed with the Board, is not the member's spouse, a lump sum payment equaling the member's accumulated contribution as provided in Section 3-3-29(c), shall be paid to the designated beneficiary.

(c) Should death occur to a member in service who has completed five (5) years of creditable service and the member has no designated beneficiary, a lump sum payment equaling the member's accumulated contribution shall be paid to the member's estate; provided, that~~,~~ if such member's spouse is the sole person entitled under the laws of the Commonwealth of Virginia to the benefits provided hereunder, then said spouse shall have the same right to elect benefits as is provided to spouses in Subsection (a) of this Section ~~3-3-44(a) above~~.

(d) Effective on and after January 1, 2007, if a member dies while performing "qualified military service" as defined in Section 414(u) of the Internal Revenue Code, any additional benefits that would have been provided under the System if the member had resumed employment on the day prior to his or her death and then terminated employment due to death shall be paid to such member's designated beneficiary or, if applicable, estate. (1961 Code, § 9-113; 11-74-9; 28-77-3; 20-81-3; 5-85-3; 29-09-3; 01-11-3.)

Section 3-3-45. - Cost-of-living adjustments.

Monthly retirement allowances shall be adjusted effective July 1, 1981, and each July 1 thereafter in order to reflect changes in the cost of living since the date of benefit commencement; provided, ~~however,~~ that such adjustments shall not affect the amount of the ~~Social Security~~social security benefit allowance payable pursuant to Section 3-3-33(a)(1)(B) or Section 3-3-33(a)(2)(B); and~~,~~ provided further, that allowances for service-connected disability retirement shall be subject to ~~the provisions of~~ Subsection (d) of this Section. The monthly benefit allowance to be effective July 1 of any such year shall be the benefit in effect immediately prior to such adjustment increased for the basic cost-of-living increase provided for in Subsection (a) of this Section and the supplemental cost-of-living increase if any, provided for in Subsection (b) of this Section with such ~~increases~~increase reduced as provided in Subsection (c) of this Section in the event the monthly retirement allowance has been in pay status for less than twelve (12) months.

(a) The basic cost-of-living increase shall be the lesser of four percent (4%) and the percentage corresponding to the percentage increase in the Consumer Price Index during the twelve (12) month calendar period ending with the March immediately preceding the July in which the increase is effective. For the purpose of this Section, ~~"~~*Consumer Price Index*~~"~~ shall mean the Consumer Price Index for all Urban Consumers (~~CIP~~CPI-U) as issued by the Bureau of Labor Statistics of the U.S. Department of Labor for the appropriate Standard Metropolitan Statistical Area (SMSA) that includes ~~Fairfax~~the County~~, Virginia~~.

(b) As part of each biennial actuarial valuation, the actuary shall determine the percentage supplemental cost-of-living increase (not greater than one percent (1%) that can be provided on the following two July ~~first~~firsts (1st's) based upon the available actuarial surplus). The ~~trustees~~Board then may, but shall not be required to, increase the benefits of all retirement allowances in pay status on each of such July first'~~s~~ (1st) by such actuarially determined percentage. For the purpose of this Section, ~~"~~*available actuarial surplus*~~"~~ shall mean the excess of the actuarial value of the assets of the System over the actuarial accrued liabilities of the System as disclosed in the biennial actuarial valuation of the System.

(c) In the event a member receiving a retirement allowance has not been in pay status for twelve (12) full months, the basic cost-of-living increase and the supplemental cost-of-living increase shall be determined as the percentage of the full increase determined in Subsections (a) and (b) ~~above~~of this Section as follows:

Number of Complete Months Percentage of

Benefit Has Been in Pay Status	Full Increase
Less than 3	0%
3, 4 or 5	25%
6, 7 or 8	50%
9, 10 or 11	75%

(d) Cost-of-living adjustments provided by this Section shall be applied to the net amount of the member's service-connected disability retirement allowance after all reductions required by Section 3-3-37 have been made. The member's allowance after the adjustments for cost of living provided by this Section at any date in time shall be determined by retroactive computation from the date of initial retirement, and the application of all applicable cost-of-living adjustments to the net allowance which the member is entitled to under Section 3-3-37.

(e) The ~~County~~Board of Supervisors reserves the right to amend, terminate or modify the post -retirement increases described in Subsection (b) of this Section. Upon termination, no further increases to allowances shall be due or payable to any member~~ receiving a retirement allowance~~ or beneficiary. However, any such amendment, termination or modification shall not reduce the amount of the allowance then being paid to any member or beneficiary who has received allowances as of the date of the amendment, termination or modification. Furthermore, no amendment, termination or modification shall reduce the rights of any member as of June 30, 1981, to increases such member was entitled to based upon the terms of the ~~ordinance~~plan in effect on June 30, 1981. (1961 Code, § 9-114; 11-74-9; 20-81-3; 1-93-3; 26-10-3.)

Section 3-3-46. - Social Security benefit proviso.

If a ~~beneficiary~~member does not qualify for or loses any primary ~~Social Security~~social security benefits to which he or she is entitled under ~~the Federal Social Security Act~~social security, because of his or her failure to make application therefor or because of his or her violation of the Social Security Act or because of any disqualification resulting from the earned income of the member, such primary ~~Social Security~~social security benefit shall nevertheless be considered as being received by such beneficiary for the purposes of this Article. (1961 Code, § 9-115; 11-74-9; 20-81-3; 36-88-3.)

Section 3-3-47. - Retention rights.

Participation in the ~~system~~System does not convey the right to be retained in service, or any right or claim ~~of~~to any assets of the ~~system~~System unless such right has specifically accrued under ~~the provisions of the system~~this Article. (1961 Code, § 9-116; 11-74-9; 20-81-3.)

Section 3-3-48. - Vesting on termination of ~~system~~System; nonreversion of funds.

Upon termination of the ~~system~~System or upon complete discontinuance of contributions to the ~~system~~System, the rights of all members to benefits accrued to the date of such termination or discontinuance, to the extent then funded, are non-forfeitable. No portion of the assets of the ~~system~~System shall be used for, or diverted to, purposes other than for the exclusive benefit of the members and their beneficiaries prior to the satisfaction of all liabilities with respect to members and their beneficiaries. (1961 Code, § 9-117; 11-74-9; 20-81-3.)

Section 3-3-49. - Nonretroactivity to members ~~terminating~~retired or terminated prior to July 1, 1974.

The benefits provided by this ~~Chapter~~Article shall not apply to members retired or terminated prior to July 1, 1974, and their rights and benefits shall be determined under the ordinance in effect prior thereto.

However, retirement allowances determined thereunder shall be subject to post-1974 cost -of -living adjustments. (1961 Code, § 9-118; 11-74-9; 20-81-3.)

Section 3-3-50. - Review of adverse decisions.

Any member adversely affected by a decision of the Board shall receive written notice of said decision and may, within thirty (30) days of receipt of such notice, request in writing a review by the Board of said decision, pursuant to procedures established by the Board. (20-81-3.)

Section 3-3-51. - Transfer to Senior Executive Retirement Plan.

Repealed by 97-26-~~97~~-3.

Section 3-3-52. - Masculine usage includes feminine.

~~The masculine, whenever used herein, shall include the feminine. (20-81-3.)~~ Repealed by 16-__-3.

Section 3-3-53. - Limitation on annual retirement allowance.

Notwithstanding any other provision of this Article, the annual retirement allowance to which any member may be entitled shall not exceed the limits on benefits set forth in Section 415 of the Internal Revenue Code and any regulations issued by the U.S. Department of the Treasury ~~Regulations issued~~ thereunder, and in calculating such limits a member's compensation shall include any differential wage payments for military service as defined under Section 3401(h)(2) of the Internal Revenue Code and paid on or after January 1, 2009. Such limits shall be applied annually for the twelve (12~~-~~) month period commencing each July 1 and ending the following June 30. A benefit payable other than in the form of an annuity shall not exceed the amount which, when converted to an actuarial equivalent annual benefit, does not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code. Effective June 30, 2000, the mortality tables prescribed by the Uruguay Round Agreement Acts (GATT), as set forth in Internal Revenue Service ~~Rev. Rul.~~Revenue Ruling 2001-62 (superseding and modifying ~~Rev. Rul.~~Revenue Ruling 95-29), or as further updated or modified by the Internal Revenue Service, shall be used in determining the actuarial equivalent amount of such benefit. (27-90-3, § 4; 21-96-3; 8-03-3; 01-11-3.)

Section 3-3-54. - Distribution of benefits.

Notwithstanding any other provision of this Article, effective for plan years beginning after December 31, 1986, the entire interest of each member shall be distributed to such member not later than the required beginning date specified below, or ~~will~~shall be distributed, beginning not later than the required beginning date, over the life of such member or over the lives of such member and a beneficiary or over a period not extending beyond the life expectancy of such member or the life expectancy of such member and a beneficiary. For this purpose, the term ~~"~~*required beginning date*~~" means~~ shall mean April 1 of the calendar year following the later of the calendar year in which the member attains ~~age~~ seventy-and-half (70½) years of age, or the calendar year in which the member retires. If a member dies after distribution of the member's interest has begun, the remaining portion, if any, of such interest shall be distributed at least as rapidly as under the method of distribution being used as of the date of death. If a member dies before the distribution of the member's interest has begun, any death benefit shall be distributed within five (5) years after the death of such member, unless (1) any portion of the member's interest is payable to (or for the benefit of) a designated beneficiary, (2) such portion ~~will~~shall be distributed over the life of such beneficiary or over a period not extending beyond the life expectancy of such beneficiary, and (3) if the beneficiary is someone other than the member's surviving spouse, such distributions ~~will~~shall begin not later than one (1) year after the date of the member's death or such later date as the U.S. Secretary of the Treasury may by regulations prescribe. If the beneficiary is the surviving spouse of the member, (1) distribution shall begin on or before the latest of one (1) year after the date of the member's death, such later date as the U.S. Secretary of the Treasury may by regulations prescribe, or the date on which the member would have attained seventy-and-a-half (70½) years of age ~~70½~~ and (2) if the surviving spouse dies before the distributions to such spouse begin, the distribution rules specified in this ~~paragraph~~Section shall be applied as if the

surviving spouse were the member. Distributions from the System ~~will~~shall be made in accordance with the requirements of Section 401(a)(9) of the Internal Revenue Code, including the rules for incidental death distributions set forth at Section 401(a)(9)(G). (27-90-3, § 4; 51-13-3.)

Section 3-3-55. - Direct rollovers to other plans.~~[1]~~

(a) General. This Section ~~3-3-55~~ applies to distributions made on or after January, 1, 1993. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this Section ~~3-3-55,~~, a distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. However, to the extent that any portion of the amount of the rollover is comprised of after-tax contributions, the distribution may only be rolled over to an eligible retirement plan that separately accounts for after-tax contributions.

(b) ~~Definition.~~ Definitions.

(1) *Eligible rollover distribution*~~. An eligible rollover distribution is~~ shall mean any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.

(2) *Eligible retirement plan*~~. An eligible retirement plan is~~ shall mean any one of the following that accepts the distributee's eligible rollover distribution: an individual retirement account described in Section 408(a) of the Internal Revenue Code; an individual retirement annuity described in Section 408(b) of the Internal Revenue Code; an annuity plan described in Section 403(a) of the Internal Revenue Code; a qualified trust described in Section 401(a) of the Internal Revenue Code; an annuity contract described in Section 403(b) of the Internal Revenue Code; an eligible deferred compensation plan described in Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state; or effective for distributions made after December 31, 2007, a Roth IRA described in Section 408A of the Internal Revenue Code, provided the eligible rollover distribution is considered a "qualified rollover contribution" under Section 408A(e) ~~of the Internal Revenue Code~~. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

(3) *Distributee*~~. A distributee includes~~ shall mean a member or former member. In addition, the member's or former member's surviving spouse and the member's or former member's spouse or former spouse who is entitled to receive benefits from the System, ~~are~~shall be distributees with regard to the interest of the spouse or former spouse. Effective for distributions on or after January 1, 2010, a distributee ~~includes~~shall include a non-spouse beneficiary of a deceased member or former member who may make an eligible rollover distribution in a direct trustee-to-trustee transfer to an "inherited" individual retirement account.

(4) *Direct rollover*~~. A direct rollover is~~ shall mean a payment by the System to the eligible retirement plan specified by the distributee. (45-93-3; 21-96-3; 8-03-3; 01-11-~~3~~3.)

~~Footnotes:~~

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~~10. Editor's note—Ord. No. 45-93-3 added § 3-3-54, which the editor has, redesignated § 3-3-55 since Ord. No. 27-90-3, § 4, had previously added § 3-3-54.~~

Section 3-3-56. - Additional retirement allowance.

(a) ~~For purposes of this section only, the following words and phrases shall have the following meanings:~~ Definitions.

(1) *Active member* shall mean a member of ~~this~~the System who is an employee on July 1, 1995, or who became an employee thereafter, and whose membership in ~~this~~the System has not ceased at any time from July 1, 1995, or from when he or she became an employee (whichever is later), until the effective date of his or her subsequent retirement.

(2) *Retired member* shall mean a member of ~~this~~the System who is receiving a retirement allowance on July 1, 1995. ~~The term "~~A member of ~~this~~the System who is receiving a retirement allowance~~" includes those members~~ shall include any member whose effective date of retirement is on or before July 1, 1995.

(3) *Retirement allowance* shall mean a normal service retirement allowance, an early service retirement allowance, an ordinary disability retirement allowance, a deferred ~~annuity under the provisions of Section 3-3-39(b)~~vested benefit, or a spouse retirement allowance~~ under the provisions of Section 3-3-44.~~.

(4) *Base annual retirement allowance* ~~means~~shall mean the initial calculation of a member's or spouse's annual retirement allowance without regard for any deductions for withholding or other benefit elections or adjustments under Section 3-3-8. For a member ~~retired pursuant to~~taking normal service retirement under Section 3-3-32(a~~) (normal service~~), this is the allowance calculated under Section 3-3-33(a)(1) (post-age fifty-five (55) years) or Section 3-3-33 (a)(2) (pre-age fifty-five (55) years) less any additional allowance under Section 3-3-33(a)(1)(B); for a member ~~retired pursuant to~~taking early retirement under Section 3-3-32(b~~) (early retirement~~), this is the allowance calculated under Section 3-3-33(b), less any additional allowance under Section 3-3-33(a)(1)(B); for a member retired on account of ordinary disability under Section 3-3-34, this is the allowance calculated under Section 3-3-35; for a member receiving a deferred ~~annuity,~~benefit, this is the allowance calculated under ~~the provisions of Sections~~Section 3-3-39(b); and for a spouse receiving a spouse retirement allowance, this is the allowance calculated under ~~the provisions of~~ Section 3-3-44.

(5) *Adjusted base annual retirement allowance* shall mean the base annual retirement allowance of a retired member or of the spouse of a member receiving the base spouse annual retirement allowance provided under Section 3-3-44, as increased by any cost-of-living adjustments applied to the member's or spouse's retirement allowance from the effective date of his or her retirement or election of the spouse retirement allowance through July, 1, 1995.

(6) ~~A member is "~~*Member in service*~~" for purposes of this~~ shall mean a member of the System.

(b) The adjusted base annual retirement allowance of each retired member or spouse receiving a retirement allowance on July 1, 1995, shall be increased by three percent (3%), effective July 1, 1995 (modified adjusted base annual retirement allowance). Adjustments to the retired member's or spouse's retirement allowance made under the provisions of this Article after July 1, 1995, shall be computed on the basis of the modified adjusted base annual retirement allowance.

(c) When an active member retires or an eligible spouse of an active member elects to receive the spouse retirement allowance after July 1, 1995, after his or her base annual retirement allowance has been computed under the ~~provisions of the~~ applicable ~~section~~Section of this Article, the resulting base annual retirement allowance shall be increased by three percent (3%) (initial base annual retirement allowance). ~~Future adjustments~~Adjustments to the member's or spouse's retirement allowance under ~~the provisions of~~ this Article shall be computed on the basis of the initial base annual retirement allowance.

(d) If a member is entitled to the three percent (3%) increase in the base retirement allowance provided by either ~~subsection~~Subsection (b) or (c) of this Section and if at the time he or she is entitled to such increase, he or she is also eligible to receive in whole or in part the additional allowance provided by Section 3-3-33(a)(1)(B) under any provision of this Article, such additional allowance shall be also increased by three percent (3%).

(e) ~~Effect of separation~~Separation from service.

(1) A member who:

(A) Separated from service other than by death or retirement with five (5) or more years of creditable service in ~~this~~the System prior to July 1, 1995, and

(B) Has not withdrawn his or her accumulated contributions as of July 1, 1995, and

(C) Subsequently applies for and is determined to be eligible for a deferred ~~annuity~~vested benefit after July 1, 1995, shall have his or her deferred ~~annuity~~vested benefit computed mutatis mutandi in the same manner as an active member under ~~subsection~~Subsection (c) of this Section.

(2) A member in service on or after July 1, 1995, who:

(A) Subsequently separates from service other than by death or retirement with five (5) or more years of creditable service in ~~this~~the System, and

(B) Does not ~~withdrew~~withdraw his or her accumulated contributions, and

(C) Subsequently applies for and is determined to be eligible for a deferred ~~annuity~~vested benefit,
shall have his or her deferred ~~annuity~~vested benefit computed mutatis mutandi in the same manner as an active member under ~~subsection~~Subsection (c) of this Section.

(3) A member in service on or after July 1, 1995, who,

(A) Subsequently separates from service other than by death or retirement with five (5) or more years of creditable service in ~~this~~the System, and

(B) Does not withdraw his or her accumulated contributions, and

(C) Thereafter, returns to service and again becomes a member of ~~this~~the System, and

(D) Subsequently applies for and is determined to be eligible for a normal service, early service, or ordinary disability retirement allowance, or for a deferred ~~annuity~~vested benefit,
shall have his or her allowance or deferred ~~annuity~~vested benefit computed mutatis mutandi in the same manner as an active member under ~~subsection~~Subsection (c) of this Section.

(4) A member in service on or after July 1, 1995, who:

(A) Thereafter separates from service, and

(B) Withdraws his or her accumulated member's contributions, and

(C) Subsequently returns to service and again becomes a member of ~~this~~the System, and

(D) At that time makes arrangements to purchase credit for all of his or her previous service in ~~this~~the System under ~~the provisions of~~ this Article, and

(E) Thereafter applies for and is determined to be eligible for a normal service, early service, or ordinary disability retirement or for a deferred ~~annuity~~vested benefit, shall have his or her allowance or deferred ~~annuity~~vested benefit computed mutatis mutandi in the same manner as an active member under ~~subsection~~Subsection (c) of this Section.

(f) The spouse of a member who retired on a normal service, early service or ordinary disability retirement who is receiving an allowance under the joint and last survivor option provided by Section 3-3-33(c), on July 1, 1995, shall have such allowance increased by three percent (3%), effective July 1, 1995. Adjustments to such allowance under ~~the provisions of~~ this Article after July 1, 1995, shall be computed on the basis of this increased allowance.

(g) Notwithstanding the sixty percent (60%) of average final compensation limit contained in Section 3-3-35, the initial base annual retirement allowance of an active member who becomes eligible to receive an ordinary disability retirement allowance and who is entitled to the increase provided by ~~subsection~~Subsection (c) of this Section shall not exceed sixty-one -and -eight-tenths (61.8%) of his or her average final compensation.

(h) Notwithstanding any provision of this Section to the contrary, no adjustment under~~ the provisions of~~ this Section shall be made which would violate the limitations provided by Section 3-3-53 concerning the limitations imposed by Section 415 of the Internal Revenue Code and ~~the~~U.S. Treasury regulations issued thereunder; provided, ~~however,~~ that any adjustment under~~ the provisions of~~ this Section may be made up to those limitations. (12-95-3.)

Section 3-3-57. - Deferred Retirement Option Program.

Effective October 1, 2003, there is hereby established a Deferred Retirement Option Program (~~"~~DROP~~"~~) for eligible members of ~~this~~the System. Members of the System in service who are eligible for normal service retirement are eligible to elect to participate in this program.

(a) Definitions.

(1) *DROP period* ~~means~~shall mean the three~~-~~ (3) year period immediately following the commencement of the member's participation in the DROP.

(2) *Eligible member* ~~means~~shall mean any member who is, or ~~will~~shall become within sixty (60) days, eligible for normal service retirement benefits as those are defined in ~~§~~Section 3-3-32(a).

(b) Election to participate.

(1) An eligible member may participate in the DROP only once. An eligible member who desires to participate in the DROP must file an application with the Fairfax County Retirement Administration Agency not less than sixty (60) days prior to the date of the commencement of the member's participation in the DROP.

(2) A member's election to participate in the DROP is irrevocable, with the exception that a member who elects to participate in the DROP may revoke that election prior to the commencement of his or her DROP period; once revoked, a member may not then elect to participate in the DROP for a period of at least twelve (12) months from the date of his or her revocation.

(3) At the time of an eligible member's election to participate in the DROP, he or she must make an election in writing pursuant to ~~§~~Section 3-3-33(c) as to whether or not to receive a reduced retirement allowance in order to provide a retirement allowance for his or her spouse after the member's death.

(4) An eligible member who elects to participate in the DROP ~~will~~shall agree to do so for a period of three (3) years.

(5) Subject to any limitation on the number of accrued sick leave hours that may be converted to creditable service as provided in Section 3-3-1(a)(1), an eligible member who elects to participate in the DROP shall, at the time of his or her election to participate in the DROP, make an election in writing as to whether he or she wishes to convert all of his or her available accrued sick leave to creditable service or to convert all but forty (40) hours of his or her accrued sick leave to creditable service. Sick leave that is either carried over or that accrues during the DROP period shall not be converted to creditable service at the conclusion of the DROP period.

(c) Continued employment.

(1) A participating DROP member shall, upon commencement of his or her DROP period, continue to work for the County in the position he or she held before the effective date of his or her election to participate in the DROP~~ program~~. Thereafter, the participating DROP member ~~will~~shall perform the services of that position or any other position to which he or she is promoted or transferred.

(2) A participating DROP member ~~will~~shall continue to accrue annual and sick leave and, if eligible, compensatory time during the DROP period. At the conclusion of the DROP period, the member ~~will~~shall receive the payment for his or her accrued annual and compensatory leave that he or she would have received upon retirement. In no case ~~will~~shall a participating DROP member receive payment for his or her accrued annual and compensatory leave at the commencement of the member's participation in the DROP.

(3) A participating DROP member ~~will~~shall continue to remain eligible for health and life insurance benefits provided by the County to its employees and ~~will~~shall remain eligible to participate in the County's deferred compensation plan. The deductions from the salary of a participating DROP member for health and life insurance ~~benefit will~~benefits shall be the same deductions that would have been taken had the participating DROP member been an active County employee, not the deductions that would be taken from the retirement ~~benefits and~~ allowances and benefits of a retiree.

(4) All County personnel policies and regulations shall continue to apply to a participating DROP member after the commencement of his or her DROP period. A participating DROP member ~~will~~shall remain eligible for annual merit pay increments and promotions during the DROP period. However, a participating DROP member's salary during his or her DROP period ~~will~~shall not be included in the computation of the member's average final compensation. A participating DROP member is also subject to the County's disciplinary policies and regulations.

(5) If a participating DROP member's continued employment with ~~Fairfax~~the County is interrupted by military service, there ~~will~~shall be no interruption of the member's participation in the DROP. During the period of the participating DROP member's military service, the member's retirement ~~benefits and~~ allowances ~~will~~and benefits shall continue to be paid into the participating member's DROP account until the member's DROP period ends. At the end of the DROP period, the member's DROP account balance ~~will~~shall be paid to the member whether or not he or she has returned to his or her former County position, and the member ~~will~~shall begin to receive his or her normal retirement benefits.

(6) Except as otherwise set forth herein, a participating DROP member's continued service ~~will~~shall be deemed to be normal service retirement and ~~will~~shall not count as creditable service with the System.

(7) Upon commencement of a participating DROP member's DROP period, the County ~~will~~shall cease to withhold contributions to the System from the participating DROP member's salary.

(8) The salary received by a participating DROP member during his or her DROP period ~~will~~shall not be included by the County in the base that is used to determine the amount of the County's employer contributions to the System.

(d) DROP account.

(1) Upon commencement of the participation of a member of the four plans that existed before January 1, 2013 (Plans A, B, C, and D), ~~who was~~ whose ~~county~~County employment commenced by reporting for work before January 1, 2013, in the DROP, the member's service retirement allowance pursuant to ~~§~~Section 3-3-33(a) and the additional retirement allowance pursuant to ~~§~~Section 3-3-56 ~~will~~shall be paid into the member's DROP account. Upon commencement of the participation of a member of Plan E, ~~who was~~ whose ~~county~~County employment commenced by reporting for work on or after January 1, 2013, in the DROP, the member's service retirement allowance pursuant to ~~§~~Section 3-3-33(a) ~~will~~shall be paid into the member's DROP account; the additional retirement benefits provided for in ~~§~~Section 3-3-33(a)(3) shall not be credited to the DROP accounts of members of Plan E, although members of Plan E shall remain eligible to receive the additional retirement benefits provided for in ~~§~~Section 3-3-33(a)(3) upon the completion of their DROP period, if they then meet the requirements for eligibility for such benefits set forth in ~~§~~Section 3-3-33(a)(3). The initial amount credited to a member's DROP account ~~will~~shall be computed based on his or her average final compensation as of the date of the commencement of the DROP period.

(2) The initial monthly amount ~~will~~shall be increased each July 1 based upon the annual cost ~~-~~of~~-~~ living adjustment provided to retirees pursuant to ~~§~~Section 3-3-45. Any other changes that occur during the DROP period that would result in an alteration of the participating DROP member's retirement ~~benefits and~~ allowances and benefits if he or she were retired ~~will~~shall also result in adjustments to the monthly amount credited to a participating DROP member's DROP account.

(3) The participating DROP member's DROP account ~~will~~shall be credited with interest at an annual rate of five percent (5%), compounded monthly. Interest ~~will~~shall not be pro-rated for any period less than a full month.

(4) Contributions by the County and the participating DROP member into the System for the participating DROP member ~~will~~shall cease.

(5) Amounts credited to a participating DROP member's DROP account ~~will~~shall not constitute annual additions under ~~26 U.S.C. § 415.~~Section 415 of the Internal Revenue Code.

(6) A participating DROP member's DROP account ~~will~~shall not be an account that is separate and distinct from the assets of the System; a participating DROP member's DROP account balance ~~will~~shall remain part of the assets of the System.

(e) Cessation of County employment.

(1) At the conclusion of a participating DROP member's DROP period, the member's County employment ~~will~~shall automatically cease. The participating DROP member shall then begin to receive normal service retirement ~~benefits and~~ allowances and benefits computed based upon his or her average final compensation at the time of the commencement of the DROP period and his or her creditable service at the time of the commencement of the DROP period, plus cost-of-living increases provided to retirees and any other benefit improvements that may have been granted to retirees during the participating DROP member's DROP period. At least sixty (60) days prior to the conclusion of a participating DROP member's DROP period, the member ~~must~~shall make one of the following elections concerning payment of his or her DROP account balance:

(A) The member may receive payment of his or her DROP account balance as a lump sum.

(B) The member may elect to roll over his or her DROP account balance into an "eligible retirement plan," as defined in Section 3-3-55(b)(2).

(C) The member may elect to receive payment of a portion of his or her DROP account balance and roll over the remaining portion into a qualified retirement plan, such as an IRA. If the member elects this method of receiving his or her DROP account balance, he or she must specify, in writing, the specific amount to be paid as a lump sum and the specific amount to be rolled over.

(D) The member may elect to use his or her DROP account balance to increase his or her monthly retirement benefits and allowances. The amount of the increase ~~will~~shall be determined based on the actuarial equivalent of the member's DROP account balance.

(E) The member may divide his or her DROP account balance in half, and may then elect to use ~~50~~fifty percent (50%) of his or her DROP account balance to increase his or her monthly retirement ~~benefits and~~ allowances and benefits, and to receive the remainder in any manner listed in ~~paragraphs~~Subparagraphs (A), (B) and (C) above.

In the event that the participating DROP member does not make the election required by this ~~section~~Subsection, the member ~~will~~shall receive payment of his or her DROP account balance as a lump sum.

(2) A participating DROP member may terminate his or her County employment at any time, in which case the effective date of the member's termination of his or her County employment shall be treated as the end of the DROP period for ~~the provisions~~all purposes of this ~~section~~Section.

(3) In the event that the employment of a participating DROP member is terminated by the County during the DROP period for any reason, the effective date of the member's separation from County service shall be treated as the end of the DROP period for all purposes of this Section.

(f) Death or disability during DROP period.

(1) (A) If a participating DROP member dies during the DROP period, the participating DROP member's designated beneficiary on record with the System shall receive payment of the member's DROP account balance and the member's accumulated contributions; if there

is no designated beneficiary on record with the System, payment of these amounts shall be made to the participating DROP member's estate. In the event that the participating DROP member has elected a joint and last survivor option pursuant to the terms of §Section 3-3-33(c), the participating DROP member's surviving spouse willshall receive payment of the participating DROP member's DROP account balance and willshall begin to receive benefits and allowances and benefits pursuant to the joint and last survivor option election of the participating DROP member.

(B) If a participating DROP member dies during the DROP period, and the participating DROP member's death is a service-connected accidental death as set forth in §Section 3-3-38, the member's beneficiary shall receive the benefits provided for in §Section 3-3-38(a)(1); if there is no designated beneficiary on record with the System, payment of these amounts shall be to the member's estate. In the event that the participating DROP member has elected a joint and last survivor option pursuant to the terms of §Section 3-3-33(c), the participating DROP member's surviving spouse willshall receive the benefits provided for in §Section 3-3-38(a)(1)(B) and the participating DROP member's DROP account balance, and willshall begin to receive benefits and allowances and benefits pursuant to the joint and last survivor election of the participating DROP member.

(2) If a participating DROP member becomes disabled during the DROP period, the participating DROP member willshall receive:

(A) In the case that a participating DROP member suffers a disability that would be considered an ordinary disability as defined in §Section 3-3-35, the effective date of the member's disability willshall be treated as the end of the participating DROP member's DROP period.

(B) In the case that a participating DROP member suffers a service-connected disability as set forth in §Section 3-3-36 or a severe service-connected disability as set forth in §Section 3-3-37.2, the participating DROP member may elect either (i) to receive the service-connected disability retirement benefits and allowances and benefits or the severe service-connected disability retirement benefits and allowances and benefits to which he or she would otherwise be entitled or (ii) to receive the normal service retirement benefits and allowances to which he or she would be entitled plus his or her DROP account balance. An election to receive service-connected disability retirement benefits and allowances and benefits or severe service- connected disability retirement benefits shall constitute a waiver of the member's right to receive any amounts credited to his or her DROP account balance.

(g) Execution of documents and adoption of rules and regulations. The County Executive is authorized to execute all documents necessary or appropriate to operate the DROP including, but not limited to, the establishment of a trust within which the participating DROP members' DROP accounts shall be held and administered. The Board of Trustees is also authorized to adopt rules and regulations governing the DROP. Any documents executed by the County Executive shall be approved for form by the County Attorney prior to execution. (36-03-3; 41-08-3; 27-10-3; 01-11-3; 27-12-3.)

Section 3-3-58. - Increased retirement allowance for certain retired members.

(a) For the purposes of this sectionSection only, the following words and phrases shall be defined as set forth hereinfollows:

(1) *Retired member* shall mean a member of thisthe System whose effective date of his or her retirement was on or before March 18, 2002.

(2) *Retirement allowance* shall mean a normal service retirement allowance, an early service retirement allowance, an allowance to a surviving spouse pursuant to the joint and last survivor option set forth in § 3-3-33(c), or a spouse retirement allowance pursuant to § 3-3-44(a).

(3) *Spouse receiving a spouse allowance* shall mean a member's surviving spouse who was, on or before March 18, 2002, entitled to receive a spouse retirement allowance pursuant to § 3-3-44(a).

(4) *Base annual retirement allowance* shall mean the initial calculation of a member's retirement allowance, a surviving spouse's allowance pursuant to the joint and last survivor option~~ pursuant to § 3-3-33(c)~~, or a spouse's annual retirement allowance~~ pursuant to § 3-3-44(a)~~, without regard to any deductions for withholding or other benefit elections or adjustments under ~~§~~Section 3-3-8.

(A) For Plan A members ~~retired~~taking normal service retirement pursuant to ~~§~~Section 3-3-32(a~~) (normal retirement~~), this ~~shall be~~is the allowance calculated pursuant to ~~the terms of §~~Sections 3-3-33(a)(1)(A) and (B) as in effect on the effective date of their retirement;

(B) For Plan B members ~~retired~~taking normal service retirement pursuant to ~~§~~Section 3-3-32(a~~) (normal retirement~~), this ~~shall be~~is the allowance calculated pursuant to ~~the terms of §~~Section 3-3-33(a)(1)(A), (B) and (C) as in effect on the effective date of their retirement;

(C) For Plan C members ~~retired~~taking normal service retirement pursuant to ~~§~~Section 3-3-32(a) ~~(normal retirement)~~, this ~~shall be~~is the allowance calculated pursuant to ~~the terms of §~~Section 3-3-33(a)(1)(D) as in effect on the effective date of their retirement;

(D) For Plan D members ~~retired~~taking normal service retirement pursuant to ~~§~~Section 3-3-32(a~~) (normal retirement~~), this ~~shall be~~is the allowance calculated pursuant to ~~the terms of §~~Section 3-3-33(a)(1)(D) and (E) (Plan D members) as in effect on the effective date of their retirement;

(E) For Plan A and C members ~~retired~~taking early service retirement pursuant to ~~§~~Section 3-3-32(b~~) (early retirement~~) whose age plus creditable service as of the effective date of their retirement was less than seventy-five (75) years, this is the allowance calculated pursuant to ~~the terms of §~~Section 3-3-33(b)(1) as in effect on the effective date of their retirement;

(F) For Plan B and D members and for Plan A and C members taking early service retirement pursuant to Section 3-3-32(b) whose age plus creditable service was greater than or equal to seventy-five (75) years as of the effective date of their retirement~~ retired pursuant to § 3-3-32(b) (early retirement)~~, this is the allowance calculated pursuant ~~to the terms of §~~Section 3-3-33(b)(2) as in effect on the effective date of their retirement; or

(G) For a surviving spouse receiving an allowance pursuant to the joint and last survivor option, this is the allowance calculated pursuant to ~~the terms of §~~Section 3-3-33(c) as in effect on the effective date of the member's retirement; or

(H) For a spouse receiving a spouse allowance, this is the allowance calculated pursuant to ~~the terms of §~~Section 3-3-44(a) as in effect on the date of the commencement of payment of the spouse allowance.

(5) *Adjusted base annual retirement allowance* shall mean the base annual retirement allowance as set forth in ~~subparagraph 4 above~~Subparagraph 4 of this Subsection as increased by any cost-of-living adjustments applied to the base annual retirement allowance from the effective date of the retired member's retirement or of the commencement of the receipt of a spouse allowance through December 31, 2003.

(b) Effective January 1, 2004, the adjusted base annual retirement allowance of each retired member or spouse receiving a retirement allowance shall be increased as follows:

(1) For Plan A members, by ~~23~~twenty-three percent (23%);

(2) For Plan B members, by ~~15~~fifteen percent (15%);

(3) For Plan C members, by five percent (5%);

(4) For Plan D members, by five percent (5%);

(5) For spouses receiving spouse allowances pursuant to ~~§~~Section 3-3-44(a), by ten percent (10%); or

(6) For surviving spouses receiving allowances pursuant to the joint and last survivor option set forth in ~~§~~Section 3-3-33(c), by ten percent (10%).

(c) No increased retirement allowance calculated pursuant to ~~the terms of~~ this Section shall violate the limitations on annual retirement allowances set forth in ~~§~~Section 3-3-53.

(d) For those persons eligible to receive the increased retirement allowance pursuant to this Section, cost~~-~~ of-living adjustments pursuant to ~~§~~Section 3-3-45 and made after January 1, 2004, ~~will~~shall be calculated based upon the increased retirement allowance set forth in this Section. (43-03-3.)

Division 9. - Benefit Restoration Plan.

Section 3-3-59. - Benefit Restoration Plan.

(a) There is hereby established a Benefit Restoration Plan for the System.

(b) Purpose and intent; rule of construction.

(1) In establishing this Benefit Restoration Plan, the Board of Supervisors intends to establish and maintain a "qualified governmental excess benefit arrangement," as defined and authorized by the ~~federal~~Section 415(m) of the Internal Revenue Code ~~Section 415(m), 26 U. S. C. Section 415(m)~~, as is permitted by ~~Va. Code Ann.~~ Section 51.1-~~1302.~~1302 of the *Code of Virginia*. The purpose of this Benefit Restoration Plan is to restore, through a non-qualified arrangement, the benefits lost by the application of the limitation on annual benefits under Section 415(b) of the Internal Revenue Code ~~Section 415(b)~~ as applicable to governmental plans. This Benefit Restoration Plan shall exist in addition to all other retirement, pension, or other benefits available to ~~Participants~~participants, including the benefits established by ~~this~~the System.

(2) This ~~section~~Section shall be construed to ensure compliance with ~~the provisions of~~ federal and state law, and any regulations promulgated thereunder, governing such qualified governmental excess benefit arrangements, including, but not limited to Section 415(m) of the Internal Revenue Code ~~Section 415(m)~~ and ~~Va. Code Ann.~~ Sections 51.1-1302, 51.1-1303, and 51.1-~~1304,~~1304 of the *Code of Virginia*, as in effect at the time of the adoption of this ~~section~~Section and as subsequently amended.

(c) Definitions.

(1) *Administrator* or *Plan Administrator* shall mean the Board ~~of Trustees of the Uniformed Retirement System~~, which is responsible for the general administration and operation of the Benefit Restoration Plan and for making effective the provisions of this Section. Under the oversight of the Board ~~of Trustees~~, the Executive Director ~~of the Retirement Administration Agency~~ shall be responsible for the day to day operation and administration of the Benefit Restoration Plan.

(2) *Beneficiary* shall mean the person or persons entitled under ~~the provisions of~~ this Article ~~governing this System~~ to receive any benefits payable after the ~~Participant~~participant's death.

(3) ~~Board~~*Benefit Restoration Plan* or *Plan* shall mean the ~~Board of Trustees of the Uniformed Retirement~~Benefit Restoration Plan for the System established ~~under~~by this ~~Article~~Section.

(4) ~~Internal Revenue Code means the federal Internal Revenue Code, as the same may be amended from time to time, and, to the extent not inconsistent therewith, regulations issued there under. (5)~~ *Effective* ~~Date. The effective~~*date* shall mean the date of this ~~section is its date of~~Section's adoption [June 5, 2006].

(~~6~~5) *Eligible* ~~Member~~*member* shall mean a retired member of the ~~Uniformed Retirement~~ System ~~and~~ whose benefits thereunder are reduced by the application of the limitations on annual benefits under Section 415(b) of the Internal Revenue Code ~~Section 415(b)~~ as applicable to governmental plans.

(~~7) Member shall mean a member of the Uniformed Retirement System established under this Article.~~

~~(8) Employer shall mean an employer as defined under the Uniformed Retirement System established under this Article. (9~~6) *Enabling statute* shall mean Chapter 13 of Title 51.1 of the *Code of Virginia~~ Code (1950)~~*, as amended.

(~~10~~7) *Grantor* ~~Trust~~*trust* shall mean the trust fund described in ~~sub-section~~Subsection (i)(3) of this Section and established and maintained for the Benefit Restoration Plan.

(~~11~~8) *Participant* shall mean an ~~Eligible Member~~eligible member qualified to participate in the Benefit Restoration Plan.

~~(12) Benefit Restoration Plan or Plan shall mean the Benefit Restoration Plan for the System established by this Section. (13~~9) *Plan Sponsor* shall mean the Board of Supervisors~~ of Fairfax County, Virginia~~.

(~~14~~10) *Plan Year* shall mean the twelve (12~~-~~) month period beginning on ~~the first day of~~ July~~.~~ 1.

(~~15~~11) *Restoration* ~~Death Benefit~~*death benefit* shall mean the benefit due the ~~Beneficiary~~beneficiary of a ~~Participant~~participant under the Plan as determined under this Section.

(~~16~~12) *Restoration* ~~Retirement Benefit~~*retirement benefit* shall mean the benefit due a ~~Participant~~participant or his or her ~~Beneficiary~~beneficiary under the Benefit Restoration Plan determined under this Section.

~~(17) Retirement System or System shall mean the Uniformed Retirement System established under this Article.~~

(d) Eligibility and Participation

(1) Eligibility and ~~Date~~date of ~~Participation~~participation. Each ~~Eligible Member~~eligible member shall be a ~~Participant~~participant in ~~this~~the Benefit Restoration Plan commencing with the date he or she first becomes, or again becomes, an ~~Eligible Member~~eligible member.

(2) Length of ~~Participation~~participation. Each ~~Eligible Member~~eligible member who becomes a ~~Participant~~participant shall be or remain a ~~Participant~~participant for so long as he or she is entitled to future benefits under the terms of ~~this~~the Benefit Restoration Plan.

(e) Restoration ~~Retirement Benefit (1)~~ retirement benefit. Subject to the terms and conditions set forth in this Section, a ~~Participant~~participant who retires or is retired under the System and who is entitled to the payment of benefits under the System shall be entitled to a ~~Restoration Retirement Benefit~~restoration retirement benefit, generally expressed as a benefit payable monthly for the life of the ~~Participant~~participant and commencing at the applicable time provided under this Article, equal to the excess, if any, of:

(~~i~~1) The amount of the ~~Participant~~participant's retirement allowance under the~~ Retirement~~ System, determined without regard to the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, over

(~~ii~~2) The amount of the ~~Participant~~participant's retirement allowance under the~~ Retirement~~ System.

To the extent that the ~~Participant~~participant's retirement allowance payable under the~~ Retirement~~ System is increased at any time due to increases in limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, whether by statute, regulation, actions of the~~ Secretary of the~~ U. S. Treasury Secretary or his or her delegate or otherwise, the ~~Participant's Restoration Retirement Benefit~~participant's restoration retirement benefit shall be reduced correspondingly.

(f) Death Benefit.

(1) Death after ~~Benefit Commencement~~benefit commencement. If a ~~Participant~~participant dies after his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, the only benefits payable under the Benefit Restoration Plan to his or her ~~Beneficiary~~beneficiary after his or her death shall be those, if any, provided under the form of payment being made to him or her at his or her death.

(2) Death before ~~Benefit Commencement~~benefit commencement. If a ~~Participant~~participant dies before his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, the only benefit payable under the Benefit Restoration Plan with respect to him or her shall be the ~~Restoration Death Benefit~~restoration death benefit, if any, provided in ~~sub-section~~Subsection (f)(3) of this Section.

(3) Restoration ~~Death Benefit~~death benefit. Subject to the terms and conditions set forth herein, if a ~~Participant~~participant dies on or after the ~~Effective Date~~effective date and before his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, his or her ~~Beneficiary~~beneficiary shall be entitled to a ~~Restoration Death Benefit~~restoration death benefit as follows:

(A) If his or her ~~Beneficiary~~beneficiary is entitled to receive any death benefit under the ~~Retirement~~ System, such ~~Beneficiary~~beneficiary shall be entitled to receive as a ~~Restoration Death Benefit~~restoration death benefit under the Benefit Restoration Plan an amount equal to the excess, if any, of:

(i) The amount of such death benefit under the ~~Retirement~~ System, determined without regard to the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, over

(ii) The actual amount of such death benefit under the ~~Retirement~~ System.

To the extent that the ~~Participant~~participant's accrued benefit or any death benefit payable under the ~~Retirement~~ System is increased at any time due to increases in the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, whether by statute, ~~regulations~~regulation, actions of the U.S. Secretary of the Treasury or his or her delegate or otherwise, the ~~Participant's Restoration Death Benefit~~participant's restoration death benefit shall be reduced correspondingly.

(g) Vesting. ~~(1) Vesting. A Participant's Restoration Retirement Benefit or Restoration Death Benefit~~A participant's restoration retirement benefit or restoration death benefit, as the case may be, shall be vested at the time of his or her retirement under the ~~Retirement~~ System or death, but only to the extent, and determined in the manner, that such ~~Participant~~participant has a vested and non-forfeitable right to his or her retirement allowance under the ~~Retirement~~ System.

(h) Payment of Benefits.

(1) Time and ~~Manner~~manner for ~~Payment~~payment of ~~Benefits. A Participant's Restoration Retirement Benefit, or the Restoration Death Benefit~~benefits. A participant's restoration retirement benefit, or the restoration death benefit, shall be payable at the same time and in the same manner as the ~~Participant~~participant's retirement allowance or comparable death benefit (other than his or her accumulated contributions or contribution refund death benefit) is paid under the ~~Retirement~~ System, whether as elected by the ~~Participant~~participant or otherwise payable. For a member who is receiving a retirement allowance under the System on the ~~Effective Date~~effective date, and who would immediately be an ~~Eligible Member~~eligible member upon the ~~Effective Date~~effective date, such Member shall immediately commence receiving a ~~Restoration Retirement Benefit~~restoration retirement benefit on a prospective basis.

(2) Discretionary ~~Use~~use of ~~Other Methods of Payment~~other methods of payment. In the sole discretion of the Administrator, monthly payment amounts of less than $100.00, or such amount as the Administrator may from time to time determine, may be paid on an annual or semi-annual basis, in arrears and without interest.

(3) Benefit ~~Determination~~determination and ~~Payment Procedure~~payment procedure. The Administrator shall make all determinations concerning eligibility for benefits under the Benefit Restoration Plan, the time or terms of payment, and the form or manner of payment to the ~~Participant~~participant (or the ~~Participant's Beneficiary~~participant's beneficiary in the event of the death of the ~~Participant~~participant). The Administrator shall promptly notify the ~~Employer~~employer and, where payments are to be made from a ~~Grantor Trust~~grantor trust, the trustee thereof, of each such determination that benefit payments are due and provide to the

~~Employer~~employer or trustee such other information necessary to allow the ~~Employer~~employer or trustee to carry out said determination, whereupon the ~~Employer~~employer or trustee shall pay such benefits in accordance with the Administrator's determination.

(4) Payments to ~~Minors~~minors and ~~Incompetents. If a Participant or Beneficiary~~incompetents. If a participant or beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits ~~will~~shall be paid to such person as the Administrator may designate for the benefit of such ~~Participant or Beneficiary~~participant or beneficiary. Such payments shall be considered a payment to such ~~Participant or Beneficiary~~participant or beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Benefit Restoration Plan.

(5) Distribution of ~~Benefit When Distributee Cannot Be Located~~benefit when distributee cannot be located. The Administrator shall make all reasonable attempts to determine the identity and/or whereabouts of a ~~Participant~~participant or his or her ~~Beneficiary~~beneficiary entitled to benefits under the Benefit Restoration Plan, including the mailing by certified mail of a notice to the last known address shown on the ~~Employer~~employer's or the Administrator's records. If the Administrator is unable to locate such a person entitled to benefits hereunder, or if there has been no such claim made for such benefits, the ~~Employer~~employer shall continue to hold the benefit due such person, subject to any applicable statute of escheats.

(i) Funding.

(1) The undertaking to pay the benefits hereunder shall be unfunded obligations payable solely from the general assets of the ~~Employer~~employer and subject to the claims of the ~~Employer~~employer's creditors.

(2) Except as provided in a ~~Grantor Trust~~grantor trust established as permitted in ~~sub-section~~Subsection (i)(3) of this Section, nothing contained in the Benefit Restoration Plan and no action taken pursuant to ~~the provisions of~~ this Section shall create or be construed to create a trust of any kind of a fiduciary relationship between the ~~Employer~~employer and the ~~Participant~~participant or his or her ~~Beneficiary~~beneficiary or any other person or to give any ~~Participant or Beneficiary~~participant or beneficiary any right, title, or interest in any specific asset or assets of the ~~Employer~~employer. To the extent that any person acquires a right to receive payments from the ~~Employer~~employer under the Benefit Restoration Plan, such rights shall be no greater than the right of any unsecured general creditor of the ~~Employer~~employer.

(3) Use of ~~Grantor Trust Permitted~~grantor trust permitted. Notwithstanding any provision of this Section to the contrary, the Benefit Restoration Plan Sponsor may in its sole discretion elect to establish and fund a ~~Grantor Trust~~grantor trust for the purpose of providing benefits under the Benefit Restoration Plan.

(j) Plan Administrator.

(1) The Plan Administrator ~~has~~shall have full and complete authority and discretion to control and manage the operation of and shall decide all matters under the Benefit Restoration Plan pursuant to this Section and the ~~Enabling Statute~~enabling statute. The Administrator ~~has~~shall have any and all powers as may be necessary or advisable to discharge its duties under the Benefit Restoration Plan including the power and authority to interpret the terms of the Benefit Restoration Plan.

(2) The Plan Administrator ~~is~~shall be responsible for performing the duties required for the operation of the Benefit Restoration Plan, and ~~is~~shall be responsible for supervising the performance of any other persons who may assist in the performance of the Plan Administrator's responsibilities under this Section and the ~~Enabling Statute~~enabling statute.

(3) To enable the Plan Administrator to perform its responsibilities, ~~Employer~~employer(s) shall promptly provide to the Plan Administrator complete and accurate information on any matter that is required by the Administrator in order to make any decision or determination under the Benefit

Restoration Plan. The Plan Administrator shall rely upon this information supplied by the ~~Employer~~employer, and shall have no duty or responsibility to verify this information.

(4) Except as prohibited by law or by this Section, the Plan Administrator may delegate any of its duties to the Executive Director~~ of the Retirement Administration Agency~~. The Plan Administrator may contract with any person to provide services to assist in the administration of the Benefit Restoration Plan. The Plan Administrator ~~must~~shall make such contracts in compliance with all applicable ~~State~~state and local laws and regulations. Any person other than the Plan Administrator who performs services regarding the Benefit Restoration Plan is subject to the supervision and direction of the Plan Administrator, and does not have the authority to control the operation of the Plan.

(k) Termination and ~~Amendment~~amendment of ~~the~~ Benefit Restoration Plan.

(1) Termination~~ of the Benefit Restoration Plan~~. The Board of Supervisors ~~of the County of Fairfax, Virginia,~~ hereby reserves the right to terminate ~~this~~the Benefit Restoration Plan at any time~~,~~; provided, that no such termination shall reduce, suspend, or terminate the ~~Restoration Retirement Benefit or Restoration Death Benefit~~restoration retirement benefit or restoration death benefit otherwise payable to a ~~Participant or Beneficiary~~participant or beneficiary hereunder as of the date of such termination.

(2) Amendment~~ of the Benefit Restoration Plan~~. The Board of Supervisors~~ of the County of Fairfax, Virginia,~~ hereby reserves the right to amend this Benefit Restoration Plan at any time~~,~~; provided, that no such amendment shall reduce, suspend, or terminate the ~~Restoration Retirement Benefit or Restoration Death Benefit~~restoration retirement benefit or restoration death benefit otherwise payable to a ~~Participant or Beneficiary~~participant or beneficiary hereunder as of the date of such ~~termination~~amendment.

(l) ~~Miscellaneous. (1)~~ Non-assignability.

The interests of each ~~Participant~~participant hereunder the Benefit Restoration Plan are not subject to the claims of the ~~Participant~~participant's creditors; and neither the ~~Participant~~participant nor his ~~Beneficiary~~or her beneficiary, shall have any right to sell, assign, transfer, or otherwise convey the right to receive any payments hereunder or any interest under the Benefit Restoration Plan, which payments and interest are expressly declared to be non-assignable and non-transferable. ~~(2)~~ Notwithstanding the ~~preceding sub-section~~foregoing, the Plan Administrator shall honor any process for a debt to the ~~Employer~~employer who has employed the ~~Participant~~participant and any administrative actions pursuant to ~~Va. Code Ann. Sections~~Section 63.2-~~1900,~~1900 *et seq.* of the *Code of Virginia*, or any court process to enforce a child or spousal support obligation, in the manner as described in Section 3-3-7~~ of this Article~~ mutatis mutandi. Restoration ~~Retirement Benefits and/or Restoration Death Benefits~~retirement benefits and/or restoration death benefits created under this Section which are deemed to be marital property pursuant to ~~Va. Code Ann. Sections~~Section 20-89.1 *et seq.*~~,~~ of the *Code of Virginia* may be divided or transferred by the court by direct assignment to a spouse or former spouse pursuant to ~~Va. Code Ann.~~ Section 20-~~107.3.~~107.3 of the *Code of Virginia*. Under no circumstances may a payment under this ~~sub-section~~Subsection take place before the ~~Participant~~participant's benefit under the~~ Retirement~~ System is actually paid. (12-06-3.)

Document comparison by Workshare Compare on Thursday, November 19, 2015 2:52:31 PM

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Rendering set	Standard

Legend:	
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Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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Moved to	19
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Format changed	0
Total changes	2486

ARTICLE 7. - Fairfax County Police Officers Retirement System.

Division 1. - Generally.

Section 3-7-1. - Fairfax County Police Officers Retirement System established.

(a) Under the authority granted by Chapter 303, 1944 Acts of the Assembly, as amended, the Police Pension and Retirement System, established previously under the authority of Chapter 303, 1944 Acts of the Assembly, is hereby continued and is adopted and enacted by ordinance, as hereinafter set forth, and is to be known henceforth as the "Fairfax County Police Officers Retirement System."

(b) The previously established Policemen's Pension and Retirement Board is hereby continued and ~~will~~shall be referred to as the "Board of Trustees of the Fairfax County Police Officers Retirement System." Members of the ~~Policemen's Pension and Retirement~~ Board of Trustees in office on the effective date of this Article ~~[~~(June 22, 1981~~]~~) shall continue in office as trustees until the expiration of their present terms and may be reappointed in accordance with the provisions of this Article.

(c) The Fairfax County Police Officers Retirement System is intended to satisfy the requirements of Sections 401(a) and 414(d) of the Internal Revenue Code ~~§§ 401(a) and 414(d) requirements~~ for qualified governmental pension plans. (20-81-3; 52-13-3.)

Section 3-7-2. - Definitions.

~~The following words and phrases shall have the meanings respectively provided by this Section~~Unless provided otherwise in another Section, the following definitions shall apply to this Article:

(a) *Accrued sick leave credit* shall mean:

(1) For employees whose ~~county~~County employment commenced by reporting for work before January 1, 2013 (members of Plan A), ~~accrued sick leave credit shall mean~~ the credit allowed a member at a rate of one (1) month for each one-hundred-seventy-two (172) hours of accrued unused sick leave, and pro rata credit shall be allowed for each fraction thereof.

(2) For employees whose ~~county~~County employment commenced by reporting for work on or after January 1, 2013 (members of Plan B), ~~accrued sick leave credit shall mean~~ the credit allowed a member with more than five (5) years of service for purposes of determining retirement eligibility. Credit shall be allowed at the rate of one (1) month for every one-hundred-seventy-two (172) hours of accrued unused sick leave, and pro rata credit shall be allowed for each fraction thereof; however, for employees whose ~~county~~County employment commenced by reporting to work on or after January 1, 2013, notwithstanding the amount of the employee's accrued sick leave balance, the maximum amount of accrued sick leave credit that may be used for determining retirement eligibility and for computing the member's retirement ~~benefits and~~ allowances and benefits shall be the employee's accrued sick leave balance or two-thousand-eighty (2,080) hours, whichever is less.

(b) *Actuarial equivalent* shall mean a benefit of equal value when computed upon the basis of such actuarial tables as are adopted by the Board ~~of Trustees of the System~~.

(c) *Average final compensation* shall mean the annual creditable compensation of a member during the thirty-six (36) consecutive months (seventy-eight (78) consecutive pay periods) in which the member received his or her highest creditable compensation.

(1) In determining average final compensation for members who retire after July 1, 1988, the member's accrued unused sick leave at the time of retirement may, at the option of the member, be substituted for an equivalent period of creditable service as if the member had continued to work at his or her final salary during the period of his or her accrued unused sick leave; provided, ~~however,~~ that in determining the average final compensation for members who became members of ~~this~~the System on or after January 1, 2013 (~~i.e.,~~ members of Plan B), no more than

two-thousand-eighty (2,080) hours of the member's accrued unused sick leave may be used for this purpose.

(~~1) Rule applicable to members ordered or called to active duty with the armed forces of the United States on or after August 2, 1990, with or without their consent, other than for training at the request of the member.~~ 2) If a member ordered or called to active duty with the armed forces of the United States on or after August 2, 1990, with or without his or her consent, other than for training at the request of the member, is entitled to service credit as a result of such military service pursuant to Section 3-7-23(d) and he or she otherwise would have no creditable compensation attributable to some portion or all of such period of service, his or her average final compensation shall be calculated as if he or she had continued to receive the salary, including ~~pickup~~pick-up contributions, approved and established for his or her position by the County ~~Pay and~~ Compensation Plan during the period of military service for which he or she is receiving service credit. A member shall be entitled to the benefit of the application of this rule for up to a cumulative total of four (4) years of military service commencing on or after August 2, 1990. The Board ~~is authorized and directed to~~shall make any and all necessary retroactive adjustments to members' allowances as a result of this rule.

(3) Notwithstanding the foregoing, whenever the ~~Personnel~~ Director of the Department of Human Resources, at the request of the Board, the member, or the member's beneficiary determines that the member's receipt of a merit increment was delayed as a result of either or both of the amendments to Section 4.3-2 of the Personnel Regulations, effective July 13, 1991, and July 11, 1992, and that the member would otherwise have been entitled to such merit increment under the Personnel Regulations, based upon ~~his or her~~the Human Resources Director's review of the member's personnel and payroll records, the Board shall calculate the member's average final compensation as if the member had received the merit increment at the time he or she would have but for the aforesaid amendments to Section 4.3-2 of the Personnel Regulations. This ~~amendment~~Subparagraph shall apply to all applications for allowances and benefits filed with the ~~respective Boards of Trustees~~Board on or after July 13, 1991. The ~~respective Boards of Trustees are hereby authorized and directed to~~Board shall make any necessary retroactive adjustments to allowances and benefits.

(~~2~~4)Periods of leave without pay under the federal Family and Medical Leave Act of 1993 (FMLA) shall be disregarded in determining periods of consecutive months or ~~payroll~~pay periods in calculating average final compensation.

(d) *Average salary*, as used in Section 3-7-34, shall mean the current salary of the position the member was in at the time he or she was disabled.

(e) *Beneficiary* shall mean any person, other than a member, entitled to receive benefits as provided by the System. The Board shall provide a member with a form on which to designate in writing one or more beneficiaries of the member's benefits upon the member's death. The Board shall maintain any such written designation on file. A designated beneficiary may be changed from time to time by written notice by the member filed with the Board.

(f) *Board* shall mean the Board of Trustees of the System, as ~~established~~provided in this Article.

(g) *Creditable compensation* shall mean payment of salary including ~~pickup~~pick-up contributions, roll call and holiday pay but excluding performance bonuses. Effective for plan years after December 31, 1988, compensation in excess of $~~200,000.00 (~~200,000.00, as indexed under Section 415(d) of the Internal Revenue Code~~)~~, shall be disregarded. Notwithstanding the foregoing, effective for members hired on or after July 1, 1996, compensation in excess of the limit set forth in Section 401(a)(17) of the Internal Revenue Code shall be disregarded. In determining the compensation of an employee under this ~~plan section~~definition, the rules of Section 415(c)(3) of the Internal Revenue Code shall apply. Effective for plan years on or after January 1, 2001 an employee's compensation shall include amounts not includible in gross income by reason of Section 132(f)(4) of the Internal Revenue Code.

(h) *Creditable service* shall mean the total of membership service credit~~ as an active member of the Fairfax County Police Department~~, plus portability service credit purchased pursuant to ~~section~~Section 3-7-23.1.

(i) *DROP* shall mean the Deferred Retirement Option Program, as provided in Section 3-7-52.

(j) *Employee* shall mean any law enforcement officer within the ~~police department~~Fairfax County Police Department, whose compensation is fully paid by the County, and excluding any person as defined by~~ Article 3,~~ Section 3-3-1(a)(9)~~,~~ of the *Code of the County of Fairfax*.

(~~j~~k) *Employer* shall mean the Chief of Police for the Fairfax County Police Department or an authority in the County having power to appoint police officers paid directly or indirectly by the County and/or the Board of Trustees of the System.

(~~k~~l) *Executive Director* shall mean the Executive Director of the Fairfax County Retirement Administration Agency.

(m) *Handicapped child* shall mean natural or legally adopted member's progeny who has demonstrated to the Board by medical evidence acceptable to the Board, in its sole discretion, to be permanently mentally incompetent or permanently physically handicapped, unless and until a determination has been made by the Board that such progeny no longer is permanently mentally incompetent or permanently physically handicapped in accordance with Section 3-7-41.

(~~l~~n) *Internal Revenue Code* shall mean the federal income tax statutes, as they may be amended or superseded from time to time in the future.

(o) *Member* shall mean a full-time employee, or a part-time employee, provided the Board first determines that it desires to receive a part-time employee into the ~~system~~System, or a former employee entitled to benefits under the System.

(~~m~~p) *Membership service credit* shall mean credit for service ~~to this~~while a member of the System.

(~~n) Picked~~ q) *Partial disability* shall mean the inability of the member to perform some part of the duties of a police officer, such as in administrative or desk assignments.

(r) *Pick-up contributions* shall mean a member's regular ~~member's contributions~~contribution to the System which ~~are~~is picked up, through a salary reduction~~ in salary~~, by the County from ~~active members~~the member's compensation for service rendered on or after December 22, 1984.

(~~o~~s) *Plan A* ~~is set forth in~~shall mean the provisions of this Article as applicable to all employees whose ~~county~~County employment commenced by reporting for work before January 1, 2013.

(~~p~~t) *Plan B* ~~is set forth in~~shall mean the provisions of this Article as applicable to all employees whose ~~county~~County employment commenced by reporting for work on or after January 1, ~~2013; the sole difference between Plans A and B is found in those provisions that address the limitations on the use of accrued sick leave credits and accrued unused sick leave for the purposes of determining retirement eligibility and for computing the member's retirement benefits and allowances.~~2013.

(~~q~~u) *Retirement allowance* shall mean the retirement payments to which a member is entitled ~~to members~~ as provided in this Article.

(~~r~~v) *Salary* shall mean the compensation, including ~~pickup~~pick-up contributions, established for each position as approved in the County ~~Pay and~~ Compensation Plan.

(~~s~~w) *Service* shall mean service as an employee for which compensation is paid by the employer, but shall not include time spent on leave without pay.

(~~t~~x) *System* shall mean the ~~"~~Fairfax County Police Officers Retirement System.~~"~~ When any part of this Article refers to multiple retirement systems, the Police Officers Retirement System shall be referred to as "this System," rather than "the System."

(y) *Total disability* shall mean the inability of a member to reasonably perform his or her duties as a police officer. (20-81-3; 5-85-3; 36-88-3; 27-90-3, § 5; 13-92-3; 43-92-3; 15-93-3; 37-94-3; 21-96-3; 14-00-3; 18-01-3; 8-03-3; 8-04-3; 28-12-3.)

Section 3-2-2.1. - Definitions elsewhere in County Code and in County Personnel Regulations.

Unless this Article provides otherwise, the definitions provided in Sections 1-1-2, 3-3-1, and 3-3-12 of the *Code of the County of Fairfax*, and Chapter 2 of the Fairfax County Personnel Regulations shall apply herein.

Section 3-7-3. - Duties of the employer.

The employer shall ~~maintain records as~~keep all necessary~~,~~ records relating to the hiring and employment of members, and from time to time shall furnish such information ~~to assist~~as the Board ~~as it~~ may require in the discharge of its duties. Upon employment of a member, the employer shall inform the member of his or her duties and obligations in connection with the System as a condition of employment. (20-81-3.)

Section 3-7-4. - Consent to provisions of Article required for employment.

~~Upon~~By and upon acceptance of employment with the employer, every member shall be deemed to consent and agree to any deductions or employer ~~pickup~~pick-up of amounts from ~~this~~his or her compensation~~, as stated in~~ required by this Article~~,~~ and to all other provisions thereof. (20-81-3; 5-85-3.)

Section 3-7-5. ~~- Fraud and false statements~~– Protection against fraud.

In addition to any other provisions of law, any person who shall knowingly make any false statement, or ~~false~~shall falsify or permit to be falsified, any record or records of the System in any attempt to defraud the System~~,~~ shall be guilty of a ~~Class 1~~ misdemeanor~~.~~ and shall be punished accordingly. (20-81-3.)

Section 3-7-6. - Benefits unassignable; non-attachable.

The right of any member to a retirement allowance, to the return of contributions, including picked -up amounts, or any other right accrued or accruing to any ~~other~~ person under ~~the provisions of~~ this Article, and the funds created by this Article~~,~~ shall be unassignable and shall not be subject to execution, garnishment, attachment, bankruptcy, insolvency, or any other process of law whatsoever except for administrative actions pursuant to ~~Chapter 13(§ 63.1-249~~Section 63.2-1900 *et seq.*~~) of Title 63.1~~ of the *Code of Virginia* or any court process to enforce a child or child and spousal support obligation, and shall be unassignable except as specifically provided in this Article. However, retirement benefits and assets created under this Article which are deemed to be marital property pursuant to ~~Chapter 6 (§~~Section 20-89.1 *et seq.*~~) of Title 20~~ of the *Code of Virginia* may be divided or transferred by the court by direct assignment to a spouse or former spouse pursuant to Section 20-107.3 of the *Code of Virginia*~~, Section 20-107.3.~~ . (5-85-3; 13-92-3; 1-93-3)

Section 3-7-7. ~~- Error in records; corrections and adjustment~~– Errors resulting in over- or under-payment.

(a) Should any change or error in the records or in the computation of a member's benefits result in any member or beneficiary receiving from the System more (overpayment) or less than ~~properly~~he or she would have been entitled to had the records or computation been correct, the Board shall have the authority to correct such error and, as far as practicable, adjust the payments in such a manner that the actuarial equivalent of the benefit, to which such member or beneficiary was correctly entitled, shall be paid.

(b) The Board is authorized to negotiate and compromise with a member with respect to any amounts which the Board determines have been paid to the member in excess of amounts to which the member is entitled. (20-81-3; 13-92-3.)

Section 3-7-8. ~~-~~ – Amendment of Article.

(a) The Board of Supervisors shall have the continuing right and power to amend or supplement this Article~~; such~~ at any time, which right and power is hereby expressly reserved. ~~No~~But no amendment shall be made inconsistent with the provisions of Section 51.1-821 of the *Code of Virginia,* ~~Section 51.1-821,~~ as amended, and Chapter 303, 1944 Acts of Assembly, as amended.

(b) No amendment, suspension or revocation, including termination or partial termination of the System, shall have the effect of diverting the trust fund of the System to purposes other than the exclusive benefit of the participating employees or their beneficiaries, until all liabilities for accrued benefits payable under the terms of the ~~plan~~System shall have been fully satisfied. Upon termination of the System or a discontinuance of contributions to the System, each member's benefit accrued as of such date will be nonforfeitable. (20-81-3; 21-96-3; 52-13-3)

Division 2. - Board of Trustees.

Section 3-7-9. - Administration of System vested in Board of Trustees.

The general administration and the responsibility for the proper operation of the System~~,~~ and for making effective the provisions of this Article~~,~~ are hereby vested in the Board ~~of Trustees of the System~~. (20-81-3.)

Section 3-7-10. ~~-~~ – Membership; term ~~in~~of office; election of officers.

(a) The Board of Trustees of the System shall consist of ~~seven (7) trustees as follows~~the following members:

- Director of the Department of Finance, who shall be the Treasurer of the Board, or his or her permanent designee, sitting ex officio;
- Three (3) ~~trustees~~persons appointed by the Board of Supervisors; ~~two~~
- Two (2) ~~trustees who are~~persons currently employed by the Fairfax County Police Department as sworn police officers elected by the members of the System currently employed by the Fairfax County Police Department as sworn police officers; ~~one~~and
- One (1) ~~trustee~~person who is retired from employment as a sworn police officer of Fairfax County elected by the retired members of the System~~; and the Director of Finance, who shall be treasurer of the Board~~.

(b) With the exception of the Director of the Department of Finance~~, who shall be an ex-officio member of the Board~~, the term of office of ~~the~~ trustees shall be four (4) years. (20-81-3; 10-01-3.)

Section 3-7-11. - Vacancies in office.

Vacancies which occur in the office of ~~trustees~~trustee of the System shall be filled for the unexpired term in the same manner as the office was previously filled. (20-81-3.)

Section 3-7-12. ~~- Accountable to Board of Supervisors.~~

~~The Board of Trustees of the System shall be accountable to the Board of Supervisors. (20-81-3.)~~

~~Section 3-7-13.~~ - Compensation of trustees.

The ~~two~~three (~~2~~3) trustees appointed by the Board of Supervisors may receive compensation at the rate set by the Board of Supervisors. (20-81-3.)

Section 3-7-~~14.~~ 13. – Election of officers.

The Board ~~of Trustees~~ shall elect one (1) member as president, one (1) as secretary, and may elect one (1) as vice-president. Such election shall occur at the first meeting of the Board in each calendar year. (20-81-3.)

Section 3-7-14. – Accountable to the Board of Supervisors.

The Board of Trustees of the System shall be accountable to the Board of Supervisors. (20-81-3.)

Section 3-7-15. - Functions of the Board.

The general powers and authorized duties of the Board ~~of Trustees~~, subject to the limitations of this Article, are as follows:

(a) To adopt bylaws, rules and regulations, lawful and necessary for the proper conduct of its affairs.

(b) To conduct hearings, make investigations, and determine the amount of awards or pensions to be paid any police officer or his or her beneficiaries.

(c) To provide for the expense of such clerical, legal, medical, investment counsel, and other services as it deems necessary or proper.

(d) To provide for, and require deductions from, the salaries of active and paid members of the ~~police department~~Police Department, and to cause the amounts deducted to be paid into its treasury, for its use in the administration of the System.

(e) To draw warrants, signed in its name and countersigned by its president, and its treasurer, for the payments of pensions and benefits hereunder, and of costs and expenses of administration.

(f) To determine who shall be members of the System.

(g) To submit to the Board of Supervisors annually an independent audit showing the fiscal transactions of the System for the preceding fiscal year, the amount of accumulated cash and securities of the System, and the last balance sheet indicating the financial condition of the System.

(h) To cause an actuarial evaluation to be made of the System as of July 1, 1982, and at least once in each succeeding two-year period. The Board shall keep in convenient form such data as shall be necessary for an actuarial evaluation of the System and for checking the experience of the System.

(i) To review adverse decisions as provided by Section 3-7-45. (20-81-3; 8-82-3.)

Division 3. ~~-~~ Management of Funds.

Section 3-7-16. - Board trustee of funds; investment of same.

(a) The Board shall be the trustee of funds created by this Article and shall have full power to invest and ~~reinvest~~re-invest such funds. Such investments and ~~reinvestments~~re-investments shall be conducted with bona fide discretion and in accordance with the laws of the Commonwealth of Virginia, as such laws apply to fiduciaries investing such funds. The Board may upon the exercise of bona fide discretion employ investment counsel, who shall be subject to the same limitations herein provided for the Board. Subject to such limitations, the Board shall have the full power to hold, purchase, sell, assign, transfer or otherwise dispose of any of the securities or investments in which any of the funds created herein have been invested, as well as the proceeds of such investments and any money belonging to such funds. ~~No member of the Board~~

(b) No trustee shall be personally liable for losses suffered by the System on investments made under the authority of ~~an~~and in compliance with this Section. (20-81-3.)

Section 3-7-17. - Treasurer fiscal officer of the Board.

The ~~treasurer~~Treasurer of the Board shall be the custodian of all of its funds and securities, and may designate a fiduciary agent, upon the direction and approval of the Board. ~~The treasurer may~~He or she shall give bond, in such amount, and with such surety, as the Board requires, as a condition for the faithful

performance of his or her duties and the proper accounting for all funds and securities coming into his or her hands. He or she shall disburse the funds on warrants drawn by the Board, signed and countersigned as provided herein. (20-81-3.)

Section 3-~~7~~2-18. - Prohibited interest of member or employee of ~~the~~ Board.

~~Except as otherwise provided in this Article, no member or employee of the Board shall have any direct or indirect interest in the gains or profits of any investment made by~~ (a) The State and Local Government Conflict of Interests Act, Section 2.2-3100 *et seq.*, of the *Code of Virginia*, shall apply to members and employees of the Board.

(b) No member or employee of the Board shall, directly or indirectly, for himself or herself or as an agent~~,~~ in any manner use the ~~same~~funds of the System, except to make such current and necessary payments as are authorized by the Board. (20-81-3.)

Division 4. - Membership in System.

Section 3-7-19. ~~-~~ – Membership composition.

(a) Membership shall be ~~comprised~~composed of the following:

(1) Present employees~~, as defined within this Article~~.

(2) All persons who were employees on June 22, 1981, or who were on authorized leave from service on such date.

(3) Future employees~~, as identified herein~~.

(4) ~~Exceptions. Employees of the County who are members of the Virginia Retirement System, the Uniformed Retirement System, and future employees who are eligible to become members of those systems, are not eligible for membership in this System. (5)~~ Former park police officers who elected to transfer to this ~~system~~System from the Fairfax County Uniformed Retirement System pursuant to the provisions of Section 3-3-20(b)(3). Membership in this System shall commence on January 22, 1983. For purposes of this Article, such members shall be deemed to have been appointed on or after July 1, 1981, regardless of being granted any prior service credit pursuant to Section 3-7-20(b). Such members may receive service credit for prior service as a park police officer if the member pays into ~~the~~this System the difference between the amount he or she contributed to the Uniformed Retirement System and the amount he or she would have contributed to this System had he or she been a member during the period for which he or she is ~~seeing~~seeking prior service credit plus an amount equal to the total return of ~~the~~this System's assets in each year for which prior service credit is applied to those contributions that have been in ~~the~~this System had he or she been a member at the time. At the Board's discretion, such a member may pay in installments over a period not to exceed one year. However, prior service credit shall not be granted until payment has been received in full. This offer to purchase service ~~will~~shall be effective for a period of one year from the approval date of this change [February 26, 2001].

(b) Employees of the County who are members of the Virginia Retirement System (VRS) or the Fairfax County Uniformed Retirement System, and future employees who are eligible to become members of those systems, are not eligible for membership in this System.

(c) Persons receiving a normal service or early service retirement allowance from this System, the Fairfax County Employees' Retirement System ~~(Article 2)~~ or the Fairfax County Uniformed Retirement System ~~(Article 3)~~ are eligible for membership only under the terms and conditions set forth in Section 3-7- 40.

(~~c~~d) Notwithstanding any other provision of this Chapter or Article to the contrary, an active member of this System who has more than five (5) years of creditable service in this System and who is appointed to serve as a ~~deputy county executive~~Deputy County Executive shall remain a member of this System, and shall not become a member of the Fairfax County Employees' Retirement System as a result of such appointment. Any such member shall remain a member of this System for so long as he or she is

so employed or subsequently resumes working in a position that is covered under this System. (20-81-3; 35-81-3; 22-83-3; 36-86-3; 27-90-3, § 5; 8-91-3; 56-93-3; 10-01-3; 28-12-3.)

Division 5. Service Credit.

Section 3-7-20. - ~~Service credit for prior service.~~ Statement to be filed with Board.

Under such rules and regulations as are adopted by the Board, each member or someone on his or her behalf shall file with the Board, in such form as the Board may prescribe, a statement of the facts pertaining to his or her status as a member, which shall include a statement of all service as an employee, and such other information as the Board may require. Until such statement is filed, no member or his or her beneficiary shall be eligible to receive any benefits under this Article. (20-81-3.)

Section 3-7-21. - Year of service.

The Board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one (1) year of service for all service rendered in any period of twelve (12) consecutive months. (20-81-3.)

Section 3-7-22. - Membership service credit.

(a) Each member shall receive membership service credit for service rendered while a member of the System, or after he or she last became a member in the event of a break in his or her membership.

(b) Each member shall receive membership service credit for any period he or she is on service-connected total disability retirement. All members who have been retired before, and all members who are retired on or after, July 7, 2003, on account of service-connected partial disability pursuant to Section 3-7-29 shall receive membership service credit for any period they are on service-connected partial disability retirement.

(c) Each member shall be allowed membership service credit for accrued unused sick leave upon making application for retirement, at the rate of one (1) month of credit for each one-hundred-seventy-two (172) hours of accrued unused sick leave; and pro rata credit shall be allowed for each fraction thereof. In determining average final compensation, the member's accrued unused sick leave at the time of retirement may, at the option of the member, be substituted for an equivalent period of creditable service as if the member had continued to work at his or her final salary during the period of his or her accrued unused sick leave.

(d) Each member shall receive membership service credit for military leave, provided he or she returns to full employment within ninety (90) days of discharge and such discharge is other than dishonorable. (20-81-3; 36-88-3; 8-03-3; 33-03-3.)

Section 3-7-23. – Prior service credit.

(a) A member shall receive membership service credit for prior employment as a police officer with the County, provided he or she shall return his or her contributions, including picked -up amounts, previously paid, in addition to interest received at the yearly rates earned by the System during the period the member's contributions, including picked -up amounts, had been withdrawn. The Board may, in its discretion, accept a return of a member's ~~contribution~~contributions, including picked -up amounts on an installment basis, as determined by the Board. Such member may satisfy some or all of the amount due from ~~his~~him or her for the purchase of such service through a rollover from an individual retirement account if ~~and only if~~ the entire amount in that account is attributable to a rollover from ~~this~~the System. Such member may also satisfy some or all of the amount due from him or her for the purchase of such service through a direct trustee-to-trustee transfer from an eligible deferred compensation plan described in ~~section~~Section 457(b) of the Internal Revenue Code maintained by an eligible employer described in ~~section~~Section 457(e)(1)(A) ~~of the Internal Revenue Code~~, or through a direct trustee-to-trustee transfer from an annuity described in Section 403(b) of the Internal Revenue Code.

(b) Former park police officers who elected to transfer to this System pursuant to Section 3-3-20(b)(3) and to transfer their contributions from the Fairfax County Uniformed Retirement System pursuant to Section 3-3-20(b)(4)(C) shall be granted membership service credit for their service as park police officers. Any deficits created by this action shall be funded by increasing the rate of employer contributions as determined by the required actuarial evaluation of ~~the~~this System as of June 30, 1983.

(c) Any former Fairfax County park police officer who transferred to this System from the Fairfax County Uniformed Retirement System between August 1, 1974, and October 31, 1982, and who has remained in continuous service in this System since such transfer, may receive membership service credit in this System for his or her prior service as a park police officer if such member pays into this System:

(1) The difference between the amount that he or she had contributed to the Uniformed Retirement System and the amount that he or she would have been required to contribute to this System had he or she been a member during the period for which he or she is seeking prior service credit; and

(2) An additional sum representing the amount that ~~the~~this System would have earned on the contributions that he or she would have been required to make to this System had he or she been a member during the period for which service credit is sought under this ~~subsection~~Subsection.

In determining the amount required under condition (2), the Board shall use the historical rate(s) of return on ~~the~~this System's assets during the period for which service credit is sought. At the Board's discretion, such a member may pay in installments over a period not to exceed one (1) year. However, prior service credit shall not be granted until payment has been received in full. This option to purchase service ~~will~~shall be effective for a period of one (1) year from the date of enactment of this ~~subsection~~Subsection [February 26, 2001]. The purchase of service credit for prior service as a park police officer under ~~the provisions of~~ this ~~subsection~~Subsection by a member shall not alter the minimum amount of creditable service that the member is required to have to be eligible for normal service retirement under ~~the provisions of~~ this Article. Where a member elects to purchase service credit for prior service as a park police officer under ~~the provisions of~~ this ~~subsection~~Subsection, the Board of Trustees of the Uniformed Retirement System shall transfer from its funds the employer contributions attributable to the member's service for which prior service credit is being purchased under this ~~subsection~~Subsection to this System.

(d) Members who are former park police officers who transferred their member contributions from the Fairfax County Uniformed Retirement System, including member's contributions from service in a position covered by the Fairfax County Employees' Retirement System prior to their service as a park police officer, may elect to either (i) receive a refund of their Employees' Retirement System member contributions from this System or (ii) purchase membership service credit in this System based upon ~~his~~their prior service in the Employees' Retirement System on the terms and conditions set forth in this ~~subsection~~Subsection.

(1) ~~such~~Such members must elect in writing to purchase such service credit within one (1) year of the effective date of this ~~subsection~~Subsection [December 6, 1993]. Members who do not elect to purchase such credit within one (1) year of the effective date of this ~~subsection~~Subsection shall have such contributions refunded to them and shall be deemed to have waived any right to purchase such service credit.

(2) Members electing to purchase such credit may do so by paying into this System (A) the difference between the amount which ~~he~~they had contributed to the Employees' Retirement System and the amount ~~he~~they would have been required to contribute to this System had ~~he~~they been ~~a member~~members during the period for which ~~he is~~they are seeking prior service credit and (B) an additional sum representing the amount that ~~the~~this System would have earned on the contributions ~~he~~they would have been required to make to this System had ~~he~~they been a member during the period for which service credit is sought, as determined by using the historical rate(s) of return of ~~the~~this System.

(3) At the discretion of the Board, such members may pay the required amounts in installments over a period not to exceed one (1) year. However, such service credit shall not be granted until payment has been made in full.

(4) The purchase of such service credit shall not alter the minimum amount of creditable service that the member is required to have to be eligible for normal or early service retirement under this Article. (20-81-3; 36-88-3; 8-03-3; 33-03-3) (20-81-3; 22-88-3; 5-85-3; 56-93-3; 36-94-3; 10-01-3; 8-03-3.)

~~Section 3-7-21. - Statement to be filed with Board.~~

~~Under such rules and regulations as are adopted by the Board, each member, or someone in his behalf, shall file with the Board, in such form as the Board may prescribe, a statement of the facts pertaining to his status as a member, which shall include a statement of all service as an employee and such other information as the Board may require. Until such statement is filed, no member or his beneficiary shall be eligible to receive any benefits under this Article. (20-81-3.)~~

~~Section 3-7-22. - Year of service.~~

~~The Board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of creditable service, but in no case shall it allow credit for more than one (1) year of service for all service rendered in any period of twelve (12) consecutive months. (20-81-3.)~~

~~Section 3-7-23. - Membership service credit.~~

~~(a) Each member shall receive membership service credit for service rendered while a member of this System, or after he or she last became a member in the event of a break in his or her membership.~~

~~(b) Each member shall receive membership service credit for any period he or she is on service-connected total disability retirement. All members who have been retired before, and all members who are retired on or after July 7, 2003, on account of service-connected partial disability pursuant to Section 3-7-29 shall receive membership service credit for any period he or she is on service-connected partial disability retirement.~~

~~(c) Each member may be allowed membership service credit for accrued unused sick leave upon making application for retirement, at the rate of one (1) month of credit for each 172 hours of accrued unused sick leave; and pro rata credit shall be allowed for each fraction thereof. In determining average final compensation, the member's accrued unused sick leave at the time of retirement may, at the option of the member, be substituted for an equivalent period of creditable service as if the member had continued to work at his or her final salary during the period of his accrued unused sick leave.~~

~~(d) Each member shall receive membership service credit for military leave, provided he or she returns to full employment within 90 days of discharge and such discharge is other than dishonorable. (20-81-3; 36-88-3; 8-03-3; 33-03-3).~~

Sec. 3-7-23.1. - Portability ~~of~~ service credit.

~~A.~~(a) Definitions. ~~For the purpose of this section, the terms shall be defined as follows:~~

(1) ~~"~~*Accepting plan*~~"~~ shall mean the retirement plan or system which is receiving membership assets from another ~~defined benefit~~ retirement plan or system in order to permit a current member to purchase portability service credit in the accepting plan through the use of his or her membership contributions in the transferring plan.

(2) ~~"~~*Portability service credit*~~"~~ shall mean service credit purchased in an accepting plan by the transfer of membership assets from the transferring plan.

(3) ~~"~~*Transferring* ~~Plan"~~*plan* shall mean the retirement plan or system which is transferring membership assets to an accepting plan to enable a former employee of the transferring plan or system to purchase service in the accepting plan through the use of his or her membership contributions in the transferring plan.

(~~B~~b) The Board of Supervisors ~~of Fairfax County~~ may enter into agreements with the Virginia Retirement System (VRS) or with any other political subdivision of the Commonwealth of Virginia, provided that

the retirement system of any other political subdivision of the Commonwealth of Virginia is a defined benefit plan or eligible deferred compensation plan described in ~~section~~Section 457(b) of the Internal Revenue Code maintained by an eligible employer described in ~~section~~Section 457(e)(1)(A)~~ of the Internal Revenue Code~~, to permit any vested member of ~~any~~ such plan to purchase portability service credit in ~~the Fairfax County Police Officers Retirement~~ this System.

(~~C~~c) The purchase of portability service credit in the~~ Fairfax County Police Officers Retirement~~ System pursuant to this ~~section~~Section may only be made within eighteen (18) months of the date when an employee commences employment in a position covered by the ~~Fairfax County Police Officers Retirement System, or within 18 months of the date of the enactment of this ordinance for County~~System, or, for employees who are members of the ~~Fairfax County Police Officers Retirement System on the date of this ordinance~~System on March 24, 2003, within eighteen (18) months thereafter.

(~~D~~d) In order to purchase portability service credit in the ~~Fairfax County Police Officers Retirement~~ System, the member ~~must~~shall have served as a sworn law enforcement officer and ~~must~~shall be a vested member of the transferring plan. The transferring plan ~~must~~shall be holding member contributions that are subject to transfer. A member desiring to purchase portability service credit shall make written application for the purchase of such credit to the ~~Fairfax County Police Officers Retirement~~ System. The ~~Fairfax County Police Officers Retirement~~ System ~~will~~shall determine from the transferring plan the amount of the member's assets that would be subject to transfer to the~~ Fairfax County Police Officers Retirement~~ System. Based upon the amount subject to transfer, the Board ~~of Trustees of the Fairfax County Police Officers Retirement System; this amount will~~shall determine the amount of portability service credit that would be actuarially equivalent to the amount of assets to be transferred to the System; this amount shall represent the maximum amount of portability service credit that can be purchased. The Board ~~of Trustees will~~shall communicate the amount of portability service credit that can be purchased to the member in writing; however, in no event ~~will~~shall the amount of portability service credit that can be purchased exceed the duration of the member's employment in a position that was covered by the transferring plan. The member shall have thirty (30) days from the date of the letter advising him or her of the amount of ~~portable~~portability service credit that can be purchased to determine whether to proceed with the purchase or to withdraw his or her application for the purchase of portability service credit.

(~~E~~e) In the event that the assets transferred are not sufficient to purchase portability service credit in the ~~Fairfax County Police Officers Retirement~~ System equivalent to five (5) years of service, the member ~~will~~shall not become vested in the ~~Fairfax County Police Officers Retirement~~ System until his or her creditable service equals five (5) years.

(~~F~~f) The purchase of portability service credit in the Virginia Retirement System (VRS) or the retirement system of any political subdivision of the Commonwealth of Virginia that is covered by this ~~section~~Section shall be accomplished upon the transfer of assets from the transferring plan to ~~the Fairfax County Police Officers Retirement~~this System. Upon the completion of such transfer, the member shall lose all rights to any ~~benefits and~~ allowances and benefits from the transferring plan, and ~~will~~shall only be entitled to receive ~~benefits and~~ allowances ~~from the Fairfax County Police Officers Retirement~~and benefits from this System.

(~~G~~g) When a vested member of ~~the Fairfax County Police Officers Retirement~~this System leaves his or her covered employment and enters a position covered by the Virginia Retirement System (VRS) or by a defined benefit retirement plan of a political subdivision of the Commonwealth of Virginia with which the Board of Supervisors has entered into a portability agreement, the former member of ~~the Fairfax County Police Officers Retirement~~this System may transfer an amount equal to the greater of (i) his or her accumulated member contributions, or (ii) an amount representing the present value of his or her accrued benefits with ~~the Fairfax County Police Officers Retirement~~this System. In order to accomplish the transfer of assets from ~~the Fairfax County Police Officers Retirement~~this System to the accepting plan, the member shall lose all rights to any ~~benefits or~~ allowances ~~from the Fairfax County Police Officers Retirement~~or benefits from this System based upon the service giving rise to the assets transferred to the accepting plan by this System. Should such a person resume service in a position covered by this System in the future, he or she may purchase service credit for such prior service or

purchase portability service credit if eligible to do so, in accordance with the provisions of ~~the~~this Article at the time he or she again becomes a member of this System. (18-01-3; 8-03-3.)

Division 5. ~~-~~– Contributions.

Section 3-7-24. - Member contributions.

(a) Contributions shall be made by each employee equal to eight -and -sixty-five -one-hundredths percent (8.65%) of his or her creditable compensation per ~~pay~~payroll period.

(b) There shall be deducted or picked up from the compensation of each member for each and every payroll period subsequent to the date of the establishment of the System to contribution payable by such member as provided in this Section.

(c) Notwithstanding any other provisions of this Article, no deduction shall be made nor shall amounts be picked up from any member's compensation if the employer's contribution as required is in default.

(d) The Board of Supervisors may, from time to time, revise the rates ~~at which members are required to contribute~~of member contributions to the System.

(e) Subsequent to December 22, 1984, ~~Fairfax~~the County shall pick up all employee contributions required herein, for all compensation earned on or after December 22, 1984. All amounts picked up by the County shall be treated as the employer's contribution in determining tax treatment under Section 414(h)(2) of the ~~United States~~ Internal Revenue Code ~~for federal tax purposes, pursuant to 26 USC, § 414(h)(2)~~. For all other purposes, under this Chapter and otherwise, such ~~pickup~~picked-up contributions shall be treated as contributions made by a member in the same manner and to the same extent as contributions made by a member prior to December 22, 1984. All picked -up amounts shall be included in compensation for purpose of calculating benefits under Division 6. The County ~~of Fairfax~~ shall pay such picked -up amounts from the same source of funds~~,~~ which is used in paying earnings to the employee. (20-81-3; 5-85-3; 22-07-3; 46-08-3; 25-14-3.) ~~**Note** – The effective date of this Ordinance [25-14-3] is July 1, 2014. The change in the percentage member contribution is to be made starting with the first payroll period following the effective date of this Ordinance. The Ordinance is prospective and is not retroactive in application. The Board of Trustees of the System, the staff of Retirement Administration Agency, and the Director of Human Resources are hereby authorized and directed to take all necessary steps to implement the change in the percentage member contribution.~~

Section 3-7-25. - Employer contributions.

The aggregate present value of future employer contributions payable into the retirement allowance account shall be sufficient, when combined with the amount then held in the members' contribution account and the retirement allowance account together with the present value of future ~~employee~~member contributions, to provide the estimated prospective benefits payable. The annual employer contribution rate shall be fixed as equal to the employer normal cost plus an expense rate, as long as the System~~'~~'s funding ratio (actuarial value of the System's assets divided by actuarial accrued liability of the System) remains within a corridor, the lower measurement of which is described below and the upper measurement of which is one-hundred-twenty percent (120%). The employer normal cost and System actuarial accrued liability are to be measured using the entry age normal funding method.

- To the extent that the System~~'~~'s funding ratio exceeds one-hundred-twenty percent (120%), a credit shall be established equal to the amount of assets in excess of one-hundred-twenty percent (120%) of the actuarial accrued liability.

- To the extent that the System's funding ratio is lower than the lower ~~measurement~~measure of the corridor, a charge shall be established equal to the difference between ~~that~~the lower ~~measurement~~measure plus the actuarial accrued liability and the assets.

The employer contribution shall be adjusted by a fifteen (15-) year amortization of thisthe credit or charge described in this Section, to be paid until the funding ratio re-enters the corridor, at which time it will cease; provided, however, the Board of Supervisors shall contribute to the fund an amount at least equal to the amount contributed by the membersshall cease.

Effective with the fiscal year 2016 County contribution rate, the lower measurementmeasure of the corridor willshall be established at ninety-five percent (95%). The ninety-five (95%) threshold willshall be increased until it reaches one-hundred percent (100%), no later than by the year 2020. Once the lower measurement of the corridor reaches one-hundred percent (100%), the fifteen (15) year amortization described above shall be over a fixed fifteen (15) years with additional fifteen (15) year amortization layers created annually. Once the System's funding ratio reaches one-hundred percent (100%), such amortizations shall cease.

In the event of an ordinance change that affects member benefits, the employer contribution rate shall be changed effective with the July 1 coincident with or next following the date of adoption of the ordinance change. The employer normal cost component shall be adjusted to the level required by the ordinance change and there willshall be an additional component to the employer cost equal to the increase in actuarial accrued liability. Any additional actuarial accrued liability which does not reduce the funding level below one-hundred-twenty percent (120%) shall be excluded from this component. (20-81-3; 16-02-3, 28-15-3, § 3)

All contributions made to the System are made for the exclusive benefit of the members and their beneficiaries, and such contributions shall not be used for, nor diverted to, purposes other than for the exclusive benefit of the members. Notwithstanding the foregoing, to the extent that such refunds do not, in themselves, deprive the System of its qualified status, refunds of contributions shall be made to the employer under the following circumstances:

(a) If the System is determined not to initially satisfy qualification requirements of Section 401(a) of the Internal Revenue Code and the employer declines to amend the System to satisfy such qualification requirements, contributions made prior to the determination the System has failed to qualify shall be returned to the employer;

(b) To the extent that a federal income tax deduction is disallowed in whole or in part for any employer contribution; and

(c) If a contribution is made in whole or in part by reason of a mistake of fact, the employer contribution attributable to the mistake of fact shall be returned to the employer. (20-81-3; 16-02-3; 52-13-3; 28-15-3, § 3.)

Division 6. -- Benefits and Conditions.

Section 3-7-26. -- Service retirement.

(a) Normal Retirementservice retirement.

(1) Any member employed on active duty on or before June 30, 1981, who has attained twenty (20) years of creditable service or age fifty-five (55) years shall be eligible for retirement on that date when written notification is provided to the Board by the member setting forth at that time when the retirement is to become effective.

(2) Any member employed on active duty or following July 1, 1981, who has attained twenty-five (25) years of creditable service or age fifty-five (55) years shall be eligible for retirement on that date when written notification is provided to the Board by the member setting forth at that time when the retirement is to become effective.

(b) Early Retirementservice retirement. Any member appointed subsequent to July 1, 1981, who has attained twenty (20) years of creditable service, shall be eligible for early service retirement, when written notification is provided to the Board by the member setting forth at that time when the retirement is to become effective.

(c) Ineligibility. Any member who applies for ~~pension and benefits~~service-connected disability pursuant to Section 3-7-28, or who applies for partial service-connected disability pursuant to Section 3-7-29, and who receives the ~~pension~~allowance and benefits prescribed by Section 3-7-28 as a result thereof, on or after the effective date of Subsection 3-7-28(d) [July 1, 1988], shall not be eligible for retirement under this Section while receiving ~~pension~~allowances and benefits for disability. (20-81-3; 14-87-3; 36-88-3.)

Section 3-7-27. ~~-~~ Service retirement allowance.

(a) Normal service retirement. Any member who retires on or after July 1, 2000, pursuant to Section 3-7-26(a) shall receive an annual retirement allowance, payable monthly for life, consisting of two ~~-~~and~~-~~ eight-tenths percent (~~28/10~~2.8%) of his or her average final compensation for each year of creditable service, as computed on the basis provided in Section 3-7-2; but in no event shall his or her total retirement allowance exceed eighty-four percent (84%) of his or her average final compensation. The annual retirement allowance of a member who retires or who has retired on or before June 30, 2000, or of a surviving spouse or surviving handicapped child of such a member receiving an allowance under an election made by the member under Section 3-7-39, shall be increased, effective July 1, 2000, by twelve ~~(12%)~~ percent (12%).

(b) Early service retirement. Upon retirement, with twenty (20) years of creditable service~~, members~~ pursuant to Section 3-7-26(b), any member appointed subsequent to July 1, 1981, shall receive the annual retirement allowance computed on the basis provided in Subsection (a) of this Section reduced on an actuarial equivalent basis for the period that the actual retirement date precedes the normal retirement date as projected on Table 1. ~~(20-81-3; 6-00-3, § 1.)~~

TABLE 1

FAIRFAX COUNTY POLICE OFFICERS RETIREMENT ~~PLAN~~SYSTEM

Actuarial Reduction Factors That Would Apply to ~~Participants~~Members With a Normal Retirement Age Requirement of 25 years of Service (or, Attainment of Age 55, if Earlier) if They Are Permitted To Retire Early With a Reduced ~~Pension~~Retirement Allowance After 20 Years of Service

(ASSUMES 4% COST-OF-LIVING ADJUSTMENTS ARE EFFECTIVE AT RETIREMENT)

Age at	Years of Service					
Retirement	20	21	22	23	24	25
38	74.50	79.17	84.06	89.18	94.48	100.00
39	74.18	78.89	83.83	89.01	94.39	100.00
40	73.84	78.61	83.60	88.84	94.30	100.00
41	73.49	78.32	83.37	88.67	94.21	100.00
42	73.11	78.01	83.13	88.50	94.12	100.00
43	72.72	77.68	82.88	88.33	94.03	100.00

44	72.32	77.34	82.61	88.14	93.93	100.00
45	71.89	76.98	82.34	87.95	93.83	100.00
46	71.44	76.61	82.04	87.75	93.73	100.00
47	70.97	76.22	81.74	87.53	93.62	100.00
48	70.48	75.81	81.41	87.31	93.50	100.00
49	69.96	75.38	81.08	87.07	93.38	100.00
50	69.42	74.92	80.72	86.83	93.25	100.00
51	74.45	74.45	80.35	86.57	93.11	100.00
52	79.95	79.95	79.95	86.29	92.97	100.00
53	86.00	86.00	86.00	86.00	92.82	100.00
54	92.66	92.66	92.66	92.66	92.66	100.00
55	100.00	100.00	100.00	100.00	100.00	100.00

(~~36-83-3; 28-89~~c) Joint and contingent spouse and handicapped child options. Any member who qualifies for normal or early service retirement under this Section is eligible to elect a joint and contingent spouse and handicapped child option under Section 3-7-39. (20-81-3; 6-00-3, § 1; 36-83-3; 28-89-3; 27-90-3, § 5; 13-92-3; 34-94-3.)

Section 3-7-28. - Service-connected disability retirement.

(a) Any member who in the discharge of his or her official duties has become totally disabled as a result of an accident or personal injury on or before June 30, 1981, shall receive an annual retirement allowance, payable monthly, equaling sixty-six -and -two-thirds percent (~~662~~66 2/3%) of the salary that would have been received had no injury occurred and the performance of duty had continued. Such ~~pension~~allowance and benefits shall continue during the existence of such total disability, or until such time as eligibility is reached for normal service retirement pursuant to Section 3-7-26(a)(1).

(b) Any member who in the discharge of his or her official duties has become totally disabled as a result of an accident or personal injury on or ~~subsequent to~~after July 1, 1981, shall receive an annual retirement allowance, payable monthly, equaling sixty-six -and -two-thirds percent (~~662~~66 2/3%) of the salary the member received on the date of the accident or personal injury subject to the provisions of Section 3-7-37. Such allowance shall continue during the existence of such total disability, or until such time as eligibility is reached for normal service retirement pursuant to Section 3-7-26(~~b~~a)(2).

(c) The amount of compensation awarded under the Virginia Workers' Compensation Act (~~"the~~ Act~~"~~) to such members for temporary total or partial incapacity, including any awards of cost-of-living increases under the Act, shall be deducted from such retirement allowance. Whenever the member is no longer

entitled to receive payments for temporary total or partial incapacity under the Act because of the limits in the Act as to the total amount of such compensation or as to the period of time that the member is entitled to receive such compensation, such payments shall no longer be used to reduce the monthly retirement allowance and, accordingly, subsequent monthly payments of the allowance shall be determined as if the original allowance had been computed without reduction for such payments.

(d) Any member who applies for a service-connected disability retirement~~ and an~~ allowance pursuant to Subsection (a) or (b) of this Section, or who applies pursuant to Section 3-7-29, and who receives the allowance prescribed by this Section as a result thereof, on or after the effective date of this Subsection [July 1, 1988], shall receive the allowance so provided during the existence of such disability, until the total membership service credit period equals twenty-five (25) years, whereafter said allowance shall be reduced to sixty percent (60%) of the salary that would have been received had no injury occurred and the performance of duty continued.

(e) With respect to all retirements after the effective date of this Subsection ~~[~~(January 11, 1993~~]~~) pursuant to this Section or as a result of an application pursuant to Section 3-7-29 as a result of which the member receives the allowance provided by this Section, if a member receives some or all of his or her compensation for temporary total or partial incapacity under the ~~Act~~Virginia Workers' Compensation Act (Act) in the form of a lump sum payment, he or she shall receive no monthly retirement allowance otherwise payable under this Section until such time as the amounts he or she would have received equal the amount of his or her lump sum benefit under the Act; provided, ~~however,~~ neither a lump sum payment or any portion thereof representing compensation for permanent total or partial loss or disfigurement under the Act nor a lump sum payment or a portion thereof representing compensation for periods of temporary total or partial incapacity which occurred prior to the effective date of the member's retirement under this Section shall be offset against the member's allowance under this Section; and provided further, that in the event that the member receives a lump sum settlement of benefits that he or she is or may be entitled to in the future under the Act, and said settlement does not specify how much of the sum represents settlement of his or her entitlement to temporary total or partial incapacity, as opposed to other benefits, the Board shall determine the portion of such lump sum which in its judgment represents compensation for such benefits. (20-81-3; 8-82-3; 4-83-3; 36-88-3; 13-92-3; 1-93-3.)

Section 3-7-29. - Partial service-connected disability retirement.

(a) ~~For purposes of this Article, "total disability" shall be defined as the inability of the member to reasonably perform his or her duties as a police officer. "Partial disability" shall be defined as the inability of the member to perform some part of the duties of a police officer, such as in administrative or desk assignments. (b)~~ Members granted ~~pension~~a retirement allowance and benefits for partial disability shall be subject to recall to active service by the Board when police officer positions are available in the Police Department that they are capable of performing, as determined by the Chief of Police. If so recalled, all ~~pension~~retirement allowances and benefits for partial disability shall terminate from and after the date of such recall.

(~~c~~b) Any member becoming partially disabled in the manner provided in this Section, who shall remain in the Police Department in a police officer position which he or she is capable of performing, shall not receive ~~pension~~retirement allowances and benefits until such service credit is acquired as would otherwise be required for service retirement.

(~~d~~c) If the Chief of Police determines that there is no suitable police officer position available for a partially disabled member, such member shall then be treated as totally disabled under the provisions of this Article from and after the date of his or her separation from employment with the Police Department.

(~~e~~d) The surviving spouses and ~~dependants~~dependents of all members who have been retired before and of those who are retired on or after July 7, 2003, on account of partial service-connected ~~partial~~ disability shall be entitled to benefits under Section 3-7-41. (20-81-3; 33-03-3).

Section 3-7-30. ~~-~~ Processing disabilities.

(a) Upon receiving a member's or the employer's written request for disability benefits, the Board shall require ~~such~~the member to submit, from a physician of the member's choice, a written report of findings and recommendations. The Board shall then select a physician of its choice and require the member to submit to a medical examination. In the event there is not a clear preponderance of medical evidence from the above two (2) physicians, a third physician ~~will~~shall be selected by the original two (2) physicians, who ~~will~~shall also examine the member and submit a written report of findings and recommendations.

(b) A waiver of examinations, as required by this Section, may be made by either the Board or member for justifiable causes; but in no event shall any member be granted disability benefits without submitting to at least one (1) medical examination.

(c) Failure of any member to submit to medical examination as required by this Section may result in the denial, loss or reduction of the member's disability benefits.

(d) Any member submitting a written request for disability benefits on or after the effective date [of Ord. No. 24-85-3] shall, prior to or simultaneously with submitting such request, apply for all ~~Workers' Compensation~~workers' compensation benefits to which he or she may be entitled. The member shall also be required to submit to the Board copies of the dispositions as made of his ~~Workers' Compensation~~or her workers' compensation claims and any subsequent awards or other documents reflecting any modification or termination of ~~such~~any awarded workers' compensation benefits. With respect to the determination of a member's eligibility for disability benefits, the Board shall give great weight to the decisions of the ~~Industrial~~Virginia Workers' Compensation Commission, the Court of Appeals of Virginia, and the Supreme Court of Virginia on the compensability of his or her disability under the ~~Worker's~~Virginia Workers' Compensation Act, and the Board may modify its prior determination of his or her eligibility under this Section in light of any such decision within ninety (90) days after the date such decision becomes final. (20-81-3; 24-85-3; 13-92-3.)

Section 3-7-31. - Non-service-connected disability retirement.

(a) Any member who becomes totally disabled, but not as a result of activities in the ~~performance~~discharge of his or her official duties, may receive a non-service-connected disability benefit equal to the same benefit pursuant to Section 3-7-27, provided the service credit requirements exist thereof.

(b) Members who do not have the service credit required in Section 3-7-26 shall receive a disability benefit in an amount equivalent to the greater of (1) ten percent (10%) of his or her average final compensation, or (2) ~~of~~ an amount determined under Section 3-7-27(a).

(c) Members granted benefits under this Section shall not receive service credit while on non-service-connected disability, nor shall their surviving spouses or dependents be eligible for benefits under this Article. (20-81-3.)

Section 3-7-32. - Rehabilitation of disabled members.

(a) The Board may determine, upon receiving supporting medical data from any two (2) physicians, as referred to in Section 3-7-30, that a disabled member has sufficiently recovered to perform a part or all the duties of a police officer, or to engage in other gainful employment in which he or she might reasonably be expected to be engaged, in light of education, training, or experience. To the extent that such member has sufficiently recovered but is unable to be certified to full-time active duty as a police officer, the Board may determine the degree of partial disability then still existing and reduce the disability benefits accordingly. The determination of partial disability shall be based upon the medical record and the ability of the member to seek gainful employment in light of education, training, experience, retraining, and rehabilitation.

(b) The Board is authorized to enter into contracts or agreements for the rehabilitation of disabled members and to pay reasonable costs thereof. (20-81-3; 33-03-3).

Section 3-7-33. - Medical reevaluation of disabled members; penalty for unjustified refusal of medical attention, vocational rehabilitation ~~and/~~or selective employment ~~under the Virginia Workers' Compensation Act~~, or to submit to medical reevaluation.

(a) ~~Medical reevaluations. (1)~~ Once each year during the first five (5) years following disability, and once every three~~-~~ (3) year period thereafter, the Board shall require such members to undergo medical examinations by the same physicians as specified in Section 3-7-30, if available. Should any such physician be unavailable, a successor shall be designated, as previously determined in Section 3-7-30. ~~(2)~~ Each physician shall independently examine such member and submit a written report of findings and recommendations to the Board. In the event that such member fails to submit to these medical examinations, benefits shall be discontinued until the member submits to the examinations; and should the refusal continue for one (1) year, all rights to disability benefits under this Article shall terminate. ~~(3)~~ In lieu of the examinations specified in ~~Subsections (a)(1) and (a)(2) of this Section~~this Subsection, the Board, in its discretion, may accept the reports of physicians who are treating or examining the member for purposes of the Virginia Workers' Compensation Act.

(b) Members who are receiving service-connected disability retirement allowances pursuant to Section 3-7-28, and who are receiving periodic payments pursuant to the Virginia Workers~~'~~' Compensation Act (Act) which payments are required to be offset against such allowances pursuant to Section 3-7-28 shall cooperate with and accept medical services, vocational rehabilitation, and/or selective employment provided pursuant to the ~~Virginia Workers' Compensation~~ Act. In the event that such a member's periodic payments are suspended by the Virginia Workers' Compensation Commission (Commission) then the allowance pursuant to Section 3-7-28 shall be computed as if the member had received the suspended payments unless the Board, in its discretion determines not to accept the decision of the Commission. Should such member's refusal to accept medical services, vocational rehabilitation and/or selective employment continue for three-hundred-sixty-five (365) days whether or not consecutive, all his or her rights to any future disability allowance shall cease. The Board shall make appropriate adjustments to the member's allowance if the suspension by the ~~Workers' Compensation~~ Commission is subsequently reversed or modified. Employers shall promptly notify the Board of any suspensions or releases from suspensions affecting members subject to this Subsection. For purposes of this ~~Section~~Subsection, an order of the ~~Workers' Compensation~~ Commission suspending compensation for refusal creates a rebuttable presumption that the member unjustifiably refused medical services, vocational rehabilitation, and/or selective employment. (20-81-3; 41-93-3; 29-97-3.)

Section 3-7-34. - Reduction of disability allowance.

(a) Whenever the Board concludes that any member receiving a ~~service-connected~~ disability retirement allowance pursuant to either Section 3-7-28 or 3-7-29 is, prior to his or her normal service retirement date, engaged in a gainful occupation or work paying more than the difference between his or her service-connected disability allowance and his or her average salary, the Board shall reduce such retirement allowance to an amount which, together with the amount earned by the member, equals the amount of his or her average salary.

(b) Members receiving ~~an~~a disability retirement allowance pursuant to either Section 3-7-28 or 3-7-29 shall submit by May 30~~th~~ of each year a copy of that portion of their federal income tax returns showing the amount of their earned income and copies of W-2 forms (wage statements) provided by their employers to the Board for the previous calendar year. Failure to submit such documentation on request shall result in the loss of the allowance until the documentation is provided; and should a member's refusal continue for one (1) year, all his or her rights to any further disability retirement allowances shall cease.

(c) The Board shall adopt written regulations governing the administration of this Section, providing for, among other things, the notification to the members deemed appropriate, and allowing for late submission of required documentation for good cause shown. (20-81-3; 36-88-3.)

Section 3-7-35. - Presumption; hypertension or heart disease.

Any condition or impairment of health of any such member caused by hypertension or heart disease resulting in total disability shall be presumed to have been suffered in the discharge of his or her official duties unless the contrary be shown by competent evidence; provided, that prior to making any claim based upon such presumption for ~~pension~~retirement allowances and benefits under ~~the provisions of~~ this Section on account of such total or partial disability, such member shall have been found free from cardiovascular disease by a physical examination which shall include such appropriate laboratory and other diagnostic studies as the Board may prescribe, and which shall have been conducted by physicians whose qualifications shall have been prescribed by the Board; and provided further ~~than~~, that any such member claiming that his or her disability was suffered in the discharge of his or her official duties shall, if requested by the Board, submit to physical examination by any physician designated by the Board, which examination may include such tests or studies as may reasonably be prescribed by the physician so designated. Such member shall have the right to have present at such examination, at his or her own expense, any qualified physician he or she may be designate. (20-81-3.)

Section 3-7-36. - Disability as a result of negligence.

Should an accident or personal injury causing total disability be the result of the member's own gross and willful negligence, wanton neglect of duties and responsibilities, drunkenness, or illicit use of narcotics, such disability shall be deemed to be a non-service-connected disability and the benefits shall be fixed pursuant to provisions of Section 3-7-31. (20-81-3.)

Section 3-7-37. - Cost-of-living ~~adjustment~~adjustments.

Monthly retirement allowances shall be adjusted effective July 1, 1981, and each July 1 thereafter in order to reflect changes in the cost of living since the date of benefit commencement; provided, ~~however,~~ that allowances for service-connected disability retirement shall be subject to the provisions of Subsection (d) of this Section. The monthly allowance to be effective July 1 of any such year shall be the allowance in effect immediately prior to such adjustment increased for the basic cost-of-living increase provided for in Subsection (a) of this Section, with such increase reduced as provided in Subsection (c) of this Section in the event the monthly retirement allowance has been in pay status for less than twelve (12) months.

(a) The basic cost-of-living increase shall be the lesser of four percent (4%) and the percentage corresponding to the percentage increase in the Consumer Price Index during the twelve~~-~~ (12) month calendar period ending with the March immediately preceding the July in which the increase is effective. For the purpose of this Section, ~~"~~*Consumer Price Index*~~"~~ shall mean the Consumer Price Index for all Urban Consumers (CPI-U) as issued by the Bureau of Labor Statistics of the U.S. Department of Labor for the appropriate Standard Metropolitan Statistical Area (SMSA) that includes ~~Fairfax~~the County~~, Virginia~~.

(b) As part of each biennial actuarial valuation, the actuary shall determine the percentage ~~Supplemental~~supplemental cost-of-living increase (not greater than one percent (1%) that can be provided on the following two (2) July ~~first's~~firsts (1sts) based upon the available actuarial surplus). The ~~Trustees~~Board then may, but shall not be required to, increase all retirement allowances in pay status on each of such July first~~'s~~ (1st) by such actuarially determined percentage. For the purpose of this Section, ~~"~~*available actuarial surplus*~~"~~ shall mean the excess of the actuarial value of the assets of the System over the actuarial accrued liabilities of the System as disclosed in the biennial actuarial valuation of the System.

(c) In the event a retired member has not been receiving his or her retirement allowance for twelve (12) full months, the basic cost-of-living increase and the supplemental cost-of-living increase shall be determined as the percentage of the full increase determined in Subsections (a) and (b) ~~above~~of this Section as follows:

Number of Complete Months ~~Benefti~~Member Has Been in Pay Status	Percentage of Full Increase

Less than 3 .....0%

3, 4 or 5 .....25%

6, 7 or 8 .....50%

9, 10 or 11 .....75%

(d) Cost-of-living adjustments provided by this Section shall be applied to the net amount of the member's service-connected disability retirement allowance after all reductions required by Section 3-7-28 have been made. The member's allowance after the adjustments for cost of living provided by this Section at any date in time shall be determined by retroactive computation from the date of initial retirement, and the application of all applicable cost-of-living adjustments to the net allowance which the member is entitled to under Section 3-7-28. (20-81-3; 1-93-3; 26-10-3.)

Section 3-7-38. - Refund of contributions upon withdrawal or death; and deferred vesting benefitsvested benefit.

(a) Refund of contributions.

(1) In the event of the death of any member, active or retired, the difference between the total contributions made hereunder by such member, including picked -up amounts, and any benefit payments received by him or her, his or her surviving spouse or dependents, shall be payable to his or her estate or designated beneficiary.; provided, however, that such payment shall be made only after the cessation of benefits under Section 3-7-41 or Section 3-7-43.

(2) Any member who shall have been separated from the servicesservice and whose employment shall have been terminated otherwise than by death or retirement shall, on application made within two (2) years from the date of such separation, be refunded all of his or her accumulated contributions, including picked -up amounts; provided, however, that if such member has received payments or benefits under thisthe System, the amount of such payments or benefits shall be deducted from the amount to be refunded; and provided further, that should any retired member be receiving benefits hereunder at the time of his or her death then, and in that event, his or her dependents, or beneficiaries if any, who are not eligible to receive benefits under this Article shall receive the difference between the total contributions made hereunder by such member, including picked -up amounts, and any payments received, and at the same rate which such retired member was receiving benefits.

(b) Deferred vested benefit. If a member has five (5) or more years of creditable service on his or her date of separation from the County, the member may leave his or her accumulated contributions, including picked -up amounts, in the fundSystem and receive a deferred annuityvested benefit payable beginning the date the member attains age fifty-five (55) years, or in an actuarially reduced amount payable at the optional early retirement age, in accordance with applicable provisions of this Article. (20-81-3; 5-85-3; 28-89-3; 10-01-3.)

Section 3-7-39. - Joint and contingent spouse and handicapped child options.

Any member who qualifies for normal or early service retirement under the provisions of Section 3-7-26, and with the exception of any member converting from disability pension and benefitretirement to normal service retirement at twenty-five (25) years of creditable service, may elect at the time of retirement to have his or her retirement compensation continue to be paid to either (1) his or her spouse in the event such spouse survives the member, or (2) his or her surviving handicapped child, if at the time of election the member has no spouse; in either event, the retirement allowance provided for in Section 3-7-27 shall be recomputed for a joint and survivor annuity in accordance with Table 3.2. Such reduced amount shall be paid the member during his or her lifetime, with the indicated percentage of the reduced amount paid to his or her surviving spouse for such spouse's lifetime, or to his or her surviving handicapped child for such child's lifetime, as the case may be. Such election shall become irrevocable upon commencement of such payments except in the case that such spouse or surviving handicapped child, as the case may be,

predeceases the member or if the handicapped child is determined by the Board to no longer be permanently mentally incompetent or permanently physically handicapped, then such member's retirement allowance shall be increased to that amount to which the member would have been entitled had no election been made.

TABLE ~~3~~2
FAIRFAX COUNTY POLICE RETIREMENT ~~PLAN~~OFFCERS RETIREMENT SYSTEM

Actuarial Adjustment Factors That Would Apply to ~~Participants~~Members With a Normal or Early Service Retirement ~~Benefit~~Allowance Determined Under Section 3-7-27 Who Elect a Joint and Contingent Spouse and Handicapped Child ~~Option~~Options

Percent of ~~Benefit~~Allowance Continued to Spouse Upon ~~Participant~~Member's Death	Factor for Equal Ages[1]	Increase/Decrease For Each Full Year Beneficiary Is Older (Younger) Than Employee	Maximum Factor
100%	89.2%	0.6%	96%
66 2/3%	92.1%	0.4%	98%
50%	93.1%	0.3%	99%

1. Factor applied to adjust ~~participant's benefit~~member's allowance, as determined under Section 3-7-27, for joint and contingent spouse and handicapped child option for a ~~participant~~member and spouse of equal age. ~~(20-81-3; 27-90-3, § 5; 13-92-3.)~~

Section 3-7-40. - Cessation of normal or early retirement allowance.

(a) ~~The provisions of~~ Subsection (b) of this Section shall apply to persons who are receiving a normal or early service retirement allowance from this System, the Fairfax County Uniformed Retirement System, or the Fairfax County Employees' Retirement System and who submitted their application for such allowance to the Board of such ~~System~~system on or before July 21, 1986. ~~The provisions of~~ Subsection (c) of this Section shall apply to persons who are receiving a normal or early service retirement allowance from this System, the Uniformed Retirement System, or the Employees' Retirement System and who submitted their application for such allowance to the Board of such ~~System~~system after July 21, 1986.

(b) Should a person receiving a normal or early service retirement allowance from this System, the Fairfax County Employees' Retirement System, or the Fairfax County Uniformed Retirement System (~~"~~retiree~~"~~) return to regular service in a permanent position in any office or employment paid directly or indirectly by ~~Fairfax~~the County, he or she shall elect to receive such retirement allowance under ~~the provisions of either Subsection (b)(1) or (b)(2) of this Section~~one (1) of the following two (2) options.

(1) Such allowance shall not commence or, if already commenced, shall cease while the retiree is so employed. His or her allowance shall commence or resume upon application or reapplication by the retiree after he or she has ceased permanent employment in such a position. The allowance of a retiree of this System who is appointed to a position covered by the Employees' Retirement System or Uniformed Retirement System shall commence or resume at that cost-of-living adjustment amount pursuant to Section 3-7-27 which would have been payable had the retiree continued to receive his or her allowance without interruption. A retiree of this System who elects in writing at the time of reappointment to a position covered by this Article not to become a contributing member ~~again~~ during his or her period of reemployment shall be exempted from the

requirement to make contributions to this System. A retiree of this System who elects in writing at the time of reappointment to a position covered by this Article to become a contributing member ~~again~~ during his or her period of reemployment shall be eligible:

(A) For a recomputation of his or her allowance to take into account creditable compensation and creditable service attributable to the period of reemployment during which his or her allowance was suspended under this ~~Section~~Subsection.

(B) To make a new election for any optional benefit to which he or she is entitled; and

(C) For a retirement allowance for a service-connected disability arising out of and in the course of his or her reemployment (in lieu of his or her service retirement allowance).

A retiree of the Employees' Retirement System or Uniformed Retirement System who is appointed to a position covered by this Article and elects in writing within thirty (30) days of such appointment may be excluded from membership in this System.

(2) The ~~Retiree~~retiree may elect to continue to receive his or her service retirement allowance. A retiree electing this option shall not be eligible for membership in the Employees' Retirement System or Uniformed ~~retirement system~~Retirement System if either covers the position in which he or she is reemployed. If he or she is a retiree of this System and the position in which he or she is reemployed is covered by this System, he or she shall not be required to contribute to this System during his or her period of reemployment.

(c) A person receiving a normal or early service retirement allowance from this System, the ~~Uniformed Retirement System, or the~~Fairfax County Employees' Retirement System, or the Fairfax County Uniformed Retirement System (~~"~~retiree~~"~~)~~,~~ may return to employment for which compensation is paid directly or indirectly by ~~Fairfax~~the County subject to the following conditions:

(1) A retiree shall not receive in combined compensation and retirement allowance, computed monthly, any more than one-hundred-fifteen percent (115%) of the then current maximum monthly salary for a Deputy County Executive in the County's Compensation Plan. The appropriate ~~Board is authorized and directed to~~Retirement System Board of Trustees shall reduce the retiree's allowance as necessary to keep the combined salary and allowance at this limit. For purposes of this Subsection, a retiree's retirement allowance shall be deemed to be the allowance that he or she would receive if he or she had not elected a joint ~~or last survivor~~ and contingent spouse or handicapped child option which results in an actuarially reduced allowance. Employers under all three (3) systems shall report salaries paid to retirees to the retiree's Board.

(2) A retiree who is employed in a position of service ~~in~~ which would otherwise make him or her eligible for membership in this System, the Uniformed Retirement System, or the Employees' Retirement System shall not be eligible for membership in that system.

(d) Notwithstanding any other provision of this Article or any other Article of this Chapter, a ~~retiree~~person receiving a normal or early service retirement allowance from this System, the Fairfax County Employees' Retirement System, or the Fairfax County Uniformed Retirement System (retiree) may be employed in a position under his or her former appointing authority subject to the following terms and conditions.

(1) If the retiree is a member of this System and service in the position to which he or she is to be re-appointed ordinarily would result in membership in this System, his or her normal or early service retirement allowance shall be suspended for the duration of his or her new employment. During his or her new employment, he or she shall make member contributions to this System. At the time of his or her new employment, he or she shall be entitled to make all elections available to new members of this System, and if otherwise eligible, during his or her employment, he or she may apply for ~~ordinary~~service-connected or non-service-connected disability retirement. In such case, his or her combined years of service and his or her average final compensation based on his or her new employment shall be used in calculating the disability retirement allowance. On re-application for service retirement from his or her new employment, the retiree shall receive as his or her service retirement allowance the higher of (i) his or her initial service retirement

allowance increased by any cost-of-living increases that were granted by the Board to service retirements during the period of his or her new employment or (ii) a service retirement allowance calculated on the basis of his or her combined years of creditable service in his or her initial and new employment and his or her average final compensation calculated on the basis of the creditable compensation that he or she received during both his or her initial and new employment, as if there had been no break in service.

(2) A retiree who is a member of this System and who is to be re-appointed to a position of service ~~in~~ which would result in membership in either the Employees' Retirement System or Uniformed Retirement ~~Systems~~System but for his or her membership in this System, shall be subject to the provisions of Subsection (b) or (c) of this Section, whichever is applicable.

(3) If the retiree is a member of either the Employees' Retirement System or Uniformed Retirement ~~Systems~~System and service in the position to which he or she is to be appointed would result in membership in this System but for his or her membership in the other system, the retiree shall be subject to the provisions of Subsection (b) or (c) of this Section, whichever is applicable.

(4) ~~The provisions of this~~This Subsection ~~(d)~~ shall apply to all persons appointed to positions on or after March 1, 1990, service in which would ordinarily make them members of this System, the Employees'~~,~~ Retirement System, or the Uniformed~~, or Police~~ Retirement ~~Systems~~System. (20-81-3; 35-81-3; 27-90-3, § 5; 10-01-3; 11-05-3.)

Section 3-7-41. - Benefits to surviving spouse and children of members deceased before or during ~~ordinary~~ service retirement.

(a) The surviving spouse of a member who dies before retirement or while receiving a service ~~pension~~retirement allowance shall be entitled to receive relief from the System in an amount equal to $1,000.00 per month. Any surviving children of such member under eighteen (18) years of age shall be entitled to receive relief in an amount equal to $400.00 per month; and any child under the age of twenty-three (23) years who is a full-time student in an accredited college or secondary school shall also receive such relief; and any handicapped child shall receive such relief during the child's lifetime. Upon death of the surviving spouse, a surviving handicapped child, if any, shall be entitled to receive continued relief from the System as if that child were a surviving spouse, in addition to any other relief he or she is entitled to as a surviving child. Relief granted any child, not handicapped, shall cease upon said child's marriage or said child's becoming self-supporting, whichever shall occur first. Relief granted to a handicapped child shall cease if said child becomes self-supporting or if said child is determined by the Board no longer to be permanently mentally incompetent or permanently physically handicapped based on evidence available to the Board in accordance with Section 3-7-41(b). No combination of the relief previously granted shall be paid to the spouse or handicapped child, as the case may be, and children of any one member in an amount exceeding $2,000.00 per month. Benefit amounts as listed above shall be adjusted on July 1 of each year after enactment by the lesser of four percent (4%) and the percentage corresponding to the percentage increase in the Consumer Price Index during the twelve (12~~-~~) month calendar period ending with the March immediately preceding the July in which the increase is effective. For the purpose of this Section, ~~"~~*Consumer Price Index*~~"~~ shall mean the Washington, DC-MD-VA index of the Consumer Price Index for all Urban Consumers (CPI-U) as issued by the Bureau of Labor Statistics of the U.S. Department of Labor. Benefits conferred upon a surviving spouse pursuant to this Section shall extend to the surviving spouses of service retirees who died prior to the enactment of this Article.

(b) Once each year during the first five (5) years following the Board's commencement of payments to the handicapped child, and once every three~~-~~ (3) year period thereafter, the Board shall require such handicapped child to undergo medical examinations by the same physicians as specified in the selection process set forth in Section 3-7-30, if available. Should any such physician be unavailable, a successor shall be designated, as previously determined in Section 3-7-30.

Each physician shall independently examine such handicapped child and submit a written report of findings and recommendations to the Board. In the event that such handicapped child fails to submit to these medical examinations, benefits shall be discontinued until the handicapped child submits to the examinations; and should the failure continue for one (1) year, all rights to benefits under this Article shall

terminate. The Board is authorized to determine that the handicapped child no longer qualifies as such, based on such written report and other evidence acceptable to the Board in its sole discretion.

(c) Handicapped children receiving an allowance pursuant to Section 3-7-39 shall submit by May 30th of each year a copy of that portion of their Federalfederal income tax returns showing the amount of their earned income and copies of W-2 forms (wage statements) provided by their employers to the Board for the previous calendar year. Failure to submit such documentation on request shall result in the loss of allowance until the documentation is provided; and should a handicapped child's failure continue for one (1) year, all rights to benefits shall cease.

(d) Effective on and after January 1, 2007, if a member dies while performing "qualified military service" as defined in Section 414(u) of the Internal Revenue Code, any benefits under this Section 3-7-41(a) that would have been provided under the System if the member had resumed employment on the day prior to his or her death and then terminated employment due to death shall be paid to such member's designated beneficiary or, if applicable, estate. (20-81-3; 8-82-3; 28-89-3; 13-92-3; 29-09-3; 01-11-3.)

Section 3-7-42. - Benefits to surviving spouses and children of members receiving service-connected disability.

The entitlements and conditions of surviving spouses and children of members receiving service-connected disability compensation shall be as provided in Section 3-7-41. (20-81-3.)

Section 3-7-43. - Benefits to surviving spouses and children of members killed while in performance of official duties.

The surviving spouse or, if no surviving spouse, the surviving handicapped child, of any member killed while in the performance of official duties may elect to receive relief from the System in the amount of 662/3sixty-six-and-two-thirds percent (66 2/3%) of the member's current salary in lieu of any benefits provided in Section 3-7-41. The surviving spouse shall make such election in writing filed with the Board within ninety (90) days of receiving notice in writing from the Board of his or her right to make such election, or within one-hundred-eighty (180) days of the death of the member, whichever first occurs. In the event that the surviving spouse does not make a timely election, benefits willshall be paid as provided under Section 3-7-41. Such election, if approved by the Board, shall become irrevocable upon commencement of payments and shall cease if such handicapped child shall become self-supporting, as determined by the Board based on standards established by the Board, or if said child is determined by the Board no longer to be permanently mentally incompetent or permanently physically handicapped based on evidence available to the Board in accordance with Section 3-7-41(b), as the case may be. Upon death of the surviving spouse, a surviving handicapped child, if any, shall be entitled to receive continued relief from the System as if that child were a surviving spouse. (20-81-3; 13-92-3; 29-09-3.)

Section 3-7-44. - Medical insurance benefits.

Repealed by 35-94-3.

Section 3-7-45. - Review of adverse decisions.

Any member adversely affected by a decision of the Board shall receive written notice of said decision and may, within thirty (30) days of receipt of such notice, request in writing a review by the Board of said decision, pursuant to procedures established by the Board. (20-81-3.)

Section 3-7-46. - Transfer to Senior Executive Retirement Plan.

Repealed by 26-97-26-3.

Section 3-7-47. - Masculine usage includes the feminine.

~~The masculine whenever used herein shall include the feminine. (20-81-3.)~~

Repealed by 16-__-3.

Section 3-7-48. - Limitation on annual retirement allowance.

Notwithstanding any other provision of this Article, the annual retirement allowance to which any member may be entitled shall not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code and any regulations issued by the U.S. Department of the Treasury ~~Regulations issued~~ thereunder, and in calculating such limits a member's compensation shall include any differential wage payments for military service as defined under Section 3401(h)(2) of the Internal Revenue Code and paid on or after January 1, 2009. Notwithstanding any provision of the Internal Revenue Code to the contrary, the limitations imposed by this Section apply only to retirement allowances granted under this Article, and not to any retirement allowance provided to any employee under any other Article of this Chapter. Such limits shall be applied annually for the twelve (12~~-~~) month period commencing each July 1 and ending the following June 30. A benefit payable other than in the form of an annuity shall not exceed the amount which, when converted to an actuarial equivalent annual benefit, does not exceed the limits on benefits set forth in Section 415(b) of the Internal Revenue Code. Effective June 30, 2000, the mortality tables prescribed by the Uruguay Round Agreement Acts (GATT), as set forth in Internal Revenue Service ~~Rev. Rul.~~Revenue Ruling 2001-62 (superseding and modifying ~~Rev. Rul.~~Revenue Ruling 95-29), or as further updated or modified by the Internal Revenue Service, shall be used in determining the actuarial equivalent amount of such benefit. (27-90-3, § 6; 21-96-3; 8-03-3; 01-11-3.)

Section 3-7-49. - Distribution of benefits.

Notwithstanding any other provision of this Article, effective for plan years beginning after December 31, 1986, the entire interest of each member shall be distributed to such member not later than the required beginning date specified below, or ~~will~~shall be distributed, beginning not later than the required beginning date, over the life of such member or over the lives of such member and a beneficiary or over a period not extending beyond the life expectancy of such member or the life expectancy of such member and a beneficiary. For this purpose, the term ~~"~~*required beginning date*~~"~~ means April 1 of the calendar year following the later of the calendar year in which the member attains ~~age~~ seventy-and-a-half (70½) years of age, or the calendar year in which the member retires. If a member dies after distribution of the member's interest has begun, the remaining portion, if any, of such interest shall be distributed at least as rapidly as under the method of distribution being used as of the date of death. If a member dies before the distribution of the member's interest has begun, any death benefit shall be distributed within five (5) years after the death of such member, unless (1) any portion of the member's interest is payable to (or for the benefit of) a designated beneficiary, (2) such portion ~~will~~shall be distributed over the life of such beneficiary or over a period not extending beyond the life expectancy of such beneficiary, and (3) if the beneficiary is someone other than the member's surviving spouse, such distributions ~~will~~shall begin not later than one (1) year after the date of the member's death or such later date as the U.S. Secretary of the Treasury may by regulations prescribe. If the beneficiary is the surviving spouse of the member, (1) distribution shall begin on or before the latest of one (1) year after the date of the member's death, such later date as the U.S. Secretary of the Treasury may by regulations prescribe, or the date on which the member would have attained seventy-and-a-half (70½) years of age ~~70½~~ and (2) if the surviving spouse dies before the distributions to such spouse begin, the distribution rules specified in this ~~paragraph~~Section shall be applied as if the surviving spouse were the member. Distributions from the ~~system will~~System shall be made in accordance with the requirements of Section 401(a)(9) Internal Revenue Code, including the rules for incidental death distributions set forth at Section 401(a)(9)(G). (27-90-3, § 6; 52-13-3.)

Section 3-7-50. - Direct rollovers to other plans.

(a) General. This Section ~~3-7-50~~ applies to distributions made on or after January, 1, 1993. Notwithstanding any provision of ~~the System~~this Article to the contrary that would otherwise limit a distributee's election under this Section ~~3-7-50,~~, a distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover. However, to the extent that any portion of the amount of the rollover is comprised of after-tax contributions, the distribution may only be rolled over to an eligible retirement plan that separately accounts for after-tax contributions.

(b) ~~Definition.~~ Definitions.

(1) *Eligible rollover distribution*~~. An eligible rollover distribution is~~ shall mean any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.

(2) *Eligible retirement plan*~~. An eligible retirement plan is~~ shall mean any one of the following that accepts the distributee's eligible rollover distribution: an individual retirement account described in Section 408(a) of the Internal Revenue Code; an individual retirement annuity described in Section 408(b) of the Internal Revenue Code; an annuity plan described in Section 403(a) of the Internal Revenue Code; a defined contribution plan described in Section 401(~~k~~a) of the Internal Revenue Code; an annuity contract described in Section 403(b) of the Internal Revenue Code; an eligible deferred compensation plan described in Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or an agency or instrumentality of a state; a qualified trust described in Section 401(a) of the Internal Revenue Code; or effective for distributions made after December 31, 2007, a Roth IRA described in Section 408A of the Internal Revenue Code, provided the eligible rollover distribution is considered a "qualified rollover contribution" under Section 408A(e)~~ of the Internal Revenue Code~~. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan ~~is~~shall be an individual retirement account or individual retirement annuity.

(3) *Distributee*~~. A distributee includes~~ shall mean a member or former member. In addition, the member's or former member's surviving spouse and the member's or former member's spouse or former spouse who is entitled to receive benefits from the System, ~~are~~shall be distributees with regard to the interest of the spouse or former spouse. Effective for distributions on or after January 1, 2010, a distributee ~~includes~~also shall include a non-spouse beneficiary of a deceased member or former member who may make an eligible rollover distribution in a direct trustee-to-trustee transfer to an "inherited" individual retirement account.

(4) *Direct rollover*~~. A direct rollover is~~ shall mean a payment by the System to the eligible retirement plan specified by the distributee. (45-93-3; 21-96-3; 8-03-3; 01-11-3)

Section 3-7-51. - Additional retirement allowance.

(a) ~~For purposes of this section only, the following words and phrases shall have the following meanings:~~ Definitions.

(1) *Active member* shall mean a member of ~~this~~the System who is an employee on July 1, 1995, or who became an employee thereafter, and whose membership in ~~this~~the System has not ceased at any time from July 1, 1995, forward or from when he or she became an employee (whichever is later)~~,~~ until the effective date of his or her subsequent retirement.

(2) *Retired member* shall mean a member of ~~this~~the System who is receiving a retirement allowance on July 1, 1995. ~~The term "~~A member of ~~this~~the System who is receiving a retirement allowance~~" includes those members~~ shall include any member whose effective date of retirement is on or before July 1, 1995.

(3) *Retirement allowance* shall mean a normal service retirement allowance, an early service retirement allowance, a nonservice-connected disability retirement allowance, a deferred ~~annuity under the provisions of Section 3-7-38(b)~~vested benefit, or a surviving spouse and children's benefit~~ under the provisions of Section 3-7-41, 3-7-42 or 3-7-43.~~.

(4) *Base annual retirement allowance* ~~means~~shall mean the initial calculation of a member's, spouse's or children's annual retirement allowance without regard for any deductions for withholding or other benefit elections or adjustments under Section 3-7-7. For a member ~~retired pursuant to~~taking normal service retirement under Section 3-7-26(a~~) (normal service~~), this is the

allowance calculated under Section 3-7-27(a); for a member ~~retired pursuant to~~taking early service retirement under Section 3-7-26(b~~) (early service~~), this is the allowance calculated under Section 3-7-27(b); for a member retired on account of non-service-connected disability under Section 3-7-31, this is the allowance calculated under Section 3-7-31; for a member receiving a deferred ~~annuity~~,vested benefit, this is the allowance calculated under ~~the provisions of~~ Section 3-7-38(b); and for a surviving spouse and children receiving a spouse and children's benefit, this is the allowance calculated under the provisions of Section 3-7-41, 3-7-42 or 3-7-43.

(5) *Adjusted base annual retirement allowance* shall mean the base annual retirement allowance of a retired member or of the spouse and children of a member receiving the base surviving spouse and children annual retirement allowance provided under Section 3-7-41, 3-7-42 or 3-7-43 as increased by any cost-of-living adjustments applied to the member's retirement from the effective date of his or her retirement or election of the spouse and children retirement allowance through July 1, 1995.

(6) ~~A member is "~~*Member in service*~~" for purposes of this Section when he or she is~~ shall mean a member of ~~this~~the System.

(b) The adjusted base annual retirement allowance of each retired member or spouse and children receiving a retirement allowance on July 1, 1995, shall be increased by three percent (3%), effective July 1, 1995 (modified adjusted base annual retirement allowance). Adjustments to the retired member's or spouse and children's retirement allowance made under ~~the provisions of~~ this Article after July 1, 1995, shall be computed on the basis of the modified adjusted base retirement allowance.

(c) When an active member retires or an eligible spouse and children elect to receive the spouse and children's retirement allowance ~~under the provisions of Section 3-7-41, 3-7-42 and 3-7-43~~ after July 1, 1995, after his or her base annual retirement allowance has been computed under ~~the provisions of~~ the applicable ~~section~~Section of this Article, the resulting base annual retirement allowance shall be increased by three percent (3%) (initial base annual retirement allowance). ~~Future adjustments~~Adjustments to the member's or spouse and children's retirement allowance under ~~the provisions of~~ this Article shall be computed on the basis of the initial base annual retirement allowance.

(d) Separation from service.

(1) A member who ~~separated~~:

(A) Separated from service other than by death or retirement with five (5) or more years of creditable service in ~~this~~the System prior to July 1, 1995, and ~~who has~~

(B) Has not withdrawn his or her accumulated contributions as of July 1, 1995, and ~~who subsequently~~

(C) Subsequently applies for and is determined to be eligible for a deferred ~~annuity~~vested benefit after July 1, 1995, shall have his or her deferred ~~annuity~~vested benefit computed mutatis mutandi in the same manner as an active member under Subsection (c) of this Section. ~~Similarly, a~~

(2) A member in service on July 1, 1995, who: ~~subsequently~~

(A) Subsequently separates from service other than by death or retirement with five (5) or more years of creditable service in ~~this~~the System ~~who does~~, and

(B) Does not withdraw his or her accumulated contributions, and ~~who subsequently~~

(C) Subsequently applies for and is determined to be eligible for a deferred ~~annuity~~vested benefit, shall have his or her deferred ~~annuity~~vested benefit determined under ~~the provisions of~~ Subsection (c) of this Section.

(3) A member ~~who is~~ in service on July 1, 1995, who ~~subsequently~~:

(A) Subsequently separates from service and withdraws his or her accumulated members' contributions, and ~~who thereafter~~

(B) Thereafter returns to service and again becomes a member of ~~this~~the System and thereafter retires, shall have his or her retirement allowance calculated under ~~the provisions of~~ Subsection (c) of this Section as if he or she were an active member as defined in this ~~section if and only~~Section if at the time he or she subsequently returns to service, he or she has made arrangements to purchase credit for all of his or her previous service in ~~this~~the System under ~~the provisions of~~ this Article.

(e) Notwithstanding the eighty-four percent (84%) of average final compensation limit contained in Section 3-7-27(a), the initial base annual retirement allowance of an active member who is entitled to the increase provided by Subsection (c) of this Section shall not exceed eighty-six -and -fifty-two -one-hundredths percent (86.52%) of his or her average final compensation.

(f) Notwithstanding any provision of this Section~~, retirement allowances which are subject~~ to the contrary, no adjustment under ~~the provisions of~~ this Section ~~are and remain subject to~~shall be made which would violate the limitations provided by Section 3-7-48 concerning the limitations imposed by Section 415 of the Internal Revenue Code and ~~the~~any U.S. Treasury Regulations issued thereunder; provided, that any adjustment under this Section may be made up to those limitations. (12-95-3; 6-00-3, § 2.)

Section 3-7-52. - Deferred Retirement Option Program.

Effective October 1, 2003, there is hereby established a Deferred Retirement Option Program (~~"~~DROP~~"~~) for eligible members of ~~this~~the System. Members of the System in service who are eligible for normal service retirement are eligible to elect to participate in this program.

(a) Definitions.

(1) *DROP period* ~~means~~shall mean the three~~-~~ (3) year period immediately following the commencement of the member's participation in the DROP.

(2) *Eligible member* ~~means~~shall mean any member who is, or will become within sixty (60) days, eligible for normal service retirement benefits as those are defined in ~~§~~Section 3-7-26(a).

(b) Election to participate.

(1) An eligible member may participate in the DROP only once. An eligible member who desires to participate in the DROP must file an application with the Fairfax County Retirement Administration Agency not less than sixty (60) days prior to the date of the commencement of the member's participation in the DROP.

(2) A member's election to participate in the DROP is irrevocable, with the exception that a member who elects to participate in the DROP may revoke that election prior to the commencement of his or her DROP period; once revoked, a member may not then elect to participate in the DROP for a period of at least twelve (12) months from the date of his or her revocation.

(3) At the time of an eligible member's election to participate in the DROP, he or she ~~must~~shall make an election in writing pursuant to ~~§~~Section 3-7-39 as to whether or not to receive a reduced retirement allowance in order to provide a retirement allowance for his or her spouse and/or handicapped child after the member's death.

(4) An eligible member who elects to participate in the DROP ~~will~~shall agree to do so for a period of three (3) years.

(5) Subject to any limitation on the number of accrued sick leave hours that may be converted to creditable service as provided in Section 3-7-2(a)(2), an eligible member who elects to participate in the DROP shall, at the time of his or her election to participate in the DROP, make an election in writing as to whether he or she wishes to convert all of his or her available accrued sick leave to creditable service or to convert all but forty (40) hours of his or her accrued sick leave to creditable service. Sick leave that is either carried over or that accrues during the DROP period shall not be converted to creditable service at the conclusion of the DROP period.

(c) Continued employment.

(1) A participating DROP member shall, upon commencement of his or her DROP period, continue to work for the County in the position he or she held before the effective date of his or her election to participate in the DROP ~~program~~. Thereafter, the participating DROP member ~~will~~shall perform the services of that position or any other position to which he or she is promoted or transferred.

(2) A participating DROP member ~~will~~shall continue to accrue annual and sick leave and, if eligible, compensatory time during the DROP period. At the conclusion of the DROP period, the member ~~will~~shall receive the payment for his or her accrued annual and compensatory leave that he or she would have received upon retirement. In no case ~~will~~shall a participating DROP member receive payment for his or her accrued annual and compensatory leave at the commencement of the member's participation in the DROP.

(3) A participating DROP member ~~will~~shall continue to remain eligible for health and life insurance benefits provided by the County to its employees and ~~will~~shall remain eligible to participate in the County's deferred compensation plan. The deductions from the salary of a participating DROP member for health and life insurance ~~benefit will~~benefits shall be the same deductions that would have been taken had the participating DROP member been an active County employee, not the deductions that would be taken from the retirement benefits and allowances of a retiree.

(4) All County personnel policies and regulations shall continue to apply to a participating DROP member after the commencement of his or her DROP period. A participating DROP member ~~will~~shall remain eligible for annual merit pay increments and promotions during the DROP period. However, a participating DROP member's salary during his or her DROP period ~~will~~shall not be included in the computation of the member's average final compensation. A participating DROP member ~~is~~shall also be subject to the County's disciplinary policies and regulations.

(5) If a participating DROP member's continued employment with ~~Fairfax~~the County is interrupted by military service, there ~~will~~shall be no interruption of the member's participation in the DROP. During the period of the participating DROP member's military service, the member's retirement benefits and allowances ~~will~~shall continue to be paid into the participating member's DROP account until the member's DROP period ends. At the end of the DROP period, the member's DROP account balance ~~will~~shall be paid to the member whether or not he or she has returned to his or her former County position, and the member ~~will~~shall begin to receive his or her normal retirement benefits.

(6) Except as otherwise set forth herein, a participating DROP member's continued service ~~will~~shall be deemed to be normal service retirement and ~~will~~shall not count as creditable service with the System.

(7) Upon commencement of a participating DROP member's DROP period, the County ~~will~~shall cease to withhold contributions to the System from the participating DROP member's salary.

(8) The salary received by a participating DROP member during his or her DROP period ~~will~~shall not be included by the County in the base that is used to determine the amount of the County's employer contributions to the System.

(d) DROP account.

(1) Upon commencement of the member's participation in the DROP, the member's service retirement allowance pursuant to ~~§~~Section 3-7-27 and the additional retirement allowance pursuant to ~~§~~Section 3-7-51 ~~will~~shall be paid into the member's DROP account. The initial amount credited to a member's DROP account ~~will~~shall be computed based on his or her average final compensation as of the date of the commencement of the DROP period.

(2) The initial monthly amount ~~will~~shall be increased each July 1 based upon the annual cost ~~-~~of~~-~~living adjustment provided to retirees pursuant to ~~§~~Section 3-7-37. Any other changes that occur during the DROP period that would result in an alteration of the participating DROP member's retirement ~~benefits and~~ allowances and benefits if he or she were retired ~~will~~shall also result in adjustments to the monthly amount credited to a participating DROP member's DROP account.

(3) The participating DROP member's DROP account ~~will~~shall be credited with interest at an annual rate of five percent (5%), compounded monthly. Interest ~~will~~shall not be pro-rated for any period less than a full month.

(4) Contributions by the County and the participating DROP member into the System for the participating DROP member ~~will~~shall cease.

(5) Amounts credited to a participating DROP member's DROP account ~~will~~shall not constitute annual additions under ~~26 U.S.C. § 415.~~Section 415 of the Internal Revenue Code.

(6) A participating DROP member's DROP account ~~will~~shall not be an account that is separate and distinct from the assets of the System; a participating DROP member's DROP account balance ~~will~~shall remain part of the assets of the System.

(e) Cessation of County employment.

(1) At the conclusion of a participating DROP member's DROP period, the member's County employment ~~will~~shall automatically cease. The participating DROP member shall then begin to receive normal service retirement ~~benefits and~~ allowances and benefits computed based upon his or her average final compensation at the time of the commencement of the DROP period and his or her creditable service at the time of the commencement of the DROP period, plus cost-of-living increases provided to retirees and any other benefit improvements that may have been granted to retirees during the participating DROP member's DROP period. At least sixty (60) days prior to the conclusion of a participating DROP member's DROP period, the member ~~must~~shall make one of the following elections concerning payment of his or her DROP account balance:

(A) The member may receive payment of his or her DROP account balance as a lump sum.

(B) The member may elect to roll over his or her DROP account balance into an "eligible retirement plan", as defined in Section 3-7-50(b)(2).

(C) The member may elect to receive payment of a portion of his or her DROP account balance and roll over the remaining portion into a qualified retirement plan, such as an IRA. If the member elects this method of receiving his or her DROP account balance, he or she must specify, in writing, the specific amount to be paid as a lump sum and the specific amount to be rolled over.

(D) The member may elect to use his or her DROP account balance to increase his or her monthly retirement ~~benefits and~~ allowances and benefits. The amount of the increase ~~will~~shall be determined based on the actuarial equivalent of the member's DROP account balance.

(E) The member may divide his or her DROP account balance in half, and may then elect to use ~~50~~fifty percent (50%) of his or her DROP account balance to increase his or her monthly retirement ~~benefits and~~ allowances and benefits, and to receive the remainder in any manner listed in ~~paragraphs~~Subparagraphs (A), (B) and (C) above.

In the event that the participating DROP member does not make the election required by this ~~section~~Subsection, the member ~~will~~shall receive payment of his or her DROP account balance as a lump sum.

(2) A participating DROP member may terminate his or her County employment at any time, in which case the effective date of the member's termination of his or her County employment shall be treated as the end of the DROP period for ~~the provisions~~all purposes of this ~~section~~Section.

(3) In the event that the employment of a participating DROP member is terminated by the County during the DROP period for any reason, the effective date of the member's separation from County service shall be treated as the end of the DROP period for all purposes of this Section.

(f) Death or disability during DROP period.

(1) (A) If a participating DROP member dies during the DROP period, the participating DROP member's designated beneficiary on record with the System shall receive payment of the member's DROP account balance and the member's accumulated contributions; if there is no designated beneficiary on record with the System, payment of these amounts shall be made to the participating DROP member's estate. In the event that the participating DROP member has elected a joint and contingent spouse and handicapped child option pursuant to the terms of §Section 3-7-39, the participating DROP member's surviving spouse or handicapped child willshall receive payment of the participating DROP member's DROP account balance and willshall begin to receive benefits and allowances and benefits pursuant to the joint and contingent spouse and handicapped child option election of the participating DROP member in addition to the benefits to which they may be entitled under §Section 3-7-41.

(B) If a participating DROP member is killed while in performance of his or her official duties during the DROP period, as set forth in §Section 3-7-43, the member's spouse, or, if there is no surviving spouse, the member's handicapped child, may elect to receive the benefits set forth in §Section 3-7-43, pursuant to the terms and conditions set forth in that sectionSection. Such an election willshall constitute a waiver of the right to receive the participating DROP member's DROP account balance.

(C) If a participating DROP member is killed while in performance of his or her official duties and there is no surviving spouse or handicapped child, the member's designated beneficiary on record with the System shall receive payment of the member's DROP account balance and the member's accumulated contributions; if there is no designated beneficiary on record with the System, payment of these amounts shall be made to the participating DROP member's estate.

(2) If a participating DROP member becomes disabled during the DROP period, the participating DROP member willshall receive:

(A) In the case that a participating DROP member suffers a disability that would be considered an ordinarya non-service-connected disability as defined in §Section 3-7-31 andor a disability as a result of negligence as defined in Section 3-7-36, the effective date of the member's disability willshall be treated as the end of the participating DROP member's DROP period.

(B) In the case that a participating DROP member suffers a service-connected disability as set forthdefined in §Section 3-7-28, the participating DROP member may elect either (i) to receive the service-connected disability retirement benefits and allowances and benefits to which he or she would otherwise be entitled or (ii) to receive the normal service retirement benefits and allowances and benefits to which he or she would be entitled plus his or her DROP account balance. An election to receive service-connected disability retirement benefits and allowances or severe service- connected disability retirementand benefits shall constitute a waiver of the member's right to receive any amounts credited to his or her DROP account balance.

(g) Execution of documents and adoption of rules and regulations. The County Executive is authorized to execute all documents necessary or appropriate to operate the DROP including, but not limited to, the establishment of a trust within which the participating DROP members' DROP accounts shall be held and administered. The Board of Trustees is also authorized to adopt rules and regulations governing the DROP. Any documents executed by the County Executive shall be approved for form by the County Attorney prior to execution. (36-03-3; 41-08-3; 27-10-3; 01-11-3; 28-12-3.)

Division 7. - Benefit Restoration Plan.

Section 3-7-53. - Benefit Restoration Plan.

(a) There is hereby established a Benefit Restoration Plan for the System.

(b) Purpose and intent; rule of construction.

(1) In establishing this Benefit Restoration Plan, the Board of Supervisors intends to establish and maintain a "qualified governmental excess benefit arrangement," as defined and authorized by Section 415(m) of the ~~federal~~ Internal Revenue Code ~~Section 415(m), 26 U. S. C. Section 415(m)~~, as is permitted by ~~Va. Code Ann.~~ Section 51.1-~~1302,~~1302 of the *Code of Virginia*. The purpose of this Benefit Restoration Plan is to restore, through a non-qualified arrangement, the benefits lost by the application of the limitation on annual benefits under Section 415(b) of the Internal Revenue Code ~~Section 415(b)~~ as applicable to governmental plans. This Benefit Restoration Plan shall exist in addition to all other retirement, pension, or other benefits available to ~~Participants~~participants, including the benefits established by ~~this~~the System.

(2) This ~~section~~Section shall be construed to ensure compliance with ~~the provisions of~~ federal and state law, and any regulations promulgated thereunder, governing such qualified governmental excess benefit arrangements, including, but not limited to Section 415(m) of the Internal Revenue Code ~~Section 415(m)~~ and ~~Va. Code Ann.~~ Sections 51.1-1302, 51.1-1303, and 51.1-~~1304,~~1304 of the *Code of Virginia*, as in effect at the time of the adoption of this ~~section~~Section and as subsequently amended.

(c) Definitions.

(1) *Administrator* or *Plan Administrator* shall mean the Board ~~of Trustees of the Police Officers Retirement System~~, which is responsible for the general administration and operation of the Benefit Restoration Plan and for making effective the provisions of this Section. Under the oversight of the Board ~~of Trustees~~, the Executive Director ~~of the Retirement Administration Agency~~ shall be responsible for the day to day operation and administration of the Benefit Restoration Plan.

(2) *Beneficiary* shall mean the person or persons entitled under ~~the provisions of~~ this Article ~~governing this System~~ to receive any benefits payable after the ~~Participant~~participant's death.

(3) ~~Board~~*Benefit Restoration Plan* or *Plan* shall mean the ~~Board of Trustees of the Police Officers Retirement~~Benefit Restoration Plan for the System established ~~under~~by this ~~Article.~~Section.

(4) ~~Internal Revenue Code means the federal Internal Revenue Code, as the same may be amended from time to time, and, to the extent not inconsistent therewith, regulations issued there under. (5)~~ *Effective* ~~Date. The effective~~*date* shall mean the date of this ~~section is its date of~~Section's adoption [June 5, 2006].

(~~6~~5) *Eligible* ~~Member~~*member* shall mean a retired member of the ~~Police Officers Retirement~~ System ~~and~~ whose benefits thereunder are reduced by the application of the limitations on annual benefits under Section 415(b) of the Internal Revenue Code ~~Section 415(b)~~ as applicable to governmental plans.

~~(7) Member shall mean a member of the Police Officers Retirement System established under this Article.~~

~~(8) Employer shall mean an employer as defined under the Police Officers Retirement System established under this Article. (9~~6) *Enabling statute* shall mean Chapter 13 of Title 51.1 of the *Code of Virginia* ~~Code (1950)~~, as amended.

(~~10~~7) *Grantor* ~~Trust~~*trust* shall mean the trust fund described in ~~subsection~~Subsection (i)(3) of this Section and established and maintained for the Benefit Restoration Plan.

(~~11~~8) *Participant* shall mean an ~~Eligible Member~~eligible member qualified to participate in the Benefit Restoration Plan.

~~(12) Benefit Restoration Plan or Plan shall mean the Benefit Restoration Plan for the System established by this Section. (13) Plan Sponsor~~9) *Plan sponsor* shall mean the Board of Supervisors ~~of Fairfax County, Virginia~~.

(~~14~~10) *Plan* ~~Year~~*year* shall mean the twelve (12-) month period beginning on ~~the first day of~~ July~~.~~ 1.

(~~15~~11) *Restoration* ~~Death Benefit~~*death benefit* shall mean the benefit due the ~~Beneficiary~~beneficiary of a ~~Participant~~participant under the Benefit Restoration Plan as determined under this Section.

(~~16~~12) *Restoration* ~~Retirement Benefit~~*retirement benefit* shall mean the benefit due a ~~Participant~~participant or his or her ~~Beneficiary~~beneficiary under the Benefit Restoration Plan determined under this Section.

~~(17) Retirement System or System shall mean the Police Officers Retirement System established under this Article.~~

(d) Eligibility and ~~Participation~~participation

(1) Eligibility and ~~Date~~date of ~~Participation~~participation. Each ~~Eligible Member~~eligible member shall be a ~~Participant~~participant in ~~this~~the Benefit Restoration Plan commencing with the date he or she first becomes, or again becomes, an ~~Eligible Member~~eligible member.

(2) Length of ~~Participation~~participation. Each ~~Eligible Member~~eligible member who becomes a ~~Participant~~participant shall be or remain a ~~Participant~~participant for so long as he or she is entitled to future benefits under the terms of ~~this~~the Benefit Restoration Plan.

(e) Restoration ~~Retirement Benefit (1)~~ retirement benefit. Subject to the terms and conditions set forth in this Section, a ~~Participant~~participant who retires or is retired under the System and who is entitled to the payment of benefits under the System shall be entitled to a ~~Restoration Retirement Benefit~~restoration retirement benefit, generally expressed as a benefit payable monthly for the life of the ~~Participant~~participant and commencing at the applicable time provided under this Article, equal to the excess, if any, of:

(~~i~~1) The amount of the ~~Participant~~participant's retirement allowance under the ~~Retirement~~ System, determined without regard to the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, over

(~~ii~~2) The amount of the ~~Participant~~participant's retirement allowance under the ~~Retirement~~ System.

To the extent that the ~~Participant~~participant's retirement allowance payable under the ~~Retirement~~ System is increased at any time due to increases in limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, whether by statute, regulation, actions of the Secretary of the U. S. Treasury or his or her delegate or otherwise, the ~~Participant's Restoration Retirement Benefit~~participant's restoration retirement benefit shall be reduced correspondingly.

(f) Death Benefit.

(1) Death after ~~Benefit Commencement~~benefit commencement. If a ~~Participant~~participant dies after his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, the only benefits payable under the Benefit Restoration Plan to his or her ~~Beneficiary~~beneficiary after his or her death shall be those, if any, provided under the form of payment being made to him or her at his or her death.

(2) Death before ~~Benefit Commencement~~benefit commencement. If a ~~Participant~~participant dies before his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, the only benefit payable under the Benefit Restoration Plan with respect to him or her shall be the ~~Restoration Death Benefit~~restoration death benefit, if any, provided in ~~sub-section~~Subsection (f)(3) of this Section.

(3) Restoration ~~Death Benefit~~death benefit. Subject to the terms and conditions set forth herein, if a ~~Participant~~participant dies on or after the ~~Effective Date~~effective date and before his or her ~~Restoration Retirement Benefit~~restoration retirement benefit commences to be paid, his or her ~~Beneficiary~~beneficiary shall be entitled to a ~~Restoration Death Benefit~~restoration death benefit as follows:

(A) If his or her ~~Beneficiary~~beneficiary is entitled to receive any death benefit under the ~~Retirement~~ System, such ~~Beneficiary~~beneficiary shall be entitled to receive as a ~~Restoration~~

~~Death Benefit~~restoration death benefit under the Benefit Restoration Plan an amount equal to the excess, if any, of:

(i) The amount of such death benefit under the ~~Retirement~~ System, determined without regard to the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, over

(ii) The actual amount of such death benefit under the ~~Retirement~~ System.

To the extent that the ~~Participant~~participant's accrued benefit or any death benefit payable under the ~~Retirement~~ System is increased at any time due to increases in the limitations on contributions and benefits imposed by Section 415 of the Internal Revenue Code, whether by statute, ~~regulations~~regulation, actions of the U.S. Secretary of the Treasury or his or her delegate or otherwise, the ~~Participant's Restoration Death Benefit~~participant's restoration death benefit shall be reduced correspondingly.

(g) Vesting. ~~(1) Vesting. A Participant's Restoration Retirement Benefit or Restoration Death Benefit~~A participant's restoration retirement benefit or restoration death benefit, as the case may be, shall be vested at the time of his or her retirement under the ~~Retirement~~ System or death, but only to the extent, and determined in the manner, that such ~~Participant~~participant has a vested and non-forfeitable right to his or her retirement allowance under the ~~Retirement~~ System.

(h) Payment of ~~Benefits~~benefits.

(1) Time and ~~Manner~~manner for ~~Payment~~payment of ~~Benefits. A Participant's Restoration Retirement Benefit, or the Restoration Death Benefit~~benefits. A participant's restoration retirement benefit, or the restoration death benefit, shall be payable at the same time and in the same manner as the ~~Participant~~participant's retirement allowance or comparable death benefit (other than his or her accumulated contributions or contribution refund death benefit) is paid under the ~~Retirement~~ System, whether as elected by the ~~Participant~~participant or otherwise payable. For a ~~Member~~member who is receiving a retirement allowance under the System on the ~~Effective Date~~effective date, and who would immediately be an ~~Eligible Member~~eligible member upon the ~~Effective Date~~effective date, such ~~Member~~member shall immediately commence receiving a ~~Restoration Retirement Benefit~~restoration retirement benefit on a prospective basis.

(2) Discretionary ~~Use of Other Methods of Payment~~use of other methods of payment. In the sole discretion of the Administrator, monthly payment amounts of less than $100.00, or such amount as the Administrator may from time to time determine, may be paid on an annual or semi-annual basis, in arrears and without interest.

(3) Benefit ~~Determination~~determination and ~~Payment Procedure~~payment procedure. The Administrator shall make all determinations concerning eligibility for benefits under the Benefit Restoration Plan, the time or terms of payment, and the form or manner of payment to the ~~Participant~~participant (or the ~~Participant's Beneficiary~~participant's beneficiary in the event of the death of the ~~Participant~~participant). The Administrator shall promptly notify the ~~Employer~~employer and, where payments are to be made from a ~~Grantor Trust~~grantor trust, the trustee thereof, of each such determination that benefit payments are due and provide to the ~~Employer~~employer or trustee such other information necessary to allow the ~~Employer~~employer or trustee to carry out said determination, whereupon the ~~Employer~~employer or trustee shall pay such benefits in accordance with the Administrator's determination.

(4) Payments to ~~Minors~~minors and ~~Incompetents. If a Participant or Beneficiary~~incompetents. If a participant or beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits ~~will~~shall be paid to such person as the Administrator may designate for the benefit of such ~~Participant or Beneficiary~~participant or beneficiary. Such payments shall be considered a payment to such ~~Participant or Beneficiary~~participant or beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Benefit Restoration Plan.

(5) Distribution of ~~Benefit When Distributee Cannot Be Located~~benefit when distributee cannot be located. The Administrator shall make all reasonable attempts to determine the identity and/or whereabouts of a ~~Participant~~participant or his or her ~~Beneficiary~~beneficiary entitled to benefits under the Benefit Restoration Plan, including the mailing by certified mail of a notice to the last known address shown on the ~~Employer~~employer's or the Administrator's records. If the Administrator is unable to locate such a person entitled to benefits hereunder, or if there has been no such claim made for such benefits, the ~~Employer~~employer shall continue to hold the benefit due such person, subject to any applicable statute of escheats.

(i) Funding.

(1) The undertaking to pay the benefits hereunder shall be unfunded obligations payable solely from the general assets of the ~~Employer~~employer and subject to the claims of the ~~Employer~~employer's creditors.

(2) Except as provided in a ~~Grantor Trust~~grantor trust established as permitted in ~~sub-section~~Subsection (i)(3) of this Section, nothing contained in the Benefit Restoration Plan and no action taken pursuant to ~~the provisions of~~ this Section shall create or be construed to create a trust of any kind of a fiduciary relationship between the ~~Employer~~employer and the ~~Participant~~participant or his or her ~~Beneficiary~~beneficiary or any other person or to give any ~~Participant or Beneficiary~~participant or beneficiary any right, title, or interest in any specific asset or assets of the ~~Employer~~employer. To the extent that any person acquires a right to receive payments from the ~~Employer~~employer under the Benefit Restoration Plan, such rights shall be no greater than the right of any unsecured general creditor of the ~~Employer~~employer.

(3) Use of ~~Grantor Trust Permitted~~grantor trust permitted. Notwithstanding any provision of this Section to the contrary, the Benefit Restoration Plan Sponsor may in its sole discretion elect to establish and fund a ~~Grantor Trust~~grantor trust for the purpose of providing benefits under the Benefit Restoration Plan.

(j) Plan Administrator.

(1) The Plan Administrator ~~has~~shall have full and complete authority and discretion to control and manage the operation of and shall decide all matters under the Benefit Restoration Plan pursuant to this Section and the ~~Enabling Statute~~enabling statute. The Administrator ~~has~~shall have any and all powers as may be necessary or advisable to discharge its duties under the Benefit Restoration Plan including the power and authority to interpret the terms of the Benefit Restoration Plan.

(2) The Plan Administrator ~~is~~shall be responsible for performing the duties required for the operation of the Benefit Restoration Plan, and ~~is~~shall be responsible for supervising the performance of any other persons who may assist in the performance of the Plan Administrator's responsibilities under this Section and the ~~Enabling Statute~~enabling statute.

(3) To enable the Plan Administrator to perform its responsibilities, ~~Employer~~employer(s) shall promptly provide to the Plan Administrator complete and accurate information on any matter that is required by the Administrator in order to make any decision or determination under the Benefit Restoration Plan. The Plan Administrator shall rely upon this information supplied by the ~~Employer~~employer, and shall have no duty or responsibility to verify this information.

(4) Except as prohibited by law or by this Section, the Plan Administrator may delegate any of its duties to the Executive Director ~~of the Retirement Administration Agency~~. The Plan Administrator may contract with any person to provide services to assist in the administration of the Benefit Restoration Plan. The Plan Administrator ~~must~~shall make such contracts in compliance with all applicable ~~State~~state and local laws and regulations. Any person other than the Plan Administrator who performs services regarding the Benefit Restoration Plan ~~is~~shall be subject to the supervision and direction of the Plan Administrator~~,~~ and ~~does~~shall not have the authority to control the operation of the Plan.

(k) Termination and ~~Amendment~~amendment of ~~the~~ Benefit Restoration Plan.

(1) Termination of the Benefit Restoration Plan. The Board of Supervisors of the County of Fairfax, Virginia, hereby reserves the right to terminate this Benefit Restoration Plan at any time,; provided, that no such termination shall reduce, suspend, or terminate the Restoration Retirement Benefit or Restoration Death Benefitrestoration retirement benefit or restoration death benefit otherwise payable to a Participant or Beneficiaryparticipant or beneficiary hereunder as of the date of such termination.

(2) Amendment of the Benefit Restoration Plan. The Board of Supervisors of the County of Fairfax, Virginia, hereby reserves the right to amend this Benefit Restoration Plan at any time,; provided, that no such amendment shall reduce, suspend, or terminate the Restoration Retirement Benefit or Restoration Death Benefitrestoration retirement benefit or restoration death benefit otherwise payable to a Participant or Beneficiaryparticipant or beneficiary hereunder as of the date of such terminationamendment.

(l) Miscellaneous. (1) Non-assignability.

The interests of each Participantparticipant hereunder the Benefit Restoration Plan are not subject to the claims of the Participantparticipant's creditors; and neither the Participantparticipant nor his Beneficiaryor her beneficiary, shall have any right to sell, assign, transfer, or otherwise convey the right to receive any payments hereunder or any interest under the Benefit Restoration Plan, which payments and interest are expressly declared to be non-assignable and non-transferable. (2) Notwithstanding the preceding sub-sectionforegoing, the Plan Administrator shall honor any process for a debt to the Employeremployer who has employed the Participantparticipant and any administrative actions pursuant to Va. Code Ann. Sections 63.2-1900,1900 *et seq.*, of the *Code of Virginia* or any court process to enforce a child or spousal support obligation, in the manner as described in Section 3-7-6 of this Article mutatis mutandi. Restoration Retirement Benefits and/or Restoration Death Benefitsretirement benefits and/or restoration death benefits created under this Section which are deemed to be marital property pursuant to Va. Code Ann. Sections 20-89.1,89.1 *et seq.* of the *Code of Virginia*, may be divided or transferred by the court by direct assignment to a spouse or former spouse pursuant to Va. Code Ann. Section 20-107.3.107.3 of the *Code of Virginia*. Under no circumstances may a payment under this sub-sectionSubsection take place before the Participantparticipant's benefit under the Retirement System is actually paid. (12-06-3.)

Document comparison by Workshare Compare on Thursday, November 19, 2015 2:51:29 PM

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Document 1 ID	file://C:\Users\payres\Desktop\PORS2\PORS Current.docx
Description	PORS Current
Document 2 ID	file://C:\Users\payres\Desktop\PORS2\PORS Revised.docx
Description	PORS Revised
Rendering set	Standard

Legend:	
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Format change	
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Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	1031
Deletions	793
Moved from	33
Moved to	33
Style change	0
Format changed	0
Total changes	1890

RETIREMENT ORDINANCES - REVISIONS LIST

1. Spell out the word "Section" and capitalize throughout.

2. Identify all IRC sections as "Section _____ of the Internal Revenue Code" throughout.

3. Both write out and give the digital equivalents for all numbers (other than dollar figures) throughout.

4. Make all citations to the Code of Virginia, italicized; update Code citations where necessary.

5. Except with grammatically inapposite, consistently use the term "pick-up" throughout.

6. Replace references only to the masculine with references to the masculine and feminine, per most recent amendments to the ordinances.

7. Provide complete and, where necessary, updated titles of referenced County officials.

8. Use the terms "this Section" and "Subsection ___ of this Section" throughout.

9. Eliminate imperatives such as "will" and "must," and replace with "shall," which predominates, throughout.

10. Include "years" as a modifier to all ages throughout.

11. Capitalize the terms "County," "School Board" and "System" (when referring to the System that is the subject of the given ordinance) throughout.

12. Refer to service retirement as "normal service retirement" and "early service retirement," per the Retirement Administration Agency's current practice.

13. Demarcate all provisos simply with "provided" (instead of "provided, however") throughout.

14. Eliminate "provisions of" modifying "this Article" or "this Section" as redundant and confusing, where grammatically appropriate, throughout.

15. Remove quotation marks from around parenthetical terms provided to define particular concepts throughout.

16. Subject to the words listed in 11 above, and a few other instances, place all terms in lower case throughout.

17. Replace references to "deferred annuity" with "deferred vested benefit," per Retirement Administration Agency's current terminology.

18. Refer to the System that is the subject of the ordinance as "the System," except where multiple systems are discussed, in which case refer to it as "this System" throughout the particular Section or Subsection. Note this practice in the definitions section.

19. Eliminate "if and only if" and replace with "if" throughout.

20. Update names of courts and administrative bodies, where necessary.

21. Include parentheticals providing dates of enactments of amendments, where such dates are specifically mentioned.

22. Place each defined term in italics and make it the subject of the sentence.

23. All dollar figures in numerals only throughout.

24. Except for one section, which includes a definition of "participant" unique to it, use the words "member" or "members," rather than "participant" or "participants," throughout.

25. Add section that expressly incorporates definitions of terms used in the ordinances that are defined either in a different part of the County Code (e.g., "Board of Supervisors") or in the County Personnel Regulations (e.g., "Compensation Plan").

26. Expressly allow an ex officio trustee, such as the Director of Finance or Director of Human Resources, to send a permanently-designated agency official in his or her place to Board of Trustee meetings when necessary due to scheduling or other considerations, as has been done in practice.

27. Replace references to "exempt" and "part time exempt" employees with the new terminology for exempt employee categories the County has adopted in its more recent procedural memorandum on the exempt classification.

28. Remove a duplicate definition of "social security breakpoint" from the Uniformed Retirement System ordinance.

29. Make section headings consistent across ordinances where they cover the same subject (e.g., "protection against fraud").

30. Make the section establishing the Retirement System the first section of each ordinance.

31. Add bullet points or further subparagraphs in a few places to make the section of the ordinance more understandable (e.g., list members of Boards of Trustees using bullet points).

32. Revise the sections on prohibited interests of members or employees of Boards of Trustees to make explicit that members and employees of the Boards are subject to

Virginia's State and Local Government Conflict of Interests Act, which has been the case for a number of years.

33. Add a few cross-references to tie sections together (e.g., add the review function of the Board of Trustees provided later in each ordinance to the list of Board functions provided earlier in the ordinance).

34. Correct a few typographical errors discovered during the review process.

35. Invert mentions of "retirement benefits and allowances" to read "retirement allowances and benefits," which is consistent with actual parlance.

36. In the Employees' Retirement System ordinance, relocate the authorization for the Board of Supervisors to set interest rates on service credits to a separate section because it is out of place in the section dedicated solely to defining the persons who are members of the System.

37. Add definition of "primary social security benefit" to Employees' Retirement System and Uniformed Retirement System ordinances tracking the definition in Title 51.1 of the Virginia Code.

38. Add the right to designate and change a beneficiary to the definition of "beneficiary" in the Employees' Retirement System and Uniformed Retirement System ordinances.

39. Update ordinance annotations.

40. Remove footnotes identifying effective dates of changes, as the dates appear in the ordinances themselves, and are no longer necessary as they have all passed.

41. To the extent possible, rearrange Sections on common subjects so that they are in the same order in all three ordinances.

Board Agenda Item
December 8, 2015

ACTION – 1

Sale of General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds

ISSUE:
Board approval of a resolution to authorize the sale of General Obligation Public Improvement and Public Improvement Refunding Bonds on or about January 26, 2016.

RECOMMENDATION:
The County Executive recommends approval of the sale of General Obligation Public Improvement Bonds that will generate $249.7 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

County staff recommends the Board take the following action:

> Approve the resolution authorizing the issuance of the General Obligation Public Improvement Bonds and Public Improvement Refunding Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution delegates to the County Executive or Chief Financial Officer authority to award the bonds, on specified criteria, through either a competitive or negotiated sale. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement for the Public Improvement Bonds, and authorizes the Chairman, Vice Chairman, County Executive or Chief Financial Officer to sign the Official Statement for the Public Improvement Bonds.

TIMING:
Board action is requested on December 8, 2015.

BACKGROUND:
The Proposed Bond Sale Schedule of Events (Attachment 2) indicates a new money bond sale on or about January 26, 2016. Accompanying this Board Item are the necessary documents to proceed with the new money bond sale to meet FY 2016 capital funding requirements for on-going projects. There are many potential market events that could affect the bond sale in the next few months and this sale date is therefore subject to market conditions. The closing date for the bonds is currently

scheduled for the week of February 8, 2016. The County staff, along with the County's Financial Advisor, however, will revisit and adjust the sale date, as needed.

The resolution also lists several outstanding series of bonds that may become future candidates to refund if interest rates remain favorable. As with new money bond sales, the refunding candidates may be impacted by future actions taken by the Federal Reserve with respect to interest rates.

County staff, Bond Counsel, and the County's Financial Advisor have added flexibility to the bond resolution to permit multiple bond sale methodologies and various structuring alternatives. This flexibility will allow staff to respond to potentially changing market conditions in order to obtain the lowest possible interest rates. For example, the resolution allows for a negotiated sale for all or a portion of the bonds rather than only a competitive sale. Increasing the County's flexibility is a sound strategy in the current bond market and ensuring the County has market access at favorable interest rates.

New Money Sale

The General Obligation Bond sale totals $249.7 million. Of that amount, the Fairfax County Public Schools will receive $155 million. In addition, $23.2 million will be allocated to the Washington Metropolitan Area Transit Authority (WMATA), as required per WMATA's FY 2016-2021 Adopted Capital Improvement Program, and $20 million will fund on-going Board of Supervisors' approved transportation projects such as the widening of Stringfellow Road, Cinder Bed Road, and Lorton Road; and several pedestrian improvement projects. Public Safety funding of $18.5 million will provide for on-going and close-out construction costs at the McLean and Reston Police Stations; courtroom renovations; and the construction of the Jefferson, Herndon, Baileys, and Lorton Volunteer Fire Stations. Funding of $17 million will be provided for the Fairfax County Park Authority, and the Northern Virginia Regional Park Authority will receive $3 million to cover the County's annual capital contribution. Funding of $7 million will support construction costs at the Pohick, Tysons Pimmit, and John Marshall libraries. Lastly, the Huntington Levee project will receive $6 million.

The Schedule of Bond Purposes notes the remaining balance of voter-approved authorized but unissued bond funds by category and is included as Attachment 3. The School Board resolution requesting the sale of bonds on behalf of the School system was approved by the School Board at its November 16, 2015 meeting and is included as Attachment 4.

Staff has structured the size of this sale to the level necessary to support the capital construction program for the current fiscal year, without altering any of the schedules of the projects in progress and previously approved by the Board of Supervisors. The bond sale amount was sized on project cash needs for the current fiscal year. This sale

of $249.7 million is within the adjusted total maximum sales allowed in the Ten Principles of Sound Financial Management. The FY 2016 Adopted Budget Plan states that the maximum annual sale of bonds will be $275 million or $1.375 billion over a five-year period, with a technical limit not to exceed $300 million in a single year. Consistent with previous bond sales, the County's resolution (Attachment 1) delegates to the County Executive or Chief Financial Officer the authority to award the bonds, on specified criteria, through either a competitive or negotiated sale. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions.

The maximum true interest cost rate permitted on the bonds, as established in the Bond Resolution, is 5.5 percent. In addition, for a competitive sale, staff will use the electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachment 5) and the Preliminary Official Statement (Attachment 6).

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

Refunding Options – General Obligation Bonds
In February 2015 and July 2015, the County conducted two General Obligation Refunding Bond Sales (Series 2015B and Series 2015C, respectively) that resulted in $18.5 net present value savings. As a result, the County does not expect there to be any further short term refunding savings as part of the planned new money bond sale in January 2016 (Series 2016A). However, the County's bond resolution does include other additional maturities that may become eligible for refunding when callable later in calendar year 2016. The terms of the bond resolution allow for these bonds to be refunded on or before December 31, 2016. As interest rates continue to fluctuate, this flexibility allows the County to monitor potential refunding candidates specifically authorized in the resolution. County refunding bond sales do not extend the original maturity on any of the refunded bonds.

FISCAL IMPACT:

The estimated debt service budget requirement for the new money bond sale, based on a conservative 4.0 percent True Interest Cost estimate, is $14.3 million for School purposes and $8.7 million for County purposes, beginning in FY 2017.

The County issued General Obligation bonds as a new money bond sale in the amount of $252.2 million on February 18, 2015. The bonds were sold to Citigroup Global Markets, at a true interest cost of 2.68.

The reception of Fairfax County bonds in the market continues to compare favorably both nationally and locally. The County has held a Aaa rating from Moody's since 1975, a AAA rating from Standard and Poor's since 1978,and a AAA rating from Fitch Ratings since 1997. As of May 2015, 10 states, 40 counties, and 30 cities have a Triple A bond rating from all three major rating agencies. As a result of the County's excellent Triple-A bond rating, the County has saved an estimated $702.51 million from County bond and refunding sales.

ENCLOSED DOCUMENTS:
Attachment 1: 2016 County Public Improvement Bond Resolution
Attachment 2: 2016 Bond Sale Schedule of Events
Attachment 3: Schedule of Bond Purposes
Attachment 4: School Board Resolution Requesting Sale of Bonds (School Board Approved on November 16, 2015)
Attachment 5: Notice of Sale, Series 2016A
Attachment 6: Draft of the Preliminary Official Statement, Series 2016A

STAFF:
Joseph Mondoro, Chief Financial Officer
Joseph LaHait, Debt Coordinator, Department of Management and Budget
Patricia Moody McCay, Assistant County Attorney

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia on December 8, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

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

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

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

(i) **School improvements – $155,000,000.** At an election duly called and held on November 3, 2009, a majority of the qualified voters of Fairfax County, Virginia (the "County") voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $232,580,000.

The purpose of the school bonds stated in the election was to provide funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $232,580,000 for such purpose.

The Board of Supervisors at the request of the Fairfax County School Board has heretofore issued $212,882,900 of the school bonds authorized at the election held on November 3, 2009.

The Board of Supervisors deems it advisable to authorize the issuance of the $19,697,100 balance of school bonds authorized at the November 3, 2009, election and to sell the bonds.

At an election duly called and held on November 8, 2011, a majority of the qualified voters of the County, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $252,750,000.

The purpose of the school bonds stated in the election was to provide funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $252,750,000 for such purpose.

The Board of Supervisors at the request of the Fairfax County School Board has heretofore issued $131,328,800 of the school bonds authorized at the election duly called and held on November 8, 2011.

The Board of Supervisors deems it advisable to authorize the issuance of the $121,421,200 balance of school bonds authorized at the November 8, 2011, election and to sell the bonds.

At an election duly called and held on November 5, 2013, a majority of the qualified voters of the County, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $250,000,000.

The purpose of the school bonds stated in the election was to provide funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $250,000,000 for such purpose.

The Board of Supervisors has not issued any of the $250,000,000 school bonds authorized at the election duly called and held on November 5, 2013.

The Board of Supervisors deems it advisable to authorize the issuance of up to $13,881,700 of school bonds authorized at the November 5, 2013, election and to sell the bonds.

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

(ii) **Transportation improvements and facilities – $43,190,000.** At an election duly called held on November 6, 2007, a majority of the qualified voters of the County voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in addition to the bonds previously authorized for transportation improvements and facilities and any other available funds, in the maximum aggregate principal amount of $110,000,000 for the purpose of providing funds for the cost of constructing, reconstructing, improving and acquiring transportation improvements, including improvements to primary and secondary State highways, off-street parking, pedestrian improvements, and ancillary related improvements and facilities, and including capital costs of necessary land, transit facilities, rolling stock and equipment in the Washington metropolitan area allocable to the County pursuant to the provisions of the Washington Metropolitan Area Transit Authority Compact.

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

The Circuit Court of Fairfax County, Virginia has duly entered a Final Order on October 8, 2015, granting the Board's petition to extend the time period by two years in which the transportation improvement and facilities bonds may be issued.

The Board of Supervisors has heretofore issued $75,755,500 transportation improvement and facilities bonds authorized at the election duly called and held on November 6, 2007.

The Board of Supervisors deems it advisable to authorize the issuance of up to $20,000,000 of such transportation improvement and facilities bonds authorized at the November 6, 2007, election and to sell the bonds.

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

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $120,000,000 for such purpose.

The Board of Supervisors has heretofore issued $96,810,000 transportation improvement and facilities bonds authorized at the election duly called and held on November 2, 2010.

The Board of Supervisors deems it advisable to authorize the issuance of the $23,190,000 balance of transportation improvement and facilities bonds authorized at the November 2, 2010, election and to sell the bonds.

(iii) **Parks and park facilities – $20,000,000.** At an election duly called and held on November 6, 2012, a majority of the qualified voters of the County, approved contracting a debt, borrowing money and issuing bonds of the County, in addition to the parks and park facilities bonds previously authorized, in the maximum aggregate principal amount of $75,000,000 for the purpose of providing funds with any other available funds to finance the cost of providing parks and park facilities including the acquisition, construction, development and equipment of additional parks and park facilities, and the purchase of permanent easements for the preservation of open-space land and the development and improvement of existing parks and park facilities by the Fairfax County Park Authority, and including an amount not to exceed $12,000,000 allocable to the County as its share of the cost of parks and park facilities to be acquired, constructed, developed and equipped by the Northern Virginia Regional Park Authority.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors, to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $75,000,000 for such purpose.

The Board of Supervisors has heretofore authorized the issuance of and has issued $1,715,000 parks and park facilities bonds for the Fairfax County Park Authority authorized at the election duly called and held on November 6, 2012, and has heretofore authorized the issuance of and has issued $9,000,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the election duly called and held on November 6, 2012.

The Board of Supervisors deems it advisable to authorize the issuance of up to $17,000,000 parks and park facilities bonds for the Fairfax County Park Authority and $3,000,000 parks and park facilities bonds for the Northern Virginia Regional Park Authority authorized at the November 6, 2012, election and to sell the bonds at this time.

(iv) **Public safety facilities – $18,537,200.** At an election duly called and held on November 7, 2006, a majority of the qualified voters of the County voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in the maximum aggregate principal amount of $125,000,000, for the purpose of providing funds, in addition to the public safety facilities bonds previously authorized and any other available funds, to finance the cost of providing public safety facilities, including the construction, reconstruction, enlargement, renovation and equipment of detention facilities, animal control facilities, civil and criminal justice facilities, police, fire and rescue training facilities and stations, including fire and rescue stations owned by volunteer organizations, and the acquisition of necessary land.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County in the aggregate principal amount of $125,000,000 for such purpose.

The Circuit Court of Fairfax County, Virginia has duly entered a Final Order on October 14, 2014, granting the Board's petition to extend the time period by two years in which the public safety facilities bonds may be issued.

The Board of Supervisors has heretofore authorized the issuance of and has issued $110,462,800 public safety facilities bonds authorized at the election duly called and held on November 7, 2006.

The Board of Supervisors deems it advisable to authorize the issuance of the $14,537,200 balance of public safety facilities bonds authorized at the November 7, 2006, election and to sell the bonds.

At an election duly called and held on November 6, 2012, a majority of the qualified voters of the County voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in the maximum aggregate principal amount of $55,000,000, for the purpose of providing funds, with any other available funds, to finance the cost of providing public safety facilities, including the construction, reconstruction, enlargement, renovation and equipment of civil and criminal justice facilities, police training facilities and stations, fire and rescue training facilities and stations, including fire and rescue stations owned by volunteer organizations, and the acquisition of necessary land.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County in the aggregate principal amount of $55,000,000 for such purpose.

The Board of Supervisors has not issued any of the $55,000,000 public safety facilities bonds authorized at the election duly called and held on November 6, 2012.

The Board of Supervisors deems it advisable to authorize the issuance of up to $4,000,000 of public safety facilities bonds authorized at the November 6, 2012, election and to sell the bonds.

(v) **Public library facilities -- $7,000,000.** At an election duly called and held on November 6, 2012, a majority of the qualified voters of the County, voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in the maximum aggregate principal amount of $25,000,000 for the purpose of providing funds, with any other available funds, to finance the cost of providing additional public library facilities, the reconstruction, enlargement, and equipment of existing library facilities, and the acquisition of necessary land.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors to proceed to carry out the wishes of the voters of the

County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $25,000,000 for such purpose.

The Board of Supervisors has not issued any of the $25,000,000 public library facilities bonds authorized at the election duly called and held on November 6, 2012.

The Board of Supervisors deems it advisable to authorize the issuance of up to $7,000,000 of public library facilities bonds authorized at the November 6, 2012, election and to sell the bonds.

(vi) **Storm drainage improvements – $6,000,000.** At an election duly called and held on November 6, 2012, a majority of the qualified voters of the County, voting on the question approved contracting a debt, borrowing money and issuing bonds of the County, in the maximum aggregate principal amount of $30,000,000 for the purpose of providing funds, with any other available funds, to finance the cost of providing storm drainage improvements to prevent flooding and soil erosion, including the acquisition of necessary land.

The Circuit Court of Fairfax County, Virginia has duly entered its Final Order authorizing the Board of Supervisors to proceed to carry out the wishes of the voters of the County as expressed at such election and to contract a debt, borrow money and issue bonds of the County, in the aggregate principal amount of $30,000,000 for such purpose.

The Board of Supervisors has heretofore issued $1,775,000 storm drainage improvement bonds authorized at the election duly called and held on November 6, 2012.

The Board of Supervisors deems it advisable to authorize the issuance of up to $6,000,000 of such storm drainage improvement bonds authorized at the November 6, 2012, election and to sell the bonds.

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

The Board of Supervisors deems it advisable to authorize the issuance of public improvement refunding bonds, pursuant to a tax-exempt or taxable bond sale, to achieve such savings, if available.

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

(i) **Series 2008 A Bonds.** For the purpose of providing funds, with other available funds, for school improvements, parks and park facilities, public library facilities, transportation improvements and facilities and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $234,475,000, designated "Public Improvement Bonds, Series 2008 A" (the "Series 2008 A Bonds"), dated as of January 30, 2008.

The Series 2008 A Bonds that mature on or before April 1, 2018, are not subject to redemption before maturity. Series 2008 A Bonds that mature after April 1, 2018, may be

redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2018, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(ii) **Series 2009 A Bonds.** For the purposes of providing funds, with other available funds, for school improvements, parks and park facilities, transportation improvements and facilities, human service facilities, public library facilities and public safety facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $199,510,000, designated "Public Improvement Bonds, Series 2009 A" (the "Series 2009 A Bonds"), dated January 28, 2009.

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

(iii) **Series 2009 E Bonds**. For the purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities, human service facilities and public library facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $202,200,000, designated "Public Improvement Bonds, Series 2009 E" (the "Series 2009 E Bonds"), dated October 28, 2009.

The Series 2009 E Bonds are Build America Bonds that are subject to a make-whole optional redemption or under certain circumstances extraordinary optional redemption before their maturity all pursuant to the terms set out in the Series 2009E Bonds. The Series 2009 E Bonds, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date, upon payment of the make whole redemption price or the extraordinary optional redemption price, as applicable.

(iv) **Series 2011A Bonds.** For the purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities and park and park facilities and to refund certain Series 2002 A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $190,090,000, designated "Public Improvement and Refunding Bonds, Series 2011A" (the "Series 2011A Bonds"), dated February 10, 2011.

The Series 2011A Bonds that mature on or before April 1, 2021, are not subject to optional redemption before their maturity. The Series 2011A Bonds that mature after April 1, 2021, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2021, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(v) **Series 2012A Bonds.** For purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities, human services facilities and public library facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $217,655,000, designated "Public Improvement Bonds, Series 2012A" (the "Series 2012A Bonds"), dated February 2, 2012.

The Series 2012A Bonds that mature on or before April 1, 2020, are not subject to optional redemption before their maturity. The Series 2012A Bonds that after April 1, 2020, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than April 1, 2020, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(vi) **Series 2013A Bonds**. For purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities, public safety facilities, parks and park facilities, commercial and redevelopment area improvements and public library facilities the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $206,335,000, designated "Public Improvement Bonds, Series 2013A" (the "Series 2013A Bonds"), dated January 24, 2013.

The Series 2013A Bonds that mature on or before October 1, 2021, are not subject to optional redemption before their maturity. The Series 2013A Bonds that after October 1, 2021, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than October 1, 2021, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(vii) **Series 2014A Bonds.** For purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities, public safety facilities, parks and park facilities and public library facilities and to refund certain Series 2004 A, Series 2004B and Series 2005A outstanding bonds of the County, the Board of Supervisors duly issued bonds of the County in the aggregate principal amount of $316,310,000, designated "Public Improvement and Refunding Bonds, Series 2014A" (the "Series 2014A Bonds"), dated February 6, 2014.

The Series 2014A Bonds that mature on or before October 1, 2023, are not subject to optional redemption before their maturity. The Series 2014A Bonds that after October 1, 2023, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than October 1, 2023, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

(viii) **Series 2015A Bonds.** For purposes of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities, and storm drainage improvements duly issued bonds of the

County in the aggregate principal amount of $227,340,000, designated "Public Improvement Bonds, Series 2015A" (the "Series 2015A Bonds"), dated March 4, 2015.

The Series 2015A Bonds that mature on or before October 1, 2024, are not subject to optional redemption before their maturity. The Series 2015A Bonds that after October 1, 2024, may be redeemed, at the option of the County, before their respective maturities, on not more than 60 nor less than 30 days' notice mailed to the registered owners, on any date not earlier than October 1, 2024, in whole or in part (in integral multiples of $5,000), upon payment of the redemption price of par plus accrued interest to the redemption date.

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

Series 2008 A Bonds that are first subject to, and shall be called for redemption on April 1, 2018, and

Series 2009 A Bonds that are first subject to, and shall be called for redemption on April 1, 2019, and

Series 2009 E Bonds subject to the make whole optional redemption or the extraordinary optional redemption pursuant to the terms of the Series 2009 E Bonds, as applicable, and

Series 2011A Bonds that are first subject to, and shall be called for redemption on April 1, 2021, and

Series 2012A Bonds that are first subject to, and shall be called for redemption on April 1, 2020, and

Series 2013A Bonds that are first subject to, and shall be called for redemption on October 1, 2021, and

Series 2014A Bonds that are first subject to, and shall be called for redemption on October 1, 2023, and

Series 2015A Bonds that are first subject to, and shall be called for redemption on October 1, 2024. and

Any such refunding bonds issued to refund the Refunding Candidates shall not exceed the aggregate principal amount of $270,000,000.

Section 2. Authorization of bonds. The Board of Supervisors has determined that it is in the best interests of the County to consolidate for the purposes of the sale the bond authorizations mentioned above into one or more series of public improvement and/or refunding bonds of the County. The bonds shall be designated as appropriate "Public Improvement [and/or] Refunding Bonds, Series 2016[A], [B]". The bonds shall be dated, shall be stated to mature in certain amounts on such dates, subject to the right of prior redemption, and shall bear

interest until their payment at a rate or rates and on such dates as shall hereafter be determined by the Board of Supervisors by resolution or by either the County Executive or Chief Financial Officer pursuant to the delegation to each of them contained in this resolution. The first interest payment date of such bonds shall be no later than thirteen months after the issuance of such bonds. The bonds shall be issuable in fully registered form in the denomination of $5,000 or any integral multiple thereof and shall be appropriately numbered all as hereinafter provided.

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

The bonds issued for the purpose of providing funds for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities, public library facilities and storm drainage improvements shall have an aggregate principal amount not to exceed $249,727,200.

The bonds issued for the purpose of providing funds, with other available funds, to refund all or a portion of all or any of the Refunding Candidates (the Refunding Candidates so refunded, the "Refunded Bonds") shall have such principal amounts as shall hereafter be determined by the Board of Supervisors by resolution or by either the County Executive or Chief Financial Officer pursuant to the delegation to each of them contained in this resolution, to produce overall present value debt service savings for the County. The aggregate principal amount of such bonds issued to refund the Refunded Bonds shall not exceed $270,000,000 and such bonds may be sold on a tax-exempt or taxable basis.

If none of the proceeds of the bonds as authorized should be used for refunding any of the Refunding Candidates, then the bonds shall be designated as appropriate "Public Improvement Bonds, Series 2016, [A], [B], [C]". If a series of bonds is issued and none of the proceeds is used for providing funds for public improvement purposes, then the bonds shall be designated "Public Improvement Refunding Bonds, Series 2016 [A], [B], [C].

The Board of Supervisors hereby determines that in the event that financial market conditions dictate, and it is determined by the County Executive or Chief Financial Officer to be in the best interests of the County, bond anticipation notes may be issued in anticipation of the issuance of the bonds. Any such bond anticipation notes shall have a first interest payment date no later than July 1, 2017, and a final maturity no later than July 1, 2019. All other provisions in this Resolution setting forth the terms and details of bonds as well as delegations provided shall apply to such bond anticipation notes if the context requires.

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

The principal of and the interest and any redemption premium on the bonds shall be payable in any coin or currency of the United States of America which is legal tender for the

payment of public and private debts on the respective dates of payment thereof. The principal of and any redemption premium on each bond shall be payable to the registered owner thereof or his registered assigns or legal representative at the office of the Bond Registrar mentioned hereinafter upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each bond shall be made by the Bond Registrar on each interest payment date to the person appearing (hereafter provided) on the registration books of the County as the registered owner of such bond (or the previous bond or bonds evidencing the same debt as that evidenced by such bond) at the close of business on the record date for such interest, which, unless otherwise determined pursuant to the delegation of authority contained in this resolution, shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed or by wire transfer to such person at his address as it appears on such registration books.

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

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

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

(1) DTC determines not to continue to act as securities depository for the bonds;

(2) The County has advised DTC of its determination that DTC is incapable of discharging its duties; or

(3) The County has determined that it is in the best interests of the beneficial owners of the bonds not to continue the book-entry system of transfer.

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

DTC, the County will execute and the Bond Registrar will authenticate and deliver to the Participants the appropriate Replacement Bonds to which the Participants are entitled. The Bond Registrar is entitled to rely on the records provided by DTC as to the Participants entitled to receive Replacement Bonds.

Section 3. Sale of Bonds. Pursuant to the delegation set forth within this Resolution, bonds (which includes any bond anticipation notes) to be issued may be sold in a competitive sale pursuant to bids received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system or through a negotiated sale to one or more underwriters or financial institutions chosen in compliance with County guidelines and regulations. Bonds sold through a negotiated sale may be sold in a public sale or in a private placement. Bonds authorized to be issued under this Resolution may be sold in one or more series and on one or more dates on any date on or before December 31, 2016. The authorization and approvals of the documents set forth in this Resolution (as long as the documents used in such sale are authorized herein) shall apply to each bond sale.

Section 4. Notice of Sale; Bids. If bonds (or bond anticipation notes) are determined to be sold in a competitive sale, the Clerk of the Board of Supervisors is hereby authorized, if recommended by the Financial Advisor of the County to be beneficial for the sale of the bonds, to cause one or more notices calling for bids for the purchase of the bonds, to be published. Such notices shall be substantially in the form of the Notice of Sale(s) annexed to this resolution. Alternatively, the Clerk may cause to be published a summary of the principal terms of the notices. Bids shall be received electronically via the PARITY Competitive Bidding System or similar electronic based competitive bidding system.

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

Section 6. Delegation and Standard. (a) *Competitive Sale Delegation* – The Board of Supervisors has determined that there may be unplanned occasions when it is not possible for some of the members of the Board of Supervisors to attend a special meeting for the purpose of receiving bids for the purchase of bonds of the County offered for sale at competitive bidding

and that the accepted practice of the bond markets dictates that the lowest bid be speedily determined and the bonds be promptly awarded or that all bids be rejected.

The Board of Supervisors delegates to each of the County Executive and the Chief Financial Officer (each a "delegate"), the authority to accept the lowest bid (determined in accordance with the Notice of Sale) for the bonds (or any bond anticipation notes), being offered for sale by the Board of Supervisors at competitive bidding on a date(s) not later than December 31, 2016, subject to the following conditions: (i) a delegate shall have determined that the bid conforms in all material respects to the requirements of the Notice of Sale, (ii) a delegate shall have determined that the bid to be accepted is the lowest bid conforming to the terms of the Notice of Sale, (iii) the Financial Advisor to Fairfax County shall have recommended that the lowest conforming bid be accepted, (iv) the true interest cost of such bid shall not exceed 5.50% for any bonds and (v) the Board of Supervisors shall not then be in special session called for the purpose of accepting bids (the Board not to be deemed in special session if less than a quorum is present and voting).

(b) *Negotiated Sale Delegation* – The Board of Supervisors delegates to each of the County Executive and the Chief Financial Officer, the authority to sell the bonds (or any bond anticipation notes) in a negotiated sale to one or more underwriters or financial institutions on a date not later than December 31, 2016, subject to the following conditions: (i) the Financial Advisor to Fairfax County shall have recommended that due to financial market conditions such a negotiated sale best serves the interest of the County, (ii) the true interest cost of such bonds shall not exceed 5.50% for any bonds and (iii) the underwriter(s) or other financial institutions(s) of the bonds shall have been chosen pursuant to County guidelines and regulations.

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

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

(1) The series designations of such bonds;

(2) The aggregate principal amount of the bonds issued for public improvement purposes, such amount not to exceed the sum of the amount required to provide $259,727,200 for such public improvement purposes;

(3) The aggregate principal amount of bonds issued for refunding of the Refunded Bonds; provided, however, that the present value of the debt service savings to be obtained from

the refunding of the Refunded Bonds is not less than 3.0% of the principal amount of the Refunded Bonds;

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

(5) The respective annual maturity dates and any mandatory redemption dates of the bonds, and the respective principal amounts of the bonds to mature or be redeemed on such dates, provided that the first maturity date of bonds for public improvement purposes shall occur no later than December 1, 2017, and the final maturity date shall not be later than December 1, 2036;

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

(7) The interest payment dates, for the bonds and the record date for the bonds;

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

(9) If necessary, upon the refunding of the Refunded Bonds, (i) to approve and execute an escrow agreement, with an escrow agent or letter of instructions (such escrow agreement or letter of instructions to be executed only if such document does not contain any terms contradictory to the terms of this Resolution and only upon the recommendation of Bond Counsel to Fairfax County and the Financial Advisor to Fairfax County), (ii) to appoint a verification agent and an escrow agent and (iii) to determine the particular escrow securities and the form thereof and the terms of any related agreement (including a forward purchase agreement for the delivery of open-market escrow securities), with respect thereto that in his judgment, upon the recommendation of the County's Financial Advisor, will improve the efficiency of the escrow securities in defeasing the Refunded Bonds.

The Board of Supervisors hereby further delegates to each of the County Executive and the Chief Financial Officer authority to allocate any premium received upon the sale of the bonds to (i) fund interest payments on the bonds which relate to projects financed that are under construction through a time period no later than December 1, 2016, (ii) pay costs of issuance of the bonds or (iii) as to any or all of the public improvement bonds, taking into account, among other things, the reoffering prices for the various maturities of the bonds, reduce the principal amount of the bonds to which such allocation is made to produce proceeds approximately equal to the respective amounts authorized to be issued for such purposes by Section 1(a) and paragraph (c)(2) of this Section 6.

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

In case any officer of Fairfax County whose facsimile signature shall appear on any bonds shall cease to be such officer before the delivery of such bonds, such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if she or he had remained in

office until such delivery, and any bond may bear the facsimile signatures of such persons at the actual time of the execution of such bond shall be the proper officers to sign such bond although at the date of such bond such persons may not have been such officers.

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

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

[Depository Legend]

(Face of Bond)

No. ____ **$_____**

United States of America
Commonwealth of Virginia

FAIRFAX COUNTY
Public Improvement [and/or Refunding] Bond, Series 2016 [A], [B], [C]

Maturity Date	**Interest Rate**	**Dated Date**	**CUSIP**
[_____]	_____%	_____, 2016	_____ __

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

_____

or registered assigns or legal representative on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the office of the Director of the Department of Finance of Fairfax County, Virginia (the "Bond Registrar"), in Fairfax County, Virginia, the principal sum of

_____ DOLLARS

and to pay interest on such principal sum from the date hereof or from the [_____ 1 or _____ 1] next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is an [_____ 1 or a _____ 1] to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on the 1st days of _____ and _____ in each year, the first interest payment date being _____, 20__, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or

not a business day) of the calendar month next preceding such interest payment date, by wire transfer, at the discretion of the County, or check mailed to such person at his address as it appears on the bond registration books of the County. Both the principal of and the interest on this bond shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged.

This bond and the bonds of the series of which it is one are issued under and pursuant to a resolution duly adopted by the Board of Supervisors of Fairfax County, Virginia on December 8, 2015 (the "Resolution"), for [(i) the purpose of providing funds, with other available funds, for school improvements, transportation improvements and facilities, parks and park facilities, public safety facilities, public library facilities and storm drainage improvements [and/or (ii) refunding portions of [ ] outstanding series of bonds of Fairfax County, Virginia designated [ ]]].

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

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

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

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

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

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

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

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

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

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

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

This bond is one of a series issued under the authority of and in full compliance with the Constitution and laws of Virginia, particularly the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia, 1950, as amended, and pursuant to votes of a majority of the qualified voters of Fairfax County, Virginia, voting at elections duly called and held under the provisions of the Code of Virginia, 1950, as amended, and under orders of the Circuit Court of Fairfax

County, Virginia, authorizing the Board of Supervisors of the County to proceed to carry out the wishes of the voters as expressed at such elections, and pursuant to resolutions duly adopted by the Board of Supervisors and the School Board of the County.

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

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

IN WITNESS WHEREOF, the Board of Supervisors of Fairfax County, Virginia, has caused this bond to be issued in the name of Fairfax County, Virginia, and the Board has caused this bond to bear the facsimile signatures of its Chairman and Clerk and a facsimile of the official seal of the Board to be imprinted hereon, all as of the ____ day of _____, 2016.

(Facsimile signature) (Facsimile signature)

_____ _____

Clerk, Board of Supervisors of Fairfax County, Virginia

Chairman, Board of Supervisors of Fairfax County, Virginia

(Facsimile seal)

CERTIFICATE OF AUTHENTICATION

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

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

By_____
Authorized Signature

Date of authentication: _____ __, 2016

(Form of Assignment)

ASSIGNMENT

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

Please insert social security or
other identifying number of assignee

_____

_____

(Please Print or Typewrite Name and Address of Transferee)

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

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

Signature Guaranteed* by:_____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 12. Tax covenant. The County covenants to take all action, and to refrain from taking any action, necessary under the Internal Revenue Code of 1986, as amended, to ensure that interest on any tax-exempt bonds will remain not includable in gross income for Federal income tax purposes to the same extent as it is not includable on the date of closing on such bonds.

Section 13. Certificate concerning delegation. The County Executive or the Chief Financial Officer shall execute a Certificate or Certificates evidencing determinations or other actions taken pursuant to the authority granted in this resolution, and any such Certificate shall be conclusive evidence of the action or determination of such County Executive or the Chief

Financial Officer as stated therein. The delegations of authority in this resolution to the County Executive and the Chief Financial Officer are to each of them severally, and any action taken by either the County Executive or the Chief Financial Officer pursuant to such delegations of authority is sufficient for all purposes of this resolution.

Section 14. Authority of officers. The officers and agents of Fairfax County are hereby authorized and directed to do all the acts and things required of them by the bonds and by this resolution for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and in this resolution.

Section 15. **Certification and filing.** The Clerk of the Board of Supervisors is hereby authorized and directed to file a certified copy of this resolution and a certified copy of the resolution of the School Board of the County with the Circuit Court of Fairfax County, Virginia.

A Copy – Teste:

_____

Clerk to the Board of Supervisors

Attachment 2

DRAFT Critical Path Events
Fairfax County, Virginia
General Obligation Public Improvement Bonds, Series 2016

October 2015						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November 2015						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2015						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

January 2016						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2016						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2016						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Week of	Activity & Event	Responsible Party
November 2nd	Monday, November 2nd – Board Title Due Wednesday, November 4th – Board Item Due Monday, November 2nd – Send draft Bond Documents to School Board	FX, SA FX, SA FX
November 9th	Comments due on Bond Documents Wednesday, November 11th – Veteran's Day (Markets Closed) Draft Ratings Presentation distributed	All -- PFM
November 16th	Monday, November 16th – School Board considers Bond Documents Tuesday, November 17th – County Board Meeting	-- --
November 23rd	Tuesday, November 24th – County/School Board Joint Meeting Thursday, November 26th – Thanksgiving Holiday (Markets Closed)	FX --
November 30th	Revised Ratings Presentation distributed Revised draft POS distributed Draft Bond Documents sent to Rating Agencies	PFM SA PFM
December 7th	Tuesday, December 8th – Board considers Bond Documents Tuesday, December 8th – FY2015 CAFR Published Finalize Rating Agency Presentation Wednesday, December 9th – Moody's	FX FX FX, PFM FX, PFM
December 14th	Comments due on draft POS Monday, December 14th – S & P Thursday, December 17th – Fitch	All FX, PFM FX, PFM
December 21st	Friday, December 25th – Christmas Day (Markets Closed)	--
December 28th	Friday, January 1st – New Year's Day	--
January 4th	Revised draft POS distributed	SA
January 11th	Comments due on draft POS NLT Thursday, January 14th – Ratings Received NLT Friday, January 15th – POS & NOS posted	All FX, PFM SA
January 18th	Monday, January 18th – Martin Luther King, Jr. Day (Markets Closed) Market the Bonds	-- PFM
January 25th	Tuesday, January 26th – Competitive Sale (subject to change)	PFM, FX

Prepared by Public Financial Management 11/6/15 10:27 AM

DRAFT Critical Path Events
Fairfax County, Virginia
General Obligation Public Improvement Bonds, Series 2016

October 2015						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November 2015						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2015						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

January 2016						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2016						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2016						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Week of	Activity & Event	Responsible Party
February 1st	Finalize & Mail OS and Closing Documents	PFM, FX
February 8th	Tuesday, February 9th – Closing (two weeks following bond sale)	ALL

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

Schedule of Bond Purposes
FY 2016 Bond Sale - Series 2016A (New Money)

Fund	Category	Referendum Date	BEGIN Authorized But Unissued Balance	FY 2016 Bond Sale Projection	END Authorized But Unissued Balance
County					
300-C30030	Library Facilities	11/6/12	25,000,000	7,000,000	18,000,000
300-C30010	NVRPA	11/6/12	3,000,000	3,000,000	-
300-C30050	Road Bond Construction	11/6/07	34,244,500	20,000,000	14,244,500
	Road Bond Construction	11/4/14	100,000,000	-	100,000,000
300-C30000	Transportation Facilities (Metro)	11/2/10	23,190,000	23,190,000	-
300-C30070	Public Safety Facilities	11/7/06	14,537,200	14,537,200	-
	Public Safety Facilities	11/6/12	55,000,000	4,000,000	51,000,000
	Public Safety Facilities	11/3/15	151,000,000	-	151,000,000
300-C30400	Park Authority	11/6/12	61,285,000	17,000,000	44,285,000
400-C40100	Flood Control	11/6/12	28,225,000	6,000,000	22,225,000
200-C20000	Debt Service COI (Includes UW Discount)				
Subtotal County			**$495,481,700**	**$94,727,200**	**$400,754,500**
Schools					
390		11/3/09	19,697,100	19,697,100	-
390		11/8/11	121,421,200	121,421,200	-
390		11/6/13	250,000,000	13,881,700	236,118,300
390		11/3/15	310,000,000	-	310,000,000
Subtotal Schools			**$701,118,300**	**$155,000,000**	**$546,118,300**
TOTAL COUNTY AND SCHOOLS			**$1,196,600,000**	**$249,727,200**	**$946,872,800**

Printed on 11/2/2015 11:30 AM

A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, TO ISSUE AND SELL SCHOOL BONDS OF FAIRFAX COUNTY, VIRGINIA, TOTALING $155,000,000 AND APPROVING THE FORM OF A TAX CERTIFICATE AND AUTHORIZING THE EXECUTION THEREOF

WHEREAS, at an election duly called and held on November 3, 2009, a majority of the qualified voters of the County, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $232,580,000 (the "2009 Referendum");

WHEREAS, the stated purpose of the school bonds authorized in the 2009 Referendum was for purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the Board of Supervisors of Fairfax County, Virginia (the "Board of Supervisors") has heretofore issued $212,882,900 of the bonds authorized by the 2009 Referendum, leaving a balance of $19,697,100 authorized but unissued bonds; and

WHEREAS, at an election dully called and held on November 8, 2011, a majority of the qualified voters of the County, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $252,750,000 (the "2011 Referendum"); and

WHEREAS, the stated purpose of the school bonds authorized in the 2011 Referendum was for purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the Board of Supervisors has heretofore issued $131,328,800 of the bonds authorized by the 2011 Referendum, leaving a balance of $121,421,200 authorized but unissued bonds; and

WHEREAS, at an election duly called and held on November 5, 2013, a majority of the qualified voters of the County, voting on the question, approved contracting a debt, borrowing money and issuing school bonds of the County, in the aggregate principal amount of $250,000,000 (the "2013 Referendum"); and

WHEREAS, the stated purpose of the school bonds authorized in the 2013 Referendum was for purposes of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system; and

WHEREAS, the Board of Supervisors has heretofore issued none of the bonds authorized by the 2013 Referendum, leaving a balance of $250,000,000 authorized but unissued bonds; and

WHEREAS, the School Board of Fairfax County, Virginia (the "School Board") deems it advisable for the Board of Supervisors to (i) issue school bonds from the 2009 Referendum in an aggregate principal amount not to exceed $19,697,100, issue school bonds from the 2011 Referendum in an aggregate principal amount not to exceed $121,421,200 and issue school bonds from the 2013 Referendum in an aggregate principal amount not to exceed $13,881,700 (collectively the "School Bonds"); (ii) determine certain pricing and sale details of the School Bonds and (iii) determine whether to refund any prior public improvement bonds of Fairfax County, Virginia which were issued for school improvements (the "Board of Supervisors Actions"); and

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

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

Section 1. For the purpose of providing funds, in addition to funds from school bonds previously authorized and any other available funds, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system, the Board of Supervisors is hereby requested to issue the School Bonds, subject to the Board of Supervisors Actions, in an aggregate principal amount not to exceed $155,000,000 and provide for the sale of such bonds and any refunding bonds at this time.

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

necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the School Board.

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

Appendix A

CERTIFICATE OF THE SCHOOL BOARD

This certificate is provided to the County of Fairfax, Virginia (the "County") by the School Board of the County of Fairfax, Virginia (the "School Board") in connection with the issuance by the County of its [$___,___,000 Public Improvement Bonds, Series 2016 [_] [_] and $_____ Public Improvement Refunding Bonds, Series 2016 [__] [__] (collectively, the "Bonds")], the proceeds of which will be used to finance the cost of constructing, furnishing, acquiring and equipping school improvements (the "[New] School Projects") [and to refinance school projects that were financed with the proceeds of the County's _____ Bonds and _____ Bonds (the "Refunded School Projects" and together with the New School Projects, the "School Projects")],
_____
_____
_____

The School Board recognizes that some of the representations made by the County in its Tax Certificate dated _____ __, 2016, and executed in connection with the issuance of the Bonds (the "Tax Certificate") must be based on the representations and certifications of the School Board and that the exclusion from gross income of the interest on the Bonds for federal income tax purposes depends on the use of proceeds of the Bonds.

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

The School Board further covenants that:

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

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

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

School Board of the County of Fairfax, Virginia

_____

Name:
Title:

Date: _____, 2016

Attachment 4

* * * * * * * * * * * * *

I hereby certify the above is a true and correct copy of a resolution adopted by the School Board of Fairfax County, Virginia, at a regular meeting held on _____ _, 2015, at _____, _____, Virginia.

_____
Date

_____
Ilene D. Muhlberg, Clerk
School Board of
Fairfax County, Virginia

ACTIVE 210415212v.3

NOTICE OF SALE

$_____*

FAIRFAX COUNTY, VIRGINIA

Public Improvement Bonds, Series 2016A

Electronic Bids, BiDCOMP/Parity Competitive Bidding System ("BiDCOMP/Parity") only, will be received by the Board of Supervisors of Fairfax County, Virginia, until 11:00 a.m. Fairfax, Virginia Time, on

_____ __, 2016*

for the purchase of all, but not less than all, of the $_____* Public Improvement Bonds, Series 2016A (the "Bonds"), of Fairfax County, Virginia (the "County"), dated the date of their delivery and maturing, subject to the right of prior redemption as hereinafter set forth, on the 1st day of October in the following years and in the following amounts, respectively:

Initial Maturity Schedule for the Bonds*

Year of Maturity	Principal Amount*	Year of Maturity	Principal Amount*
2016	$	2026	$
2017		2027	
2018		2028	
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	

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

* Preliminary, subject to change.

BID PARAMETERS TABLE FOR THE BONDS*

INTEREST		PROCEDURAL	
Dated Date:	Date of Delivery	Sale Date and Time:	Bids due _____ __, 2016 at 11:00 AM Local Time
Anticipated Delivery Date:	_____ _, 2016	Bid Submission:	Electronic bids through PARITY Only
Interest Payments Dates:	April 1 and October 1	All or None?	Yes
First Interest Payment Date:	October 1, 2016	Bid Award Method:	Lowest TIC
Coupon Multiples:	1/8 or 1/20 of 1%	Good Faith Deposit:	1% of the Bid Maturity Schedule, as more fully described on page 6, under "Good Faith Deposit"
Zero Coupons:	Not Permitted		
Split Coupons:	Not Permitted		
PRINCIPAL		**PRICING**	
Optional Redemption:	Due after October 1, 20__, callable on October 1, 20__ and thereafter at par	Max. Aggregate Bid Price:	___%
Post-bid Principal Increases in Aggregate:	__%	Min. Aggregate Bid Price:	__%
Post-bid Principal Reductions in Aggregate:	__%	Max. Price per Maturity:	No Limit
Term Bonds:	Any two or more consecutive maturities may be designated as term bonds	Min. Price per Maturity:	10/1/16 – 10/1/__: No Limit 10/1/__ – 10/1/__ : __%
		High Coupon per Maturity:	__%
		Low Coupon per Maturity:	No Limit

* Subject to the detailed provisions of this Notice of Sale.

Changes to Initial Maturity Schedule for the Bonds

The Initial Maturity Schedule for the Bonds set forth on page 1 above represents an estimate of the principal amount of Bonds to be sold. The County hereby reserves the right to change the Initial Maturity Schedule, based on market conditions prior to the sale, by announcing any such change not later than 30 minutes prior to the announced time and date for receipt of bids via TM3 (www.tm3.com). The resulting schedule of maturities will become the "Bid Maturity Schedule for the Bonds." If no such change is announced, the Initial Maturity Schedule will become the Bid Maturity Schedule.

Changes to Bid Maturity Schedule

The County hereby further reserves the right to change the Bid Maturity Schedule after the determination of the winning bidder, by increasing or decreasing the aggregate principal amount of the Bonds, subject to the limitation of no more than a 10% increase or decrease in the aggregate principal amount of the Bonds.

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

Book-Entry System

The Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence beneficial ownership interests of the Bonds in the principal amount of $5,000 and any multiple thereof, with transfers of beneficial ownership interests effected on the records of DTC participants and, if necessary, in turn by DTC pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., nominee of DTC. Interest on the Bonds will be payable on each April 1 and October 1, the first interest payment date being October 1, 2016, and principal of and any redemption premium on the Bonds will be payable at maturity or upon prior redemption, to DTC or its nominee as registered owner of the Bonds. Transfer of principal, interest and any redemption payments to participants of DTC will be the responsibility of DTC, and transfer of principal, interest and any redemption payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

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

The Bonds

The Bonds will be general obligations of Fairfax County, Virginia, and all taxable property therein will be subject to the levy of an annual ad valorem tax sufficient in amount to

provide for the payment of the principal of and the interest on the bonds as the same become due, which tax will be without limitation as to rate or amount and will be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purposes.

The Bonds are being issued as one series of bonds authorized for the purpose of providing funds for School Improvements ($155,000,000), Transportation Improvements and Facilities ($43,190,000), Parks and Park Facilities ($20,000,000), Public Safety Facilities ($18,537,200), Public Library Facilities ($7,000,000), and Storm Drainage Improvements ($6,000,000).

Term Bonds and Mandatory Redemption

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

Optional Redemption

The Bonds maturing on or before October 1, 20__, are not subject to optional redemption before their maturity. The Bonds maturing after October 1, 20__, are subject to redemption prior to maturity, at the option of the County, from any money available for such purpose on any date not earlier than October 1, 20__ in whole or in part (in integral multiples of $5,000) at any time, at a redemption price equal to the principal amount thereof, together with the interest accrued to the redemption date on the principal amount to be redeemed.

Electronic Bidding and Bidding Procedures

Registration to Bid

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

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

Disclaimer

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

Bidding Procedures

Bids must be submitted electronically for the purchase of all, but not less than all, of the Bonds by means of the Fairfax County, Virginia AON (all or none) Bid Form (the "Bid Form") via Parity. Bids must be communicated electronically to Parity by 11:00 a.m., Fairfax, Virginia Time on the Scheduled Bid Date unless postponed as described herein (see "Change of Bid Date and Closing Date"). Prior to that time, a prospective bidder may input and save the proposed terms of its bid in BiDCOMP. Once the final bid has been saved in BiDCOMP, the bidder may select the final bid button in BiDCOMP to submit the bid to Parity. Once the bids are released electronically via Parity to the County, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on BiDCOMP shall constitute the official Fairfax, Virginia Time. For information purposes only, bidders are requested to state in their bids the true interest cost to the County, as described under "Award of Bonds" below, represented by the rate or rates of interest and the bid price specified in their respective bids.

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

Good Faith Deposit

After receipt of bids is closed and prior to the award, the apparent successful bidder indicated on BidCOMP/Parity must submit a good faith deposit (the "Deposit") for 1% of the Bid Maturity Schedules to the County by wire transfer. The award to the apparent successful bidder is contingent upon receipt of the Deposit, and the Bonds will not be awarded to such bidder until the County has confirmation of receipt of the Deposit.

Wire instructions for the Deposit are as follows:

Bank Name: Bank of America VA/Rich
ABA: 026 009 593
Account Name: County of Fairfax, Deposit Account
Account Number: 0000 7902 5799
Attention: Tammy Kennedy-Nichols, 410-547-4320
Reference your company, company contact, phone number or other helpful identification

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

Award of Bonds

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

The Bonds will be awarded to the bidder offering to purchase the Bonds at the lowest "True or Canadian" interest cost ("TIC"), such cost to be determined by doubling the semiannual interest rate (compounded semiannually) necessary to discount the aggregate price bid of the Bonds, the payments of the principal of and the interest on the Bonds from their payment dates to the dated date of the Bonds. If two or more bidders offer to purchase the Bonds at the same lowest TIC, the Bonds may be apportioned between such bidders if it is agreeable to each of the bidders who have offered the bids producing the same lowest TIC, provided, that if apportionment is not acceptable to such bidders the County will have the right to award the Bonds to one of such bidders. There will be no auction.

Right of Rejection

The County expressly reserves the right (i) to waive any informalities, (ii) to reject all bids, any incomplete bid or any bid not fully complying with all of the requirements set forth herein, and (iii) to solicit new bids or proposals for the sale of the Bonds or otherwise provide for

the public sale of the Bonds if all bids are rejected or the winning bidder defaults, including, without limitation, sale of the Bonds to one or more of the losing or rejected bidders without regard to their original bid or its relationship to any other bid.

The County reserves the right to reject bids on the Bonds.

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

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

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

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

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

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

Conflict Waiver

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

Undertakings of the Successful Bidder

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

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

Delivery

The Bonds will be delivered on or about _____ __, 2016, in New York, New York, at DTC against payment of the purchase price therefor (less the amount of the Deposit) in Federal Reserve funds.

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

CUSIP Numbers

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

Official Statements

Copies of the Preliminary Official Statement may be obtained without cost via the Internet at www.i-dealprospectus.com. The Preliminary Official Statement at its date is "deemed final" by the County for purposes of the Securities and Exchange Commission Rule 15c2-12 adopted under the Securities Exchange Act of 1934, as amended (the "Rule"), but is subject to revision, amendment and completion.

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

In general, the Rule prohibits an underwriter from purchasing or selling municipal securities, such as the Bonds, unless it has determined that the issuer of such securities has committed to provide annually certain information, including audited financial information, and notice of various events described in the Rule, if material. The County will provide to EMMA annual information respecting the County, including audited financial statements. In addition, the County will provide to EMMA the required notice of the occurrence of any events described in the Rule.

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

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

Reservation of Rights

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

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: Catherine A. Chianese, Clerk

PRELIMINARY OFFICIAL STATEMENT DATED _____, 2016

NEW ISSUE – Full Book Entry

RATINGS: Fitch: ___
Moody's: ___
Standard & Poor's: ___
(See "RATINGS" herein)

In the opinion of Bond Counsel, under existing law and assuming continuing compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), as described herein, interest on the Bonds will not be includable in the gross income of the owners thereof for federal income tax purposes. Under existing law, the interest on the Bonds is excluded from Virginia taxable income for purposes of the individual income tax and the income taxation of corporations by the Commonwealth of Virginia under Sections 58.1-322 and 58.1-402 of the Code of Virginia of 1950, as amended, to the extent that such interest is excludable from gross income for federal income tax purposes. See "TAX MATTERS" herein for certain provisions of the Code that may affect the tax treatment of interest on the Bonds for certain bondholders.

$_____*
FAIRFAX COUNTY, VIRGINIA
PUBLIC IMPROVEMENT BONDS, SERIES 2016A

Dated Date of Delivery **Due October 1, as shown on the inside cover page**

Interest on the Bonds will be payable on each April 1 and October 1, commencing October 1, 2016.

The Bonds are being issued to finance various public improvements and to pay costs of issuing the Bonds.

The Bonds maturing after October 1, 2025*, are subject to redemption prior to maturity as a whole or in part at any time on or after October 1, 2025*, at a redemption price of par plus accrued interest.

The Bonds will be general obligations of Fairfax County, Virginia, for the payment of which the Board of Supervisors of the County is unconditionally obligated to levy and collect an annual ad valorem tax, unlimited as to rate or amount, upon all property in the County subject to local taxation.

This page and the inside cover page contain certain information for quick reference only. They are not a summary of this issue. Investors must read the entire Official Statement to obtain information essential to making an informed investment decision.

The Bonds are offered for delivery when, as, and if issued, subject to the approving opinion of Sidley Austin LLP, Washington, D.C., Bond Counsel. The Bonds will be available for delivery in New York, New York, through the facilities of DTC on or about _____ _, 2016.

_____ __, 2016

* Preliminary, subject to change.

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. The Bonds may not be sold nor may an offer to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds, in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of such jurisdiction.

FAIRFAX COUNTY, VIRGINIA
PUBLIC IMPROVEMENT BONDS, SERIES 2016A

MATURITY DATES, PRINCIPAL AMOUNTS, INTEREST RATES AND PRICES/YIELDS

Base CUSIP† Number 30382A

$_____* SERIES 2016A BONDS

Maturity Date October 1	Principal Amount	Interest Rate	Yield	CUSIP† Suffix
2016	$	%	%	
2017				
2018				
2019				
2020				
2021				
2022				
2023				
2024				
2025				
2026				
2027				
2028				
2029				
2030				
2031				
2032				
2033				
2034				
2035				

† CUSIP® is a registered trademark of the American Bankers Association. The CUSIP numbers listed above are being provided solely for the convenience of bondholders only, and the County does not make any representation with respect to such numbers or undertake any responsibility for their accuracy. The CUSIP numbers are subject to change after the issuance of the Bonds.

* Preliminary, subject to change.

Fairfax County, Virginia

BOARD OF SUPERVISORS
Sharon Bulova, *Chairman*
Penelope A. Gross, *Vice Chairman*
John C. Cook
John W. Foust
[Sully District Member]
Patrick S. Herrity
Catherine M. Hudgins
[Mount Vernon District Member]
Jeff C. McKay
Linda Q. Smyth

COUNTY OFFICIALS
Edward L. Long Jr., *County Executive*
Patricia D. Harrison, *Deputy County Executive*
David J. Molchany, *Deputy County Executive*
David M. Rohrer, *Deputy County Executive*
Robert A. Stalzer, *Deputy County Executive*
David P. Bobzien, *County Attorney*
Christopher Pietsch, *Director, Department of Finance*
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No person has been authorized by Fairfax County (the "County") to give any information or to make any representations with respect to the County or the Bonds other than those contained in this Official Statement, and, if given or made, such other information or representations may not be relied upon as having been authorized by the County. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation, or sale. The information herein is subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the County since the date hereof. This Official Statement is not to be construed as a contract or agreement between the County and the purchasers or owners of any of the Bonds. Any electronic reproduction of this Official Statement may contain computer generated errors or other deviations from the printed Official Statement. In any such case, the printed version controls.

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OFFICIAL STATEMENT

FAIRFAX COUNTY, VIRGINIA

Regarding

$_____* Public Improvement Bonds, Series 2016A

INTRODUCTION

The purpose of this Official Statement, which includes the cover page, the inside cover pages and the appendices hereto, is to furnish information in connection with the sale by Fairfax County, Virginia (the "County" or "Fairfax County"), of its $_____* Public Improvement Bonds, Series 2016A (the "Bonds").

THE BONDS

Authorization And Purposes

The Bonds will be issued under a resolution (the "Resolution") adopted by the Board of Supervisors of Fairfax County (the "Board of Supervisors") on December 8, 2015, pursuant to Article VII, Section 10(b) of the Constitution of Virginia and the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act").

A portion of the Bonds will be issued to provide funds[1] for the following purposes (collectively, the "Public Improvements"):

School Improvements	$155,000,000
Transportation Improvements and Facilities	43,190,000
Parks and Park Facilities	20,000,000
Public Safety Facilities	18,537,200
Public Library Facilities	7,000,000
Storm Drainage Improvements	6,000,000
Total	$249,727,200

The sources and uses of the proceeds of the Bonds are summarized below.

[1]For purposes of this Preliminary Official Statement it is assumed that proceeds of the Bonds will include a net bond premium in order to fund the purposes described above.

* Preliminary, subject to change.

Sources

Par amount of the Bonds	$
Net offering premium	
Total Sources	$_____

Uses

Public Improvements	$
Underwriters' discount	
Other issuance expenses	
Total Uses	$_____

Description

The Bonds will be dated the date of their delivery, will bear interest from their delivery date, payable on each April 1 and October 1, commencing October 1, 2016, at the rates, and will mature in amounts on October 1 in each of the years 2016 through 2035, inclusive, as set forth on the inside cover page of this Official Statement. The Bonds will be issued in denominations of $5,000 and integral multiples thereof under the book-entry system of the Depository Trust Company ("DTC"), and principal and interest on the Bonds will be payable in the manner described in Appendix V, "BOOK-ENTRY ONLY SYSTEM." The Fairfax County Director of Finance is serving as bond registrar and paying agent for the Bonds.

Optional Redemption*

The Bonds maturing on or before October 1, 2025*, are not subject to optional redemption before their maturity. The Bonds maturing after October 1, 2025*, are subject to redemption prior to maturity, at the option of the County, from any money available for such purpose on any date not earlier than October 1, 2025*, as a whole or in part (in integral multiples of $5,000) at any time, at a redemption price equal to the principal amount thereof, together with the interest accrued to the redemption date on the principal amount to be redeemed.

Mandatory Sinking Fund Redemption*

This caption and one or more of the following paragraphs will be included in the final Official Statement only if the successful bidder elects to combine, in accordance with the Notice of Sale, two or more consecutive serial maturities into any number of term bonds.

The Bonds maturing October 1, 20__ and October 1, 20__ are subject to mandatory redemption in part, on a pro rata basis, on _____ 1 in the years shown below, at a Redemption Price equal to the principal amount thereof, plus accrued interest, if any, to the date of redemption in an amount equal to the sinking fund installments for such Bond for such date:

---

* Preliminary, subject to change.

Term Bond Maturing October 1, 20__

Years	Sinking Fund Installments
20__	$
20__	
20__†	

Term Bond Maturing October 1, 20__

Years	Sinking Fund Installments
20__	$
20__	
20__	
20__†	

† Final Maturity

Selection of Bonds for Redemption

Bonds may be redeemed only in increments of $5,000 or integral multiples thereof. If less than all of the Bonds of a maturity are called for redemption, the Bonds or portions thereof to be redeemed will be selected by the paying agent and bond registrar in such manner as the paying agent and bond registrar in its sole discretion may determine, each $5,000 increment being counted as one Bond for such purpose. If a portion of a Bond is called for redemption, a new Bond in a principal amount equal to the unredeemed portion thereof will be issued to the bondholder upon the surrender thereof.

In the case of redemption of Bonds at the option of the County, the County will select the maturities of the Bonds to be redeemed.

Notice of Redemption

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

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

Security

The Bonds are general obligations of the County for which its full faith and credit are irrevocably pledged. The Act requires that the Board of Supervisors shall, in each year while any of the Bonds shall be outstanding, levy and collect an ad valorem tax, unlimited as to rate or amount, upon all property in the County subject to local taxation sufficient to pay the principal of and the interest on the Bonds as the same shall become due, to the extent other funds of the County are not lawfully available and appropriated for such purpose. Such tax shall be in addition to all other taxes authorized to be levied in the County.

State Aid Intercept

The provisions of Section 15.2-2659 of the Act, in substance, direct the Governor of Virginia (the "Governor"), upon satisfactory proof of default by the County in the payment of principal of or interest on the Bonds, immediately to order the Comptroller of Virginia (the "Comptroller") to withhold all further payment to the County of all funds, or any part thereof, appropriated and payable by the Commonwealth of Virginia (the "Commonwealth" or "State") to the County for any and all purposes until such default is remedied. For as long as the default continues, the law directs the Governor to require the Comptroller to pay to the holders of such Bonds or the paying agent therefor all of the withheld funds or as much as are necessary to cure, or to cure insofar as possible, the default on such Bonds. The Governor shall, as soon as practicable, give notice of such default and of the availability of funds with the paying agent or with the Comptroller by publication one time in a daily newspaper of general circulation in the City of Richmond, Virginia, and by mail to the registered owners of such Bonds. Although the provisions of Section 15.2-2659 have never been tested in a Virginia court, the Attorney General of Virginia has opined that appropriated funds can be withheld pursuant to its provisions.

Remedies

The Bonds do not specifically provide any remedies that would be available to a bondholder if the County defaults in the payment of principal of or interest on the Bonds, nor do they contain a provision for the appointment of a trustee to protect and enforce the interests of the bondholders upon the occurrence of such default. If a bondholder does not receive payment of principal or interest when due, the holder could seek to obtain a writ of mandamus from a court of competent jurisdiction requiring the Board of Supervisors to levy and collect an ad valorem tax, unlimited as to rate or amount, upon all property in the County subject to local taxation sufficient to pay the principal of and the interest on the Bonds as the same shall become due. The mandamus remedy, however, may be impracticable and difficult to enforce. The enforceability of rights or remedies with respect to the Bonds (but not the validity of the Bonds) may be limited by bankruptcy, insolvency, or other Commonwealth or federal laws, heretofore or hereafter enacted, and equitable principles affecting the enforcement of creditors' rights.

No Litigation Respecting the Bonds

No litigation is pending or, to the best of the County's knowledge, threatened (a) to restrain or enjoin the issuance, sale, or delivery of any of the Bonds, the application of the proceeds thereof, or the pledge of tax revenues for payment of the Bonds, (b) in any way contesting or affecting any authority for the issuance or validity of the Bonds, (c) in any way contesting the existence or powers of the County or (d) that, if determined adversely against the County, would have a material adverse effect on the County. See "CONTINGENT LIABILITIES AND CLAIMS" for a description of litigation affecting the County.

FAIRFAX COUNTY

GENERAL DESCRIPTION

Overview

The County is located in the northeastern corner of the Commonwealth of Virginia (the "Commonwealth") and encompasses an area of 407 square miles. Its current estimated population exceeds one million. The County is part of the Washington, D.C., metropolitan area, which includes jurisdictions in Maryland, the District of Columbia and Northern Virginia.

The Fairfax County government is organized under the Urban County Executive form of government (as defined under Virginia law). The governing body of Fairfax County is the Board of Supervisors, which makes policies for the administration of the County. The Board of Supervisors is comprised of ten members: the Chairman, elected at large for a four year term, and one member from each of nine districts, each elected for a four year term by the voters of the district in which the member resides. The Board of Supervisors appoints a County Executive to act as the administrative head of the County. The County Executive serves at the pleasure of the Board of Supervisors, carries out the policies established by the Board of Supervisors, directs business and administrative procedures, and recommends officers and personnel to be appointed by the Board of Supervisors. (See Appendix I.)

In Virginia, cities and counties are discrete units of government and do not overlap. Fairfax County completely surrounds the City of Fairfax and is adjacent to the City of Falls Church and the City of Alexandria. (See Appendix II.) Property within these cities is not subject to taxation by Fairfax County, and the County generally is not required to provide governmental services to their residents. The County does, however, provide certain services to the residents of certain of these cities pursuant to agreements with such cities.

In Fairfax County there are three incorporated towns, Clifton, Herndon and Vienna, which are underlying units of government within the County, and the ordinances and regulations of the County are, with certain limitations prescribed by Virginia law, generally effective in them. (See Appendix III.) Property in these towns is subject to County taxation, and the County provides certain services to their residents. These towns may incur general obligation bonded indebtedness without the prior approval of the County (more fully discussed in "DEBT ADMINISTRATION – Underlying Bonded Indebtedness").

Population

[Fairfax County's estimated 2014 population was 1,118,884. In 1980, Fairfax County was the third most populous jurisdiction in the Washington, D.C., primary metropolitan statistical area, as defined by the U.S. Bureau of the Census. By 1990, Fairfax County, with 818,584 residents, had become the most populous jurisdiction in the Washington, D.C. area, adding an average of 22,170 people per year in the 1980s. Population growth during the 1990s and 2000s slowed; on average, the County gained about 10,650 people per year during 2000-2014. **–update.**]

Fairfax County Population

Calendar Year	Population
1940	40,929
1950	98,557
1960	248,897
1970	454,275
1980	596,901
1990	818,584
2000	969,749
2001	984,366
2002	1,004,435
2003	1,012,090
2004	1,022,298
2005	1,033,646
2006	1,037,311
2007	1,041,507
2008	1,050,315
2009	1,074,227
2010	1,081,726
2011	1,104,147
2012	1,118,683
2013	1,130,924
2014	1,118,884

Sources: U.S. Bureau of the Census (1940-2000, 2010) and the Fairfax County Department of Neighborhood and Community Services. 2014 data are from the Weldon Cooper Center for Public Service, University of Virginia.

[The following table reflects the population age distribution of County residents, based on the U.S. Census Bureau's 2010 Decennial Census. The survey estimated the County's total population in 2010 at 1,081,726.

Household Population Age Distribution
Fairfax County

	2010	
Age Group	**Number**	**Percent (%)**
Under 20 years	285,405	26.4
20 – 34	218,781	20.2
35 – 54	339,757	31.4
55 – 64	131,493	12.2
65 and Over	106,290	9.8
Total	1,081,726	100.0

Sources: U.S. Bureau of the Census, 2010 Decennial Census and Virginia Employment Commission

Based on the latest data released by the U.S. Census Bureau, Fairfax County's median household income was $111,079 and median family income was $128,066 in 2013. Over 34.5% of the County's

households and 41.4% of families had annual incomes of $150,000 or more. The following table shows the 2013 household and family income distribution in the County. – **update**]

2013 Household and Family Income Distribution[1]

Income Level	Household	Family
Under $25,000	7.4%	5.2%
$25,000 – 49,999	11.0%	10.0%
$50,000 – 74,999	13.6%	11.2%
$75,000 – 99,999	12.2%	10.9%
$100,000 – 149,999	21.3%	21.3%
$150,000 or more	34.5%	41.4%
Median Income	$111,079	$128,066

Source: U.S. Census Bureau 2013 American Community Survey 1-Year Estimates

[1] Household Income is defined as that income which is available to all residents of a housing unit, regardless of relationship. Income is from all sources, before taxes and deductions, and includes wages, business, retirement, SSI, alimony, child support, interest, etc. Family Income is derived by including only those households containing two or more persons related by blood, marriage or adoption.

Certain County Administrative and Financial Staff Members

Edward L. Long Jr., County Executive, joined the County in 1977 as a Budget Analyst. He served as a Senior Budget Analyst from 1980 to 1983 and as Assistant Director from 1983 to 1989. He was appointed Director of the Office of Management and Budget in October 1989 and Deputy County Executive-Chief Financial Officer ("DCE-CFO") in 1997. Mr. Long retired as DCE-CFO in May, 2011. Mr. Long was appointed County Executive effective April 25, 2012. Mr. Long has a Bachelor's Degree in Political Science from Emory & Henry College, Emory, Virginia and a Master's Degree in Urban Studies from the University of Maryland at College Park. He has served on the Fairfax-Falls Church Community Services Board and is active and has held offices in numerous professional organizations in the Northern Virginia region. Mr. Long serves as an adjunct professor at George Mason University and American University. He served on the Government Finance Officers Association ("GFOA") Standards Committee on Governmental Budgeting and Management. In 1993 Mr. Long was recognized by the Washington Metropolitan GFOA with the Anna Lee Berman Award for Outstanding Leadership in Governmental Finance. In 2006, Mr. Long was awarded the A. Heath Onthank Award, the County's highest employee award, in recognition of his achievements in advancing and improving public service in Fairfax County. In 2012, Mr. Long received the 2012 Distinguished Local Government Leadership Award from the Association of Government Accountants.

Patricia D. Harrison, Deputy County Executive, has worked in the field of human services since her graduation from Slippery Rock University, Slippery Rock, Pennsylvania in 1980 where she obtained a Bachelor's Degree in Therapeutic Recreation. She joined Fairfax County Government in 1986 and directed the creation of inclusive and therapeutic recreation services for people with disabilities. Prior to joining the County Executive's office, she served as Director for the Department of Community and Recreation Services for ten years. Ms. Harrison also holds a Master's Degree with a concentration in Therapeutic Recreation Administration from University of Maryland, College Park campus and obtained a Certificate of Public Management from George Washington University. She maintains her credentials as a Certified Therapeutic Recreation Specialist.

David J. Molchany, Deputy County Executive, joined the County in 1995. In 2003 Mr. Molchany was recognized by Governing magazine as one of the top ten Public Officials of the Year. He is also active in professional organizations at the international, national, state, and local levels of government. Previous employers have included Sallie Mae, American Management Systems, and

Electronic Data Systems. Mr. Molchany is a 1983 graduate of Juniata College and holds a Bachelor of Science degree in Marketing and Computer Science.

David M. Rohrer, Deputy County Executive, has worked with the Fairfax County Police Department for almost 32 years and was appointed chief in 2004. In addition, Mr. Rohrer has also served as deputy chief for investigations and operations support; Patrol Bureau commander; Special Operations Division and district commander; SWAT first-line supervisor; and first-line patrol supervisor. Mr. Rohrer has served two terms as chairman of the Metropolitan Washington Council of Governments Police Chiefs' Committee, and he is a member of numerous organizations, including the International Association of Chiefs of Police; the Major Cities Chiefs' Association; the Police Executive Research Forum; and the Virginia Association of Chiefs of Police. Mr. Rohrer holds a bachelor's degree in administration of justice from George Mason University.

Robert A. Stalzer, Deputy County Executive, joined Fairfax County Government on June 5, 2000. Mr. Stalzer previously served as Town Manager for the Town of Herndon, Virginia from 1988 until June 2000. He was Director of Planning and Zoning for Roanoke County, Virginia from 1983 until 1988. Mr. Stalzer holds a Bachelor of Arts degree from Clark University, Worcester, Massachusetts, a Master of Regional and City Planning degree from the University of Oklahoma, and a Master of Business Administration degree from Syracuse University. Mr. Stalzer is a past president of the Virginia Local Government Management Association and recognized as a credentialed manager by the International City/County Management Association. Mr. Stalzer has served as an adjunct professor at Virginia Polytechnic Institute and State University, Roanoke College, and George Mason University.

David P. Bobzien was appointed County Attorney by the Fairfax County Board of Supervisors effective January 1993, after serving as a member of the Fairfax County Planning Commission and as the Chairman of the Fairfax County Goals Advisory Commission. He is a past chair of the Local Government Law Section of the Virginia State Bar, a past president of the Local Government Attorneys of Virginia, a past president of Lawyers Helping Lawyers, the organization that assists lawyers in Virginia suffering from substance abuse or mental illness, and a past president of the Virginia Law Foundation. In 2004-2005 he served as the president of the Virginia State Bar. Mr. Bobzien is the current Chairman of the Virginia Continuing Legal Education Committee of the Virginia Law Foundation and a board member of the Fairfax Law Foundation. He also serves as a liaison to the American Bar Association's Commission on Domestic and Sexual Violence and as a Virginia State Bar delegate in the American Bar Association's House of Delegates. Mr. Bobzien is a fellow of both the Virginia Law Foundation, the American Bar Foundation and the Fairfax Law Foundation. Prior to assuming his present County position, he served as an assistant counsel in the Office of Professional Responsibility of the United States Department of Justice. From 1975 to 1979 Mr. Bobzien was an associate in the Fairfax law firm of Fitzgerald and Smith. He served as a captain in the Judge Advocate General's Corps in the United States Army from 1971 to 1975. Mr. Bobzien is a graduate of Holy Cross College and holds a J.D. from the University of Virginia and an LL.M. in Taxation from George Washington University.

Christopher J. Pietsch was appointed Director of Finance for Fairfax County effective December 30, 2013. From 2003 until his appointment as Director of Finance, Mr. Pietsch served as the Director of the Fairfax County Internal Audit Office. Prior to that, Mr. Pietsch spent 16 years working in bank auditing as well as governmental auditing with the Commonwealth of Virginia. Mr. Pietsch is a graduate of James Madison University, Harrisonburg, Virginia, with a degree in Finance. In addition, he is a Certified Internal Auditor and a Certified Bank Auditor.

Joseph M. Mondoro is the Chief Financial Officer/Director of the Department of Management and Budget of the County effective September 2015. Mr. Mondoro had been Acting Chief Financial Officer/Director of the Department of Management and Budget of the County effective April 2015. Prior

to assuming the duties of Chief Financial Officer/Director of the Department of Management and Budget, he had been the Deputy Director of the Department of Management and Budget since February 2004. Mr. Mondoro received his Bachelor's Degree in History and Government and a Masters of Public Policy from the College of William and Mary. Mr. Mondoro worked as an analyst in the Financial Planning Bureau of the City of Norfolk, Virginia from 1993 to 1995. He joined the Fairfax County Department of Management and Budget in July 1995 as a budget analyst.

County Employees

[As of July 2014, the School Board supported 23,843.3 full time equivalent positions. Other than school board employees 11,282 County employees were employed in activities funded directly or supported by the General Fund of the County and 1,032 employees were employed in activities not supported by the General Fund, principally the County's Integrated Sewer System (the "Integrated Sewer System"). Fairfax County employees are not represented by unions. – **update**] Fairfax County public school employees have, however, organized the Fairfax Education Association and the Fairfax County Federation of Teachers to represent the interests of its members at public hearings and meetings before the School Board and the Board of Supervisors. General County employees' interests are represented at these types of meetings by the Employees Advisory Council and other groups such as police, fire, and sheriff employee organizations. None of these organizations is empowered to serve as negotiating agent for its members for collective bargaining purposes. Collective bargaining by public employees in Virginia is prohibited by law, a restriction upheld by the Supreme Court of Virginia.

GOVERNMENT SERVICES

Reflecting its urban character, Fairfax County provides a comprehensive range of public services characteristic of its form of government under Virginia law and its integral position within the Washington metropolitan area. The following subsections describe principal governmental services and services performed in conjunction with other governmental entities.

General Government Administration

The County government center complex is located in the Fairfax Center area and is accessible by U.S. Routes 50 and 29, near Interstate Highway 66. The 675,000 square foot government center houses core County services and agencies. Two adjacent County office buildings provide an additional 486,000 square feet of space and house primarily human services and community development agencies and departments of the County. The County also occupies a 135,000 square foot governmental center for delivery of County services in the southeast part of the County, and has six remote governmental centers throughout the County. The centers provide office space for members of the Board of Supervisors, personnel, police, and building inspectors, and provide meeting rooms for community activities.

[From FY 2004 through FY 2014, the International City/County Management Association ("ICMA") recognized Fairfax County's performance measurement efforts with its "Certificate of Distinction." In 2009, ICMA created its third and highest level of recognition, called the "Certificate of Excellence," which Fairfax County has received from 2009 and through 2014 for its consistent efforts to incorporate performance data into decision-making, sustain the program through training and process improvement, and providing a high level of accountability and transparency while obtaining and sharing community input. – **update**]

[Fairfax County's Comprehensive Annual Financial Report for the fiscal year ended June 30, 2013, received the Certificate of Achievement for Excellence in Financial Reporting for the 37th consecutive year from the Government Finance Officers Association (GFOA). Fairfax County has also

earned GFOA's Distinguished Budget Presentation Award for the past 30 years. –**update**] This award represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff to meet the highest principles of public budgeting. The Association of Public Treasurers of the United States and Canada ("APT") has awarded the County certification for its investment policy every year since 1998, confirming that the County meets the high public investment standards set forth by the Association. Written investment policies submitted to the APT received vigorous peer team review for conformity with principles of sound investment management, careful public stewardship, and adoption of the profession's best practices.

Public Schools

Fairfax County Public Schools ("FCPS") is the largest educational system in the Commonwealth of Virginia and the eleventh largest school system nationwide, ranked by enrollment. The system is directed by a twelve person School Board elected by County residents to serve four-year terms. A student representative with a one-year term participates in the School Board's discussions but does not vote. Because the School Board is not empowered to levy taxes or to incur indebtedness, the operating costs of FCPS are provided by transfers to the School Board from the General Fund of the County and the federal and Commonwealth governments (see the "FINANCIAL INFORMATION – General Fund Summary" herein). Capital construction funding for public school facilities is provided primarily by the sale of general obligation bonds of the County.

The FCPS system is a high quality system offering a variety of programs. There is a strong academic program for college-bound students. Almost 96% of FCPS graduates enroll in post-secondary educational programs. In addition to the traditional academic curriculum, the Thomas Jefferson High School for Science and Technology provides a four-year college preparatory program for students who have a strong interest and high aptitude in mathematics, science, computer science, engineering, or related professional fields. The school is designated as one of the Governor's magnet schools for science and technology, and students from other Northern Virginia counties are admitted on a tuition-paying basis.

FCPS also offers an extensive program for students pursuing opportunities in technical careers, with courses in business, health occupations, industrial technology, marketing, trade and industrial, and family and consumer sciences studies. In addition, there are special programs offered for gifted children and for students with disabilities spanning ages 2 through 21. FCPS also provides an extensive adult education program offering basic education courses and general education, vocational, and enrichment programs. Annually, over 40,000 community members participate in continuing education through more than 4,200 academic, career, and life skill classes offered through the Adult and Community Education program.

[As of FY 2014, the School Board operates 189 schools and 7 special education centers:

Fairfax County Public Schools

Type of School	Number of Public Schools
Elementary School	139
Middle School	23
High School	22
Secondary Schools[1]	3
Alternative High Schools	2
Special Education Centers	7
Total	196

Source: Fairfax County Public Schools
[1] Grades 7-12.

As shown below, the number of students attending Fairfax County Public Schools increased overall between FY 2005 and FY 2014. Enrollment for FY 2014 was 183,895, an increase of 19,487 students over the FY 2005 enrollment, and 2,636 over the FY 2013 enrollment. – **update**]

Fairfax County Public Schools Enrollment

Fiscal Year	Number of Public School Students	% Change
2005	164,408	-
2006	164,284	(.08)
2007	164,486	0.12
2008	166,307	1.12
2009	169,538	1.94
2010	172,391	1.68
2011	174,933	1.48
2012	177,918	1.71
2013	181,259	1.88
2014	183,895	1.45

Source: Fairfax County Public Schools FY 2015 Approved Budget

[The average per pupil expenditures based on FY 2015 approved budget operating costs for several Washington metropolitan area jurisdictions are as follows:

Washington Metropolitan Per Pupil Expenditures

Jurisdiction	Per Pupil Expenditures
Arlington County	$18,687
Falls Church City	16,991
Alexandria City	16,880
Montgomery County (Md.)	15,326
Fairfax County	13,472
Manassas City	11,984
Loudoun County	11,638
Prince George's County (Md.)	11,563
Manassas Park	10,173
Prince William County	10,158

Source: FY 2015 Washington Area Boards of Education Guide

Of the Advanced Placement (AP) tests taken by FCPS students in 2013, 71% rated a score of 3 or above (on a grading scale of 1 to 5). Students who score a 3 or above on at least three AP exams are recognized by the College Board as AP Scholars; the total number of FCPS students recognized as AP Scholars rose from 5,737 in 2012 to 6,502 in 2013. In 2013, 35,759 AP tests were given, an increase of 5.2% from 2011. As a result of increasing both student participation and performance, FCPS was one of 388 school districts in the U. S. to be named an Advanced Placement Achievement District by the College Board in 2011. The Virginia Standards of Learning pass rates for FCPS students in the 2013-14 school year were 81% in English and 81% in mathematics.

FCPS students also score above average in all areas of the Scholastic Aptitude Test as compared to both the Commonwealth and the country. – **update**]

2012 Average Scholastic Aptitude Test Scores -- update

	Critical Reading	Writing	Math	Total
United States	496	488	514	1498
Virginia	510	495	512	1517
Fairfax County	554	541	568	1663

Source: The College Board SAT Percentile Ranks, 2013 College-Bound Seniors

Public Works

The Department of Public Works and Environmental Services (DPWES) provides essential management, professional engineering, design, and construction services in support of the construction of roads, sidewalks, trails, storm drainage, sewers, street lights, bus shelters and public facilities (except schools, housing, and parks). DPWES is also responsible for the acquisition of land for, and timely construction of, public facilities projects contained in bond referenda questions approved by the voters of Fairfax County. See "DEBT ADMINISTRATION – Bond Referenda Authorization" herein.

[Wastewater generated in the County is treated at one County-owned treatment facility (Noman M. Cole, Jr. Pollution Control Plant), four inter-jurisdictional treatment facilities (District of Columbia

Water and Sewer Authority's Blue Plains Facility, and plants operated by the Upper Occoquan Sewage Authority, Arlington County, and the Alexandria Renew Enterprises), and one private treatment facility (Harbor View Wastewater Treatment Plant). The County's treatment capacity in the six facilities totals approximately 157.18 million gallons per day ("mgd"). In addition, the County has purchased 0.1 mgd of capacity from the Prince William County Service Authority for future flow needs in the southern portion of the County. – **update**]

DPWES manages and operates the I-95 Sanitary Landfill located on approximately 500 acres in the southern portion of the County. This facility is operated on a "special fund" basis, which utilizes tipping fees to pay for the operation and capital expenditures of the landfill. Since January 1, 1996, the landfill has been dedicated to the disposal of ash generated primarily by the incineration of municipal solid waste at the Arlington/Alexandria Energy-from-Waste Facility and the Fairfax County I-95 Energy/Resource Recovery Facility ("E/RRF"). On older portions of the landfill, the County has initiated closure activities which involve placing a synthetic or low permeability soil cap over the closed section of the landfill along with installation of landfill gas extraction wells and leachate collection systems. Capping activity has been completed on approximately 260 acres of the site. The closure project is a multi-phase construction project to continue through the remaining life of the facility. The County has established reserves for this purpose and has met the financial assurance requirements established by the Virginia Department of Environmental Quality regarding closure and post-closure care. Additional landfill requirements, whether debris or municipal solid waste, are met through separate contracts.

The E/RRF burns solid waste delivered to the facility from the County as well as portions of the District of Columbia, Prince William County, and Loudoun County. The facility has a dependable electric capacity rating of 63 megawatts for sale to Dominion Virginia Power, although it has the ability to generate over 80 megawatts. Fairfax County and the Fairfax County Solid Waste Authority, which was created by the County, entered into a service contract (the "Covanta Contract") in August 1987 with Ogden Martin Systems of Fairfax (now Covanta Fairfax, Inc.), under which Covanta Fairfax, Inc., was obligated to design, construct, operate, and maintain a 3,000 ton per day resource recovery facility at the I-95 Landfill Site. The County, under the Covanta Contract, is obligated to deliver certain minimum annual tonnages of solid waste to the E/RRF and to pay Covanta Fairfax, Inc., tipping fees for the disposal of such waste to provide funds sufficient to pay the operating costs of the E/RRF. Covanta Energy Corporation, of which Covanta Fairfax, Inc., is an indirectly wholly-owned subsidiary, has guaranteed the obligations of Covanta Fairfax, Inc., under the Covanta Contract.

[During FY 2014, the E/RRF processed over 947,080 tons of material towards the County's delivery commitment, exceeding the guaranteed requirements by 66,299 tons. Covanta Fairfax, Inc., processed in excess of 1,013,379 tons of waste in FY 2014. The current Covanta Contract remains in effect through February 1, 2016. On April 11, 2014, the County and Covanta Fairfax, Inc. entered into a Waste Disposal Agreement (WDA) that is effective February 2, 2016, and has an initial five year term. Under the WDA, the County's delivery commitment is 650,000 tons (as may be adjusted under the terms of the WDA). – **update**]

Transportation

General

Fairfax County is served by various highway, rail and air transportation facilities. The Capital Beltway (Interstate Highways 95 and 495), Interstate Highways 395 and 66, and the Dulles Toll Road provide access to all parts of the Washington metropolitan area and major surface transportation corridors along the eastern seaboard. The Washington Metropolitan Area Transit Authority ("WMATA")

Metrorail system provides area residents with one of the largest and most modern regional transit systems in the world.

Two major airports serve the County with daily national and international service. Washington Dulles International Airport ("Dulles Airport"), located along the County's western boundary, is also the site of a designated Foreign Trade Zone. Ronald Reagan Washington National Airport, located a few miles east of the County, is accessible by Interstate Highways 66 and 395. In 1987, control of these facilities was transferred by a 50-year lease from the federal government to the Metropolitan Washington Airports Authority ("MWAA"), a public authority created by inter-jurisdictional compact between the Commonwealth and the District of Columbia. In June 2003, the lease was extended to 2067.

Ground transportation receives significant attention from the County, primarily in an effort to relieve traffic congestion along the major arterials leading to Washington, D.C. and also to facilitate cross-County movement, connecting established and developing centers of commerce and industry. Recent efforts have included increased local funding for highway improvements, establishment of transportation improvement districts, creation of County transit systems, continued participation in WMATA, and other improvements which encourage increased use of Metrorail, bus services, and carpooling. The County also participates in a regional commuter rail system to expand transportation services available to County residents. In Virginia, the Commonwealth is generally responsible for highway construction and maintenance. However, highway improvement needs in Fairfax County far exceed the highway revenues available from the Commonwealth.

Since 1993, funding for County transportation projects has been received from Commonwealth bond financing, Federal Highway Reimbursement Anticipation Notes, Commonwealth general funds, fuel tax collections, County bond financing, Northern Virginia Transportation Authority tax collections and other revenue sources. A few of the many projects supported by these funding sources have included the Fairfax County Parkway, the County's share of capital costs for the WMATA's Metrorail system, the Dulles Toll Road, and improvements to U.S. Route 1, U.S. Route 29, I-66, I-95, I-495, the Fairfax County Parkway, State Route 7 and State Route 28.

Metro Transit System

Since 1970, Fairfax County and the other major political subdivisions in the Washington, D.C., metropolitan area have contracted with WMATA to finance, construct and operate a 103-mile Metrorail subway and surface rail transit system. Funding for the construction of the Metrorail system has come from direct Congressional appropriations and by direct local contributions. Five Interim Capital Contributions Agreements between WMATA and the participating political jurisdictions were executed to fully fund and complete the 103-mile adopted regional system. [By 2018, 23 additional miles are expected to be added to the system with construction of the Silver Line, with new tracks connecting downtown Washington, D.C., to Washington Dulles International Airport. As of July 2014, 11.7 miles of the Silver Line were complete and in operation. – **update**]

WMATA's Board of Directors periodically adopts a Capital Improvement Plan ("CIP"), which prioritizes and maintains the existing capital plant and rolling stock of the Metrobus and Metrorail systems. The regional counter-parties to WMATA periodically agree to updated funding agreements regarding their portion of capital priorities and infrastructure renewal projects. The County issues bonds as the primary source of the County's share of WMATA's CIP.

The County's operating assistance to WMATA is funded from the General Fund, gasoline tax receipts, and State aid. Fairfax County's share of the bus and rail operating subsidies for FY 2006-FY 2015 are shown in the following table [**update**]:

Fairfax County WMATA Operating Subsidies
(Millions of Dollars)

Fiscal Year	Bus Operations[1,2]	Rail Operations[1]	ADA Para-transit[1]	Less State Aid[3]	Less Gas Tax Receipts[4]	Adjust-ments and Interest Applied	Net General Fund
2006	$31.687	$18.849	$5.841	$19.809	$17.971	$1.200	$17.397
2007	37.368	17.496	5.803	19.406	20.885	1.990	18.386
2008	36.745	19.267	7.088	21.375	22.610	1.287	17.828
2009	45.292	17.665	7.565	39.836	23.490	0.000	7.196
2010	40.204	22.622	9.164	46.003	17.799	0.300	7.888
2011	45.387	15.598	11.347	44.745	21.838	0.300	5.449
2012	47.458	19.481	12.410	46.252	26.163	2.259	4.675
2013	48.829	26.209	12.424	49.734	28.568	0.056	9.104
2014	51.270	27.520	13.046	56.617	25.907	0.300	9.012
2015	57.330	38.447	14.019	72.789	27.500	0.150	9.357

Sources: Fairfax County Department of Transportation and Department of Management and Budget
[1] The amounts shown for operating subsidies represent actual disbursements in those years. Adjustments based on final WMATA annual audited figures are incorporated in the fiscal year in which the credit for an overpayment was applied or a debited amount was paid rather than the fiscal year in which the credit or debit was earned. Fiscal Years 2014 and 2015 are adopted budget amounts.
[2] Includes other service enhancements.
[3] Virginia law permits the use of State aid for transportation to fund transit program operating costs in addition to transit program capital costs.
[4] A 2% retail gasoline tax is dedicated to mass transit costs in those Northern Virginia jurisdictions covered by the Northern Virginia Transportation Commission ("NVTC"). The receipts from this tax are paid to NVTC which then allocates these funds to participating jurisdictions for payment of transit operating, capital and debt service costs.

Tax Districts

Transportation improvement districts provide another source of funding for transportation improvements in the County. The County, together with Loudoun County, a neighboring jurisdiction, formed the Route 28 Highway Transportation Improvement District (the "Route 28 District") in 1987 to accelerate highway improvements proposed by the Commonwealth to State Route 28. State Route 28 runs approximately parallel to the County's western border and connects State Route 7 in eastern Loudoun County to U.S. Route 50 and Interstate Highway 66 in western Fairfax County. The initial improvements, which consisted of expanding State Route 28 from two to six lanes, with additional turning lanes, are now complete. State Route 28 provides access to Washington Dulles International Airport, as do the Dulles Access Road and the Dulles Toll Road, both of which connect the Capital Beltway to Dulles Airport. Such improvements were financed from proceeds of a special improvements tax (the "Route 28 Special Improvements Tax") collected from owners of real property zoned for commercial and industrial use in the Route 28 District and bonds issued by the Fairfax County Economic Development Authority (the "EDA") secured by the Route 28 Special Improvements Tax collections.

[In 2001, the Virginia General Assembly enacted legislation permitting the creation of one or more special transportation taxing districts located between the West Falls Church Metrorail station and the Dulles Airport area to provide a means of financing an extension of rail service in the Dulles Corridor. The structure of any such district is modeled after the existing Route 28 District. In February 2004, pursuant to a petition submitted by landowners representing a majority of the assessed value of property zoned for commercial or industrial use in the Tysons and Reston commercial districts, the Board of Supervisors formed the Phase I Dulles Rail Transportation Improvement District (the "Phase I District")

to provide funds to support the County's share of Phase I of a proposed expansion of the Metrorail system to Dulles Airport and beyond ("Phase I"). Funds for financing the County's $400 million share of the Phase I expansion of the Metrorail system are provided from a real estate tax levy on all property zoned for commercial and industrial use in the Phase I District (the "Phase I Special Improvements Tax"). As of December, 2013 the County has provided to MWAA its required $400 million share for the Phase I Project from the proceeds of the Phase I Special Improvements Tax and from bonds issued by the EDA secured by the Phase I Special Improvements Tax collections. The County provided approximately $68 million in additional funds for the completion of the Phase I Project from financing sources other than the Phase I Special Improvements Tax. Metrorail service for Phase I began in July 2014.

Phase II of the proposed expansion of the Metrorail system ("Phase II") will complete the 23-mile line to Dulles Airport and beyond into Loudoun County. In October 2009, the County received a valid petition to form another special tax district comprised of the Reston-Herndon-Dulles commercial districts to provide $330 million toward the County's portion of the Phase II financing. The Phase II tax district was approved by the Herndon Town Council on November 11, 2009, and by the Fairfax County Board of Supervisors on December 7, 2009. On May 9, 2014, the United States Department of Transportation ("USDOT") approved an application of the County to receive loans in the aggregate principal amount of up to $403,274,894 plus capitalized interest to fund county obligated Phase II project costs (the "TIFIA Loan"). The TIFIA Loan closed on December 17, 2014. – **any updates?**]

County Transit Systems

Within the County, the Fairfax Connector System provides feeder bus service to Metrorail Stations. The Fairfax Connector operates 85 routes to 13 Metrorail Stations which include the Dunn Loring, Franconia-Springfield, Greensboro, Huntington, McLean, Pentagon, Pentagon City, Spring Hill, Tysons Corner, Van Dorn Street, Vienna, West Falls Church, and Wiehle-Reston East stations. Private contractors operate and maintain the service and have the responsibility to employ and supervise all transit personnel, while the Board of Supervisors maintains control and approves all policies for bus service such as routes and service levels, fare structures, and funding assistance. The Fairfax Connector System is supported from General Fund and fare box revenues. [The FY 2015 Adopted Budget Plan also includes support of $20.8 million from State aid. The Fairfax Connector carried approximately 10.7 million passengers in FY 2014. Fairfax Connector System expenditures totaled approximately $84.9 million in FY 2014, including capital expenditures. The County runs three permanent maintenance and garage facilities for the Fairfax Connector System, with bus operations management provided by a third-party contractor. – **update**]

Commuter Rail

Fairfax County is a member of the Northern Virginia Transportation Commission and, in cooperation with the Potomac and Rappahannock Transportation Commission, is a participating jurisdiction in the operation of the Virginia Railway Express ("VRE") commuter rail service. [As of December 2013, the service consisted of seven peak period trips from south of the County in the City of Fredericksburg to north of the County in the District of Columbia and six peak trips that run from west of the County in the City of Manassas to north of the County in the District of Columbia. Under a Master Agreement among VRE's participating jurisdictions, the County is to contribute to capital, operating, and debt service costs of the VRE on a pro rata basis according to its share of ridership. The County's share of the FY 2015 commuter rail operating and capital budget is $4.7 million. – **update**]

Parks, Recreation and Libraries

Fairfax County provides a variety of recreational, educational, and cultural activities and services. [In FY 2013, the Fairfax County Public Library (the "Library") made more than 13.1 million loans and recorded more than 5.2 million visits to its 23 branches, and reported more than 4.6 million user visits to its web site. – **update**] The Library offers free events and activities, including puppet shows for toddlers, story time for school-aged children, book discussion groups for teens, author visits for adults, and English conversation classes for English for Speakers of other Languages customers (or new arrivals). The Library also makes library services available and accessible to people who have disabilities or are homebound.

The Department of Community and Recreation Services provides a variety of recreational, community, and human services for County residents. These services include senior adult programs and centers, therapeutic recreation services for individuals with disabilities, a variety of youth programs including recreational activities at youth centers, community-based recreational opportunities, support for Fairfax County's various volunteer sports councils and leagues, and a variety of volunteer opportunities.

Fairfax County also operates an extensive park system that provides a variety of recreational activities and facilities. Under the direction of a 12-member Park Authority Board appointed by the Board of Supervisors, the Fairfax County Park Authority ("FCPA") works with constituents, government leaders and appointees to implement Park Authority Board policies, preserve and protect natural and cultural resources, and facilitate the development of park and recreation programs and facilities. [FCPA oversees operation and management of a 23,310-acre County park system with 425 parks, nine recreation centers with swimming pools, fitness centers, racquetball courts, program space, eight golf courses, an ice skating rink, skateparks, campgrounds, 210 playgrounds, 668 public gardens, five nature centers, three equestrian facilities, 734 athletic fields including 35 synthetic turf fields, ten historic sites, two waterparks, a horticultural center, and more than 320 miles of trails. In FY 2014, FCPA welcomed over 16.6 million visitors to parks, groomed fields for 174,000 competitors, and worked to control non-native invasive plants, promote native species and preserve woodlands and green open spaces. – **update**]

FCPA charges fees for the use of certain park facilities including the recreation and fitness centers and golf courses, which are operated on a cost recovery basis, and represent approximately 60% of FCPA's funding. The remaining operating funds are appropriated by the Board of Supervisors from the County's combined general fund, providing the main operating funds for natural and cultural preservation and protection, administrative tasks, general access parks, planning and development, and park maintenance and operations. User fees do not cover the cost of new development of facilities, land acquisition, or the major renovation of existing facilities. These improvements are funded primarily through revenue bonds and general obligation bonds. General obligation bonds are primarily used for the renovation of existing facilities.

[The Northern Virginia Regional Park Authority ("NVRPA"), an independent entity in which the County participates, operates 21 parks covering approximately 10,000 acres throughout Northern Virginia including the County. NVRPA is continually in the process of completing, acquiring, developing, or expanding its regional park facilities. – **update**]

Community Development

[The Fairfax County Redevelopment and Housing Authority ("FCRHA") was established in 1966 to meet low and moderate income family housing needs. It owns or administers housing developments in Fairfax County with staff and funding provided from County, federal, Commonwealth, and private sources. As of February 2015, the FCRHA owns or operates 76 properties, which are comprised of over

3,600 apartments, townhouses, senior retirement homes, and assisted living facilities. The FCRHA also owns other specialized housing such as mobile home pads and beds in group homes. The FCRHA also administers 3,856 federal Housing Choice Vouchers. In FY 2014, 17,933 people were served through the FCRHA's three major affordable housing programs: Public Housing, the Housing Choice Voucher program, and the Fairfax County Rental Program (FCRP). In FY 2014, the average income of households served in these three programs was approximately $24,300, or 25% of Area Median Income for a family of three (the average size of the households served). This meets the U.S. Department of Housing and Urban Development's (HUD) definition of "extremely low income."

FCRHA has provided financing with low-income housing tax credits for privately owned developments that reserve a total of 1,535 units for lower income tenants. Fairfax County's Workforce Housing policy, adopted by the Board of Supervisors in 2007, is a proffer-based incentive system designed to encourage the voluntary development of new housing affordable to a range of moderate-income workers in Fairfax County's high-rise/high-density areas. The County's Comprehensive Plan provides for a density bonus of up to one unit for every workforce unit provided by a developer, with the expectation that at least 12% of units in new developments be affordable or workforce housing.

In April 2004, the Board of Supervisors adopted its Affordable Housing Preservation Initiative to preserve affordable housing units. The centerpiece of the Initiative was the creation of the "Penny for Affordable Housing Fund." Beginning in FY 2006, the County's budget each year included the equivalent of one penny on the County's real estate tax rate for the preservation and production of affordable housing in the County. In FY 2010, the Penny Fund was reduced to the equivalent of half of one penny. In FY 2014, this funding equated to $10,330,000 for affordable housing.

Other County services include efforts to increase local employment opportunities by encouraging and retaining business and industrial development through the County's Economic Development Authority. On July 1, 2007, the County established an Office of Community Revitalization and Reinvestment ("OCRR"). The mission of the OCRR is to facilitate strategic redevelopment and investments within targeted commercial areas of the County that align with the community vision, and improve the economic viability, appearance and function of those areas. Among other initiatives, the OCRR is charged with working with property owners and the community to facilitate interest and participation in commercial development activities, and to develop public/private partnerships that further the County's revitalization, redevelopment, and reinvestment efforts. – **update**]

Health and Welfare

The County provides services designed to protect, promote, and improve the health and welfare of Fairfax County citizens through a decentralized human services program. Based on individual needs, County human service centers define a comprehensive assistance plan that utilizes the services provided by all County departments. The County operates human service centers in locations convenient to residents to provide financial, medical, vocational, and social services. The Fairfax-Falls Church Community Services Board ("CSB") responsible for planning, organizing, and providing services to individuals who have a mental illness, intellectual disability, or a substance use disorder. The CSB provides state mandated services to assist, improve, and maximize the potential of individuals affected by these conditions and strengthen their capacity for living self-determined, productive, and valued lives. The CSB is part of the Fairfax County Human Services System providing its services at many sites throughout the County, including six community mental health centers, several outpatient sites, a detoxification center, group homes, consumer-operated drop in centers, and several specialized residential treatment sites.

The County also provides subsidized day care programs for older adults and children of low-income families, two special needs centers that serve emotionally disturbed or physically challenged children, and group homes for youth with serious emotional disturbances. Residential treatment services are also offered in the areas of substance abuse as well as substance abuse outpatient and specialized day treatment programs. Vocational and residential programs are also available for adults with intellectual disabilities and serious mental illness.

Financial assistance and social services are available to eligible residents. For low-income families and individuals, the Department of Family Services ("DFS") administers federal, Commonwealth, and local programs, such as public assistance, employment and training, and subsidized child care, as well as programs targeted to at-risk children, such as child abuse prevention, Child Protective Services, Foster Care and Adoption, and services purchased under the Comprehensive Services Act. For older adults, DFS also administers programs that include federal funds granted to localities, Commonwealth funds and additional support from the County. The federal and state governments partially reimburse DFS for the cost of administering the programs based on an annual allocation to the County as well as program costs. DFS operates the County's after school child care program in over 130 school-age child centers (located in the public schools and one recreational center) that serve more than 10,000 children during the school year and more than 2,500 children during the summer. Since FY 1986, the County has provided a comprehensive County transportation service, Fastran, for qualified elderly, disabled, and low-income persons. Transportation is provided by bus, van, or cab on a door-to-door basis to County programs, medical care, grocery stores, and other destinations.

Judicial Administration

Fairfax County's court system is one of the most sophisticated systems in Virginia in its use of advanced case management techniques and rehabilitation programs. The County uses automated systems to support case docketing and record retrieval, electronic filing and imaging in the land recordation process, juror selection, service of notices and subpoenas, and the processing of criminal and traffic warrants and collecting delinquent tax obligations.

The County has undertaken rehabilitation efforts through the Juvenile and Domestic Relations District Court and the Office of the Sheriff. These efforts include work training programs and counseling services for both adult and juvenile offenders. Additionally, residential treatment services are provided for juvenile offenders, and a work release program is provided for offenders confined in the County's Adult Detention Center.

Public Safety

[A number of agencies share responsibility for public safety in Fairfax County. The Police Department, which is responsible for law enforcement, had an authorized strength of 1,335 police officers, 31 animal control officers, and 354 civilian personnel, with 6 positions supported by grant funding, effective July 1, 2014. The agency is accredited by the Virginia Law Enforcement Professional Standards Commission, which signifies the Department's compliance with standards that are specific to Virginia law enforcement operations and administration. The commanders of the eight police district stations located throughout the County have considerable latitude to tailor their operations to provide police services in ways most responsive to the needs of their respective communities, including community policing endeavors. The department has specialized units that operate as both standing (staffed full time) and non-standing units (staffed as needed), including the Helicopter Division, which operates two helicopters to provide support to general police operations, traffic monitoring, emergency medical evacuation, and rescue support; the Criminal Intelligence Unit, which provides an effective response to organized criminal activity including terrorist-related, gang, and bias crimes; the Gang Unit,

which provides regional leadership directed at combating gang crime through prevention and enforcement initiatives; and the Language Skills Support Unit, which serves to bridge the gap in the diverse cultures in the community by providing language support for the successful resolution of major criminal investigations. – **update**]

Over the past 10 years, the County has maintained one of the lowest rates of serious crimes among jurisdictions in the Washington, D.C., metropolitan area and among comparable suburban jurisdictions throughout the United States. Additionally, the Police Department has continually attained a clearance rate for violent crimes such as murder, rape, and robbery far above the national averages for such offenses. At the same time, Fairfax County has maintained one of the lowest per capita costs for police services of all the local jurisdictions in the Washington metropolitan area.

[Fire and rescue services are provided by 1,388 paid uniformed personnel, 185 paid civilian support personnel, and approximately 388 operational volunteers as of January 1, 2015. The County operates 38 fire and rescue stations. The department operates various specialty units, including paramedic engine companies, a hazardous materials response unit, a technical rescue operations team, an arson canine unit, and a water rescue team whose members are certified in swift water rescue. The department also supports regional, national, and international emergency response operations through maintaining and supporting the Urban Search and Rescue Team ("US&R"). US&R operates under the auspices of the Department of Homeland Security for domestic responses and is sponsored by the United States Agency for International Development/Office of Foreign Disaster Assistance for international deployments. In addition to emergency response, the department provides various non-emergency services.

In May 2004, the Office of Emergency Management was established as a separate agency serving as the County's focal point for emergency preparedness and internal and external coordination to respond to natural, technological, and terrorist-related emergencies. In FY 2013, thirteen employees provided emergency management services for Fairfax County, including the Towns of Clifton, Herndon and Vienna. The major areas of focus include emergency management planning and policy, the County-wide emergency training and exercise program, public preparedness and education, and enhancement of response and recovery capabilities. – **update**]

Water Supply Service

[Fairfax Water ("FW") provides water service to residents of Fairfax County, the cities of Fairfax and Falls Church, and the Town of Herndon. In addition, FW supplies water for resale, principally in the City of Alexandria, Loudoun County, Prince William County and the Town of Vienna. The average population served by FW is estimated at 1,700,000 persons. FW, which operates the largest water system in the Commonwealth of Virginia, was established by the Board of Supervisors in 1957 to develop a comprehensive, County wide water supply system through the acquisition of existing systems and the construction of new facilities. FW is an independent body administered by a ten-member board appointed by the Fairfax County Board of Supervisors. FW finances its capital improvements through the issuance of revenue bonds that are not backed by the full faith and credit of the County but principally repaid by revenues derived from charges for services rendered. Effective April 1, 2014 FW's basic retail water charge was set at $2.55 per 1,000 gallons, plus a quarterly service charge (currently $9.80 for most single-family homes and townhouses). To pay for treatment and pumping capacity which is used only during periods of high demand, FW also levies a peak use charge of an additional $3.55 per 1,000 gallons on customers who exceed their winter quarter consumption by 6,000 gallons or 33%, whichever is greater. There also are fees for initial connection to the system and for opening, closing, or transferring an account.

FW utilizes three sources of water supply (Occoquan and Potomac Rivers and the Washington Aqueduct), operates associated treatment, transmission, storage, and distribution facilities, and provides service to approximately 235,000 retail customers in Fairfax County, with an average daily consumption of about 163 million gallons per day ("mgd"). The combined maximum daily capacity of the supply and treatment facilities is 376 mgd, which is sufficient to meet current demand.

Under an agreement with the Board of Supervisors, FW annually submits a 10-year capital improvement program which is reviewed and approved by the Board of Supervisors as part of the County's total capital improvement program. FW's 10-year Capital Improvement Program for FY 2015-2024 includes projects totaling $719,191,000. – **update**]

ECONOMIC FACTORS

Economic Development

Economic development activities of the County are carried out through the Fairfax County Economic Development Authority ("EDA"), whose seven commissioners are appointed by the Board of Supervisors. EDA promotes Fairfax County as a premier location for business start-up, relocation and expansion, and capital investment. It works with new and existing businesses to help identify their facility and site needs, and assist in resolving County-related issues and provide other business assistance. Pursuant to its enabling legislation, EDA encourages investment in the County with tax-exempt conduit revenue bond financing.

[The total inventory of office space in the County was estimated at 114.8 million square feet at the end of 2013. At year end, 11 buildings totaling just under 2.7 million square feet of space were under construction. During 2013, over 1 million square feet of office space was delivered of which 600,000 square feet was speculative. The direct vacancy rate for the office market was 14.4% as of year end 2013. Including sublet space, the office vacancy rate was 16.7 percent.

The base of technology-oriented companies, particularly in computer software development, computer systems integration, telecommunications, and Internet-related services, has served as a ~~strong~~ magnet for the expansion and attraction of business and professional services. Government contractors, as well as diversified business and financial services, have added to the demand for prime office space in a number of key employment centers throughout the County.

Federal civilian employment in the County makes up 4.1% of the total jobs in the County. Federal jobs declined slightly in 2013. Due to sequestration, federal procurement spending in the County decreased from $26.4 billion in FY 2012 to $23.1 billion in FY 2013. However, this decreased level of federal procurement was still over 12% higher than the 2008 level. County General Fund revenue rose 2.5 percent in FY 2014, primarily due to an increase of 4.5% in current year real estate tax receipts. Personal property tax revenue was flat in FY 2014, while Business Professional and Occupational License (BPOL) revenue fell 2.7%. The decline in BPOL was primarily due to a decline in consultant category as a result of federal sequestration. Many BPOL categories, such as retail, builders and developers and real estate brokers, experienced growth.

There are 100 hotels with 75 or more rooms in the County, totaling over 17,400 hotel rooms and over 11 million square feet of space. Hotel development parallels commercial construction in terms of diversity of concept and design with a variety of product and service mixes (all-suites, business meeting facilities, and leisure facilities) in the marketplace.

Improvements to the County's transportation system, including increased service levels at Washington Dulles International Airport, has helped increase corporate activities dependent on immediate access to travel throughout the region, country, and world. The Metrorail service extension (the Silver Line) from the East Falls Church station, through Tysons through Dulles Airport, to Route 772 in Loudoun County will continue to help foster economic growth.

The Board of Supervisors and the County actively support revitalization and redevelopment throughout the County, particularly in its more mature business areas. Many enhancements have been made to the residential and commercial neighborhoods in Annandale, Bailey Crossroads/Seven Corners, the Lake Anne section of Reston, the Springfield and McLean central business districts, Merrifield, and the Richmond Highway corridor in the southeastern portion of the County. A number of capital improvement projects and other construction in process or already completed have improved the appearance and quality of life of these communities.

The most notable area of redevelopment in the County, Tysons—Fairfax County's "downtown"—is undergoing a transformative land-use replanning effort. Spurred by the Metrorail expansion project, the County is working to set the stage for Tysons's evolution into a more urban-scale, pedestrian-friendly environment, with more housing, recreation and open space in addition to more-dense office and retail development. Tysons currently has over 38.7 million square feet of office, retail, and other commercial space and is behind only downtown Washington's Central Business District and the East End submarkets in the entire Washington D.C. metropolitan area in total office inventory, and has 11.2 million square feet of residential space. Now that Phase I of the Metrorail expansion has been completed, it is expected that Tysons will continue to have significant growth in population, employment and commercial, retail and residential space over the next several decades. County staff continues to evaluate potential arrangements for financing the public share of Tysons infrastructure improvements and to facilitate co-operative funding agreements with the private sector. County staff, in cooperation with private participants, created a new 501(c)(6) membership organization known as the Tysons Partnership in January 2011. The Tysons Partnership provides a comprehensive approach to tasks that include marketing and branding, transportation, urban design/planning, public facilities and community amenities and finance. On January 8, 2013, the Board of Supervisors established, by ordinance, the Tysons Transportation Service District No. 1 (the "Tysons Service District") to provide transportation infrastructure and transit services within Tysons. As the governing board of the Tysons Service District, the Board of Supervisors is empowered to levy and collect a tax on any property within Tysons Service District's boundaries to finance the transportation infrastructure and transit services projects. The tax rate of $0.04 per $100 of assessed value was adopted by the Board of Supervisors as part of the FY 2014 Adopted Budget Plan, and this rate remained unchanged as part of the FY 2015 Adopted Budget. However, in the FY 2016 Adopted Budget, the tax rate increased one cent from $0.04 to $0.05 per $100 of assessed value. – **update**]

Employment

[More than 34,800 payroll business establishments (units) including global, corporate and regional headquarters, technology firms, sales and marketing offices, and business services are located in Fairfax County, employing over 498,000. Local businesses create employment in diversified areas like computer software development and systems integration, technical services, management consulting, government contracting, Internet-related services, wholesale and retail trade, and financial services. The following table presents data on the average number of payroll establishments and employment by major industry classification in Fairfax County as of second quarter 2014.

Businesses and Employment by Industry
Fairfax County, Virginia[1]

Industrial Classification	Number of Establishments	Average Payroll Employment for Quarter
Agriculture, Forestry, Fishing and Hunting	16	53
Mining, quarrying, and oil and gas extraction	10	239
Utilities	18	1,064
Construction	2,310	23,855
Manufacturing	447	6,549
Wholesale Trade	1,224	12,979
Retail Trade	2,667	53,094
Transportation and Warehousing	405	6,796
Information	818	22,608
Finance and Insurance	1,640	22,470
Real Estate and Rental and Leasing	1,496	9,687
Professional and Technical Services[2]	9,967	150,465
Management of Companies and Enterprises	358	18,994
Administrative and Waste Services	1,966	39,332
Educational Services	593	10,681
Health Care and Social Assistance	3,698	49,309
Arts, Entertainment, and Recreation	354	8,337
Accommodation and Food Services	2,070	40,938
Other Services except Public Administration	4,811	21,263
Unclassified	1	2
Total	34,869	498,715

Source: U.S. Bureau of Labor Statistics, Quarterly Census of Employment and Wages, Fairfax County, second quarter 2014
[1] Excludes self-employed business owners.
[2] The Services category includes professional and technical services, health care and social assistance, management services, educational services, accommodation and food services, arts, entertainment and recreation, administrative and waste services, and membership organizations and trade associations.

The following is a list of the largest private, base sector (non-retail) employers in Fairfax County as of June 2014. Companies are alphabetized in their size category.

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Largest Private Employers in Fairfax County

4,000-7,000+ Employees

Company Name	Type of Business
Booz Allen Hamilton	Professional, Scientific and Technical Services
Federal Home Loan Mortgage Corp. (Freddie Mac)	Finance and Insurance
General Dynamics	Professional, Scientific and Technical Services
Inova Health System	Health Care and Social Assistance
Northrop Grumman	Professional, Scientific and Technical Services
SAIC*	Professional, Scientific and Technical Services

* SAIC employment reported prior to the September 2013 split into two independent companies (SAIC and Leidos).

1,000-3,999 Employees

Company Name	Type of Business
AECOM	Professional, Scientific and Technical Services
AT&T	Information (Telecommunications)
BAE Systems	Professional, Scientific and Technical Services
CACI International	Professional, Scientific and Technical Services
Capital One	Finance and Insurance
Catholic Diocese of Arlington	Educational Services/Other Services
CGI	Professional, Scientific and Technical Services
CSC	Professional, Scientific and Technical Services
Deloitte	Professional, Scientific and Technical Services
Erickson Living (Greenspring)	Health Care and Social Assistance
ExxonMobil	Wholesale Trade (Petroleum/Oil)
EY (Ernst & Young)	Professional, Scientific and Technical Services
HCA Virginia	Health Care and Social Assistance
HP	Professional, Scientific and Technical Services/Information
IBM	Professional, Scientific and Technical Services
ICF International	Professional, Scientific and Technical Services
Insperity	Administrative Services
Kaiser Foundation Health (Kaiser Permanente)	Health Care and Social Assistance
Lockheed Martin	Professional, Scientific and Technical Services
ManTech International Corp.	Professional, Scientific and Technical Services
MicroStrategy	Professional, Scientific and Technical Services
MITRE	Professional, Scientific and Technical Services
Navy Federal Credit Union	Finance and Insurance
Oracle	Professional, Scientific and Technical Services
PricewaterhouseCoopers	Professional, Scientific and Technical Services
Quest Diagnostics	Health Care and Social Assistance
SI Organization	Professional, Scientific and Technical Services
Sprint	Information (Telecommunications)
SRA International	Professional, Scientific and Technical Services
TASC	Professional, Scientific and Technical Services
Time Warner Cable	Information (Telecommunications)
Verizon	Information (Telecommunications)
Wells Fargo Bank	Finance and Insurance

500-999 Employees

Company Name	Type of Business
The Boeing Company	Professional, Scientific and Technical Services
Exelis	Professional, Scientific and Technical Services
Hilton Worldwide	Accommodation and Food Services
L-3 Communications	Professional, Scientific and Technical Services
MV Contract Transportation	Health Care and Social Assistance
Securitas Security Services USA	Administrative and Support Services
SODEXHO USA	Accommodation and Food Services
Sunrise Senior Living	Health Care and Social Assistance
USIS	Administrative and Support Services
Washington Gas	Utilities

Source: Fairfax County Economic Development Authority, June 2014

Unemployment in the County has historically been, and continues to be, well below the national average, even in challenging economic times. The average unemployment rate in Fairfax County in 2013 was 4.3%. The average Virginia and U.S. unemployment rates during 2013 were 5.5% and 7.4%, respectively. Reflecting the global recession that began in late 2007 and escalated a year later, Fairfax County's average annual unemployment rate rose to a high of 5.0% in 2010 but has since declined, reflecting an overall leveling out of the economic downturn. The following table shows the average annual unemployment rate in Fairfax County as compared to Virginia and national averages in the past decade as well as the November 2014 unemployment rates.

Average Annual Unemployment Rates

Calendar Year	Fairfax County	Virginia	United States
2004	2.7%	3.7%	5.5%
2005	2.5	3.5	5.1
2006	2.2	3.0	4.6
2007	2.2	3.1	4.6
2008	2.9	4.0	5.8
2009	4.9	6.9	9.3
2010	5.0	7.1	9.6
2011	4.5	6.4	8.9
2012	4.2	5.9	8.1
2013	4.3	5.5	7.4
November 2014	3.6	4.5	5.5

Source: U.S. Bureau of Labor Statistics. Data are not seasonally adjusted.

According to the Bureau of Labor Statistics, the average total number of jobs in the County was 582,314 in the second quarter of 2014. Self-employed persons are not included in these counts. The following table presents total covered employment in recent years: **- update**]

Covered Employment[1]

Second Quarter	Covered Employment in Fairfax County	% Change	Second Quarter	Covered Employment in Fairfax County	% Change
2005	564,520	-	2010	574,813	0.4
2006	575,729	2.0%	2011	580,050	0.9
2007	586,961	2.0	2012	591,977	2.1
2008	590,386	0.6	2013	591,270	(0.1)
2009	572,335	(3.1)	2014	582,314	(1.5)

Source: U.S. Department of Labor, Bureau of Labor Statistics, Quarterly Census of Employment Wages
[1] Covered employment means employees covered by state and federal unemployment laws.

Construction Activity

[The following table includes data for residential and commercial construction activity in the County: **-update**]

	Building Permits				Estimated Housing Units Started
	Residential Properties		Industrial and Commercial Properties		
Fiscal Year	Number	Estimated Value (000s)	Number	Estimated Value (000s)	Number
2005	23,253[1]	1,145,145	4,013[1]	460,814	4,353
2006	17,168[1]	918,839	4,413[1]	450,382	2,784
2007	11,419[1]	757,848	4,974[1]	1,297,296	1,599
2008	10,719[1]	548,759	5,046[1]	619,613	2,238
2009	8,780[1]	327,454	4,361[1]	413,719	1,361
2010	8,977	428,941	3,946	375,126	1,150
2011	9,371	480,268	4,595	397,435	1,797
2012	9,454	538,307	4,308	602,444	3,023
2013	10,610	509,957	3,907	710,488	1,930
2014	10,469	895,638	5,054	660,063	4,154

Sources: Building permits provided by Fairfax County Department of Public Works and Environmental Services, and estimated housing units started provided by the Weldon Cooper Center for Public Service, University of Virginia.
[1] Includes new and alteration/repair permits issued. Does not include trade permits issued.

A partial list of major new or expanded office projects within the County announced in 2013 is shown below: **- update**]

New or Expanded Commercial Projects

Name of Company	Nature of Operations	Projected New/Additional Employment
Amazon Web Services	Information Technology	500
Blackbag Technologies	Software	6
China Unicom Americas	Telecommunications	4
comScore	Social Media/Internet	75
Dimension Data	Information Technology	85
DLT Solutions	Information Technology	22
FrontPoint Security Solutions	Information Technology/ Security Services	179
Mandiant Corporation	Information Technology	80
OBXtek	Information Technology	65
Salient Federal Solutions	Information Technology	530
TCoombs Associates	Information Technology	100

Source: Fairfax County Economic Development Authority

Housing

In 2013 single-family detached housing units represented 47.6% of the total housing units within Fairfax County. Single-family attached housing accounted for 24.3%, and multi-family housing made up the remaining 28.0%. As of January 2014, the median market value of all owned housing units, including condominiums, in Fairfax County was estimated by the Department of Neighborhood and Community Services to be $442,370. **[update]**

Housing Units by Type of Structure

	1980		1990		2000		2013	
	No.	%	No.	%	No.	%	No.	%
Single-Family:								
Detached[1]	125,580	59.3	163,029	53.9	181,591	50.6	194,786	47.6
Attached[2]	30,833	14.6	67,306	22.3	87,171	24.3	99,683	24.3
Multi-Family[3]	55,333	26.1	72,129	23.8	90,198	25.1	114,603	28.0
Total	211,746	100.0	302,464	100.0	358,960	100.0	409,072	100.0

Sources: U.S. Bureau of the Census, U.S. Census of Housing (1980) and Fairfax County Department of Neighborhood and Community Services
[1] Single-family detached includes all single-family homes and mobile homes.
[2] Single-family attached includes duplexes, townhouses, and multiplex units.
[3] Multi-family includes condominiums, apartments and other units in structures with a common entryway.

The average sale price of housing units within the County comparing April 2015 to April 2014 is listed below:

Average Sale Price Housing Units

Type of Structure	April 2015	April 2014	% change
All Homes	$532,800	$536,934	-0.8%
Detached Homes	687,839	704,232	-2.3
Attached Homes	373,921	370,184	1.0

Source: Fairfax County Department of Management and Budget Economic Indicators – May 2015

Colleges and Universities

[Sixteen institutions of higher education are located in Fairfax County: Averett University, Central Michigan University, Everest College, George Mason University, ITT Technical Institute, Marymount University, Missouri State University (Department of Defense Studies), Northern Virginia Community College, Potomac College, Sanford-Brown College, Stratford University, University of Phoenix, the Virginia Polytechnic Institute and State University (Virginia Tech), two campuses of the University of Virginia (both Virginia Tech and the Falls Church campus of the University of Virginia are located in the Northern Virginia Graduate Center) and Webster University. George Mason University, with an enrollment of more than 32,000 students, offers over 195 degree programs. The Northern Virginia Community College serves more than 72,000 students in credit courses and non-credit workforce and professional development programs at six campuses and two centers throughout Northern Virginia. American University, George Washington University, Catholic University, and Virginia Commonwealth University also operate programs in the County's secondary schools and on military installations within the County. – **update**]

Cultural Amenities

Wolf Trap Farm Park for the Performing Arts, a cultural facility internationally renowned for its ballet, symphony, concert, and opera offerings, and the only national park for the performing arts in the U.S., is located in north-central Fairfax County. Nearly 300 cultural organizations – theater and opera companies, music and dance groups, community arts centers, festivals, and other activities – are based in and around the County. The County also assists in supporting the Fairfax Symphony, an internationally recognized orchestra that provides a variety of musical programs and outreach services to County residents. Other well-known attractions in the County include Mount Vernon, the home of George Washington; Woodlawn Plantation, George Washington's wedding gift to his nephew; and Gunston Hall, home of George Mason, author of the U.S. Bill of Rights and the first Constitution of Virginia. The region also boasts professional baseball, basketball, football, ice hockey and soccer.

DEBT ADMINISTRATION

Statement of Bonded Indebtedness

Pursuant to the Constitution of Virginia and the Act, a county in Virginia is authorized to issue general obligation bonds secured by a pledge of its full faith and credit. For the payment of such bonds, the Board of Supervisors of the County is required to levy, if necessary, an annual ad valorem tax on all property in the County subject to local taxation.

[As of June 30, 2014, the County had outstanding the following amounts of general obligation bonds: - **update]**

Purpose	Total General Obligation Bonds
School	$1,347,129,400
General Government	787,330,600
Total General Obligation Bonded Indebtedness[1]	$2,134,460,000

Source: Fairfax County Comprehensive Annual Financial Report FY 2014
[1] See "Debt Service on Tax Supported Debt Obligations" herein for outstanding general obligation debt service as of January 31, 2015.

The County does not rely upon short-term borrowings to fund operating requirements. The County has never defaulted in the payment of either principal or interest on any general obligation indebtedness.

Limits on Indebtedness

There is no legal limit on the amount of general obligation bonded indebtedness that Fairfax County can at any time incur or have outstanding. However, all such indebtedness must be approved by voter referendum prior to issuance. Since 1975, the Board of Supervisors has established as a financial guideline a self-imposed limit on the average annual amount of bond sales. In May 2006, the Board of Supervisors increased the bond sale target to $1.375 billion over a 5-year period, or an average of $275 million annually, with the flexibility to expand to a maximum of $300 million based on market conditions and/or priority needs in any given year. The actual amount of bond sales will be determined by construction funding requirements and municipal bond market conditions.

The Board of Supervisors also has imposed limits which provide that the County's long-term debt should not exceed 3% of the total market value of taxable real and personal property in the County. The limits also provide that annual debt service should not exceed 10% of annual General Fund disbursements. These limits may be changed by the Board of Supervisors, and they are not binding on future Boards of Supervisors of the County.

Bond Referenda Authorization

The following chart presents by purpose Fairfax County's authorized but unissued general obligation bond indebtedness as of June 30, 2015:

Authorized Purpose	Amount Authorized but Unissued as of June 30, 2015
School Improvements	$391,118,300
Transportation Improvements and Facilities	157,434,500
Parks and Park Facilities	64,285,000
Public Safety Facilities	69,537,200
Library Facilities	25,000,000
Flood Control	28,225,000
Total	$735,600,000

Source: Fairfax County Department of Management and Budget

Other Tax Supported Debt Obligations

The Board of Supervisors of the County directly or indirectly appoints all or a portion of the governing body of several legally independent local and regional authorities that provide services to the County and its constituents. Such authorities include those that issue revenue bonds that are not general obligations of the County and issue debt supported directly or contingently by appropriations of tax revenues by the County. The full faith and credit of the County are not pledged to secure such bonds.

In March 1994, the Fairfax County Economic Development Authority ("EDA") issued $116,965,000 of lease revenue bonds to finance the County's acquisition of two office buildings occupied by County agencies and departments. In October 2003, EDA issued $85,650,000 of lease revenue refunding bonds to refund $88,405,000 of the 1994 lease revenue bonds. The County is absolutely and unconditionally obligated by the terms of a lease agreement with EDA to pay amounts equal to debt service on EDA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the lease agreement extend to November 15, 2018.

Beginning in 1996, the Fairfax County Redevelopment and Housing Authority ("FCRHA") has issued $42,460,000 of revenue bonds in seven series to finance the construction or renovation of five community center buildings, two adult day health care centers, one Head Start facility and one senior center. The County was obligated by the terms of triple net lease agreements or payment agreements with FCRHA to pay amounts equal to debt service on FCRHA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of funds for such purpose. The coincidental terms of the various bonds, lease agreements and payment agreements extend to May 1, 2029. On March 10, 2010, EDA issued $43,390,000 revenue bonds (Six Public Facilities Projects) (the "2010 Bonds") and provided a portion of the proceeds of the 2010 Bonds to the County to enable the County pursuant to its lease agreements with FCRHA to purchase five facilities financed from FCRHA bond issuances in 1996, 1998, 1999 and 2004. FCRHA used the funds provided by the County to redeem or defease the four series of bonds that financed the applicable facilities. Two original series issued by FCRHA in 2003, and 2005 financing respectively a head start facility and a senior center remain outstanding.

In July 2000, the Fairfax County Board of Supervisors entered into a Master Development Agreement with a private developer to finance and construct a 135,000 square foot government center in the southeastern region of the County. In November 2000, $29,000,000 of Certificates of Participation ("Certificates" or "COPs") were issued, secured by a triple net lease on the property between the

developer and the County. The County was obligated by the terms of the lease agreement to pay an amount equal to the debt service on the Certificates. The County accepted the government center as substantially complete in February 2002. A portion of the proceeds of EDA's 2010 Bonds were provided to the County to enable the County to exercise an option to purchase the government center (the "South County Government Center Purchase"). The purchase price provided by the County was used to defease the COPs. The County is obligated by the terms of a contract with the EDA to pay amounts equal to debt service on the EDA's 2010 Bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of EDA's 2010 Bonds and the contract extend to April 2032.

In June 2003, EDA issued $70,830,000 of revenue bonds (Laurel Hill Public Facilities Project), backed by a contract with the County. Approximately $55,300,000 of the bonds were allocable to the financing of a new public secondary school in the southern part of the County and $15,530,000 of the bonds were allocable to the financing of a new 18 hole public golf course in the southern part of the County. The County is obligated by the terms of a contract with EDA to pay amounts equal to debt service on EDA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to June 2033. In April 2012, EDA issued its $47,745,000 Revenue Refunding Bonds (Laurel Hill Public Facilities Projects) to refund a portion of the bonds.

On January 27, 2005, EDA issued $60,690,000 of revenue bonds (School Board Central Administration Building Project Phase I) (the "School Board Building Bonds"), backed by a contract with the County. The bonds were issued to finance the purchase of certain property, including an existing office building thereon, the purchase of certain land adjacent thereto and the improvement of the existing building for use by the School Board as an administration building. The County is obligated by a contract with EDA to pay amounts equal to debt service on the School Board Building Bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the School Board Building Bonds and the contract extend to April 2035. In June, 2014, EDA issued $170,690,000 Fairfax County Facilities Revenue and Refunding Bonds Series 2014 A (County Facilities Projects) to refund a portion of the School Board Building Bonds.

On December 27, 2005, the Fairfax County Park Authority ("FCPA") issued two promissory notes in the aggregate amount of $12,900,000 for the purpose of providing a portion of the purchase price of a conservation easement for preservation purposes on an approximately 41 acre parcel of land, and options to purchase certain land. This land is known as "Salona," an historic site within the County. The County is obligated by the terms of a contract with FCPA to pay amounts sufficient to pay the principal and interest installments on the promissory notes when due. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the promissory notes and contract extend to December 2025.

On February 16, 2006, FCRHA issued a $40,600,000 Bond Anticipation Note (Affordable Housing Acquisition) Series 2006 (the "Series 2006 Note"). The Series 2006 Note was issued for the purpose of providing a portion of the funds required for the purchase of a multi-family rental housing complex, known as Crescent Apartments, to further FCRHA's goal of preserving existing affordable housing in Fairfax County. In 2007, 2008, 2011 and 2013 FCRHA issued bond anticipation notes, each time to refinance previous bond anticipation notes issued for the financing or refinancing of the Crescent Apartments project that were not paid from County money set aside to promote affordable housing. The currently outstanding Bond Anticipation Notes (Affordable Housing Acquisition) Series 2013A (the "2013A Notes") were issued in the principal amount of $24,650,000. The final maturity of the Series 2013A Notes is March 1, 2015. In February, 2015 the County and FCRHA entered into a direct loan

agreement with Bank of America, N.A. (the "Crescent Apartments Loan Agreement"), in a principal amount of $18,260,000, which together with other County funds refinanced the 2013A Notes. The County is obligated by a contract with FCRHA to make payments equal to the debt service on the Crescent Apartments Loan Agreement. The County's obligation to make such payments is subject to annual appropriation.

On November 28, 2007, FCRHA issued $105,485,000 Bond Anticipation Notes (Affordable Housing Acquisition) Series 2007B (the "Series 2007B Notes"). The Series 2007B Notes were issued for the purpose of providing a portion of the funds required for the purchase of a multi-family rental housing complex located in Annandale, Virginia. In 2008, FCRHA issued bond anticipation notes to refinance the Series 2007B Notes. On August 20, 2009, FCRHA issued its Revenue Bonds (Affordable Housing Acquisition) Series 2009 in the aggregate amount of $94,950,000 (the "Series 2009 Bonds") to pay a portion of the principal amount of the 2008 outstanding bond anticipation notes. A portion of the principal amount of the 2008 bond anticipation notes, and the interest due on such notes, was paid from money set aside to promote affordable housing. The County is obligated by the terms of a payment agreement with FCRHA, subject to the appropriation of funds for the purpose, to pay amounts equal to the interest on and the principal of the Series 2009 Bonds. The coincidental terms of the Series 2009 Bonds and the related payment agreement extend to October 2039.

In July 2011, EDA issued $99,430,000 of Revenue Bonds (Wiehle Avenue Metrorail Station Parking Project). The bonds were issued to finance a portion of the costs of construction of a public parking facility to serve the Wiehle Avenue Metrorail Station that is being constructed as part of the extension of Washington Metropolitan Area Transit Authority's Metrorail System in the Dulles Corridor. The County is obligated by contract with EDA to pay amounts equal to debt service on EDA's bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to August 2034.

In May 2012, EDA issued $65,965,000 of Revenue Bonds (Community Services Facilities Projects) backed by a contract between the County and EDA. The bonds were issued to finance the improvement of certain properties to be used by the County as a mental health facility and as a neighborhood community center. The County is obligated by a contract with EDA to pay amounts equal to debt service on such bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to March 2042.

In November 2013, the County issued a $11,085,000 special subfund revenue bond (the "2013 VRA Bond") to Virginia Resources Authority ("VRA"). In return for issuing the 2013 VRA Bond, VRA provided the County with a portion of the proceeds realized from its autumn 2013 pooled financing bond transaction. The 2013 VRA Bond was issued to finance renovations to a complex that serves as a senior housing and assisted living facility, a senior center and an adult day health care center in the County. The County is obligated by a contract with VRA to pay amounts equal to the debt service on the 2013 VRA Bond. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the 2013 VRA Bond and the contract extend to October 2033.

In December 2013, EDA and the County entered into a master credit agreement with Bank of America, N.A., pursuant to which a revolving line of credit in an amount of up to $100,000,000 is made available to the County to provide interim financing for projects within the County's Capital Improvement Program or other similar projects.

In December 2013, EDA and the County entered into a loan agreement with T.D. Bank, N.A. (the "T.D. Loan Agreement"), pursuant to which the proceeds of the loan in the amount of $25,000,000 are made available to the County to provide financing for the costs of the planned replacement of County-owned building subsystems such as roofs, electrical systems, HVAC, plumbing systems, carpet replacement, parking lot and garage repairs, fire alarm replacement and emergency generator replacement that have reached the end of their useful life (collectively, "County Building Improvements"). The County is obligated by a contract with EDA to pay amounts equal to the debt service on the loan. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. In March 2015, the County plans to receive an additional $10,000,000 from T.D. Bank, N.A. pursuant to the T.D. Loan Agreement to finance additional County Building Improvements.

In June 2014, EDA issued $170,690,000 of Fairfax County Facilities Revenue and Refunding Bonds Series 2014 A (County Facilities Projects) (the "2014A County Facilities Projects Bonds"). The 2014 A County Facilities Projects Bonds were issued to provide funds to finance the costs of the construction of a building to serve as a public safety facility for the County and the construction of a related parking garage, to refund and redeem prior to their respective maturities certain outstanding School Board Building Bonds and to capitalize interest on a portion of the Series 2014A County Facilities Projects Bonds up to and including the October 1, 2016, interest payment date. The County is obligated by a contract with EDA to pay amounts equal to debt service on such bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the Series 2014A County Facilities Projects Bonds and the contract extend to October, 2034.

In June 2014, EDA issued $30,175,000 of Fairfax County Facilities Revenue Bonds Series 2014 B (Federally Taxable) (County Facilities Projects) (the "2014B County Facilities Projects Bonds, and together with the 2014A County Facilities Projects Bonds, the "2014 County Facilities Projects Bonds") to provide funds to permanently finance the leasehold acquisition from LAF, LLC, of the Workhouse Arts Center located in the southeastern corner of the County, for a price sufficient to enable the lessee to retire all of its indebtedness relating to the Workhouse Arts Center. The County leased the 55-acre site and existing historic structures of the Lorton Correctional Complex to the lessee in 2006, and the lessee incurred over $50 million in debt through EDA to finance improvements to convert the Complex into a center for visual and performing arts. The County plans to provide for the continuation of the existing educational and cultural programs at the Center, while the County conducts a study of the optimum uses of and develops plans for further improvements to the Center. The County is obligated by a contract with EDA to pay amounts equal to debt service on such bonds. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the bonds and the contract extend to October, 2033.

On December 17, 2014, EDA issued its Revenue Bond (Silver Line Phase II Project) Series 2014 in the principal amount of $403,274,894 (plus capitalized interest) (the "TIFIA Bond") to USDOT as evidence of the repayment of the TIFIA Loan. Proceeds from the TIFIA Loan will be used to finance the County's share of Phase II of the Metrorail expansion. The County is obligated by a contract with EDA to pay amounts equal to debt service on the TIFIA Bond. The County's obligation to make such payments is subject to the annual appropriation by the Board of Supervisors of sufficient funds for such purpose. The coincidental terms of the TIFIA Bond and the contract extend to April, 2046.

Lease Commitments and Contractual Obligations

The County leases certain real estate, equipment, and sewer facilities under various long-term lease agreements. In addition, pursuant to contracts with Arlington County, the Alexandria Sanitation

Authority, the District of Columbia, and the Upper Occoquan Sewage Authority, the County is obligated to share the capital costs and associated debt service of certain facilities.

In 1989 and 1990, EDA issued $26,765,000 of parking revenue bonds to finance construction of parking structures near the Vienna Metrorail Station and the Huntington Metrorail Station in Fairfax County. All obligations relating to the construction of such parking structures have now been paid. EDA issued $25.735 million in bonds on November 10, 1999, to finance a second parking structure at the Vienna Metrorail Station. In August 2005, EDA issued $18,695,000 in bonds to refund all of the callable 1999 parking revenue bonds. The parking revenue bonds are payable under a lease with WMATA from revenues to be derived by WMATA from parking surcharges at these and other parking facilities in Fairfax County. In the event such revenues are not sufficient to pay debt service on the parking revenue bonds and under certain other conditions, the County is, in effect, obligated, subject to annual appropriation by its Board of Supervisors, to make payments to EDA sufficient to pay such debt service.

In February 1990, the Northern Virginia Transportation Commission ("NVTC") issued $79.4 million of bonds to finance certain costs associated with the establishment of commuter rail services (the Virginia Railway Express) in the area of Northern Virginia bordering Washington, D.C. Fairfax County has joined with other jurisdictions through a Master Agreement to bear certain costs associated with operating and insuring the rail service as well as servicing the debt issued by NVTC. The Master Agreement requires that the County's governmental officers charged with preparing its annual budget include an amount equal to its share of the costs of the Virginia Railway Express. Each jurisdiction's share is determined by a formula set out in the Master Agreement. Fairfax County's share of this cost was $4.5 million in FY 2013. An additional $23 million in NVTC commuter rail revenue bonds were issued in early 1997 to purchase new rail coaches. Debt service on these bonds is being funded predominantly by Commonwealth and federal funds and VRE revenues.

On October 29, 2003, EDA issued $33,375,000 transportation contract revenue bonds to provide $30,000,000 to the Commonwealth Transportation Board (CTB) for construction of certain interchanges on Route 28 in the Route 28 Highway Transportation District, which is partly in Fairfax County and partly in Loudoun County. EDA on August 26, 2004, issued $57,410,000 transportation contract revenue bonds to provide an additional $60 million for construction of additional interchanges. The bonds issued in 2003 and 2004 financed the construction of six interchanges. In March 2007, EDA issued $41,505,000 transportation contract revenue bonds to finance a portion of constructing an additional four interchanges in the Route 28 Highway Transportation District. In July 2008, EDA issued $51,505,000 transportation contract revenue bonds to finance additional costs of constructing the additional four interchanges on Route 28. See also the discussion of taxes levied by the County in the Route 28 Highway Transportation Improvement District, located partly in the County, to pay debt service on CTB and EDA bonds in "GOVERNMENT SERVICES – Transportation – *Tax Districts*" herein. In May, 2012, EDA issued bonds to refund a portion of the bonds issued in 2003 and 2004.

On May 26, 2011, EDA issued $205,705,000 Transportation District Improvement Revenue Bonds (Silver Line Phase I Project) Series 2011 which provided $220 million to provide a portion of the financing for the expansion of Metrorail of approximately 11.5 miles of rail line through the County's primary urban center, Tysons to Reston. On October 10, 2012, EDA issued an additional $42,390,000 Transportation District Improvement Revenue Bonds (Silver Line Phase I Project) Series 2012 to provide $48,400,000 for this purpose. Debt service on the bonds is paid from a special improvements tax levied by the County on commercial and industrial use property located in the Phase I Dulles Rail Transportation Improvement District within the County.

On June 9, 2011, the Mosaic District Community Development Authority (the "CDA") issued $46,980,000 Revenue Bonds, Series 2011A, and the CDA issued in July, 2011 an additional $18,670,000

Revenue Bonds, Taxable Series 2011A-T (collectively, the "CDA Bonds"). Proceeds from the CDA Bonds were used to finance certain public infrastructure improvements within the Mosaic District Community Development Authority District (the "Mosaic District") to support a mixed-use development to be constructed within the Mosaic District. The CDA Bonds are payable primarily from certain incremental real estate tax revenues collected by the County in the District and certain special assessments imposed and collected within the by the County within the Mosaic District. The payment of incremental real estate tax revenues and special assessments, as applicable, by the County to the CDA to be used for debt service payments on the CDA Bonds is subject to appropriation by the County.

Debt Service on Tax Supported Debt Obligations

Total principal and interest payments on the County's outstanding tax supported debt obligations, including general obligation bonds and other tax supported debt obligations are presented in the following table as of January 31, 2015: **[update]**

Fiscal Year Ending June 30	General Obligation Bonds Principal	General Obligation Bonds Interest[1]	Other Tax Supported Debt Obligations Principal	Other Tax Supported Debt Obligations Interest	Total[3]
2015	$57,555,000	42,326,923	$17,737,815	$12,965,838	$130,585,566
2016	186,825,000	88,876,502	32,259,094	25,676,026	333,636,622
2017	167,305,000	84,866,088	32,938,849	24,600,644	309,710,581
2018	169,815,000	77,530,523	49,813,773[3]	23,253,144	320,412,440
2019	167,855,000	69,824,403	37,198,872	21,320,878	296,199,153
2020	159,610,000	62,324,088	24,059,151	20,050,361	266,043,599
2021	152,475,000	55,163,993	24,609,618	18,980,624	251,229,234
2022	143,640,000	48,498,053	25,165,278	17,870,211	235,173,542
2023	134,955,000	41,839,313	25,766,139	16,729,010	219,289,461
2024	123,220,000	35,407,793	22,653,724	15,636,359	196,917,876
2025	119,945,000	29,187,968	23,250,000	14,622,266	187,005,233
2026	109,775,000	24,088,938	23,552,500	13,588,846	171,005,283
2027	102,060,000	19,764,978	23,885,000	12,536,687	158,246,665
2028	89,580,000	16,195,513	24,585,000	11,467,314	141,827,826
2029	77,860,000	12,393,880	25,320,000	10,360,909	125,934,789
2030	67,885,000	8,875,025	26,030,000	9,200,538	111,990,563
2031	54,400,000	6,212,350	26,865,000	7,994,105	95,471,455
2032	45,770,000	4,012,475	27,730,000	6,735,521	84,247,996
2033	34,895,000	2,187,275	26,685,000	5,421,092	69,188,367
2034-2042	35,945,000	1,173,500	99,615,000	14,633,046	151,366,546
Total[3]	$2,201,370,000	$730,749,575	$619,719,814	$303,643,407	$3,855,482,795

Source: Fairfax County Department of Management and Budget

[1] Does not reflect anticipated payments by the United States Treasury with respect to the County's Public Improvement Bonds Series 2009E (Federally Taxable - Build America Bonds).

[2] Includes the debt service on the Crescent Apartments Loan Agreement, including the $13,260,000 principal installment of the Crescent Apartments Loan Agreement due on March 1, 2018, which is expected to be refinanced.

[3] Totals may not add due to rounding.

Sewer Revenue Bonds

In 1986, the County issued $75 million of an authorized $179 of million sewer revenue bonds pursuant to a General Bond Resolution adopted by the Board of Supervisors (the "General Bond Resolution"). The proceeds were expended to finance the expansion of the wastewater treatment facilities at the Noman M. Cole, Jr., Pollution Control Plant from 36 mgd to 54 mgd and the County's share of the cost of expanding facilities at the District of Columbia's Blue Plains Wastewater Treatment Plant. The treatment capacity of the Blue Plains Plant expanded from 309 mgd to 370 mgd, and the County's share increased from 16.02 mgd to 31.0 mgd. In 1993, the County issued $72.1 million sewer revenue refunding bonds to advance refund for debt service savings a portion of its outstanding sewer revenue bonds. In July 1996, the County issued the remaining authorized but unissued $104 million sewer revenue bonds to finance additional expansion and improvements to its Noman M. Cole, Jr., Pollution Control Plant. On November 15, 2003, the County redeemed from available funds of the Integrated Sewer System the outstanding balance of its 1993 sewer revenue refunding bonds. On October 14, 2004, the County issued its $94.005 million sewer revenue refunding bonds to advance refund for debt service

savings all of the callable 1996 sewer revenue bonds. On June 17, 2009, the County issued its $152.255 million sewer revenue bonds to finance a portion of the upgrade costs allocable to the County at certain wastewater treatment facilities that are owned by, or that provide service to, the County, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County's sewage collection, treatment and disposal systems. On August 8, 2012, the County issued its $90.710 million sewer revenue bonds to finance a portion of capital improvement costs allocable to the County at certain wastewater facilities that are owned by or that provide service to, the County, which are required by the Commonwealth to reduce nitrogen discharge, the purchase of additional capacity at certain wastewater treatment facilities for the benefit of the County and the costs of certain additions, extensions and improvements to the County's sewage collection, treatment and disposal systems. On April 16, 2014, the County issued its $61.755 million sewer revenue refunding bonds to advance refund for debt service savings a portion of the callable 2004 sewer revenue bonds.

Wastewater treatment capacity and services are also provided to the Integrated Sewer System pursuant to contracts with Arlington County, the Alexandria Renew Enterprises ("ARE"), the District of Columbia, and the Upper Occoquan Sewage Authority ("UOSA"), whereby the County is obligated to share the capital costs and associated debt service of certain facilities. The County's obligations to such entities are payable solely from the revenues of the Integrated Sewer System on a basis, under the General Bond Resolution, subordinate to its sewer revenue bonds, and are not general obligations of the County. Further information concerning these obligations is included in Notes J and K to the Basic Financial Statements shown in Appendix IV.

The County has entered into a service agreement with ARE that obligates the County for 60% of the cost of capacity of the ARE wastewater treatment plant and a joint use system, including debt service on ARE bonds issued for ARE system improvements where the County does not otherwise provide for its share of the capital cost of such improvements. The County's share of previous upgrades was $200 million. The County's share of additional upgrades, as estimated by ARE, is approximately $80 million. The County obtained permanent funding from the Virginia Water Facilities Revolving Fund in FY 2001 and again in FY 2002 for a portion of its share of the initial costs from the proceeds of two loans aggregating $90 million. The County issued to the Virginia Water Facilities Revolving Fund the County's $40 million subordinated sewer revenue bonds which now bear interest at the rate of 2.35% per annum and $50 million subordinated sewer revenue bonds which now bear interest at the rate of 2.35% per annum, in evidence of its obligation to repay the loans. The County expects to provide the balance of its share of the costs of ARE's improvement project from other borrowings and available Integrated Sewer System funds.

In January 1996, UOSA issued $330.86 million of bonds: $288.60 million to finance the cost of expanding its advanced wastewater treatment plant from 32 mgd to 54 mgd and $42.26 million to refinance certain of its outstanding bonds. In January 2004, UOSA refunded a portion of this debt for debt service savings and accordingly revised the participating member jurisdictions' debt service schedules. In November 2004, July 2005, and again in February 2007, UOSA refunded additional portions of its outstanding debt. In February of 2007, UOSA issued $90,315,000 of Regional Sewer System Revenue Refunding Bonds to advance refund another portion of the outstanding bonds issued in 1996. In December 2007, UOSA issued $119,715,000 in bonds to finance the expansion and replacement of certain systems within its wastewater treatment plant. In December 2010, UOSA issued $85.18 million in bonds to finance UOSA capital improvements including interceptor and pump delivery systems, nutrient reduction projects and miscellaneous plant and hydraulic improvements. See the table below for the County's debt service obligations on outstanding UOSA bonds. In 2013 UOSA issued two series of refunding bonds for debt service savings and accordingly reduced the participating member jurisdictions' debt service payment requirements. In 2014 UOSA issued another series of refunding

bonds for debt service savings and again reduced the participating member jurisdictions' debt service payment requirements.

The debt service on the County's outstanding sewer revenue bonds, its subordinated sewer revenue bonds payable to the Virginia Water Facilities Revolving Fund evidencing loans for a portion of the County's costs associated with the ARE improvement project, and its subordinated obligations payable for capacity under its contract with UOSA, is reflected in the following table as of January 31, 2015 [**update**]:

	Sewer Revenue Bonds		Other Sewer Debt Service Obligations		
Fiscal Year Ending June 30	**Principal**	**Interest**	**SRF/VRA[1]**	**UOSA[2]**	**Total[3]**
2015	$0	$0	$3,101,639	$13,963,358	$17,064,997
2016	7,655,000	13,241,350	6,203,277	18,669,606	45,769,233
2017	7,980,000	12,938,500	6,203,277	18,667,796	45,789,573
2018	8,365,000	12,562,625	6,203,277	18,659,549	45,790,451
2019	8,810,000	12,133,250	6,203,277	18,646,441	45,792,968
2020	9,295,000	11,680,625	6,203,277	18,636,693	45,815,595
2021	9,780,000	11,203,750	6,203,278	18,278,363	45,465,391
2022	10,295,000	10,701,875	3,412,199	21,251,686	45,660,760
2023	10,835,000	10,173,625	-	18,804,455	39,813,080
2024	11,410,000	9,617,500	-	18,789,845	39,817,345
2025	11,985,000	9,055,650	-	18,776,091	39,816,741
2026	12,510,000	8,542,325	-	21,376,155	42,428,480
2027	13,020,000	8,058,950	-	14,682,038	35,760,988
2028	13,530,000	7,548,713	-	14,660,598	35,739,311
2029-2043	153,495,000	51,546,163	-	86,481,436	291,522,599
Total[3]	$288,965,000	$189,004,901	$43,733,501	$340,344,112	$862,047,514

Source: Fairfax County Department of Public Works and Environmental Services

[1] Debt service on the County's subordinated sewer revenue bonds issued to the Virginia Water Facilities Revolving Fund evidencing the County's obligation to repay $90 million in loans made to the County by Virginia Resources Authority from the Fund.

[2] Based on the County's share of scheduled UOSA debt service. Does not reflect any anticipated payments by the United States Treasury on outstanding UOSA Build America Bonds.

[3] Totals may not add due to rounding.

Debt Ratios

The following data show trends in the relationship of the general obligation bond indebtedness of the County to the estimated market value of taxable property in the County and to its estimated population and the trend of general obligation debt service requirements as a percentage of General Fund disbursements. [**update**]

Trend of Debt as a Percentage of Estimated Market Value of Taxable Property (in 000s)

Fiscal Year Ended June 30	Bonded Indebtedness[1]	Estimated Market Value[2]	Percentage
2005	$1,931,008	$159,587,438	1.21%
2006	1,963,218	194,378,020	1.01
2007	2,045,423	235,106,092	0.87
2008	2,109,908	245,338,140	0.86
2009	2,131,273	244,973,908	0.87
2010	2,318,699	222,951,827	1.04
2011	2,554,051	204,324,080	1.25
2012	2,734,135	210,318,077	1.30
2013	2,514,452	211,298,487	1.19
2014	2,766,717	224,369,644	1.23

Source: Fairfax County Comprehensive Annual Financial Report FY 2014

[1] Bonded Indebtedness for Fiscal Year 2014 included herein differs from the data shown in Tables 3.1, 3.2 and 3.4 of the Statistical Section of the County's Fiscal Year 2014 Comprehensive Annual Financial Report based on the treatment of bond premium and discounts. In the Comprehensive Annual Financial Report, Fiscal Year 2014 Bonded Indebtedness represents principal outstanding plus unamortized premium (minus unamortized discount). In the table above, Bonded Indebtedness is based on outstanding principal without adjustment for unamortized premium or discount. The total includes General Obligation Bonds and other tax supported debt payable from the General Fund including the County's obligation to make payments with respect to "Other Tax Supported Debt Obligations."

[2] Estimated market value is based on recorded values as of January 1 of the prior fiscal year, and reflects the original book value and does not reflect any adjustments made during the fiscal year.

Debt Per Capita

Fiscal Year Ended June 30	Bonded Indebtedness (in 000s)[1]	Estimated Population (in 000s)[2]	Bonded Indebtedness Per Capita	Fairfax County Per Capita Income[3]	Debt Per Capita as Percentage of Per Capita Income
2005	$1,931,008	$1,034	$1,868	$61,837	3.02%
2006	1,963,218	1,037	1,893	64,698	2.93
2007	2,045,423	1,042	1,964	67,691	2.90
2008	2,109,908	1,046	2,018	70,822	2.85
2009	2,131,273	1,052	2,026	69,241	2.93
2010	2,318,699	1,082	2,144	67,094	3.20
2011	2,554,051	1,104	2,313	64,637	3.58
2012	2,734,135	1,119	2,444	68,847	3.55
2013	2,514,452	1,131	2,223	71,607	3.10
2014	2,766,717	1,119	2,472	71,607	3.45

Source: Fairfax County Comprehensive Annual Financial Report FY 2014

[1] Bonded Indebtedness for Fiscal Year 2014 included herein differs from the data shown in Tables 3.1, 3.2 and 3.4 of the Statistical Section of the County's Fiscal Year 2014 Comprehensive Annual Financial Report based on the treatment of bond premium and discounts. In the Comprehensive Annual Financial Report, Fiscal Year 2014 Bonded Indebtedness represents principal outstanding plus unamortized premium (minus unamortized discount). In the table above, Bonded Indebtedness is based on outstanding principal without adjustment for unamortized premium or discount.

[2] U.S. Census Bureau, 1970, 1980, 1990, 2000 and 2010 Decennial Censuses, 2005 to 2013 estimates, Fairfax County Department of Neighborhood and Community Services. 2014 data are from the Weldon Cooper Center for Public Service, University of Virginia.

[3] Source: Bureau of Economic Analysis (BEA), U.S. Department of Commerce, 2002-2008 and Fairfax County Department of Management and Budget 2009-2013.

Debt Service Requirements as a Percentage of General Fund Disbursements (in 000s)

Fiscal Year Ended June 30	Debt Service Requirements[1]	General Fund Disbursements	Percentage
2005	$224,544	$2,799,800	8.02%
2006	239,326	3,033,283	7.89
2007	253,433	3,224,338	7.86
2008	267,624	3,320,397	8.06
2009	276,105	3,354,860	8.23
2010	277,370	3,309,905	8.38
2011	285,551	3,343,689	8.54
2012	288,302	3,419,953	8.43
2013	289,714	3,533,098	8.20
2014	295,441	3,637,841	8.12

Source: Fairfax County Comprehensive Annual Financial Report FY 2014

[1] The Debt Service Requirements include total principal and interest payments on the County's outstanding tax supported debt obligations, including all debt listed under the heading "Other Tax Supported Debt Obligations."

Underlying Bonded Indebtedness

The following table shows the underlying bonded indebtedness of towns within the boundaries of Fairfax County as of June 30, 2014: [**update**]

Town of Vienna[1]	General Obligation Bonds and Public Improvement Notes	$21,629,000
Town of Herndon[1]	General Obligation Bonds	12,467,424
Total Underlying Indebtedness		$34,096,424

Source: Fairfax County Comprehensive Annual Financial Report 2014

[1] Town of Vienna, Town of Herndon. Bonded Indebtedness for Fiscal Year 2014 included herein differs from the data shown in Tables 3.1, 3.2 and 3.4 of the Statistical Section of the County's Comprehensive Annual Financial Report based on the treatment of bond premium and discounts. In the Comprehensive Annual Financial Report, beginning with FY 2013, Bonded Indebtedness represents principal outstanding plus unamortized premium (minus unamortized discount). In the table above, Bonded Indebtedness is based on outstanding principal without adjustment for unamortized premium or discount.

These underlying general obligation bonds are obligations of the respective towns only and are not obligations of Fairfax County.

The bonds, notes and other obligations of Fairfax Water, the Fairfax County Park Authority, the Fairfax County Industrial Development Authority, the Fairfax County Economic Development Authority, the Fairfax County Redevelopment and Housing Authority, the Northern Virginia Health Center Commission, the Northern Virginia Transportation Commission, and the Mosaic District Community Development Authority are not obligations of the County.

TAX BASE DATA

[Fairfax County annually reassesses approximately 359,034 parcels of real property employing a computer assisted mass reassessment program for both residential and non-residential properties. The County uses a statistic called the coefficient of dispersion (the "Coefficient of Dispersion") which measures the uniformity of assessment to sale ratios among properties. The lower the coefficient of dispersion, the more uniform the assessment. The overall Coefficient of Dispersion in Fairfax County for tax year 2013 (FY 2014) was 3.9%, and the assessment to sales price ratio was 0.936. A Coefficient of Dispersion of 15% is considered good by professional assessing standards. The County falls into the excellent category, indicating a high degree of assessment uniformity and equity.

The assessed value for FY 2015 of the real estate tax base, as reported for calendar year 2014 assessments in the main tax book for Fairfax County, increased by 5.4% in value from the prior year.

The data in the following five tables are presented to illustrate trends and characteristics of the assessed value of real and personal property which are major sources of County-derived revenue: - **update**]

Assessed Value of All Taxable Property[1]

Fiscal Year	Real Property	Personal Property	Total
2005	$144,643,064,429	$13,618,244,620	$158,261,309,049
2006	177,877,141,169	14,310,177,208	192,187,318,377
2007	217,461,663,192	14,885,684,962	232,347,348,154
2008	226,344,848,687	14,968,086,737	241,312,935,424
2009	226,983,531,614	15,516,080,309	242,499,611,923
2010	204,047,166,164	14,502,191,112	218,549,357,276
2011	185,755,271,151	14,767,968,334	200,523,239,485
2012	192,062,068,734	15,265,499,862	207,327,568,596
2013	198,178,754,789	16,053,881,534	214,232,636,323
2014	205,045,008,994	16,420,356,751	221,465,365,745
2015[2]	216,866,568,287	16,572,096,943	233,438,665,230
2016[2]	224,319,188,163	16,693,350,360	241,012,538,523

Source: Fairfax County Department of Tax Administration. All years included figures for the Public Service Corporation. All Public Service Corporation real property assessments are required under Virginia law to be made at 100% of estimated market value annually by the State Corporation Commission.

[1] Figures are net of exonerated assessments and tax relief for the elderly and disabled.

[2] Estimates per the FY 2015 Revised Budget Plan and FY 2016 Adopted Budget Plan per Fairfax County Department of Management and Budget. Fiscal year property taxes are levied on prior year assessments. FY 2015 and 2016 are estimates.

Tax Rates per $100 Assessed Value
(Fiscal Year)

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Real Estate – Regular and Public Service	$1.00	$.89	$.89	$ .92	$1.04	$1.09	$1.07	$1.075	$1.085	$1.09
Personal Property – Regular	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57
Personal Property – Public Service	1.00	.89	.89	.92	1.04	1.09	1.07	1.075	1.085	1.085
Personal Property – Machinery and Tools	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57
Personal Property – Development	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57	4.57
Personal Property – Mobile Homes	1.00	.89	.89	.92	1.04	1.09	1.07	1.075	1.085	1.09
Personal Property – Special[1]	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01

Source: Fairfax County Adopted Budgets, FY 2006-FY 2015
[1] Includes vehicles specially equipped for the handicapped, privately owned vans used for van pools, vehicles belonging to volunteer fire and rescue squad members, vehicles owned by auxiliary police and reserve deputy sheriffs, certain property of homeowners associations, antique cars, aircraft, including flight simulators, and motor vehicles owned by qualified elderly or disabled individuals, and boats.

Commercial-Industrial Percentage of the Total Assessed Value of Real Property[1]

Fiscal Year[2]	Percent (%)[3]
2006	17.36
2007	17.22
2008	19.23
2009	21.06
2010	22.67
2011	19.70
2012	19.64
2013	20.77
2014	19.96
2015	19.01
2016	18.67

Source: Fairfax County Department of Tax Administration
[1] Assessed values are reported by State of Virginia Land Use Codes. Vacant land is defined according to zoning classification.
[2] Fiscal year property taxes are levied on prior year assessments.
[3] Includes the Towns of Vienna, Herndon and Clifton.

The following data show the assessed value of real property of the 25 largest holders of real property in the County as of January 1, 2015. **[update]**

Top 25
Holders of Real Property in Fairfax County
As of January 1, 2015

Rank	Property Owner	Property Type	Total Assessment[1]
1	Tysons Corner Property Holdings LLC	Tysons Corner Regional Shopping Mall	$1,551,258,220
2	Fairfax Company Of Virginia LLC	Fair Oaks Mall	460,532,490
3	Franconia Two LP	Office	405,449,680
4	Camden Summit Partnership LP	Apartments	334,793,120
5	Cesc Skyline LLC	Commercial & Industrial	323,405,480
6	Federal Home Loan Mortgage Corp.	Office and Residential	310,210,100
7	Washington Gas Light Co	Public Utility	300,886,547
8	Capital One Bank	Office	264,279,340
9	Homart Newco One Inc	Commercial & Industrial	256,537,790
10	Sri Seven Fair Lakes LLC	Commercial & Industrial	255,580,530
11	Reston Town Center Property LLC	Commercial & Retail	249,570,980
12	Greystar	Apartments	248,958,830
13	Patriot Village Owner	Apartments	241,445,120
14	Ps Business Parks LP	Industrial Parks	233,871,530
15	Hyundai Able Patriots Park LLC	Office	230,409,240
16	South Office Market LLC	Office	218,227,100
17	Aimco Riverside Park LLC	Apartments	215,513,390
18	Home Properties Mount Vernon LLC	Apartments and Office	207,746,570
19	Fairfax Owner LLC	Office	182,903,310
20	GBA Associates Limited Partnership	Office	182,870,960
21	Eqr-Skyline Towers LLC	Apartments and Office	180,860,300
22	Greenspring Village Inc	Senior Living Community	179,620,800
23	Mitre Corporation	Office	177,749,440
24	Mobil Fairfax Inc	HQ Office and Various Commercial	172,672,610
25	Gannett Co Inc	Office	172,219,630
		Total	**$7,557,573,107**

Source: Fairfax County Department of Tax Administration, January 1, 2015, tax rolls
[1] As of January 1, 2015, the assessed value of the real property of the 25 largest holders of real property in the County represented 3.37% of the total assessed value of all real property in Fairfax County, excluding tax-exempt properties. January 1, 2015, assessments generate tax revenue in FY 2016.

Real and Personal Property
Tax Levies and Tax Collections

Fiscal Year	Total Levy[1]	Current Collections[2]	% of Total Levy Collected[3]	Collection of Delinquent Taxes	Total Current & Delinquent Taxes	% of Total Levy & Delinquent Taxes
2006	$2,270,001,560	$2,253,875,705	99.29%	$27,523,583	$2,281,399,288	100.50%
2007	2,445,217,224	2,436,800,582	99.66%	25,358,430	2,462,159,012	100.69%
2008	2,526,532,291	2,517,345,644	99.64%	22,348,830	2,539,694,474	100.52%
2009	2,616,413,372	2,597,768,048	99.29%	23,406,200	2,621,174,248	100.18%
2010	2,617,630,834	2,611,825,961	99.78%	21,900,682	2,633,726,643	100.61%
2011	2,529,322,489	2,519,767,097	99.62%	22,696,208	2,542,463,305	100.52%
2012	2,578,579,112	2,563,131,721	99.40%	22,034,282	2,585,166,003	100.26%
2013	2,685,186,192	2,679,668,935	99.79%	18,659,978	2,698,328,913	100.49%
2014	2,789,010,004	2,776,199,493	99.54%	21,735,390	2,797,934,883	100.32%
2015	2,934,520,721	2,919,651,406	99.49%	19,221,607	2,938,873,013[4]	100.15%

Sources: Fairfax County Department of Management and Budget and Department of Tax Administration
[1] The total levy is the levy for General Fund real and personal property taxes and does not include the property tax levy for Special Revenue Funds, *e.g.* for refuse collection and community centers.
[2] Current collections do not include tax collections for the Special Revenue Funds or payments in lieu of taxes. As a result of revised accounting procedures, the collection of penalty and interest payments for late payments of current taxes is included in the collection of current taxes rather than under the collection of back taxes.
[3] The percentage of levy is not the collection rate since current collections also include penalty and interest payments for late payments of current taxes.
[4] FY 2015 Adopted Budget per Fairfax County Department of Management and Budget and Department of Tax Administration.

Section 58.1-3916 of the Code of Virginia authorizes Fairfax County, pursuant to Section 4-10-1 of the County Code, to impose a penalty of 10% for failure to pay taxes when due, with interest to be due on such taxes and penalty following the day such taxes are due at the rate of 10% per annum the first year and at the greater of 10% per annum and the rate established pursuant to Section 6621 of the Internal Revenue Code for the second and subsequent years of delinquency.

FINANCIAL INFORMATION

Five Year Summary of Revenues, Expenditures and Fund Balances for General, Special Revenue and Debt Service Funds [update]

The financial data shown in the following table represent a summary for the five fiscal years ended June 30, 2014, of the revenues, expenditures, and fund balances accounted for in the County's General Fund, Special Revenue Funds, and Debt Service Funds, and, in accordance with Statement No. 14 of the Governmental Accounting Standards Board, in the comparable, primary government-appropriated funds of the discretely reported component units. The summaries for the five fiscal years ended June 30, 2014, have been compiled from the financial statements of the County for the respective years and should be read in conjunction with the related financial statements and notes thereto.

	Fiscal Years Ended June 30				
	2010	2011	2012	2013	2014
Revenues:					
Taxes[1]	$2,889,531,062	$2,848,580,425	$2,898,255,803	$3,026,313,822	$3,109,616,744
Permits, privilege fees, and regulatory licenses	47,681,442	55,402,463	59,935,796	62,411,104	63,886,989
Fines and forfeitures	15,065,700	16,645,115	17,230,369	16,842,952	16,817,313
Revenue from the use of money and property	38,959,091	37,124,786	35,234,063	36,081,802	32,105,767
Charges for services and recovered costs	411,214,184	428,046,963	441,423,501	449,653,765	460,921,090
Intergovernmental	1,042,227,100	1,106,149,358	1,113,147,729	1,226,117,736	1,290,466,274
Miscellaneous	11,687,915	11,248,827	13,780,036	12,797,703	12,296,874
Total revenues	$4,456,366,494	$4,503,197,937	$4,579,007,297	$4,830,218,884	$4,986,111,051
Expenditures and transfers:					
General governmental administration	$ 141,269,734	$ 165,348,601	$ 178,269,343	$ 179,785,573	$172,901,998
Judicial administration	37,838,681	49,781,817	49,461,933	45,919,569	50,814,325
Public safety	575,374,119	573,438,199	595,235,346	642,126,633	716,222,583
Public works	203,795,365	205,652,599	210,031,358	214,679,613	228,313,372
Health and welfare	487,497,996	540,186,138	555,316,485	540,103,616	549,709,501
Parks, recreation and cultural	98,359,159	80,116,456	84,076,869	83,966,114	84,562,051
Community development	210,638,852	364,724,482	408,614,331	365,399,785	310,022,014
Education[2]	2,196,207,759	2,213,823,884	2,324,927,087	2,497,492,021	2,539,843,951
Debt service	301,280,384	320,697,058	330,670,748	343,425,315	345,565,493
Net transfers to other funds[3]	22,318,350	23,347,426	69,324,474	39,320,313	41,310,848
Total expenditures and transfers	$4,274,580,399	$4,537,116,660	$4,805,927,974	$4,952,218,552	$5,039,266,136
Excess (deficiency) of revenues over expenditures and transfers	$181,786,095	($33,918,723)	($226,920,677)	($121,999,668)	($53,155,085)
Other Financing Sources:					
Revenue bonds issued	-	266,704,702	107,645,374	48,709,053	34,630,472
Fund balance, beginning of year[4]	863,218,017	1,016,824,844	1,257,018,819	1,167,930,245	1,094,544,114
Adjustment of fund balance, beginning of year	10,538,045	37,439,914	30,031,918	-	-
Increase (decrease) in reserve for inventories of supplies	(1,277,399)	-	154,811	(95,516)	342,573
Fund balance, end of year	$1,054,264,758	$1,287,050,737	$1,167,930,245	$1,094,544,114	$1,076,362,074

Source: Fairfax County Comprehensive Annual Financial Reports for the fiscal years ended June 30, 2010-2014

[1] Taxes include real estate, personal property, sales, recordation, business, professional, and other licenses and miscellaneous other taxes.

[2] Teachers' salaries accounted for in the School Operating Fund are paid by contract over a twelve-month period ending in August. Consequently, in order to reflect the total teachers' salaries in the fiscal year the services are rendered, an accrual is made at the end of each fiscal year for the payroll liability arising from those teachers' salaries to be paid in the first two months of the succeeding fiscal year.

[3] The inter-fund transfers among the funds presented have been eliminated.

[4] Fund balance includes amounts reserved for inventories of supplies. Beginning in FY 2011, inventories of supplies were reported as an increase or decrease in fund balance only if the inventories deemed significant in relation to the total fund balance.

Financial Policies

The Board of Supervisors has been guided by long-standing financial policies and guidelines in the conduct of financial management. The governing statement of financial policy is contained within the Ten Principles of Sound Financial Management ("Ten Principles"). Adopted by the Board of Supervisors in 1975 and amended as needed to address changing economic conditions and management practices, the Ten Principles have been reaffirmed and have guided each succeeding Board of Supervisors to establish strong fiscal management tools and practices. The Ten Principles provide for the integration of land use planning with capital and operating budgets; establish guidelines for the development of annual balanced budgets; stress the importance of maintaining positive cash balances; establish firm not to exceed limits to debt ratios; provide guidance on cash management, internal controls, and performance measurement; provide guidelines restricting the proliferation of underlying debt and use of moral obligation financing; and encourage the development of a diversified economy within the County.

Other policies and tools that have been designed to enhance the impact of the Ten Principles include annual adoption of budgetary guidelines, formal establishment of various expenditure, revenue, and special purpose reserves, capital improvement planning guidelines, policies for risk management, guidelines for acceptance of grant awards, and planning for information technology. Various tools in active use by the County include the annual budget, the Capital Improvement Program, revenue and financial forecasts, and management initiatives such as a performance measurement program, a pay-for-performance management system, workforce planning, and various information technology initiatives.

Certain Financial Procedures

Description of Funds

The County's annual audited financial statements include the funds administered by the Board of Supervisors and the School Board. The accounts of the County are organized on the basis of funds, each of which is considered to be a separate accounting entity. The transactions in each fund are accounted for by providing a separate set of self-balancing accounts which comprise its assets, liabilities, fund balance, revenues, and expenditures.

Annual Financial Statements

The County has no legal authority to borrow in anticipation of future years' revenues, except by the issuance of bonds or bond anticipation notes.

Prior to the beginning of each fiscal year, the Board of Supervisors adopts a budget plan consisting of contemplated expenditures and estimated revenues for such fiscal year. On the basis of the adopted budget plan, the Board of Supervisors appropriates funds for the expenditures, and establishes tax rates sufficient to produce the revenues, contemplated in the budget plan.

The annual budgeting process for a fiscal year begins in the first quarter of the previous fiscal year with the submission by agency directors of budget requests to the Department of Management and Budget. During the second quarter, budget requests are reviewed and meetings between the County Executive, Deputy County Executives, and agency directors are held to discuss agency requests. Upon receipt of the preliminary budget of the School Board in the third quarter, the County Executive prepares an initial budget for submission to the Board of Supervisors and proposes tax rates sufficient to produce revenues needed to meet expenditures contemplated in the initial budget. After work sessions with the Board of Supervisors and public hearings on the proposed budget, changes are made and the final budget is adopted. Tax rates are established prior to the beginning of the fiscal year for which the budget is prepared.

During the fiscal year, quarterly reviews of revenue and expenditures are undertaken by the County Department of Management and Budget. On the basis of these reviews, the Board of Supervisors revises appropriations as needed or desired.

In 1982, the Board of Supervisors adopted a financial policy requiring maintenance of a "managed reserve" in the General Fund beginning on July 1, 1982, at a level not less than 2% of General Fund disbursements. This reserve has been incorporated in the budget each fiscal year. This reserve was implemented to provide for temporary financing of unforeseen needs of an emergency nature and to permit orderly adjustment to changes resulting from termination of revenue sources through actions of other governmental bodies. In 1985, the Board of Supervisors adopted a policy on appropriations during quarterly budget reviews, which provides that non-recurring revenues should be used for either capital expenditures or other non-recurring expenditures and that quarterly review adjustments are not to exceed

2% of the General Fund disbursements. In addition, on September 13, 1999, the Board of Supervisors established a Revenue Stabilization Fund with a goal of reaching 3% of General Fund disbursements. As of the FY 2006 Third Quarter Review, the Revenue Stabilization Fund was fully funded at 3% of General Fund disbursements. This reserve continues to be fully funded and currently totals $102.8 million. This reserve is designed to address ongoing requirements in years of significant economic downturn. Criteria for withdrawals from the Revenue Stabilization Fund include (1) projected revenues must reflect a decrease of greater than 1.5% from the current fiscal year estimate, (2) withdrawals must not exceed one-half of the fund balance in any fiscal year, and (3) withdrawals must be used in combination with spending cuts or other measures.

Investment Management Policy

The County's Division of Investments and Cash Management operates under the direction of the Investment Committee comprised of the Chief Financial Officer/Director of the Department of Management and Budget, the Director of the Department of Finance, the Director of the Department of Tax Administration, and the Deputy Director of the Department of Finance. Guided by a formal investment policy, the Committee continually reviews the County's investment policies and strategies and monitors daily investment activity.

During FY 2014, the County's average portfolio size (which includes investments in the General Fund, Special Revenue Funds, and Enterprise Funds) was approximately $2.81 billion. The funds are invested in U.S. Treasury obligations, obligations of the Federal Home Loan Mortgage Corporation, Federal Home Loan Banks, Federal Farm Credit Bank, and Fannie Mae, bankers' acceptances, commercial paper (rated A1/P1 or higher), negotiable and non-negotiable and insured certificates of deposit, money market mutual funds limited to government obligations, corporate notes, bank notes, and other investments permitted under Virginia law for these purposes.

The County's investment policy, which governs the pooled cash, and general obligation bond proceeds, portfolios prohibits investment in instruments generally referred to as derivatives, and the County does not employ leverage in its investments.

The Association of Public Treasurers of the United States and Canada has awarded the County a certification for its investment policy each year since 1998. To achieve certification, an investment policy must establish standards recognized in the profession as fostering prudent management of public funds.

General Fund Revenues, Expenditures, Transfers and Beginning Fund Balance

The General Fund is maintained by the County to account for revenue derived from Countywide ad valorem taxes, other local taxes, licenses, fees, permits, charges for services, certain revenue from federal and State governments, and interest earned on invested cash balances of the General Fund and Capital Project Funds. General Fund expenditures and transfers include the costs of general County government, transfers to the School Operating Fund to pay the local share of operating Fairfax County public schools, and transfers to the Debt Service and Capital Projects Funds to pay debt service on County general obligation bonds and for certain capital improvement projects.

General Fund Summary

Shown below are the County's revenues, expenditures, transfers, and beginning fund balance of the General Fund for FY 2010 through FY 2014.

General Fund Revenues, Transfers, and Beginning Fund Balance
(in thousands)

	Fiscal Year Ended June 30				
	2010	2011	2012	2013	2014
General Property Taxes	$2,412,143	$2,321,809	$2,364,202	$2,477,040	$2,576,653
Other Local Taxes	460,147	505,518	517,376	530,960	514,844
Permits, Privilege Fees, and Regulatory Licenses	28,666	34,267	36,844	38,201	39,352
Fines and Forfeitures	14,943	16,563	17,147	16,792	16,670
Revenue from the Use of Money and Property	22,641	19,988	19,624	18,555	15,034
Charges for Services and Recovered Costs	68,916	64,103	66,804	76,242	78,635
Intergovernmental	343,997	348,640	347,751	339,758	345,208
Miscellaneous	673	13,932	13,497	1,305	786
Transfers In and Beginning Fund Balance	306,064	396,482	388,970	363,702	353,464
Total	$3,658,190	$3,721,302	$3,772,215	$3,862,555	$3,940,646

Source: Fairfax County Comprehensive Annual Financial Reports for FY 2010-FY 2014

General Fund Expenditures and Transfers
(in thousands)

	Fiscal Year Ended June 30				
	2010	2011	2012	2013	2014
Transfer to School Operating Fund	$1,626,601	$1,611,590	$1,610,835	$1,683,322	$1,716,989
Costs of General County Government	1,304,385	1,372,007	1,444,498	1,474,374	1,529,264
Transfer to Debt Service Funds	274,700	281,869	276,520	281,610	291,166
Transfer to Capital Project Funds	20,895	15,908	19,627	17,055	27,636
Transfer to Metro Construction and Operations Fund	7,410	7,410	11,298	11,298	11,298
Other Transfers	58,744	56,119	55,766	65,628	61,488
Total	$3,292,735	$3,344,903	$3,418,544	$3,533,287	$3,637,841

Source: Fairfax County Comprehensive Annual Financial Reports for FY 2010-FY 2014

Revenues

The following is a discussion of the General Fund revenue structure.

General Property Taxes – An annual ad valorem tax is levied by the County on the assessed value of real and tangible personal property located within the County as of January 1 preceding the fiscal year in which such tax is due. The personal property tax on motor vehicles that acquire situs within the County or have title transferred on or after January 2 is prorated on a monthly basis. Real property and personal property are assessed at 100% of fair market value. Real property taxes are due on July 28 and December 5 of the fiscal year in which they are levied. The payment date for personal property taxes is October 5. The penalty for late payment is 10% of the amount due, and interest on delinquent taxes and

penalties accrues at a rate of 1% per annum for real estate taxes and 5% per annum for personal property taxes. In cases of property on which delinquent taxes are not paid within three years, the County may sell the property at public auction to pay the amounts due. There is no legal limit at the present time on the property tax rates that may be established by the County. Property taxes (including delinquent payments, penalties, and interest) accounted for 71.8% of total General Fund revenues in FY 2014. However, this percentage does not include the reimbursement from the Commonwealth of Virginia for a portion of the personal property tax. Including the reimbursement reflected in Intergovernmental revenue, the percentage of revenue from property taxes in FY 2014 was 77.7%. A discussion concerning the Commonwealth's plan to reduce personal property taxes follows.

During its 1998 Special Session, the General Assembly of Virginia enacted legislation to reduce personal property taxes applicable to individually owned motor vehicles. The reduction, which applies to the first $20,000 in assessed value, was scheduled to be phased in over a five year period. The legislation states that the Commonwealth will reimburse local governments for the revenue lost from the reduction in personal property tax collections. In fiscal years subsequent to the legislation personal property taxes paid by citizens steadily reduced until such reduction equaled 70% in 2002. Due to Commonwealth budget constraints, the 2003 Virginia General Assembly temporarily froze the tax reduction at 70%. The 2005 General Assembly revised this measure further to limit its tax relief payments to all localities to a total of $950 million per tax year beginning with 2006 (fiscal year 2007). The County's fixed share of the $950 million is $211,313,944, as determined by its share of the total payments made to all localities by the Commonwealth during calendar years 2004 and 2005 for tax year 2004 (fiscal year 2005). The County's total personal property tax collections for FY 2014 were $571.5 million, comprised of $360.2 million paid by taxpayers and $211.3 million reimbursed by the Commonwealth of Virginia.

Other Local Taxes – The County levies various other local taxes, including a 1% local sales tax (collected by the Commonwealth and remitted to the County), a tax on consumer utility bills based on consumption for gas and electric services and a 5% communications sales tax which is imposed on the charge for or sale of communications services. Also included in this category is a cigarette tax of $0.30 per pack, property recordation taxes, an automobile license tax, and various businesses, professional, and occupational licenses taxes. These taxes accounted for 14.4% of total General Fund revenues in FY 2014.

Permits, Privilege Fees, and Regulatory Licenses – The County requires that licenses or permits be obtained in order to perform certain activities in the County and that fees be paid for services provided by certain County departments. These revenues represented 1.1% of total General Fund revenues for FY 2014.

Fines and Forfeitures – The sources of revenue in this category include court fines and penalties from the Circuit Court and the General District Court and court fines, costs from the Juvenile and Domestic Relations District Court and fines for traffic violations, misdemeanors, and felonies. In addition, the County receives revenues from parking violations as authorized under the County Code. Revenues in this category represented 0.5% of General Fund revenues in FY 2014.

Revenue from the Use of Money and Property – The principal sources of revenue to the General Fund from the use of money and property are interest on General Fund and Capital Project Fund investments and minor amounts of revenue from the sale and lease of County equipment and property. These revenues represented 0.4% of General Fund revenues in FY 2014.

Charges for Services and Recovered Costs – The principal sources of revenue to the General Fund from charges for services are County Clerk fees, school age child care fees, recreation fees, publication sales and various other services for which the County charges a fee. Revenues in this category represented 2.2% of General Fund revenues in FY 2014.

Intergovernmental Revenue – Intergovernmental revenue is comprised of revenue from the Commonwealth and revenue from the federal government. Revenues in this category represented 9.6% of General Fund revenues in FY 2014. This percentage includes the revenue that the County receives from the Commonwealth as reimbursement for the County's personal property tax. Each revenue source within intergovernmental revenue is discussed below.

Revenue from the Commonwealth – The County is reimbursed by the Commonwealth of Virginia for a portion of shared expenses, including certain expenditures for social services, the sheriff's office, courts, the Office of the Commonwealth Attorney, and other constitutional offices. Additionally, the County receives a share of the net profits from the State Alcoholic Beverage Control Board's liquor sales and state contributions to assist in meeting law enforcement expenditures. As mentioned in the section concerning General Property Taxes, the Commonwealth also reimburses the County for a portion of its personal property tax on vehicles. Including the reimbursement for the County's personal property tax, revenues from this category represented 9.6% of total General Fund revenues in the fiscal year ended June 30, 2014. Excluding this reimbursement, revenue from this category represented 3.7% of General Fund revenue in FY 2014. The County receives a significant amount of additional State aid in support of public school operations. These revenues are credited directly to the School Operating and School Lunch Funds, however, and are not reflected in the General Fund.

Revenue from the Federal Government – The principal sources of categorical federal aid to the General Fund are federal grant money supporting human service programs such as supplemental nutrition, temporary assistance for needy families, foster care, adoption assistance, and medical assistance for clients of the Department of Family Services. This revenue category represented 0.9% of General Fund revenues in FY 2014.

Miscellaneous Revenues – The sources of revenue in this category include the sale of land and buildings, contract rebates, and other miscellaneous sources. These revenue sources accounted for less than 0.1% of General Fund revenue in FY 2014.

Expenditures and Transfers

The following is a discussion of the major classifications of General Fund expenditures and transfers.

Transfer to School Operating Fund – The County transfers money from the General Fund to the School Operating Fund to pay the County's share of the costs of operating public schools in Fairfax County. This transfer represented approximately 47.2% of total disbursements from the General Fund in the fiscal year ended June 30, 2014. The transfer to the School Operating Fund was approximately 72.1% of total receipts of the School Operating Fund. Other revenues credited directly to the School Operating and School Lunch Funds include revenue from the Federal Government, the Commonwealth of Virginia, the City of Fairfax (representing tuition of students residing in the City of Fairfax who attend Fairfax County schools), and other revenue derived locally from sale of textbooks, school lunches, etc.

Costs of General County Government – The County pays the costs of general County government from the General Fund. These costs include expenditures for general government administration, judicial administration, public safety, public works, health and welfare, parks, recreational and cultural programs, and community development. This classification was approximately 42.0% of total General Fund disbursements in FY 2014.

Transfer to Debt Service Fund – The County transfers from the General Fund to the Debt Service Fund amounts sufficient to pay principal and interest on outstanding County and School debt including

general obligation bonds and EDA and FCRHA revenue bonds. Transfers to the Debt Service Fund represented 8.0% of total General Fund disbursements in FY 2014. Effective FY 2006, Fairfax County Public Schools (FCPS) transfers from its operating fund to the County's Debt Service Fund an amount sufficient to pay principal and interest on the outstanding School Board Building Bonds and the applicable portion of the 2014A County Facilities Projects Bonds.

Transfer to Capital Project Funds – The County transfers money from the General Fund to the Capital Project Funds to pay the cost of certain capital improvements. The General Fund transfer to the Capital Project Funds (except for the General Fund transfer for Fairfax County's obligations to WMATA, which is discussed below) represented 0.8% of total General Fund disbursements in FY 2014.

Transfer to Metro Construction and Operations Fund – The County is a member jurisdiction of WMATA and as such has agreed to make certain capital contributions in support of the construction by WMATA of a rail transit system to serve the Washington metropolitan area (which includes the County) and to pay a portion of the deficit incurred by WMATA in the operation of its bus system and rail system. The County generally has used bond proceeds to fund its capital contributions to WMATA and has transferred money from the General Fund to pay its share of the bus and rail operating subsidies. The General Fund transfer to the Metro Construction and Operations Fund to pay the County's share of the system's operating subsidies represented 0.3% of total General Fund disbursements in FY 2014. See the subsection herein entitled "GOVERNMENT SERVICES – Transportation" for a more complete discussion of the County's obligations with respect to WMATA.

Other Funds – The County transfers money from the General Fund to other funds for a variety of purposes. The General Fund transfer to other funds includes transfers to the County Transit Systems, Information Technology, Aging Grants and Programs, Community-Based Funding Pool, Housing Programs for the Elderly, Health Benefits Trust, and Equipment Management and Transportation Agency. Transfers to other funds were 1.7% of total General Fund disbursements in FY 2014.

Transfer to Revenue Stabilization Fund – Beginning in FY 2000, the County began setting aside money in the General Fund for a Revenue Stabilization Fund to address significant revenue reductions during severe, prolonged economic downturns. The Revenue Stabilization Fund represented 36.5% of the total fund balance in the General Fund as of June 30, 2014.

FY 2016 Budget

On April 27, 2015, the Fairfax County Board of Supervisors adopted the Fiscal Year 2016 Adopted Budget Plan. The FY 2016 budget is based on general fund revenue growth of 2.75%. The real estate tax rate of $1.09 per $100 of assessed value remains level over the FY 2015 Adopted Budget Plan. General fund disbursements total $3.82 billion, an increase of $103.2 million or 2.78% over the FY 2015 Adopted Budget Plan. The total County transfer to support the Fairfax County Public School operations and debt service is $2.01 billion or 52.68% of total County disbursements. In addition, funding is provided for employee compensation, and an increase in the pension funding corridor from 93% to 95%.

FY 2017 Budget [update]

CAPITAL IMPROVEMENT PROGRAM

In connection with the County's adopted comprehensive land use plan, the Fairfax County Planning Commission annually prepares and submits to the Board of Supervisors a capital improvement program ("CIP") for the ensuing five-year period. The CIP is designed to balance the need for public facilities as expressed by the County's land use plan with the fiscal capability of the County to provide for those needs.

The CIP is an integral element of the County's budgeting process. The five-year document serves as a general planning guide for the construction of general purpose, school and public utility projects in the County. The CIP is updated and approved by the Board of Supervisors each year. This annual review process prompts careful attention to the development of reliable capital expenditure and revenue estimates and the timely scheduling of bond referenda.

In connection with the CIP process, the Board of Supervisors has adopted certain policy guidelines for the development and financing of the CIP. These guidelines include self-imposed restrictions on the issuance of general obligation bonds designed to keep General Fund supported debt service expenditures less than 10% of total Combined General Fund disbursements, and to maintain the ratio of bonded indebtedness to the market value of taxable property in the County at a level less than 3.0%.

The Board of Supervisors continues to review the County's debt program in light of current fiscal conditions and capital needs. Currently, general obligation bond sales for new money projects are limited to an average of $275 million per year with a maximum limit of $300 million in a single year. The CIP for fiscal years 2016-2020 (along with estimates for fiscal years 2021 to 2025) was approved by the Board of Supervisors on April 27, 2015. The County program includes new construction, renovation and renewal of school facilities, parks, housing development, revitalization, storm water management, public safety and courts, libraries, human services, solid waste, sewers, and transportation. Significant capital construction activity from FY 2016-2025 totaling $8.29 billion is anticipated for the County, in addition to $1.03 billion in regional parks, and water supply projects which are undertaken within the County to benefit County residents, but is not managed or funded directly by the County. The total capital construction activity to be financed by the County totals $9.32 billion from FY 2016-2025.

RETIREMENT SYSTEMS [update]

Fairfax County administers four separate public employee retirement systems that provide pension benefits for various classes of County employees: Fairfax County Employees' Retirement System (ERS), Fairfax County Police Officers Retirement System (PORS), Fairfax County Uniformed Retirement System (URS), and the Educational Employees' Supplemental Retirement System of Fairfax County (ERFC). In addition, professional employees of the Fairfax County Public Schools participate in a plan sponsored and administered by the Virginia Retirement System.

The Fairfax County retirement systems investments are managed by independent professional investment managers. Investments in derivatives are not made for speculative purposes but may be used by investment managers to gain access to markets, to reduce risk, or to reduce transaction costs.

As of July 1, 2013 (December 31, 2013, for the Educational Employees' Supplemental Retirement System), membership in the reporting entity's plans consisted of the following:

Description	Primary Government			Component Unit – Public Schools
	ERS	PORS	URS	ERFC
Retirees and beneficiaries receiving benefits	7,263	907	1,155	10,156
Terminated employees entitled to, but not yet receiving, benefits	1,576	33	47	3,509
Deferred Retirement Option Plan participants	670	89	126	n/a
Active employees	14,011	1,237	1,862	21,643
Total number of plan members	**23,520**	**2,266**	**3,190**	**35,308**

Source: Fairfax County Comprehensive Annual Financial Report for FY 2014

Fairfax County Employees' Retirement System (ERS)

Plan Description

The Fairfax County Employees' Retirement System (ERS) is a cost-sharing multiple-employer defined benefit pension plan. The plan covers full-time and certain part-time employees of the reporting entity who are not covered by other plans of the reporting entity or the Virginia Retirement System (VRS).

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. To be eligible for normal retirement, an individual must meet the following criteria: (a) attain the age of 65 with five years of creditable service, or (b) attain the age of 50 with age plus years of creditable service being greater than or equal to 80. The normal retirement benefit is calculated using average final compensation (i.e., the highest 78 consecutive two week pay periods or the highest 36 consecutive monthly pay periods) and years (or partial years) of creditable service at date of termination. In addition, if normal retirement occurs before Social Security benefits are scheduled to begin, an additional monthly benefit is paid to retirees. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting the final salary during the unused sick leave period. The benefit for early retirement is actuarially reduced and payable at early termination.

Funding Policy

The contribution requirements of ERS members are established and may be amended by County ordinances. Members may elect to join Plan A or Plan B. Plan A requires member contributions of 4.0% of compensation up to the Social Security wage base and 5.33% of compensation in excess of the wage base. Plan B requires member contributions of 5.33% of compensation.

The County is required to contribute at an actuarially determined rate; the rate for the year ended June 30, 2014, was 18.70% of annual covered payroll. The Board of Supervisors decided to commit additional funding and adopted a rate of 19.30% for fiscal year 2014. In the event the ERS's funded ratio (the ratio of the actuarial value of assets to the actuarial accrued liability) exceeds 120% or falls below 90%, the contribution rate will be adjusted to bring the funded ratio back within these parameters.

Schedule of Fund Progress

Actuarial Valuation Date	Actuarial Value of Assets (000) (a)	Actuarial Accrued Liability (AAL) – Entry Age (000) (b)	Unfunded AAL (UAAL) (Funding Excess) (000) (b-a)	Funded Ratio (a/b)	Covered Payroll (000) (c)	UAAL (Funding Excess) as a Percentage of Covered Payroll ((b-a) / c)
7/1/2011	$2,841,466	$4,018,924	$1,177,458	70.70%	$642,073	183.38%
7/1/2012	3,053,412	4,264,175	1,210,763	71.61	642,639	188.40
7/1/2013	3,261,924	4,473,831	1,211,907	72.91	655,613	184.85

Source: Fairfax County Comprehensive Annual Financial Report for FY 2014

Administration

There are ten members of the ERS Board of Trustees. Four members are appointed by the Board of Supervisors. Three members are elected representing the following groups: County employees, Schools employees, and retired employees. The Fairfax County Director of Human Resources and the Director of Finance serve as ex-officio members of the board, along with an appointee from the Schools.

Professional Services

An independent auditor and actuary are hired to provide service to the fund.

Fairfax County Police Officers Retirement Systems (PORS)

Plan Description

The Fairfax County Police Officers Retirement System (PORS) is a legally separate single-employer defined benefit pension plan established under the Code of Virginia. The plan covers County police officers who are not covered by other plans of the reporting entity or the VRS and former Park Police officers who elected to transfer to the PORS from the Uniformed Retirement System effective January 22, 1983.

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. To be eligible for normal retirement, an individual must meet the following criteria: (a) if employed before July 1, 1981, attain the age of 55 or have completed 20 years of creditable service, or (b) if employed on or after July 1, 1981, attain the age of 55 or have completed 25 years of creditable service. The normal retirement benefit is calculated using average final compensation and years (or partial years) of creditable service at date of termination. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting the final salary during the unused sick leave period. To be eligible for early retirement, the employee must have 20 years of creditable service (does not apply if hired before July 1, 1981). The benefit for early retirement is actuarially reduced and payable at early termination.

Funding Policy

The contribution requirements of PORS members are established and may be amended by County ordinances. Member contributions are based on 10.0% of compensation. The County contributes at a

fixed rate as determined by an annual actuarial valuation, unless the PORS's funding ratio falls outside of a pre-determined range. Once outside the range, the rate is either increased or decreased to accelerate or decelerate the funding until the ratio falls back within the range. The range for the PORS is a minimum funding ratio of 90% and a maximum funding ratio of 120%. The actuarial rate for the year ended June 30, 2014, was 32.72% of annual covered payroll. The Board of Supervisors decided to commit additional funding and adopted a rate of 33.87% for fiscal year 2014.

Schedule of Fund Progress

Actuarial Valuation Date	Actuarial Value of Assets (000) (a)	Actuarial Accrued Liability (AAL) – Entry Age (000) (b)	Unfunded AAL (UAAL) (Funding Excess) (000) (b-a)	Funded Ratio (a/b)	Covered Payroll (000) (c)	UAAL (Funding Excess) as a Percentage of Covered Payroll ((b-a) / c)
7/1/2011	$982,154	$1,219,609	$237,455	80.53%	$99,070	239.68%
7/1/2012	1,035,444	1,286,841	251,397	80.46	101,121	248.61
7/1/2013	1,101,475	1,341,130	239,655	82.13	97,362	246.15

Source: Fairfax County Comprehensive Annual Financial Report for FY 2014

Administration

There are seven members of the PORS Board of Trustees. Three members are appointed by the Board of Supervisors. Two members are active employee elected representatives, and one member is a retiree elected representative. The Fairfax County Director of Finance serves as an ex-officio member of the board.

Professional Services

Independent auditor, actuary and investment consultants are hired to provide service to the fund.

Fairfax County Uniformed Retirement System (URS)

Plan Description

The Fairfax County Uniformed Retirement System (URS) is a single-employer defined benefit pension plan. The plan covers uniformed employees including non-clerical employees of the Fire and Rescue Department and Office of Sheriff, Park Police, Helicopter Pilots, Animal Wardens and Game Wardens who are not covered by other plans of the reporting entity or the VRS.

Benefit provisions are established and may be amended by County ordinances. All benefits vest at five years of creditable service. To be eligible for normal retirement an individual must meet the following criteria: (a) attain the age of 55 with six years of creditable service, or (b) complete 25 years of creditable service. The normal retirement benefit is calculated using average final compensation and years (or partial years) of creditable service at date of termination. Annual cost-of-living adjustments are provided to retirees and beneficiaries equal to the lesser of 4.0% and the percentage increase in the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area. The plan provides that unused sick leave credit may be used in the calculation of average final compensation by projecting

the final salary during the unused sick leave period. To be eligible for early retirement, employees must have 20 years of creditable service. The benefit for early retirement is actuarially reduced and payable at early termination.

Funding Policy

The contribution requirements of URS members are established and may be amended by County ordinances. Plan A members were given the opportunity to enroll in Plan B as of July 1, 1981, and to enroll in Plan C as of April 1, 1997. From July 1, 1981, through March 31, 1997, all new hires were enrolled in Plan B. Plan B members were given the opportunity to enroll in Plan D as of April 1, 1997. From April 1, 1997, forward all new hires are enrolled in Plan D. Plan A requires member contributions of 4.0% of compensation up to the Social Security wage base and 5.75% of compensation in excess of the wage base. Plan B requires member contributions of 7.08% of compensation up to the Social Security wage base and 8.83% of compensation in excess of the wage base. Plan C requires member contributions of 4.0% of compensation. Plan D requires contributions of 7.08% of compensation.

The County contributes at a fixed rate as determined by an annual actuarial valuation, unless the URS's funding ratio falls outside of a pre-determined range. Once outside the range, the rate is either increased or decreased to accelerate or decelerate the funding until the ratio falls back within the range. The range for the URS is a minimum funding ratio of 90% and a maximum funding ratio of 120%. The County is required to contribute at an actuarially determined rate; the rate for the year ended June 30, 2014, was determined actuarially to be 35.45% of annual covered payroll. The Board of Supervisors decided to commit additional funding and adopted a rate of 36.43% for fiscal year 2014.

Schedule of Fund Progress

Actuarial Valuation Date	Actuarial Value of Assets (000) (a)	Actuarial Accrued Liability (AAL) – Entry Age (000) (b)	Unfunded AAL (UAAL) (Funding Excess) (000) (b-a)	Funded Ratio (a/b)	Covered Payroll (000) (c)	UAAL (Funding Excess) as a Percentage of Covered Payroll ((b-a) / c)
7/1/2011	$1,185,594	$1,526,218	$340,624	77.68%	$147,326	231.20%
7/1/2012	1,247,526	1,613,654	366,128	77.31	148,236	246.99
7/1/2013	1,326,425	1,676,266	349,841	79.13	146,598	238.64

Source: Fairfax County Comprehensive Annual Financial Report for FY 2014

Administration

There are eight members of the URS Board of Trustees. Three members are appointed by the Board of Supervisors. Three members are employee elected representatives comprised of two members from the Fire and Rescue Department, and one member from the Sheriff's Department. The Fairfax County Director of Finance and Director of Human Resources serve as ex-officio members of the board.

Professional Services

An independent auditor and actuary are hired to provide service to the fund.

Educational Employees' Supplementary Retirement System of Fairfax County (ERFC)

Plan Description

The Educational Employees' Supplementary Retirement System of Fairfax County (ERFC) is a legally separate single-employer retirement system established under the Code of Virginia. The ERFC covers all full-time educational and civil service employees who are employed by the Fairfax County Public Schools and who are not covered by other plans of the reporting entity. The ERFC contains two plans, ERFC and ERFC 2001. ERFC is the original defined benefit plan effective July 1, 1973, and remains in effect, although closed to new members. Effective July 1, 2001, all new-hire fulltime educational and civil service employees are enrolled in the ERFC 2001 plan.

The ERFC and ERFC 2001 plans provide retirement, disability, and death benefits to plan members and their beneficiaries. Annual post-retirement increases of 3.0% are effective each March 31. All benefits vest after five years of creditable service. Benefit provisions are established and may be amended by the School Board. The ERFC plan supplements the Virginia Retirement System plan. The benefit structure is designed to provide a level retirement benefit through a combined ERFC/VRS benefit structure. The ERFC 2001 plan has a stand-alone structure. Member contributions for the ERFC and ERFC 2001 plans are made through an arrangement which results in a deferral of taxes on the contributions.

The ERFC and ERFC 2001 plans provide for a variety of benefit payment types. Minimum eligibility conditions for receipt of full benefits for ERFC members are either attaining the age of 55 with 25 years of creditable service or completing five years of creditable service at age 65. Minimum eligibility conditions for receipt of full benefits for ERFC 2001 members are either completing five years of creditable service prior to age 60 or any age with 30 years of creditable service.

Funding Policy

The contribution requirements for ERFC and ERFC 2001 members are established and may be amended by the ERFC Board of Trustees with the approval of the School Board. All members are required to contribute 4.0% of their covered salaries. The employer is required to contribute at an actuarially determined rate. For fiscal year 2014, the School Board was required to contribute 5.60% of annual covered payroll for educational employees and civil service employees.

Schedule of Fund Progress

Actuarial Valuation Date	Actuarial Value of Assets (000) (a)	Actuarial Accrued Liability (AAL) – Entry Age (000) (b)	Unfunded AAL (UAAL) (Funding Excess) (000) (b-a)	Funded Ratio (a/b)	Covered Payroll (000) (c)	UAAL (Funding Excess) as a Percentage of Covered Payroll ((b-a) / c)
12/31/2011	$1,866,952	$2,470,964	$604,012	75.56%	$1,246,973	48.44%
12/31/2012	1,935,292	2,566,128	630,836	75.42	1,297,537	48.62
12/31/2013	2,029,000	2,645,000	616,000	76.71	1,268,438	48.56

Source: Fairfax County Comprehensive Annual Financial Report for FY 2014

Administration

The Board is composed of seven members: three are appointed by the School Board, and three are elected by active ERFC members. The six combined Board members recommend someone who is not affiliated with FCPS for the seventh position, which is subject to approval by the School Board.

Virginia Retirement Systems (VRS)

Plan Description

Fairfax County Public Schools contributes to the Virginia Retirement System (VRS) on behalf of covered professional FCPS employees. VRS is a cost-sharing multiple-employer public employee defined benefit pension plan administered by the Commonwealth of Virginia for its political subdivisions. All full-time, salaried, permanent employees of participating employers must participate in the VRS. In accordance with the requirements established by State statute, the VRS provides retirement and disability benefits, annual cost-of-living adjustments, and death benefits to plan members and beneficiaries.

Funding Policy

Plan members are required by State statute to contribute 5.0% of their annual covered salary to the VRS. If a plan member leaves covered employment, the accumulated contributions plus interest earned may be refunded. In accordance with State statute, FCPS is required to contribute at an actuarially determined rate or a rate approved by the General Assembly. In fiscal year 2013, the General Assembly adopted a higher VRS employer contribution rate of 11.66% compared to the prior year rate of 6.33%. In addition, the General Assembly approved an employer rate increase from 0.6% in fiscal year 2012 to 1.11% in fiscal year 2013 for the VRS Retiree Health Insurance Credit. State statute may be amended only by the Commonwealth of Virginia Legislature. FCPS employer and member contributions to VRS, including the Retiree Health Insurance Credit, for the years ended June 30, 2014, 2013, and 2012, were $251,681,672, $242,343,488, and $146,454,888 respectively, equal to the required contributions for each year.

VRS issues publicly available annual reports and financial statements that can be obtained through their website or writing directly to the agency.

Fairfax County Retirement Systems – Plan Revisions from the Board of Supervisors

As directed by the Board of Supervisors, the Fairfax County Department of Human Resources contracted with a benefits consultant to conduct a comprehensive retirement study. Based on the results of this study, the Board of Supervisors, as part of their mark-up of the FY 2013 Adopted Budget Plan on April 24, 2012, reaffirmed the County's commitment to a defined benefit plan model for current employees and for new hires. The Board also directed staff to prepare revisions to the Fairfax County Code to incorporate several modifications to the retirement systems, to apply only to new employees who are hired after January 1, 2013. These changes included increasing the minimum retirement age from 50 to 55 in the Employees' system, increasing the rule of 80 to the rule of 85 in the Employees' system, removing the pre-Social Security Supplement from DROP accounts in the Employees' system and the Uniformed system, and placing a cap on the use of sick leave for retirement purposes at 2,080 hours for all three retirement systems.

Other Post-Employment Benefits (OPEB)

In fiscal year 2008, the County and FCPS implemented the Governmental Accounting Standards Board Statement No. 45, Accounting and Financial Reporting by Employers for Benefits Postemployment Benefits Other Than Pensions. The County provides health care and life insurance benefits to eligible retirees and their spouses. Fairfax County is one of the founding participants in the Virginia Pooled OPEB Trust Fund sponsored by the Virginia Municipal League and the Virginia Association of Counties (VML/VACo). The Virginia Pooled OPEB Trust Fund was established as an investment vehicle for participating employers to accumulate assets to fund Other Public Employment Benefits (OPEB).

At June 30, 2014, the County had actuarial plan assets of $148.5 million and reported a net OPEB asset of $9.8 million, representing that the annual required contributions (ARC) were slightly in excess of actual contributions. As of the July 1, 2013, actuarial valuation, the County had an actuarial accrued liability of $455.4 million and an ARC of $30.5 million.

FCPS also provides health insurance benefits to eligible retirees and their spouses and is a participant in the Virginia Pooled OPEB Trust Fund. At June 30, 2014, FCPS had actuarial plan assets of $64.9 million in the pooled trust fund and reported a net OPEB asset of $22.2 million. As of the July 1, 2013, actuarial valuation, FCPS had an actuarial accrued liability of $273.9 million and an ARC of $17 million.

CONTINGENT LIABILITIES AND CLAIMS

The County is contingently liable with respect to lawsuits and other claims that arise in the ordinary course of its operations. See Note L in the County's Financial Statements in Appendix IV to this Official Statement for details as of the end of Fiscal Year 2015.

APPROVAL OF LEGAL PROCEEDINGS

Legal matters incident to the authorization and issuance of the Bonds are subject to the approval of Sidley Austin LLP, Washington, D.C., Bond Counsel, the proposed form of whose opinion is included herein as Appendix VI for the Bonds. Certain legal matters will be passed upon for the County by David P. Bobzien, Esquire, County Attorney.

TAX MATTERS

Opinion of Bond Counsel

In the opinion of Sidley Austin LLP, Bond Counsel, except as provided in the following sentence, interest on the Bonds will not be includable in the gross income of the owners of the Bonds for federal income tax purposes under existing law. Interest on the Bonds will be includable in the gross income of the owners thereof retroactive to the date of issue of the Bonds in the event of a failure by the County or the School Board to comply with applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and their respective covenants regarding the use, expenditure, and investment of the proceeds of the Bonds and the timely payment of certain investment earnings to the United States Treasury; and no opinion is rendered by Bond Counsel as to the effect on the exclusion from gross income of the interest on the Bonds for federal income tax purposes of any action taken or not taken without the approval of Bond Counsel or upon the advice or approval of counsel other than Bond Counsel.

Interest on the Bonds will not be an item of tax preference for purposes of the federal individual or corporate alternative minimum tax under the Code. Interest on the Bonds will, however, be included in the calculation of alternative minimum tax liability imposed on corporations under the Code. The Code contains other provisions (some of which are noted below) that could result in tax consequences, as to which no opinion will be rendered by Bond Counsel, as a result of (i) ownership of the Bonds or (ii) inclusion in certain computations of interest that is excluded from gross income.

Original Issue Discount

The excess, if any, of the amount payable at maturity of any maturity of the Bonds purchased as part of the initial public offering over the issue price thereof constitutes original issue discount. The amount of original issue discount that has accrued and is properly allocable to an owner of any maturity of the Bonds with original issue discount (a "Discount Bond") will be excluded from gross income for federal income tax purposes to the same extent as interest on the Bonds. In general, the issue price of a maturity of the Bonds is the first price at which a substantial amount of Bonds of that maturity was sold (excluding sales to bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents, or wholesalers) and the amount of original issue discount accrues in accordance with a constant yield method based on the compounding of interest. A purchaser's adjusted basis in a Discount Bond is to be increased by the amount of such accruing discount for purposes of determining taxable gain or loss on the sale or other disposition of such Discount Bonds for federal income tax purposes.

A portion of the original issue discount that accrues in each year to an owner of a Discount Bond which is a corporation will be included in the calculation of the corporation's federal alternative minimum tax liability. In addition, original issue discount that accrues in each year to an owner of a Discount Bond is included in the calculation of the distribution requirements of certain regulated investment companies and may result in some of the collateral federal income tax consequences discussed herein. Consequently, an owner of a Discount Bond should be aware that the accrual of original issue discount in each year may result in an alternative minimum tax liability, additional distribution requirements or other collateral federal income tax consequences although the owner of such Discount Bond has not received cash attributable to such original issue discount in such year.

The accrual of original issue discount and its effect on the redemption, sale, or other disposition of a Discount Bond that is not purchased in the initial offering at the first price at which a substantial amount of such Bonds is sold to the public may be determined according to rules that differ from those

described above. Owners of a Discount Bond should consult their tax advisors with respect to the determination for federal income tax purposes of the amount of original issue discount with respect to such Discount Bond and with respect to state and local tax consequences of owning and disposing of such Discount Bond.

Bond Premium

The excess, if any, of the tax basis of Bonds purchased as part of the initial public offering to a purchaser (other than a purchaser who holds such Bonds as inventory, stock in trade, or for sale to customers in the ordinary course of business) over the amount payable at maturity is "Bond Premium." Bond Premium is amortized over the term of such Bonds for federal income tax purposes (or, in the case of a bond with bond premium callable prior to its stated maturity, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on such bond). Owners of such Bonds are required to decrease their adjusted basis in such Bonds by the amount of amortizable Bond Premium attributable to each taxable year such Bonds are held. The amortizable Bond Premium on such Bonds attributable to a taxable year is not deductible for federal income tax purposes; however Bond Premium on such Bonds is treated as an offset to qualified stated interest received on such Bonds. Owners of such Bonds should consult their tax advisors with respect to the determination for federal income tax purposes of the treatment of Bond Premium upon sale, redemption or other disposition of such Bonds and with respect to state and local income tax consequences of owning and disposing of such Bonds.

Backup Withholding

Interest paid on the Bonds is subject to information reporting in a manner similar to interest paid on taxable obligations. While this reporting requirement does not, by itself, affect the excludability of interest on the Bonds from gross income for federal income tax purposes, the reporting requirement causes the payment of interest on the Bonds to be subject to backup withholding if such interest is paid to beneficial owners who (i) are not "exempt recipients," and (ii) either fail to provide certain identifying information (such as the beneficial owner's taxpayer identification number) in the required manner or have been identified by the Internal Revenue Service as having failed to report all interest and dividends required to be shown on their income tax returns. Generally, individuals are not exempt recipients, whereas corporations and certain other entities generally are exempt recipients. Amounts withheld under the backup withholding rules from a payment to a beneficial owner would be allowed as a refund or a credit against such beneficial owner's federal income tax liability provided the required information is furnished to the Internal Revenue Service.

Other Tax Consequences

Under existing law, the interest on the Bonds is excluded from Virginia taxable income for purposes of the individual income tax and the income taxation of corporations by the Commonwealth of Virginia under Sections 58.1-322 and 58.1-402 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to the extent that such interest is excludable from gross income for federal income tax purposes.

The Code and the Virginia Code contain other provisions (some of which are noted below) that could result in tax consequences, upon which Bond Counsel expresses no opinion, as a result of ownership of the Bonds or the inclusion in certain computations of interest on the Bonds that is excluded from gross income for purposes of federal income taxation.

PROSPECTIVE PURCHASERS OF THE BONDS SHOULD CONSULT THEIR TAX ADVISORS AS TO THE APPLICABILITY AND IMPACT OF ANY SUCH COLLATERAL TAX CONSEQUENCES.

Ownership of tax-exempt obligations may result in collateral federal income tax consequences to certain taxpayers, including, without limitation, financial institutions, property and casualty insurance companies, certain foreign corporations doing business in the United States, certain S Corporations with excess passive income, individual recipients of Social Security or Railroad Retirement benefits, taxpayers who may be deemed to have incurred or continued indebtedness to purchase or carry tax-exempt obligations and taxpayers who may be eligible for the earned income tax credit.

Future Tax Developments

Future or pending legislative proposals, if enacted, regulations, rulings or court decisions may cause interest on the Bonds to be subject, directly or indirectly, to federal income taxation or to State or local income taxation, or may otherwise prevent beneficial owners from realizing the full current benefit of the tax status of such interest. Legislation or regulatory actions and future or pending proposals may also affect the economic value of the federal or state tax exemption or the market value of the Bonds. Prospective purchasers of the Bonds should consult their tax advisors regarding any future, pending or proposed federal or State tax legislation, regulations, rulings or litigation as to which Bond Counsel expresses no opinion.

For example, various proposals have been made in Congress and by the President (the "Proposed Legislation") which, if enacted, would subject interest on bonds that is otherwise excludable from gross income for federal income tax purposes, including interest on the Bonds, to a tax payable by certain bondholders that are individuals, estates or trusts with adjusted gross income in excess of thresholds specified in the Proposed Legislation. It is unclear if the Proposed Legislation will be enacted, whether in its current or an amended form, or if other legislation that would subject interest on the Bonds to a tax or cause interest on the Bonds to be included in the computation of a tax, will be introduced or enacted. Prospective purchasers should consult their tax advisors as to the effect of the Proposed Legislation, if enacted, in its current form or as it may be amended, or such other legislation on their individual situations.

FINANCIAL ADVISOR

The County has retained Public Financial Management, Inc., Arlington, Virginia, as financial advisor (the "Financial Advisor") in connection with the issuance of the Bonds. Although the Financial Advisor assisted in the preparation and review of this Official Statement, the Financial Advisor is not obligated to undertake, and has not undertaken to make, an independent verification or to assume responsibility for the accuracy, completeness, or fairness of the information contained in this Official Statement. The Financial Advisor is a financial advisory, investment management, and consulting organization and is not engaged in the business of underwriting municipal securities.

RATINGS

The Bonds have been rated "___" (stable outlook) by Fitch Ratings ("Fitch"), "___" (negative outlook) by Moody's Investors Service, Inc. ("Moody's"), and "___" (stable outlook) by Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc. ("Standard & Poor's"). The County requested that the Bonds be rated and furnished certain information to Fitch, Moody's, and Standard & Poor's, including certain information that is not included in this Official Statement.

These ratings are not a recommendation to buy, sell, or hold the Bonds. Generally, rating agencies base their ratings on such materials and information provided by the County, as well as investigations, studies, and assumptions of the rating agencies. Such ratings may be changed at any time and no assurance can be given that they will not be revised downward or withdrawn entirely by any or all of such rating agencies, if, in the judgment of any or all, circumstances so warrant. Such circumstances may include, without limitation, change in or unavailability of information relating to the County. Any such downward revision or withdrawal of any of such ratings may have an adverse effect on the market price of the Bonds.

SALE AT COMPETITIVE BIDDING

The Bonds will be offered for sale at competitive bidding on a date determined pursuant to the provisions of the Notice of Sale relating to the Bonds (See Appendix VIII). After the Bonds have been awarded, the County will issue an Official Statement in final form to be dated the date of the award. The County will deem the Official Statement in final form as of its date, and the Official Statement in final form will be a "Final Official Statement" within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended. The Official Statement in final form will include, among other matters, the identity of the winning bidder (the "Underwriter"), the expected selling compensation to the Underwriter and other information on the interest rates and offering prices or yields of the Bonds, all as supplied by the Underwriter.

CERTIFICATE CONCERNING OFFICIAL STATEMENT

Concurrently with the delivery of the Bonds, the Chairman of the Board of Supervisors and the County Executive of the County will certify that, to the best of their knowledge, the Official Statement did not as of its date, and does not as of the date of delivery of the Bonds, contain any untrue statement of a material fact or omit to state a material fact that should be included therein for the purpose for which the Official Statement is to be used, or that is necessary in order to make the statements contained therein, in the light of the circumstances under which they were made, not misleading. Such certificate will also state, however, that the Chairman of the Board of Supervisors and the County Executive of the County did not independently verify the information indicated in this Official Statement as having been obtained or derived from sources other than the County and its officers but that they have no reason to believe that such information is not accurate.

MISCELLANEOUS

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of the estimates will be realized.

FUTURE FINANCIAL INFORMATION

The Securities and Exchange Commission has adopted Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (the "Rule"). In general, the Rule prohibits an underwriter from purchasing or selling municipal securities such as the Bonds, unless it has determined that the issuer of such securities and/or other persons deemed to be material "obligated persons" have committed to provide to The Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board (i) on an annual basis, certain financial information and operating data ("Annual Reports"), and, if available, audited financial statements, and (ii) notice of various events described in the Rule, if material ("Event Notices").

The County will covenant in the Continuing Disclosure Agreement (the form of which appears in Appendix VII), to be dated the date of delivery of the Bonds, for the benefit of the holders of the Bonds, to provide to EMMA, annually, not later than March 31 of each year, commencing March 31, 2017, Annual Reports with respect to itself, as issuer. Similarly, the County will provide Event Notices with respect to the Bonds to EMMA.

[In accordance with continuing disclosure undertakings (the "Sewer Undertakings") relating to the County's sewer revenue bonds, the County agreed to provide and file certain annual financial and statistical information ("Sewer System Annual Disclosure Reports") relating to the County's sanitary sewer system (the "System") as well as the County's audited financial statements for the System ("Sewer System Annual Financial Statements"). For the Fiscal Years ended June 30, 2009, and June 30, 2010, the County prepared and filed the Sewer System Annual Disclosure Reports for each year. Such filings, however, inadvertently did not include the prepared Sewer System Annual Financial Statements (the "2009 and 2010 Sewer System Annual Financial Statements") required to be included in such filings pursuant to the terms of the Continuing Disclosure Undertakings, although the 2009 and 2010 Sewer System Annual Financial Statements were timely posted to the County's website. As of June 5, 2014, the County has filed the 2009 and 2010 Sewer System Annual Financial Statements. In addition, as a condition to the issuance of various series of revenue bonds ("UOSA Bonds") issued by the Upper Occoquan Service Authority for the benefit of the County and other jurisdictions, the County has agreed pursuant to continuing disclosure undertakings (the "UOSA Undertakings") to provide and file the Sewer System Annual Disclosure Reports and Sewer System Annual Financial Statements. The 2009 and 2010 Sewer System Annual Financial Statements were filed pursuant to the UOSA Undertakings but not in a timely manner and other filings were complete and timely but were not correctly cross-referenced to the UOSA Bonds. The County has implemented procedures to ensure the inclusion of necessary information in a timely manner in future filings required by the Sewer Undertakings and the UOSA Undertakings.

Pursuant to several continuing disclosure undertakings entered into relating to the Fairfax County Economic Development Authority's Transportation Contract Revenue Bonds (Route 28 Project), the County provided all required information, except that it inadvertently did not include in its annual information required under such undertakings a description of the twenty largest owners of real property by assessed value in the State Route 28 Highway Transportation Improvement District. The County has implemented procedures to ensure the inclusion of such information in future filings.

It should be noted, however, that while the County has timely filed each annual financial report required by its continuing disclosure undertakings (except as described under this caption), the filings with respect to certain bond issues were not cross-referenced to such bonds. Although such cross-references are not specifically required by the undertakings, the County has implemented procedures to ensure such cross-references in future filings.

Except as described under this caption, in the five years preceding the date of this Official Statement, the County has materially complied with its undertakings under the Rule.]

PRELIMINARY OFFICIAL STATEMENT DEEMED FINAL

The distribution of this Preliminary Official Statement has been duly authorized by the Board of Supervisors of the County. The County deems this Preliminary Official Statement final as of its date within the meaning of Rule 15c2-12 of the Securities and Exchange Commission except for the omission of certain pricing and other information permitted to be omitted by Rule 15c2-12.

BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

By: _____, Chairman

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Attachment 6

Appendix I

[Insert Organization Chart here]

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Attachment 6

Appendix II

[Insert Regional map here]

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Attachment 6

Appendix III

[Insert County Map here]

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Attachment 6

Appendix IV

FAIRFAX COUNTY, VIRGINIA

MANAGEMENT'S DISCUSSION AND ANALYSIS AND BASIC FINANCIAL STATEMENTS
(Fiscal Year Ended June 30, 2015)

BOOK-ENTRY ONLY SYSTEM

The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Bonds. The Bonds will be issued as fully registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully registered Bond certificate will be issued for each principal amount of Bonds of a Series bearing interest at a specified interest rate, each in the aggregate principal amount of such quantity of Bonds, and will be deposited with DTC.

DTC, the world's largest depository, is a limited purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com and www.dtc.org.

Purchases of the Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of the Bonds ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interest in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive bond certificates representing their ownership interests in the Bonds, except in the event that use of the book entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may

not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond documents. For example, Beneficial Owners of the Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Bonds unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the County as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal, premium, if any, and interest payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detailed information from the County, on a payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC or the County, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC is the responsibility of the County, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners shall be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the County. Under such circumstances, in the event that a successor depository is not obtained, certificates for the Bonds are required to be printed and delivered.

The County may decide to discontinue use of the system of book-entry transfers through DTC (or a successor securities depository). In that event, certificates for the Bonds will be printed and delivered.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the County believes to be reliable, but the County takes no responsibility for the accuracy thereof.

SIDLEY AUSTIN LLP
SIDLEY

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FOUNDED 1866

_____ _, 2016

Board of Supervisors
of Fairfax County, Virginia
Fairfax, Virginia

As bond counsel to Fairfax County, Virginia (the "County"), we have examined certified copies of the legal proceedings, including the election proceedings and other proofs submitted, relative to the issuance and sale of

$_____
Fairfax County, Virginia
Public Improvement Bonds, Series 2016A (the "Bonds")

The Bonds are dated the date of their delivery, mature in annual installments on October 1 in each of the years 2016 to 2035, inclusive, and bear interest, payable on the 1st days of April and October in each year, commencing October 1, 2016. The Bonds are subject to redemption prior to their respective maturities in the manner and upon the terms and conditions set forth in the resolution authorizing the issuance of the Bonds adopted by the Board of Supervisors of Fairfax County on December 8, 2015.

From such examination, we are of the opinion that:

(1) Such proceedings and proofs show lawful authority for the issuance and sale of the Bonds pursuant to the Constitution and laws of Virginia, and the Bonds constitute valid and binding general obligations of the County, for the payment of which the full faith and credit of the County are pledged, and all taxable property in the County is subject to the levy of an ad valorem tax, without limitation as to rate or amount, for the payment of the Bonds and the interest thereon, which tax shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

(2) Except as provided in the following sentence, interest on the Bonds is not includable in the gross income of the owners thereof for federal income tax purposes under existing law. Interest on the Bonds will be includable in the gross income of the owners thereof retroactive to the date of issue of the Bonds in the event of a failure by the County or the school board of the County to comply with applicable requirements of the Internal Revenue Code of 1986, as amended (the "Code"), and their respective covenants regarding use, expenditure, and investment of the proceeds of the Bonds and the timely payment of certain investment earnings to the United States Treasury, and we render no opinion as to the effect on the exclusion from gross income of the interest on the Bonds for federal income tax purposes of

any action taken or not taken without our approval or upon the advice or approval of counsel other than us.

(3) Interest on the Bonds is not an item of tax preference for purposes of the federal individual or corporate alternative minimum tax.

The Code contains other provisions that could result in tax consequences, as to which we render no opinion, as a result of ownership of the Bonds or the inclusion in certain computations (including without limitation those related to the corporate alternative minimum tax) of interest that is excluded from gross income.

Respectfully submitted,

CONTINUING DISCLOSURE AGREEMENT

This Continuing Disclosure Agreement (the "Disclosure Agreement") is executed and delivered by Fairfax County, Virginia (the "County"), in connection with the issuance by the County of $____ aggregate principal amount of its Public Improvement Bonds, Series 2016A (the "Bonds") pursuant to the provisions of a resolution (the "Resolution") adopted on December 8, 2015, by the Board of Supervisors of the County. The proceeds of the Bonds are being used by the County to finance various public improvements in the County. The County hereby covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Agreement. This Disclosure Agreement is being executed and delivered by the County for the benefit of the holders of the Bonds and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below). The County acknowledges that it is undertaking primary responsibility for any reports, notices, or disclosures that may be required under this Agreement.

SECTION 2. Definitions. In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Disclosure Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

"Annual Report" shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Agreement.

"Dissemination Agent" shall mean the County, acting in its capacity as Dissemination Agent hereunder, or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

"Filing Date" shall have the meaning given to such term in Section 3(a) hereof.

"Fiscal Year" shall mean the twelve month period at the end of which financial position and results of operations are determined. Currently, the County's Fiscal Year begins July 1 and continues through June 30 of the next calendar year.

"Holder" or "holder" shall mean, for purposes of this Disclosure Agreement, any person who is a record owner or beneficial owner of a Bond.

"Listed Events" shall mean any of the events listed in subsection (b)(5)(i)(C) of the Rule, which are as follows:

principal and interest payment delinquencies;

non-payment related defaults; if material;

unscheduled draws on debt service reserves reflecting financial difficulties;

unscheduled draws on credit enhancements reflecting financial difficulties;

substitution of credit or liquidity providers, or their failure to perform;

adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 570-TEB) or other material notices or determinations with respect to or events affecting the tax-exempt status of the Bonds;

modifications to rights of holders, if material;

bond calls, if material, and tender offers;

defeasances;

release, substitution, or sale of property securing repayment of the Bonds, if material;

rating changes;

bankruptcy, insolvency, receivership or similar event of the County; which event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court of governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County;

the consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating any such actions, other than pursuant to its terms, if material; and

appointment of a successor or additional paying agent or the change of name of a paying agent, if material.

"Participating Underwriter" shall mean any of the original underwriters of the County's Bonds required to comply with the Rule in connection with the offering of such Bonds.

"Repository" shall mean The Electronic Municipal Market Access ("EMMA") system administered by the Municipal Securities Rulemaking Board. EMMA is recognized as a National Repository for purposes of the Rule.

"Rule" shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SECTION 3. Provision of Annual Reports.

A. The County shall, or shall cause the Dissemination Agent to, provide to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Agreement. Such Annual Report shall be filed on a date (the "Filing Date") that is not later than March 31 after the end of any Fiscal Year (commencing with its Fiscal Year ended June 30, 2016). Not later than ten (10) days prior to the Filing Date, the County shall provide the Annual Report to the Dissemination Agent (if applicable). In such case, the Annual Report (i) may be submitted as a single document or as separate documents comprising a package, (ii) may cross-reference other information as provided in Section 4 of

this Disclosure Agreement, and (iii) shall include the County's audited financial statements or, if audited financial statements are not available, such unaudited financial statements as may be required by the Rule. In any event, audited financial statements of the County must be submitted, if and when available, together with or separately from the Annual Report.

B. The annual financial statements of the County shall be prepared on the basis of generally accepted accounting principles and will be audited. Copies of the audited annual financial statements, which may be filed separately from the Annual Report, will be filed with the Repositories when they become publicly available.

C. If the County fails to provide an Annual Report to the Repository by the date required in subsection (A) hereto or to file its audited annual financial statements with the Repository when they become publicly available, the County shall send a notice to the Repository in substantially the form attached hereto as Exhibit B.

SECTION 4. Content of Annual Reports. Except as otherwise agreed, any Annual Report required to be filed hereunder shall contain or incorporate by reference, at a minimum, annual financial information relating to the County, including operating data, updating such information relating to the County as described in Exhibit A, all with a view toward assisting Participating Underwriters in complying with the Rule.

Any or all of such information may be incorporated by reference from other documents, including official statements of securities issues with respect to which the County is an "obligated person" (within the meaning of the Rule), which have been filed with the Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The County shall clearly identify each such other document so incorporated by reference.

SECTION 5. Reporting of Listed Events. The County will provide within 10 business days to the Repository notice of any of the Listed Events.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Agreement shall terminate upon the earlier to occur of the legal defeasance or final retirement of all the Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Agreement and may discharge any such Agent, with or without appointing a successor Dissemination Agent. If at any time there is not any other designated Dissemination Agent, the County shall be the Dissemination Agent.

SECTION 8. Amendment. Notwithstanding any other provision of this Disclosure Agreement, the County may amend this Disclosure Agreement, if such amendment is supported by an opinion of independent counsel with expertise in federal securities laws, to the effect that such amendment is permitted or required by the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Agreement shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Agreement. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this

Disclosure Agreement, the County shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. Any person referred to in Section 11 (other than the County) may take such action as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the County to file its Annual Report or to give notice of a Listed Event. The holders of not less than a majority in aggregate principal amount of Bonds outstanding may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to challenge the adequacy of any information provided pursuant to this Disclosure Agreement, or to enforce any other obligation of the County hereunder. A default under this Disclosure Agreement shall not be deemed an event of default under the Resolution or the Bonds of the County, and the sole remedy under this Disclosure Agreement in the event of any failure of the County to comply herewith shall be an action to compel performance. Nothing in this provision shall be deemed to restrict the rights or remedies of any holder pursuant to the Securities Exchange Act of 1934, the rules and regulations promulgated thereunder, or other applicable laws.

SECTION 11. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the County, the Participating Underwriters, and holders from time to time of the County's Bonds, and shall create no rights in any other person or entity.

Date: March __, 2016

FAIRFAX COUNTY, VIRGINIA

By: _____
Joseph M. Mondoro
Chief Financial Officer

EXHIBIT A

CONTENT OF ANNUAL REPORT

(a) **Financial Information**. Updated information concerning General Fund revenues, expenditures, categories of expenditures, fund balances, assessed value of taxable property, tax rates, major taxpayers, and tax levies and collections.

(b) **Debt Information**. Updated information concerning general obligation bonds indebtedness, including bonds authorized and unissued, bonds outstanding, the ratios of debt to the market value of taxable property, debt per capita, and debt service as a percentage of General Fund disbursements.

(c) **Demographic Information**. Updated demographic information respecting the County such as its population, public school enrollment, and per pupil expenditure.

(d) **Economic Information**. Updated economic information respecting the County such as income, employment, unemployment, building permits, and taxable sales data.

(e) **Retirement Plans**. Updated information respecting pension and retirement plans for County employees, including a summary of membership, revenues, expenses, and actuarial valuation(s) of such plans.

(f) **Contingent Liabilities**. A summary of material litigation and other material contingent liabilities pending against the County.

In general, the foregoing will include information as of the end of the most recent fiscal year or as of the most recent practicable date. Where information for the fiscal year just ended is provided, it may be preliminary and unaudited. Where information has historically been provided for more than a single period, comparable information will in general be provided for the same number of periods where valid and available. Where comparative demographic or economic information for the County and the United States as a whole is contemporaneously available and, in the judgment of the County, informative, such information may be included. Where, in the judgment of the County, an accompanying narrative is required to make data presented not misleading, such narrative will be provided.

EXHIBIT B

NOTICE OF FAILURE TO FILE ANNUAL REPORT
[AUDITED ANNUAL FINANCIAL STATEMENTS]

Re: FAIRFAX COUNTY VIRGINIA
PUBLIC IMPROVEMENT BONDS,
SERIES 2016A

CUSIP NOS.:

Dated: _____ __, 20__

NOTICE IS HEREBY GIVEN that Fairfax County, Virginia has not provided an Annual Report [Audited Annual Financial Statements] as required by Section 3 of the Continuing Disclosure Agreement, which was entered into in connection with the above-named bonds issued pursuant to that certain Resolution adopted on December 8, 2015, by the Board of Supervisors of the County, the proceeds of which were used to finance and refinance various public improvements in the County. [The County anticipates that the Annual Report [Audited Annual Financial Statements] will be filed by _____.]

Dated: _____

FAIRFAX COUNTY, VIRGINIA

By

Attachment 6

Appendix VIII

NOTICE OF SALE

Board Agenda Item
December 8, 2015

ACTION – 2

Approval of Bond Underwriter Pool

ISSUE:
Board approval of the list of authorized underwriters for potential future negotiated bond sales.

RECOMMENDATION:
The County Executive recommends that the Board approve Attachment 1, listing the ten firms recommended by the Selection Advisory Committee, to serve as potential underwriters for future negotiated bond sales.

TIMING:
Board action is requested on December 8, 2015.

BACKGROUND:

On September 28, 2010 the County issued a Request for Proposals (RFP) to underwriters for the purpose of obtaining a pool of qualified firms to be considered for underwriting future bonds issued by the County and/or through its authorities, such as the Fairfax County Economic Development Authority (EDA) and the Fairfax County Redevelopment and Housing Authority (RHA). Staff believed it was prudent to establish a pool of pre-qualified underwriters from which to choose at the appropriate time for various projects requiring financing. This action not only saved staff time from issuing multiple RFP's, but also saved respondent time and effort as the majority of firms would have been expected to resubmit to each new RFP. The underwriter pool has proven to be an invaluable tool that assisted with several special financings that have occurred in the last several years such as: the Mosaic District (Community Development Authority Revenue Bonds), Dulles Rail Phase 1 (Transportation District Improvement Revenue Bonds), the Crescent property (RHA Bond Anticipation Notes), and County buildings (EDA Public Facilities Revenue Bonds).

Staff recommends renewing the pool based on the past success it has provided and the future financing needs of the County. Some examples of where the pool could be utilized in the near future include the following: refinancing the outstanding debt for Dulles Rail Phase 1 (Transportation District Improvement Revenue Bonds Series 2011 and Series 2012), Dulles Rail Phase 2 (Transportation District Improvement Revenue

Bonds), Innovation Center and Herndon-Monroe Parking Garages as part of the County's Requirement for Dulles Rail Phase 2 (Parking Revenue Bonds), refinancing the outstanding debt for Sewer Revenue Bonds, and other County projects included in the Capital Improvement Program (CIP).

On August 25, 2015, Fairfax County issued a Request for Proposals (RFP) to underwriting firms for purposes of obtaining a pool of qualified firms on financings through June 30, 2018, with two optional one-year renewal periods (through June 30, 2019 and June 30, 2020). In response to this RFP, the County received nineteen proposals. The Selection Advisory Committee (SAC) evaluated the proposals in accordance with the criteria established in the RFP. These criteria included experience with transactions comparable to the County's; financial strength, including capitalization and ratings; and sales and distribution capabilities including retail distribution capabilities in Virginia. With technical assistance from the County's financial advisor, the SAC chose the top ranked firms, ensuring that the mix of firms in the underwriting pool would provide access to a broad and diverse group of potential investors to include large institutional investors, regional market investors, and smaller retail investors.

Following the SAC evaluation of the proposals, the SAC recommends that the County establish a pool of ten underwriters that are pre-qualified to undertake future financings (Attachment 1). Should the County choose to conduct a negotiated sale for a bond issue, the firms included in the pool will be asked to submit proposals specific to the bond issue under consideration and formally compete to serve as the senior manager, and/or co-senior manager for a particular bond issue. Future senior underwriter selections will be based upon understanding of the credit, ability to explain the credit to investors and market the bonds to a wide audience, recommendations for cost effective bond features and structures and favorable pricing consistent with then-current market conditions and the bond issue under consideration. Combined with the fundamental qualifications County staff has already reviewed, staff can make a decision on the best qualified underwriter(s).

There are two methodologies by which issuers typically sell municipal bonds – on a "negotiated" or "competitive" basis. Historically, the County has sold the majority of its bonds on a competitive basis. In a competitive sale, the County posts a public sale notice inviting underwriters to bid on its bonds at a specified time and awards the bonds to the bidder offering the lowest interest cost. In a negotiated sale, the underwriter(s) is selected in advance of a bond sale, typically based upon a RFP process. The interest rates and other terms of the bonds are then set based on a negotiation with the underwriter. The decision to use one methodology over another primarily depends upon the attributes of the bond issue; the County's needs, and market conditions at the time of sale. It should be noted that most large, highly-rated issuers such as Arlington County have established an underwriter pool in order to expedite the bond sale process.

The establishment of an underwriting pool neither requires the County to sell bonds on a negotiated basis, nor guarantees that any or all of the firms in the underwriter pool will serve as an underwriter on a future financing. Rather, the pool allows the County to use a streamlined selection process for future bond issuances that provides the County with flexibility to meet bond issuance schedules. Another advantage to establishing an underwriting pool is that it may encourage underwriting firms to earn the County's confidence by bidding aggressively on the County's competitive sales.

FISCAL IMPACT:
There is no fiscal impact at this time. One of the factors that will determine whether a bond sale is conducted on a competitive or negotiated basis will be an assessment of which method is most effective and cost advantageous to the County, and the underlying market conditions leading up to the proposed date of the bond sale.

ENCLOSED DOCUMENTS:
Attachment 1: List of Recommended Underwriter Firms

STAFF:
Joseph Mondoro, Chief Financial Officer
Joseph LaHait, Debt Coordinator, Department of Management and Budget
Gail Langham, Deputy County Attorney
Emily Smith, Assistant County Attorney

Attachment 1

Fairfax County Underwriter Pool

Firms included in the Senior Manager Pool:

1. JP-Morgan Securities
2. Citibank
3. PNC Capital Markets, LLC
4. Siebert Brandford Shank & Company
5. Morgan Stanley
6. Raymond James
7. Bank of America Merrill Lynch
8. Barclays

*Firms in the Senior Manager Pool may also serve as co-managers.

Firms included in the Co-Manager Pool:

1. Fidelity Capital Markets
2. TD Securities

Board Agenda Item
December 8, 2015

ACTION – 3

Approval of an Amended Parking Reduction for the Dunn Loring-Merrifield Metro Center (Providence District)

ISSUES:
Board of Supervisors approval of a 14.5 percent reduction of the required parking (145 fewer parking spaces than the 1,005 spaces normally required) for the residential uses of the Dunn Loring-Merrifield Metro Center, Tax Map Number 049-1-01-0027-B-1, and an annulment of its 2009 approval of a 5.0 percent reduction of the required parking for the non-residential uses at the site, Tax Map Numbers 049-1-01-0027-B-1, 049-1-01-0027-C and 049-1-01-0027-L, Providence District.

RECOMMENDATION:
The County Executive recommends that the Board approve a parking reduction of 14.5 percent for the residential uses of the Dunn Loring-Merrifield Metro Center pursuant to Paragraph 5, Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia,* based on an analysis of the parking requirements for each use on the site and a parking study, #378-PKS-002-1. The County Executive further recommends that the Board annul the 5.0 percent parking reduction for the site's non-residential uses approved in 2009.

The County Executive recommends that the Board approve the requested reduction for the residential uses subject to the following conditions:

1. A minimum of 860 parking spaces must be maintained within the site's garage at all times to serve up to 628 residential dwelling units. Access to the residents' parking spaces shall be distinguished from the parking spaces available to the site's non-residential uses and must be separated by a physical barrier or another separation approved by the Director of the Department of Public Works and Environmental Services (DPWES). Residential-use visitor spaces may be provided in front of this barrier. The site plan must clearly note how the residents' parking spaces will be separated.

2. The Parking Management Plan proffered in conjunction with the approval of the Dunn Loring-Merrifield Metro Center rezoning case (PCA/CDPA/FDPA 2005-PR-039 and 88-P-030-02) shall be implemented as approved by the Fairfax County Department of Transportation.

3. The site shall be and remain in compliance with the Parking Management Plan and such approval conditions as determined by the Fairfax County Department of Transportation following consultation with the applicant.

4. DPWES approval of a revision to Site Plan #378-SP-002 shall include the depiction of
    - the location of the barrier/separation identified in Condition #1
    - the approval letter for the site's Parking Management Plan (Condition #2)
    - Conditions #1-14, as identified herein

5. The Transportation Demand Management (TDM) program proffered in conjunction with the approval of the Dunn Loring-Merrifield Metro Center rezoning case (PCA/CDPA/FDPA 2005-PR-039 and 88-P-030-02) shall be implemented.

6. At least 12 residential-use visitor parking spaces, of the 860 spaces identified in Condition #1, shall be located among the non-residential spaces on Level G1 of the Avenir garage and shall be reserved for visitors to the residential uses.

7. The applicant shall ensure that residents and their visitors shall not park in the spaces designated for the non-residential uses.

8. The current owner, its successors or assigns of the residential development located on the parcel identified as Fairfax County Tax Map Number 049-1-01-0027-B-1 shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs of the residential uses, which may include requiring such uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.

9. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director of DPWES shall be based on applicable requirements of the *Code of the County of Fairfax, Virginia,* and the Zoning Ordinance in effect at the time of said parking utilization study submission.

10. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.

11. All parking provided shall be in accordance with all other applicable requirements of Article 11 of Zoning Ordinance, the Fairfax County Public Facilities Manual and the accessibility provisions of the Virginia USBC.

12. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

13. Once recorded in the Fairfax County land records, copies of the conditions of approval showing the recordation's deed book and page numbers shall be provided to the Providence District Office and to Land Development Services.

14. Unless an extension has been approved by the Board, the approval of this parking reduction request shall expire 60 days from its approval date if Condition #12 has not been satisfied.

15. Approval of this parking reduction, including all conditions set forth herein, shall supersede and replace any and all previously approved parking reductions, including the parking reduction that was approved by the Fairfax County Board of Supervisors on December 7, 2009.

TIMING:
Board action is requested on December 8, 2015.

BACKGROUND:
On December 4, 2006, the Board approved RZ/FDP 2005-PR-039 concurrent with PCA/FDPA 88-P-030. An amended proffer request, PCA/CDPA/FDPA 2005-PR-039 concurrent with PCA/CDPA/FDPA 88-P-030-020-02, was granted on June 30, 2008. Pursuant to the proffer conditions the applicant requested a parking reduction in 2009; the request was approved on December 7, 2009 (see Attachment II), but no agreement was executed or recorded. In addition to updating the conditions of approval for the residential uses' parking reduction, this amended request does not include the applicant's requested parking reduction for the site's proposed secondary, non-residential uses.

The subject 14.06-acre site is adjacent to the Dunn Loring-Merrifield Metrorail Station and immediately south of Interstate 66 as shown in Figures 2 and 3 of the attached study. The site is within the Merrifield Commercial Revitalization Area. In addition to existing WMATA parking, the site's development consists of up to 628 residential dwelling units and 125,000 gross floor area of secondary uses, which are currently under construction (Site Plan #378-SPV-002-A-3).

Parking for the residential uses is in 4 levels of structured parking below the building. Parking for the non-residential, secondary uses is in 2 levels of this same garage, in level B2 of the WMATA garage, and on a surface lot adjacent to the WMATA garage.

Zoning Ordinance § 11-102(5) (proximity to a mass transit station) provides the basis for the parking reduction for the residential uses. The 628 residential dwelling units would normally require 1,005 parking spaces according to the Fairfax County Zoning Ordinance; a 14.5 percent reduction in parking (145 fewer spaces) for the residential uses has been requested. The parking rate requested is 1.37 spaces per dwelling. This rate remains unchanged from the 2009 parking reduction.

At this time, the applicant has not provided sufficient evidence in support of the requested parking reduction for the non-residential uses under Zoning Ordinance § 11-102(4)(B). Specifically, the applicant has not demonstrated that the site or the adjacent areas will be free from adverse impacts should the request be approved. Consequently, staff cannot recommend the approval of the portion of the request concerning the non-residential uses.

The review of the parking study indicates that the proximity to the Dunn Loring-Merrifield Metrorail Station as well as the presence of a TDM program accepted in conjunction with the approval of rezoning application RZ/FDP 2005-PR-039 will support this parking reduction request for the residential uses. Specifically, the transit station is expected to reduce the demand for parking spaces and no adverse impact to either the site or the adjacent area is expected. Therefore, staff recommends approving a 14.5 percent parking reduction for the residential uses subject to the conditions listed above. This recommendation reflects a coordinated review by the Department of Transportation, Department of Planning and Zoning, the Office of the County Attorney and DPWES.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I - Request for a parking reduction amendment and a parking study (#378-PKS-002-1) from Kevin R. Fellin, P.E., Wells & Associates, dated April 16 and 17, 2015, respectively, without attachments
Attachment II - Board item for the original parking reduction approval for Dunn Loring-Merrifield Metro Center dated December 7, 2009

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, DPWES
William D. Hicks, Director, Land Development Services, DPWES

Attachment I

WELLS + ASSOCIATES

1420 Spring Hill Road
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Tysons, Virginia 22102
703-917-6620
703-917-0739 FAX

www.mjwells.com

April 16, 2015

Ms. Jan Leavitt, P.E., Chief
Land Development Services
Code Analysis Division
Department of Public Works & Environmental Services
12055 Government Center Parkway, Suite 334
Fairfax, Virginia 22035-5503

SUBJECT: **#378-PKS-002-1**
Parking Code Reduction Revision (2nd Submission) for
Dunn Loring – Merrifield Metro Center (Avenir Place)
RZ/FDP 2005-PR-039; PCA/FDPA 88-9-030; 0378-SP-002

Dear Ms. Leavitt:

Herein is an executive summary for the "Dunn Loring – Merrifield Metro Center" parking reduction 2nd submission which is a revision to the May 13, 2014 submission. The purpose of the parking reduction request is to update a previous study dated May 21, 2009 that was subsequently approved by the Board of Supervisors on December 7, 2009. A "Parking Reduction" study and a fee in the amount of $13,626 payable to the "County of Fairfax" was provided on May 8, 2014 with the 1st submission of the "Parking Reduction" study. A separate full site plan sheet was included with the 2nd submission parking reduction study. A compact disc is attached to the back cover of the reduction study that includes electronic copies of this letter, the 2nd submission parking reduction study, the overall site plan reference above, and the ULI 2nd edition spreadsheets.

The subject mixed-use site (Tax Maps 49-1 ((13)) 17A and 18A, 49-1 ((1)) 27A, and 49-2 ((1)) 13A and 15A) is located north of Prosperity Avenue and west of Gallows Road in the Providence Magisterial District within the Dunn Loring-Merrifield station area. The subject property is zoned PRM (Planned Residential Mixed).

As discussed with you, Beth Forbes, and Supervisor Smyth at a meeting on Thursday, March 12, 2015, the Applicant proposes to update their December 7, 2014 approved parking reduction to address the non-residential uses and more specifically the grocery store component (Harris Teeter). The grocery store will reserve a portion of its spaces for its exclusive use and therefore will not be able to participate as a "shared use" under the currently approved shared parking reduction. As a result, the parking request will include the grocery store as being parked based on the strict application of the county's zoning ordinance. As discussed, the residential portion of the approval will remained unchanged. Since the original approval was never

recorded with the property, at your direction we re-stated the residential reduction request within parking reduction study.

Below is a description of the originally approved parking reduction versus the Applicant's new request:

Approved Parking Reduction: A parking reduction study dated May 21, 2009 was approved by the Board on December 9, 2009 to permit a **14.5% residential parking reduction** and **5.0% non-residential parking reduction** for the following mix of uses:

- 628 multifamily residential dwelling units (DUs)
- 119,400 gross floor area (GFA) of shopping center (includes a grocery store)
- 5,600 GFA eating establishment/restaurant with:
    - 172 table seats
    - 19 counter seats
    - 28 employees

New Parking Reduction Request: The approval of the updated parking reduction request **would increase the previous 5.0% parking reduction for the non-residential uses by up to 8.8% while holding the residential reduction at 14.5%.** The project would then include:

- 628 multifamily residential dwelling units (DUs)
- 50,096 GFA grocery store (parked to code at the shopping center rate)
- 69,795 GFA of shopping center (shared parking use)
- 5,074 GFA eating establishment/restaurant with (shared parking use):
    - 184 table seats
    - 27 counter seats
    - 15 employees

In addition to the above, the following outdoor eating areas were included in the request:

- 3,713 GSF of outdoor (fast food) shopping center uses (shared parking use)
- 706 GFA eating establishment/restaurant with (shared parking use):
    - 30 table seats

An alternative non-residential option (Option 2) was also included in the analysis to demonstrate the results if a portion of the shopping center retail was leased out as medical/office space (Urgent Care). Under Option 2, only an 8.0% parking reduction

would be required which would be supported if the overall 8.8% parking reduction request was approved. Under "Option 2", the project would include:

- 628 multifamily residential dwelling units (DUs)
- 50,096 GFA grocery store (parked to code at the shopping center rate)
- 12,729 GFA of medical office (shared parking use)
- 57,066 GFA of shopping center (shared parking use)
- 5,074 GFA eating establishment/restaurant with (shared parking use):
    - 184 table seats
    - 27 counter seats
    - 15 employees

In addition to the above, the following outdoor eating areas were included in the request:

- 3,713 GSF of outdoor (fast food) shopping center uses (shared parking use)
- 706 GFA eating establishment/restaurant with (shared parking use):
    - 30 table seats

Please be assured all the methodologies employed with the original parking reduction study dated May 21, 2009 were incorporated again in a new study. Beyond the original parking reduction study, the new assessment demonstrated an increased captive market (15% increased from 9%) and a 20% mode adjustment for the employees. Under Option 2, no reductions were applied to the medical office that would have accounted for a captive market for patients or mode-splits for employees/patients.

In order to permit a reduction in the number of parking spaces, the following parking reduction is hereby requested on behalf of the Dunn Loring – Merrifield Metro Center (Avenir Place):

Residential Parking Reduction (No Change). The same residential parking reduction of **145 fewer parking spaces, or 14.5%,** was requested again on behalf of the residential portion of the site with submission of a "Parking Reduction" study dated May 8, 2014 as revised thru April 17, 2015. The code requirement for the proposed residential uses is 1,005 parking spaces and the 14.5% reduction would reduce the required parking to 860 parking spaces. The proposal would provide a minimum of 860 parking spaces to support the proposed 628 DUs of residential uses. This is an effective reduction from 1.6 spaces per DU to 1.37 spaces per DU.

New Non-Residential Parking Reduction. A non-residential parking reduction of **up to 50 fewer parking spaces, or 8.8%,** was requested on behalf of the non-

residential uses for the site in the same "Parking Reduction" study discussed above. The code requirement for the proposed non-residential uses (including the grocery store) is 569 parking spaces under Option 1 and 564 parking spaces under Option 2. Under Option 1, an 8.8% reduction would reduce the required parking to 519 parking spaces. Under Option 2, an 8.0% reduction would reduce the required parking to 519 parking spaces. The proposal would provide a minimum of 519 parking spaces to support the proposed non-residential uses at build out for either Option 1 or 2. Any additional uses would be parked to code and these uses would not exceed the approved F.A.R.

The minimum number of parking spaces serving the residential and non-residential retail uses on-site would therefore total 1,379 spaces with approval of the requested reductions resulting in an overall site reduction of 12.4% from code under non-residential Option 1 or 12.1% under non-residential Option 2.

A related Parking Management Plan has been submitted to County staff for review under separate cover.

Future Flexibility. To accommodate future potential changes in market conditions between the non-residential uses without returning to the Board each time, a condition should be provided to permit minor modifications to the non-residential uses as long as a new parking reduction study demonstrates to the satisfaction of the Director of the Department of Public Works and Environmental Services that the new uses are comparable to the approved parking reduction and percent of reduction granted by the Board must be honored while using the same methodology employed in the study herein.

Article 11, Section 102.5 and Section 102.26 provide for the requested reduction in the number of residential parking spaces. Section 102.4 provides for the requested reduction in the number of non-residential parking spaces.

Please contact me with any questions and/or comments you might have and thank you again for your assistance on this important project.

Sincerely,

Kevin R. Fellin
Senior Associate

Enclosure

WELLS + ASSOCIATES

MEMORANDUM

COMMONWEALTH OF VIRGINIA
KEVIN R. FELLIN
Lic. No. 046439
4/17/2015
PROFESSIONAL ENGINEER

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To: Jan Leavitt, P.E., Chief
Site Code Research & Development Branch
Department of Public Works & Environmental Services

From: Kevin R. Fellin, P.E.

Re: Dunn Loring – Merrifield Metro Center (Avenir Place)
RZ/FDP 2005-PR-039; PCA/FDPA 88-9-030; 0378-SP-002

Subject: Parking Reduction Revision

Date: May 13, 2014 as revised thru April 17, 2015

INTRODUCTION

This memorandum presents the results of a 2nd submission parking reduction analysis conducted in support of a program revision to the development of an approved, mixed-use, transit-oriented development [referred to as the "Dunn Loring – Merrifield Metro Center" (Avenir Place)] in Fairfax County, Virginia. This revision would modify the development program and conditions associated with a previously approval by the Board of Supervisors on December 7, 2009. The previously approved parking agreement included the following types of land uses and reductions:

- Residential (14.4% Parking Reduction or 145 fewer spaces)
  - 628 residential (multi-family) dwelling units (DUs)

- Non-Residential (5.0% Parking Reduction or 27 fewer spaces)
  - 119,400 gross floor area (GFA) shopping center (includes a grocery store)
  - 5,600 GFA eating establishment/restaurant with:
    - 172 table seats
    - 19 counter seats
    - 28 employees

It should be noted that due to a change in project managers, the approved parking reduction was never recorded with the property. A copy of the approved conditions is included as Attachment I.

BACKGROUND

The approximate 14.06 acre parcel consolidation [Tax Maps 49-1 ((13)) 17A & 18A and 49-1 ((1)) 27A, 49-2 ((1)) 13A & 15A] is located in the Merrifield Suburban Center and more specifically within the WMATA Dunn Loring - Merrifield Metro transit station area. The site is located on the north side of Prosperity Avenue, west of Gallows Road and south of Interstate 66 as shown on Figure 1.

On December 4, 2006, the Fairfax County Board of Supervisors approved a rezoning for the majority of the property (approximately 14.06 acres) from the R-1 and I-4 Districts to the Planned Residential Mixed-Use (PRM) zoning district subject to proffers dated November 30, 2006. The westernmost portion of the property (approximately 1.355 acres) is zoned and remains Planned Development Commercial (PDC). The Board's approval provided for the redevelopment of the property with up to 720 residential DUs and 125,000 GFA of community-serving secondary/retail uses. A total of 15.38 acres of the subject site area is currently developed with the Dunn Loring - Merrifield metrorail station and accompanying facilities as well as the building structures and parking facilities making up the subject Avenir Place mixed us project. As part of a joint development with WMATA, the developer razed the existing WMATA facilities and developed the site with a mix of residential, retail, eating establishment/restaurant uses, and new WMATA station facilities including an approximate 1,963 space parking garage, eight (8) bus bays and 37 kiss-n-ride spaces. One (1) of the 37 spaces currently serves as a car sharing space (ZIP car).

The currently approved parking reduction was supported by a study dated and submitted on May 21, 2009 that evaluated a plan with a total of 628 multifamily residential DUs, 119,400 GFA of shopping center uses (including a grocery store), and 5,600 GFA of eating establishment space supported by 191 restaurant seats (172 table seats and 19 counter seats) and 28 restaurant employees. Under strict application of the Fairfax County Zoning Ordinance, this approved program would require a total of 1,550 parking spaces, of which, 1,005 parking spaces would be required to serve the residential uses and 545 parking spaces would be required to serve the non-residential uses. Based on the Board approved parking reduction on December 7, 2009 (see Attachment I), the Applicant's approved parking reduction required that a minimum of 1,378 parking spaces must be maintained at all times based on the following:

- A residential parking reduction of 14.4% (145 fewer parking spaces) for a total of 860 parking spaces to serve the new residential uses.

- A non-residential parking reduction of 5.0% (27 fewer parking spaces) for a total of 518 parking spaces to serve the proposed secondary uses on site.

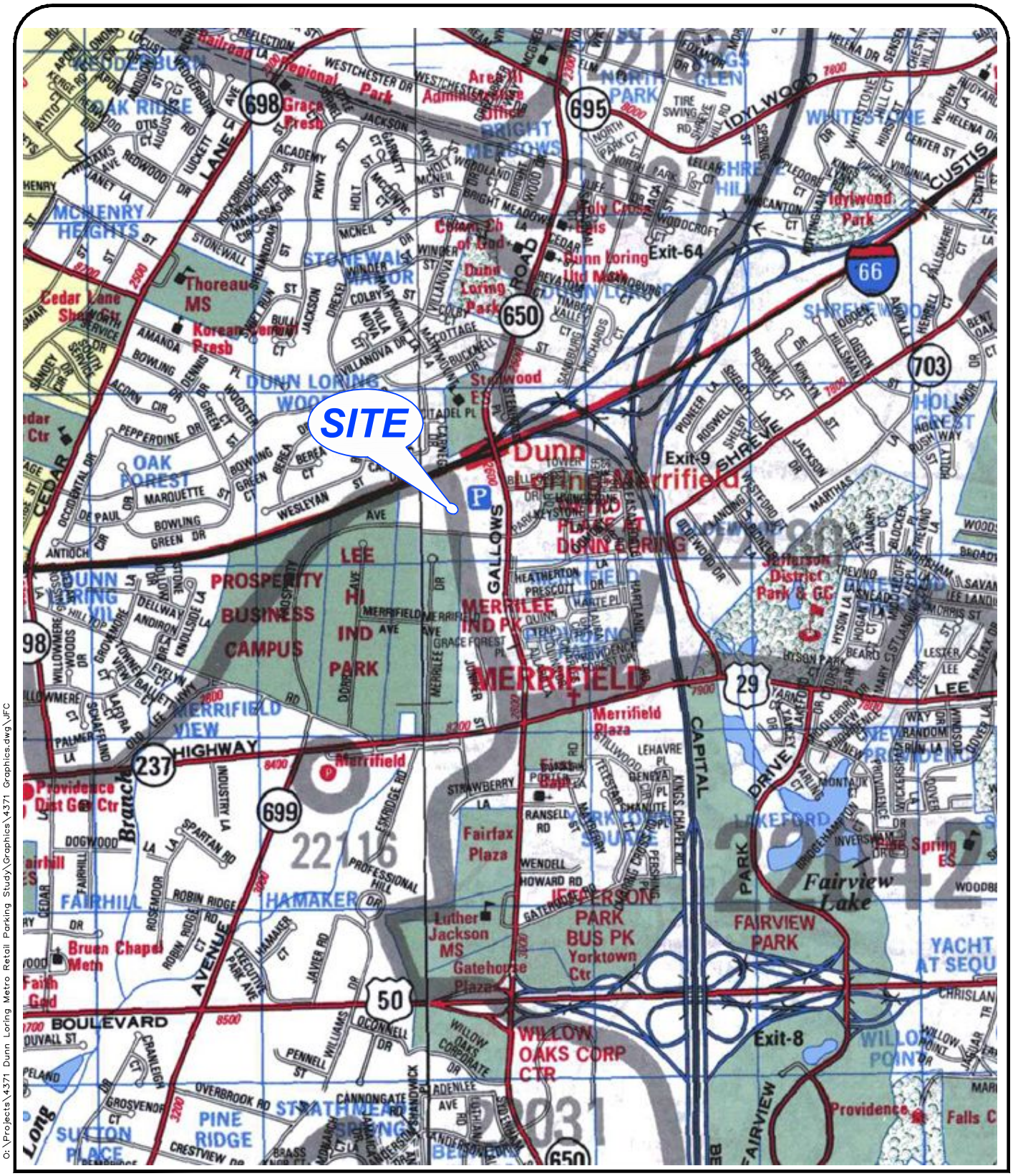

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Figure 1
Site Location Map

North

Consistent with current approvals, the approved multifamily residential DUs would retain its parking reduction request of 14.4% (or 145 fewer spaces) for 628 DUs. The primary purpose of this revision is to address the non-residential uses and more specifically the grocery store component (Harris Teeter). The grocery store will reserve a portion of its spaces for its exclusive use and therefore will not be able to participate as a "shared use" under the currently approved shared parking reduction. As a result, the project will park the grocery store based on the strict application of the County's zoning ordinance. This revised assessment will also evaluate two (2) non-residential program options. Each option is supported by a parking reduction request up to 8.8% (or up to 50 fewer spaces) less than the code requirement. The overall parking request summary for the residential and modified non-residential program(s) (Options 1 and 2) are shown on Table 1.

The Applicant is now requesting a reduction from the number of spaces from what would be required by strict application of the Fairfax County Ordinance, as summarized below:

- **A residential parking reduction to provide a minimum of 860 residential parking spaces** which equates to a 14.4% reduction (or 145 fewer parking spaces) from the code requirement (or ±1.37 spaces per DU).
  ****No Change from Current Approvals****

- **A non-residential parking reduction to provide a minimum of 519 non-residential parking spaces** which would be limited up to an 8.8% reduction (or up to 50 fewer parking spaces) from the code requirement.
  ****Revised from Current Approvals****

The difference between the approved December 7, 2009 parking reduction and the requested revision to the development program is summarized on Table 2. All the methodologies employed with the original parking reduction study dated May 21, 2009 are incorporated herein. However unlike the original submission, this study will account for greater synergy, or neighborhood capture, (15% increased from 9%) for customers and a non-auto mode split (20%) for retail/restaurant employees. For the medical office space under non-residential Option 2, no reductions were applied due to neighborhood capture or mode adjustments for patients or staff. No reductions or consideration for shared parking were applied to the grocery store for non-residential Options 1 or 2.

The minimum number of parking spaces on-site, at build out, would therefore total 1,379 spaces (860 residential spaces + 519 non-residential spaces) with approval of the requested parking reductions resulting in an overall site parking reduction up to 12.4% (or up to 195 fewer spaces) from code.

Table 1
Dunn Loring - Merrifield Metro Center (Avenir Place)
Parking Reduction Summary

Non-Residential Uses			Residential Uses	
	Option 1	Option 2		
Building Area Total	**124,965 GSF**	**124,965 GSF**	**Total Residential**	**628 DU**
Grocery Store	50,096 GSF	50,096 GSF		
Medical Office	0 GSF	12,729 GSF	Code Requirement (1.6 sp/DU)	1,005 spaces
Shopping Center Retail	69,795 GSF	57,066 GSF	Approved Requirement	860 spaces
Eating Establishment	5,074 GSF	5,074 GSF	**Fewer Spaces than Code**	**(145) spaces**
	184 table seats	184 table seats	**% Reduction**	**14.4% spaces**
	27 counter seats	27 counter seats		
	15 employees	15 employees		
Outdoor Seating Area Total	**4,419 GSF**	**4,419 GSF**		
Outdoor Shopping Center Retail	3,713 GSF	3,713 GSF		
Outdoor Eating Establishment	706 GSF	706 GSF		
	30 table seats	30 table seats		
	0 employees	0 employees		
Code Requirement				
- Harris Teeter (4 sp/1,000 SF)	200.4 spaces	200.4 spaces		
- Medical Office (3.6 sp/1,000 SF)	0.0 spaces	45.8 spaces		
- Shopping Center Retail (4 sp/1,000 SF)	294.0 spaces	243.1 spaces		
- Eating Establishment (1 sp/4 table seats, 1 sp/2 counter seats, 1 sp/ 2 employ)	74.5 spaces	74.5 spaces		
Total Code Requirement	**569 spaces**	**564 spaces**		
Grocery Store Parked to Code	201 spaces	201 spaces		
ULI Shared Parking Results	295 spaces	297 spaces		
Parking Analysis Total (Code Grocery Store + ULI Shared Parking Results)	**496 spaces**	**498 spaces**		
Fewer Spaces than Code per Parking Analysis	**(73) spaces**	**(66) spaces**		
% Reduction per Shared Parking Analysis	**12.8%**	**11.7%**		
Non-Residential Parking Supply			**Residential Parking Supply**	
Level 01	136 spaces	136 spaces	Level G1 (Gated)	236 spaces
Level G1	126 spaces	126 spaces	Level G2 (Gated)	426 spaces
Below WMATA Garage	176 spaces	176 spaces	Level G3 (Gated)	186 spaces
Surface Lot	65 spaces	65 spaces	Subtotal	848 spaces
On-Street	16 spaces	16 spaces	Level G1 (Not Gated)	12 spaces
Total Retail Parking Supply	**519 spaces**	**519 spaces**	**Total Residential Parking**	**860 spaces**
Code Requirement	569 spaces	564 spaces	Code Requirement	1,005 spaces
Parking Supply	519 spaces	519 spaces	Parking Supply	860 spaces
Fewer Spaces than Code	**(50) spaces**	**(45) spaces**	**Fewer Spaces than Code**	**(145) spaces**
% Reduction Request	**8.8%**	**8.0%**	**% Reduction Request**	**14.4% spaces**

Table 2
Dunn Loring - Merrifield Metro Center (Avenir Place)
"December 7, 2009 Approved Parking Reduction" vs "Proposed Revision Option 1 and Option 2"

Required Spaces/Uses	Dec. 7, 2009 Approved Reduction	Option 1 Proposed Revision	Option 1 *Difference Proposed minus Approved*	Dec. 7, 2009 Approved Reduction	Option 2 Proposed Revision	Option 2 *Difference Proposed minus Approved*
% Residential Reduction	**14.5%**	**14.5%**	***0.0%***	**14.5%**	**14.5%**	***0.0%***
Minimum Spaces Required by Code	1,005	1,005	*0*	1,005	1,005	*0*
Minimum Spaces Required by Request	860	860	*0*	860	860	*0*
Resulting Fewer Spaces	*(145)*	*(145)*	*0*	*(145)*	*(145)*	*0*
Residential Uses						
Total Dwelling Units	628	628	*0*	628	628	*0*
% Non-Residential Reduction	**5.0%**	**8.8%**	***3.8%***	**5.0%**	**8.0%**	***3.0%***
Minimum Spaces Required by Code	545	569	*24*	545	564	*19*
Minimum Spaces Required by Request	518	519	*1*	518	519	*1*
Resulting Fewer Spaces	*(27)*	*(50)*	*(23)*	*(27)*	*(45)*	*(18)*
Non-Residential Uses						
Shopping Center Retail Uses (GFA) ***Grocery Store, Parked to Code***	0	50,096	*50,096*	0	50,096	*50,096*
Office, Urgent Care (GFA)	0	0	*0*	0	12,729	*12,729*
Shopping Center Retail Uses (GFA)	119,400	69,795	*(49,605)*	119,400	57,066	*(62,334)*
Eating Establishment/Restaurants (GFA)	5,600	5,074	*(526)*	5,600	5,074	*(526)*
Restaurant Table Seats	177	184	*7*	177	184	*7*
Restaurant Counter Seats	19	27	*8*	19	27	*8*
Restaurant Employees	28	15	*(13)*	28	15	*(13)*
Outdoor Fast Food Retail (GSF) **(1)**	0	3,713	*3,713*	0	3,713	*3,713*
Outdoor Eating Establishment/Restaurants (GSF) **(1)**	0	706	*706*	0	706	*706*
Outdoor Eating Establishment Table Seats	0	30	*30*	0	30	*30*
% Overall Reduction (Residential and Non-Residential)	**11.1%**	**12.4%**	***1.3%***	**11.1%**	**12.1%**	***1.0%***
Total Minimum Spaces Required by Code	**1,550**	**1,574**	***24***	**1,550**	**1,569**	***19***
Total Minimum Spaces Required by Request	**1,378**	**1,379**	***1***	**1,378**	**1,379**	***1***
Total Resulting Fewer Spaces	***(172)***	***(195)***	***(23)***	***(172)***	***(190)***	***(18)***

WELLS + ASSOCIATES

Site Conditions

The site plan revision (0378-SP-002) submitted by Urban Engineering on behalf of WMATA and the developer reflects a total of 628 residential dwelling units and ±124,965 GFA of non-residential building space. As discussed earlier, the non-residential building space is presented as two potential program options (Options 1 and 2) as presented below:

Option 1: ±50,096 GFA grocery store
±69,795 GFA of general retail space
±5,074 GFA (184 table seats, 27 counter seats, and 15 employees) of eating establishment/ restaurant space, or

Option 2: ±50,096 GFA grocery store,
±12,729 GFA medical office,
±57,066 GFA of general retail space,
±5,074 GFA (184 table seats, 27 counter seats, and 15 employees) of eating establishment/ restaurant space.

Options 1 and 2 – Outdoor Eating Areas. In addition to the building program, each option would include approximately 4,419 GFA of outdoor streetscape space serving outdoor eating areas. Of the total, approximately ±706 GFA would serve the eating establishment with up to 30 outdoor table seats and the remaining ±3,713 GFA would serve fast food retail. A reduced copy of the site plan is provided as Figure 2. A full size copy is also provided for staff's convenience. Parking for the project (residential and non-residential) is provided in surface spaces, on-street spaces, and above/below grade parking structures. A summary of the overall parking supply is shown in Table 1 and a detailed description of the parking supply and its operation is provided under separate cover in the proffered Parking Management Plan (PMP).

A total of 860 structured spaces are intended to serve the site's 628 residential units. Of the 860 residential spaces, access to 848 spaces will be restricted by a gate system serving residents, guests, and/or residential building staff. The remaining 12 residential spaces will be signed for exclusive use by residential visitors and located outside of the gated area among the non-residential spaces.

A total of 519 parking spaces would be provided to serve the site's non-residential uses within surface lots, on-street spaces, and parking structures. In addition to the residential and commercial uses on-site, a total of approximately 2,000 structured parking and kiss-n-ride spaces will be provided for use by WMATA riders, as well as eight (8) bus bays.

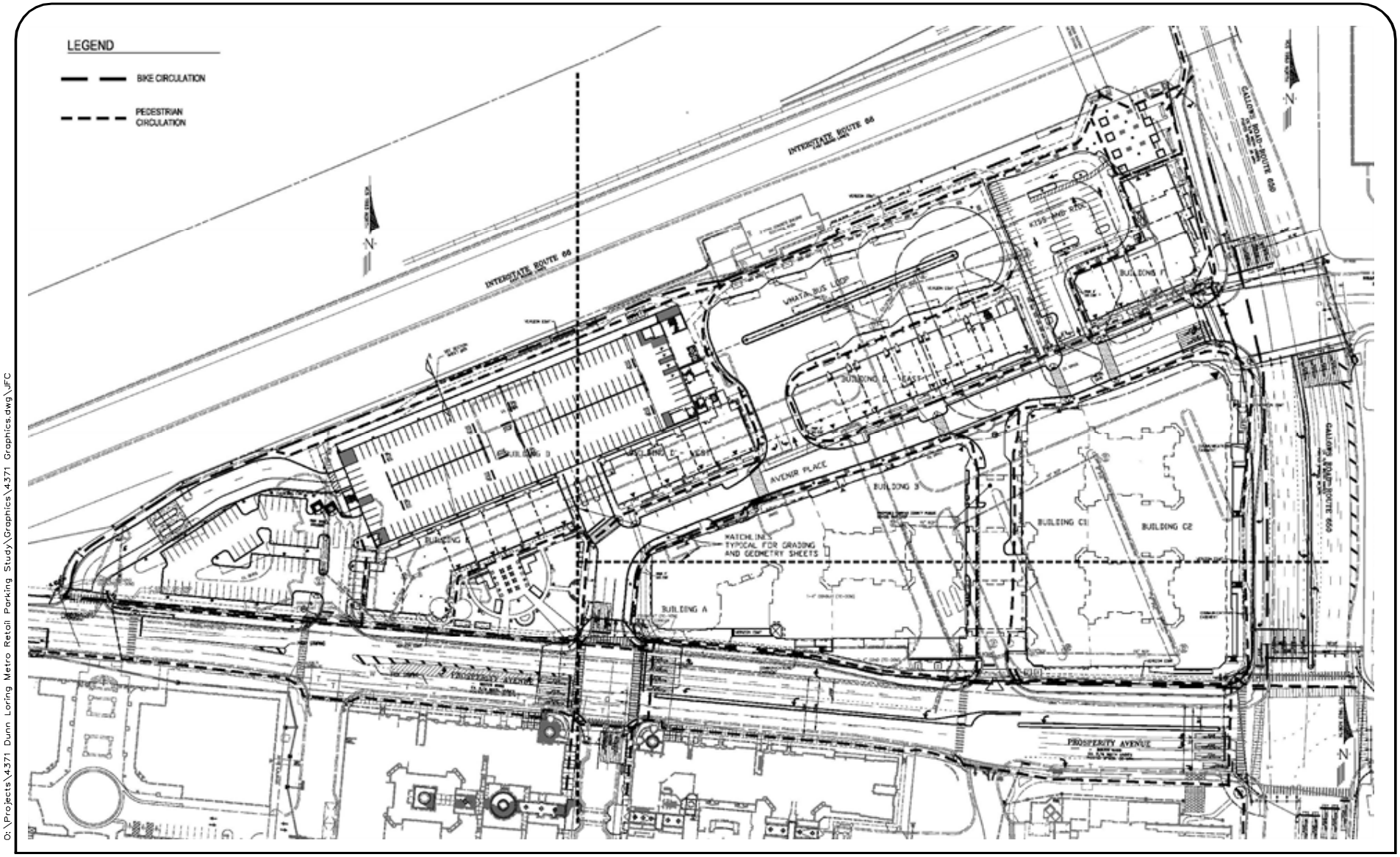

Figure 2
Site Plan Reduction

North

WELLS + ASSOCIATES, INC

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In conjunction with the rezoning of the property, the Applicant proffered a number of transportation commitments, including specific references to parking.

Proffer 9.C (Future Parking Reductions) states the following:

> "Given (i) the proximity to the Dunn Loring - Merrifield Metro Station, (ii) the existing and future Metro improvements, (iii) the significant cost of constructing underground parking structures, (iv) the character of the Proposed Development as a transit-oriented development, and (v) the TDM plan detailed in Proffer 22 herein, the Applicant shall in good faith evaluate, and may pursue, a shared parking agreement and/or parking reduction for the Proposed Development, as may be permitted by the Fairfax County Zoning Ordinance and approved by the Board of Supervisors."

Proffer 9.E (Parking Management Plan) states the following:

> "Prior to the issuance of the first building permit for the first residential building, the Applicant shall develop, and have approved by FCDOT, a parking management plan to properly direct Metro patrons, residents, visitors and retail patrons to the appropriate parking facilities for each use (the "Parking Plan"). Subject to Proffer 24 herein, the Metro Improvements shall not be part of, nor made subject to, the Parking Plan, and WMATA shall be permitted to establish such parking policies, procedures and fees within the Metro Improvements as it may, from time to time, determine appropriate or advisable. The Parking Plan may include, but need not be limited to, the following strategies and facilities:
>
> i. An on-site and offsite directional signage program that directs Metro patrons, residents, visitors and retail patrons to the appropriate parking facilities serving each use;
>
> ii. Parking attendants and/or valets;
>
> iii. Separation of residential, visitor and retail parking within the parking facilities to be constructed in/beneath Buildings A, B and C to properly segregate parking for each use;
>
> iv. Use of paid or gate-controlled parking within the parking facilities to be constructed in/beneath Buildings A, B and C. For example, retail patrons parking in retail spaces to be provided in Building B may be charged an hourly or daily fee to park while visiting retail services, while residents and visitors of residential units in Buildings A, B or C would not be subject to such hourly or daily fee; and

v. Variable Message Boards or similar technology located within or beneath Buildings A, B and/or C to direct retail patrons to the location of vacant retail parking spaces; provided, however, that no such signs shall be visible from the exterior of the buildings."

A copy of the Board accepted proffers is included herein as Attachment II. A draft copy of the "Parking Management Plan" was submitted under separate cover to the County staff (DPWES, FCDOT, and the Providence District Supervisor's office) on April 2, 2015.

Enforcement

A key component to the success of a mix-use/transit oriented parking reduction is the enforcement of parking. Vehicles parked in violation of on-site parking restrictions are subject to towing. Types of parking restrictions enforceable by towing include the following:

- Any vehicle parked in any expired metered space (2 hour time limit) in the retail portion of the garage.
- Any vehicle parked and/or standing in a fire lane.
- Any vehicle double-parked.
- Any vehicle blocking a sidewalk.
- Any vehicle blocking a dumpster.
- Any vehicle taking up two (2) parking spaces.
- Any vehicle parked in other than a marked space.
- Any vehicle parked in a No Parking or Loading Zone.
- Any vehicle parked in a handicap space without a handicap permit.
- Any vehicle with an expired, altered, or counterfeit permit or guest pass. All residential visitor cars will be instructed to register with the management office to receive a hangtag permitting them to park in visitor spaces or resident spaces. The amount of hangtags available will be limited to 14. This number is equal to the maximum number of visitor spaces recommended by ULI (628 units * 0.15 spaces per unit*14.5% = 14 spaces) when considering proximity to metrorail. A hangtag cannot be used by any one visitor for longer than seven consecutive days.
- Any vehicle with expired tags or no tags.
- Any vehicle with an expired inspection sticker or no inspection sticker.

Towing of Impermissibly Parked Vehicles

The building owner has a contract with a towing company to remove improperly parked vehicles or vehicles disobeying the parking restrictions noted above. The contract requires the towing operator to post its rates, fees, telephone number, and

impoundment yard location. At all vehicular locations, signs will include the location of the contractor's impoundment yard, the name and telephone number of the towing company and the property management company's on-site representative responsible for towing-related complaints, and the fees and charges for towing as a means to proactively discourage violations.

Parking Monitoring and Reporting

As part of the TDM program developed for the project, the Applicant will monitor parking demand associated with the various uses at the Modera Avenir Place project. Further, as part of the annual report associated with the TDM program, parking occupancy counts will be conducted for the residential uses, as well as any office and retail uses on site. The methodology and time period for conducting the counts will be coordinated with FCDOT prior to their initiation. If the results of the parking occupancy counts reveal that 97% or more of the spaces available on the property (with the exception of the WMATA garages) are occupied then the Applicant may be required to implement additional TDM measures for the coming year, institute a valet/attendant parking plan, and/or further reduce the amount of guest passes for the residential users. Such mitigation measures will be coordinated with FCDOT. Results of the parking counts and annual report will be submitted to the District Supervisor each calendar year coincident with the TDM results.

Part I and II Description

The purpose of this memorandum is therefore to amend the reduction associated with the non-residential uses. The parking reduction associated with the residential units will be retained. As requested by County staff, each reduction (residential and non-residential) is presented herein:

Part I – Reaffirm (no change) the approved "Residential" parking reduction as presented in the May 21, 2009 parking analysis which supported a parking reduction for the residential uses due to the proximity of the Dunn Loring - Merrifield metrorail station. No change to what was previously approved for the residential reduction is proposed.

Part II – "Community Serving Secondary Retail" summarizes the results of a revised shared parking analysis completed in conjunction with the development of the on-site, community-serving, and secondary/retail uses.

PART I - RESIDENTIAL PARKING *(NO CHANGE)*

Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (i.e., per residential dwelling unit, per 1,000 GFA of retail uses, etc.). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. A copy of the relevant Ordinance text is provided herein as Attachment III.

Article 11, Section 11-103 of the Ordinance outlines the parking requirements for residential uses as follows:

> Dwelling, Multiple Family – "One and six-tenths (1.6) spaces per unit"

As stated above and reflected on Table 3, based on a strict application of the Zoning Ordinance, 1,005 parking spaces would be required to accommodate the parking demand associated with the proposed residential development program.

Requested Parking Reduction

As stated above, Proffer 9.C accepted in conjunction with the approval of RZ 2005-PR-039 provides for the future pursuit of a parking reduction for the proposed development. As reflected on Table 3, the 628 residential dwelling units currently proposed would require 1,005 parking spaces according to the Fairfax County Zoning Ordinance. The Applicant is reaffirming the previously approved 14.4% reduction (or 145 fewer spaces) of the number of spaces that would be required by a strict application of the Ordinance. The basis for such a request is the following two provisions as established in the Ordinance:

- The site's proximity to a mass transit station (Section 11-102.5).

The following sections evaluate the requested residential parking reduction with respect to this provision. Copies of the relevant Ordinance text are also included in Attachment III.

Table 3
Dunn Loring - Merrifield Metro Center (Avenir Place)
Fairfax County Zoning Ordinance Parking Requirement - Residential Uses

Land Use	Amount	Units [1]	Code Requirement [2]	**Required Parking by Code**
Multiple Family	628	DU	"One and six-tenths (1.6) spaces per unit"	**1,005**

Note(s):

(1) DU = Residential Dwelling Unit

(2) Fairfax County Code based from the Fairfax County Zoning Ordinance (Article 11).

Proximity to Mass Transit

Overview. As shown on Figure 3, the majority of the site is located within 1/4 mile of the existing Dunn Loring - Merrifield metrorail station portal with portions located within the 1/8 mile. The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites located in close proximity to transit. Article 11, Section 11-102.5 states:

> "Within the area in proximity to a mass transit station, which station either exists or is programmed for completion within the same time frame as the completion of the subject development, or along a corridor served by a mass transit facility, which facility is conveniently accessible to the proposed use and offers a regular scheduled service, the Board may, subject to conditions it deems appropriate, reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part. Such reduction may be approved when the Applicant has demonstrated to the Board's satisfaction that the spaces proposed to be eliminated are unnecessary based on the projected reduction in the parking demand resulting from the proximity of the transit station or mass transit facility and such reduction in parking spaces will not adversely affect the site or the adjacent area."

The Comprehensive Plan recommendations for the property state that "[the] development proposal should be designed to be transit-friendly as well as provide incentives to encourage metro use." To that end, Dunn Loring – Merrifield Metro Center was designed to incorporate pedestrian friendly internal streets, wide sidewalks, easy access to WMATA facilities and community serving retail uses such as a full service grocery store. As a transit-oriented development (TOD), Dunn Loring – Merrifield Metro Center encourages transit and/or multi-modal trip choices.

Auto Ownership in TOD's. In harmony with the transit-oriented nature of the Dunn Loring – Merrifield Metro Center project, the residential units will be target marketed toward a demographic inclined to use transit on a regular basis. Of the 628 dwelling units currently planned, ±396 (63%) would be studio or single bedroom models. The remaining ±232 units (37%) would not exceed two bedrooms. A summary of the proposed unit mix is provided in Table 4.

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Figure 3
1/8 Mile and 1/4 Mile Rings from Metro Station

North

ACB

Dunn Loring - Merrifield Metro Center
Fairfax County, Virginia

15

Wells + Associates, Inc.

Table 4
Dunn Loring - Merrifield Metro Center (Avenir Place)
Estimated Residential Unit Mix Breakdown and Analysis

Unit Type	Amount (DU)	%	At One (1) Space per DU (Spaces)
Studio	56	9%	56
One Bedroom	226	36%	226
One Bedroom w/ Den	114	18%	114
Two Bedroom	232	37%	232
Total	**628**	**100%**	**628**
		Spaces Provided	860
		Resident Spaces at one (1) space per DU	628
		Remaining Spaces Available for Allocation (additional spaces for resident, visitors, and staff)	232

Note(s):
(1) DU = Residential Dwelling Unit

Dr. Robert Cervero of the University of California at Berkley has conducted extensive research over the past decade or more on residents of TOD's (primarily in California) and their travel behavior. Among Cervero's primary findings were the following:

- Most TOD residents are young professionals, singles, retirees, childless households, and immigrants from foreign countries.

- These groups tend to require less housing space than traditional "nuclear families", and are more likely to live in attached housing units for financial and convenience reasons, regardless of where the units are located.

- Most TOD residents tend to work downtown and in other locations that are well served by transit.

Cervero's findings in California were further supported by a study of vehicle ownership in TOD's in British Columbia. In this study, Bunt and Associates Engineering surveyed households are six "Skytrain" transit stations. Primary findings from this study found:

- Households located near Skytrain stations use transit much more often than more distant households (i.e., residential sorting is occurring).

- Households near stations generally owned 10% fewer vehicles than more distant households. Frequent users of Skytrain, however, owned 29% fewer vehicles than households using Skytrain less frequently. The difference in Skytrain use translates directly to lower car ownership rates.

- Other factors were found to affect car ownership in addition to transit proximity. These are: household income; number of people in a household; and the size of dwelling units (which was assumed to be correlated with the other two factors).

Locally, Wells + Associates completed similar surveys in June 2001 to assess the impact of transit proximity on parking demands associated with high-rise multifamily projects. The scope of that study was developed in close consultation with staff from the Department of Public Works & Environmental Services (DPW&ES) and the Fairfax County Department of Transportation. Steps undertaken in that study included, but were not limited to the following:

- Nine comparable sites were identified and parking demand counts conducted on a series of typical weekdays and Saturdays

- Demographic data was collected for each of the comparable sites in terms of

number and type of units, tenant characteristics, auto ownership, parking spaces provided, availability of off-site parking and local ordinance requirements

- A description of parking controls/operations were provided, if available, for each of the comparable sites
- A review of national and local data sources to determine the impact of mass transit on area parking requirements

The results of our study were generally consistent with the findings of Cervero et al. Specifically, the data indicated auto ownership at high-rise multifamily developments was lower than other types of residential units, especially proximate to transit facilities. The data collected by Wells + Associates in 2001 was supplemented with demographic data from the Development – Related Ridership Survey II prepared by JHK + Associates for WMATA. Both the Development – Related Ridership Survey II and the 2005 Development – Related Ridership Survey assessed the impact of auto-ownership and metro ridership. Both reports found locating residential units in close proximity to transit services resulted in reduced auto ownership and increased mode splits.

Auto ownership, as measured in the Wells study taken together with the Ridership Survey II data, ranged from a low of 0.25 vehicles per unit to a high of 1.87 vehicles per unit (as measured at Fairfax Towers, a non-TOD product). Average auto ownership was calculated at 1.07 vehicles per unit. Based on the information collected in 2001 with regard to average auto ownership, the projected number of vehicles associated with the proposed 628 units at Dunn Loring – Merrifield Metro Center would be 672. In addition to auto ownership, parking demand counts were collected at a number of metro and non-metro related sites. The results of the report, in the absence of any project related TDM commitments, supported a 16% reduction in parking from the County's Ordinance requirements. Excerpts from the June 2001, Wells study are included as Attachment IV.

Transportation Demand Management (TDM)

As part of the approvals for the Dunn Loring – Merrifield Metro Center mixed-use, transit-oriented development (RZ 2005-PR-039), UrbanTrans developed the Dunn Loring - Merrifield Metro Center TDM program. The results of UrbanTrans work is summarized in Dunn Loring – Merrifield Station Area Transit Oriented Development report dated July 2006. The document provides recommendations for the implementation of the TDM program. The proffered TDM program would, among other things, reduce site-generated residential vehicle trips by a minimum of 40% (TDM Phase I) with the ultimate goal of reducing residential trips by 50% (TDM

Phase III or build out). A copy of the Applicant's TDM proffer is provided in Attachment II.

The UrbanTrans report recommended the inclusion of community serving retail uses for the benefit of residents to further reduce trips and auto ownership rates. The developer was "strongly encouraged to pursue community serving retail and to prioritize the location of these uses in initial phasing of the residential building construction." The incorporation of community serving retail uses, such as a full service grocery store on the property, further reduces the need for additional vehicles.

In light of the above, the implementation of a 50% TDM reduction would result in a total required parking demand of 503 on a typical weekday to meet the needs of 628 residential units. Despite these results, the Applicant only sought and was approved for a 14.4% parking reduction, as stated above.

Parking Management. As stated in the report, one of the benefits of a transit-oriented development (TOD) is the prevalence of reduced auto ownership. As documented in the UrbanTrans report, residents of the site are [on average] projected to own fewer vehicles per household. In order to discourage higher auto ownership and encourage multimodal trip choices, the UrbanTrans TDM report recommended as part of any parking management plan the following strategies:

- For residential units, develop a graduated monthly parking fee scale for all dedicated parking spaces.
- Explore graduated market-rate pricing scale for leasing arrangements for access to spaces in excess of one per unit.
- Provide dedicated, free preferential parking spaces in convenient locations (covered, near entry/exit locations, and close to elevators) for vanpools.

Proffer 22.C.vii establishes a commitment to such a parking management plan. As stated:

> "A parking management plan, which shall include (i) a unit sales/rental program/policy under which each residential unit is allocated one (1) parking space as part of the base purchase/rental price, and that additional parking spaces may be purchased/leased for an additional cost; and (ii) dedicated space for residential vanpools and car-sharing vendors not otherwise addressed herein;"

A copy of the draft parking management plan prepared for the subject site is included provided under separate cover.

Based on the above, the residential component of the site would require a minimum of 628 parking spaces to serve the baseline auto ownership demands of the residents as discussed above. According to the Applicant's proposed plan, 860 spaces are dedicated to the proposed on-site residential uses. As shown on Table 4, under an allocation of one (1) resident space per dwelling unit, a balance of 232 parking spaces would be available for residential building staff, vanpools, and car-sharing vendors with the remaining surplus to be either sold or leased to residents beyond the one (1) space allocation.

Basis for the Parking Reduction Request (Z.O. 11-102.5)

The following summarizes the basis for the parking reduction request:

- The site is located in close proximity to a mass transit station where a majority of the site is within 1/4 mile of the existing Dunn Loring - Merrifield metrorail station portal and portions located within the 1/8 mile.
- The project has proffered a comprehensive TDM Plan with specific goals and strategies targeted to reduce auto-ownership among future residents as well as reducing parking supply.
- The project has proffered a comprehensive plan to measure the effectiveness of the TDM Plan while outlying strategies to improve and enhance measures if the goals are not achieved.
- The project has proffered an overall 50% trip reduction goal for the resident users which corresponds to a strategy that reduces the parking supply. Managing parking by reducing supply helps to reduce the undesirable impacts of parking demand on local and regional traffic levels and the resulting impacts on community livability.
- The site's enforcement plan described earlier supports the operation of the parking management plan.
- The project seeks to promote a vibrant transit oriented community that provides opportunities to limit auto-ownership among residents;

Based on the above, the requested parking spaces to be eliminated are unnecessary to serve the site.

Impacts to Adjacent Properties (Z.O. 11-102.5)

The scope of the project is meant to serve residents who would be provided easy access to mass transit, on-site retail uses (including a grocery store), and other

services thereby reducing auto ownership in the general area. Most importantly, the project has proffered a comprehensive TDM and Parking Management Plan that will monitor, measure, and enforce the project's traffic. Immediately adjacent to the project, the adjacent WMATA commuter garage at the Dunn Loring – Merrifield Metro station provides long term daily parking for approximately 1,963 Metro commuters at a rate of $4.85 per day. These spaces are currently free on weekends and federal holidays. Most weekends, it's easy to find a space at Metro parking lots and practically speaking they can be used to supplement retail/residential parking demand and longer parking durations at Avenir Place as demand necessitates. The Dunn Loring-Merrifield Metro station also provides thirty (37) short-term kiss and ride metered spaces at a rate of $0.25 per 15 minutes located north of Avenir Place near Building C and south of the entrance to the Dunn Loring-Merrifield Metro Station. One of the 37 spaces is designed for a car share service. In summary, if the parking reduction request were granted, there would be no impact on the site or surrounding areas.

Part I - Conclusions

Based on the documentation provided herein, the following can be concluded:

1. Under a strict application of the Zoning Ordinance, 1,005 parking spaces would be required to accommodate the proposed 628 residential dwelling units.

2. The Applicant is seeking to retain from existing approvals a **parking reduction of 14.4% (145 fewer parking spaces) to provide a minimum of 860 parking spaces** to serve the proposed new residential uses.

3. The location of the site in close proximity to the Dunn Loring - Merrifield metrorail station and the planned design of the site as a transit-oriented development (TOD) will serve to reduce parking demand and attract residents who will be inclined to choose non-auto modes of travel.

4. The adjacent WMATA commuter garage with approximately 1,963 parking spaces at the Dunn Loring – Merrifield Metro station provides supplemental parking spaces on weekends and federal holidays.

5. The proposed unit mix (studio/single-bedroom vs. two-bedroom units) would result in a residential parking demand less than what the Zoning Ordinance would require.

6. The existing transportation demand management (TDM) program currently approved for the site will further reduce the demand for residential parking by promoting and encouraging other modes of travel, as well as providing essential retail services on-site, such as a full service grocery store.

7. The implementation of a parking management plan, as committed to by the Applicant, will serve to establish, regulate, and enforce the strategies in which the residential parking reduction will be achieved.

8. An enforcement and monitoring plan will support the implementation and operation of the parking management plan.

9. Given the site's location to existing mass transit, the Applicant's approved TDM program, and the future implementation of a parking management plan, the residential parking reduction requested by the Applicant should be supported.

PART II – COMMUNITY SERVING SECONDARY RETAIL

Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (square feet of shopping center space, for example). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. Off-street parking may serve two or more uses; however, in such case, the total number of spaces must equal the sum of the spaces required for each separate use except that the Board [of Supervisors] may reduce the total number of parking spaces required to serve two or more uses by reason of the hourly parking accumulation characteristics of such uses (Section 11-102.4.B). A copy of the relevant Ordinance text is provided herein as Attachment III.

Article 11, Section 11-104 of the Ordinance outlines the requirements for shopping center, office (medical), and restaurant uses as follows:

> Shopping Center - "Greater than 100,000 but equal to or less than 400,000 square feet of gross floor area: Four (4) spaces per 1000 square feet of gross floor area."
>
> Office – "50,000 square feet of gross floor area or less: Three and six-tenths (3.6) spaces per 1000 square feet of gross floor area"
>
> Eating Establishment – "One (1) space per four (4) seats plus one (1) space per two (2) employees where seating is at tables, and/or One (1) space per two (2) employees where seating is at a counter"

Full build out of the proposed non-residential uses would consist of ±124,965 GFA of total building space. The total building space is presented herein as two (2) potential program options.

Each program option is summarized with the overall project summary on Table 1 and listed again below in Table 5:

Table 5
Option 1 and 2 Summary

	Option 1		Option 2	
Total Building Area	**124,965**	**GFA**	**124,965**	**GFA**
- Grocery Store*	50,096	GFA	50,096	GFA
- Medical Office**	0	GFA	12,729	GFA
- Shopping Center Retail**	69,795	GFA	57,066	GFA
- Eating Establishment**	5,074	GFA	5,074	GFA
	184	Table Seats	184	Table Seats
	27	Counter Seats	27	Counter Seats
	15	Employees	15	Employees
Total Outdoor Eating Area	**4,419**	**GFA**	**4,419**	**GFA**
- Shopping Center Retail**	3,713	GFA	3,713	GFA
- Eating Establishment**	706	GFA	706	GFA
	30	Table Seats	30	Table Seats

*Minimum parking requirement based on strict application of the County's zoning ordinance for retail shopping center space.
**Minimum parking requirement based on "shared parking" serving two (2) or more uses by reason of hourly parking accumulations.

Based on a strict application of the Zoning Ordinance and inclusive of outdoor eating areas, 569 spaces would be required for Option 1 and 564 spaces would be required for Option 2 (see Table 6).

Shared Parking Concept

The Urban Land Institute (ULI) publication Shared Parking, 2nd edition has established a model and methodology for determining parking demand for various types of development. This methodology is especially useful in cases such as approved for the Dunn Loring - Merrifield Metro Center project, where a single parking space may be used for both the proposed shopping center and eating establishment/restaurant uses or also an office use in the case of Option 2. Because each land use within a development may experience a peak parking demand at different times of day, or different months of the year, relative to the other land uses on-site, the actual peak parking demand of the entire development may be less than if the peak parking demand of each land use was considered separately. For example, a sit-down restaurant (a.k.a. an eating establishment) tends to experience peak parking demand during the evening hours, while shopping center uses experience peak demand just after the noon hour. The grocery store will reserve a portion of its

Table 6
Dunn Loring - Merrifield Metro Center (Avenir Place)
Fairfax County Zoning Ordinance Parking Requirement - Non-Residential Uses

Option	Land Use	Amount	Units [1]	Code Requirement [2]	Required Parking by Code
Option 1	Shopping Center Retail (Grocery Store) [3]	50,096	GFA	4.0 Spaces/1,000 SF	**200.4**
	Shopping Center Retail [3,4]	69,795	GFA	4.0 Spaces/1,000 SF	**279.2**
	Eating Establishment [5]	5,074	GFA		
		184	Table Seats	1 Space/4 Table Seats	**46.0**
		27	Counter Seats	1 Space/2 Counter Seats	**13.5**
		15	Employees	1 Space/2 Employees	**7.5**
	Outdoor Eating Areas				
	Fast Food Retail (GFA) [4]	3,713	GFA	4.0 Spaces/1,000 SF	**14.9**
	Eating Establishment (GFA)	706	GFA		
	Table Seats [5]	30	Table Seats	1 Space/4 Table Seats	**7.5**
				Option 1 - Total	**569**
Option 2	Shopping Center Retail (Grocery Store) [3]	50,096	GFA	4.0 Spaces/1,000 SF	**200.4**
	Office (Urgent Care) [6]	12,729	GFA	3.6 Spaces/1,000 SF	**45.8**
	Shopping Center Retail [3,4]	57,066	GFA	4.0 Spaces/1,000 SF	**228.3**
	Eating Establishment [5]	5,074	GFA		
		184	Table Seats	1 Space/4 Table Seats	**46.0**
		27	Counter Seats	1 Space/2 Counter Seats	**13.5**
		15	Employees	1 Space/2 Employees	**7.5**
	Outdoor Eating Areas				
	Fast Food Retail (GFA) [4]	3,713	GFA	4.0 Spaces/1,000 SF	**14.9**
	Eating Establishment (GFA)	706	GFA		
	Table Seats [5]	30	Table Seats	1 Space/4 Table Seats	**7.5**
				Option 2 - Total	**564**

Note(s):
(1) GFA = Gross Floor Area
(2) Fairfax County Code based from the Fairfax County Zoning Ordinance (Article 11).
(3) Shopping Center parked based on gross floor area.
(4) Fast Food Restaurants parked at the "Shopping Center" rate per the Fairfax County Zoning Ordinance.
(5) Eating Establishment/Restaurant table seats, counter seats, and employees obtained from Mill Creek.
(6) Medical office space parked at the rate per the Fairfax County Zoning Ordinance.

spaces for its exclusive use and therefore is not included as a "shared use" under the shared parking concept. As a result, the project will park the grocery store portion of the overall shopping center based on the strict application of the County's zoning ordinance.

Shared Parking Analysis: Fairfax County Parking Requirements

The Fairfax County Zoning Ordinance, Article 11-102(4), provides an opportunity for approval of a parking reduction due to "shared parking" by reason of the hourly parking accumulation characteristics of two (2) or more uses. According to data compiled by ULI, the peak parking demand associated with shopping centers and eating establishments/ restaurants as wells as office (medical office as provided in Option 2) typically occur at different times. Therefore, a shared parking scenario can be applied to the proposed uses due to variations in the hours of peak parking demand.

Paragraph 4 of the Zoning Ordinance states in part that:

> "Required off-street parking spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Director. The amount of such combined space shall equal the sum of the amounts required for the separate uses, except... (b) that the Board may reduce the total number of parking spaces required by strict application of said requirements when it can be determined that the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses."

ULI provides base weekday and weekend hourly parking accumulations for individual land uses (shopping center, eating establishments, and medical office) for the purpose of establishing a base peak parking demand. However, for purposes of this study, the Fairfax County parking rates were applied to the ULI parking model to be consistent with County parking requirements and the previous May 21, 2009 parking study. As Table 6 indicates, when each land use is considered separately, a maximum of 569 and 564 parking spaces are required for full build out of Options 1 and 2, respectively.

The ULI model applies various hourly, monthly and weekday/weekend adjustment factors to the parking demands of each land use. For informational purposes, these adjustment factor tables are provided in Attachment V. Based on the monthly and weekday adjustment calculations, the model establishes a peak demand hour and month during which the proposed new development's parking requirements would be at their highest.

Captive Market (or Synergy). Certain land use relationships, specifically in mixed-use projects, produce greater reductions in parking demand, exceeding those accounted for by virtue of complementary hours of peak demand as outlined above. According to ULI, there are two major types of "market synergy" possible in mixed-use developments:

1. On-site/off-site market support (i.e., on-site/nearby residential and hotel uses who would utilize shopping center uses in the development)

2. Improved market image and penetration (associated with the unique or prestigious environment of the development)

The reduction of shopping center/eating establishment trips would be primarily associated with patrons that originate from the 628 planned on-site residential dwelling units and ±50,096 GFA grocery store. Additional retail trip reductions would also be associated with other nearby residential uses (existing and planned), planned on-site restaurant/ eating establishment uses, nearby hotel uses, and commuters utilizing the Dunn Loring-Merrifield metrorail station.

UrbanTrans, in their assessment of potential TDM strategies for the project, estimated that a minimum 9% reduction in trips from the residential baseline could be achieved given the availability of on-site community serving retail uses. However, according to the 2005 Development-Related Ridership Survey prepared for WMATA, the average captive market for patrons arriving to retail sites based solely on walking/bicycle trips was up to 27% (see Attachment VI). Based on the area residential uses, area hotel guests, and close proximity of employment locations; a captive market adjustment of 15% for the retail customers was incorporated into the ULI model.

Employee Mode-Share (or Mode Adjustment). According to ULI, the "mode-adjustment" is employed to adjust the base parking ratios for local transportation characteristics. Mixed-use projects located immediately adjacent to mass transit produce greater reductions in parking demand, exceeding those accounted for by virtue of complementary hours of peak demand as outlined above. According to the Development-Related Ridership Survey II (prepared by JHK+Associates), the average mode share for employees arriving to the retail sites proximate to mass transit, based solely on transit trips, was evaluated to be up to 56.9% (see Attachment VII). To provide a conservative mode adjustment for retail/restaurant employees, only a 20% adjustment was assumed herein. The TDM plan's monitoring and reporting should be expanded to include mode-split surveys for the non-residential employees as part of its annual surveys.

Grocery Store. The subject retail center includes an approximate 50,096 GFA grocery store. As discussed previously, due to leasing agreements, the grocery store will reserve a portion of its spaces and therefore will be parked based on strict application of the County's zoning ordinance. It is anticipated general retail customers will patron the grocery store as well as vice versa further reducing the overall demand for parking. For the purpose of the shared parking model and the subject request, the grocery store spaces will not be shared or reduced from current code requirements due to captive market or mode-share adjustments.

Office (Urgent Care). Program Option 2 would convert approximately 12,729 GFA of Option 1 retail space to office space to serve a potential urgent care center. As such, this new use would be incorporated into the "shared parking" model under ULI's "medical office/dental office" land use category. Though it would be expected that the urgent care facility would capture patients and staff from the immediate area and/or metrorail station, for purposes of the shared parking model and the subject request, the medical office use will not be reduced due to captive market or mode-share adjustments for its employees.

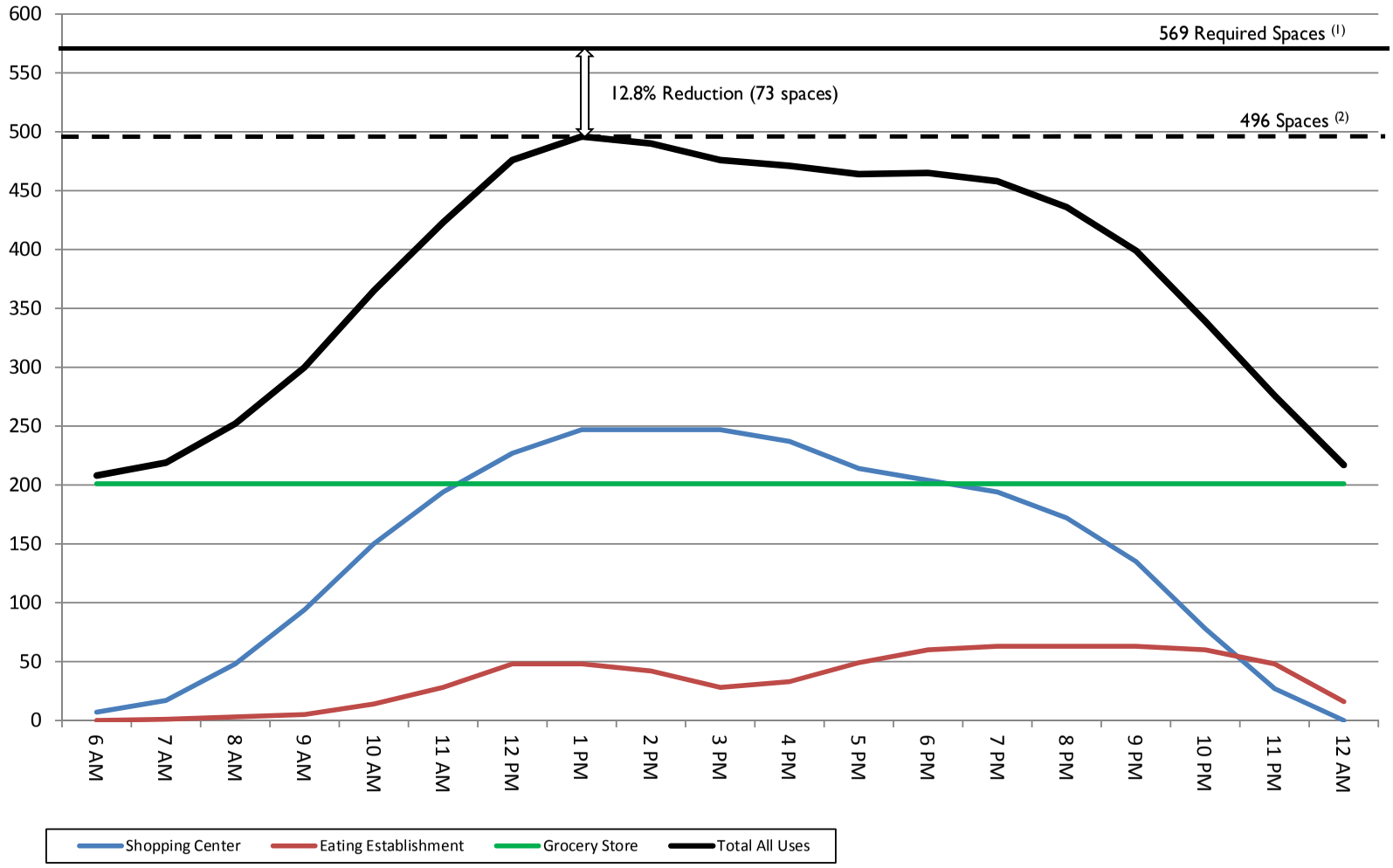
ULI Parking Model Estimated Demand. As discussed above, the ULI 2nd edition hourly shared parking model results include applicable captive market and employee mode-adjustments for the shared parking retail/restaurant uses. As noted earlier, the shared parking model for program Option 2 replaces a portion of the retail with medical office. The grocery store is parked to code outside of the shared parking model. The parking analysis results are shown on Figures 4 and 5 for Options 1 and 2, respectively. The results are based on the peak month which is represented by the period that includes the first three weeks of December (see Figures 6 and 7 for Options 1 and 2, respectively).

Option 1: As summarized in Figure 4 and Table 1, the ULI 2nd edition shared parking model estimates 295 spaces that would be required to serve the peak parking demand for the Option 1 shared uses. When adding the code required grocery store spaces, a total of 496 spaces would be required as summarized below:

- 496 parking spaces (12.8% reduction or 73 fewer spaces) for full build out, where:
    - 201 spaces serve the code requirement for the grocery store and
    - 295 spaces are shared among the remaining uses.

Option 2: As summarized in Figure 5 and Table 1, the ULI 2nd edition shared parking model estimates 297 spaces that would be required to serve the peak parking demand for the Option 2 shared uses. When adding the code required grocery store spaces, a total of 498 spaces would be required as summarized below:

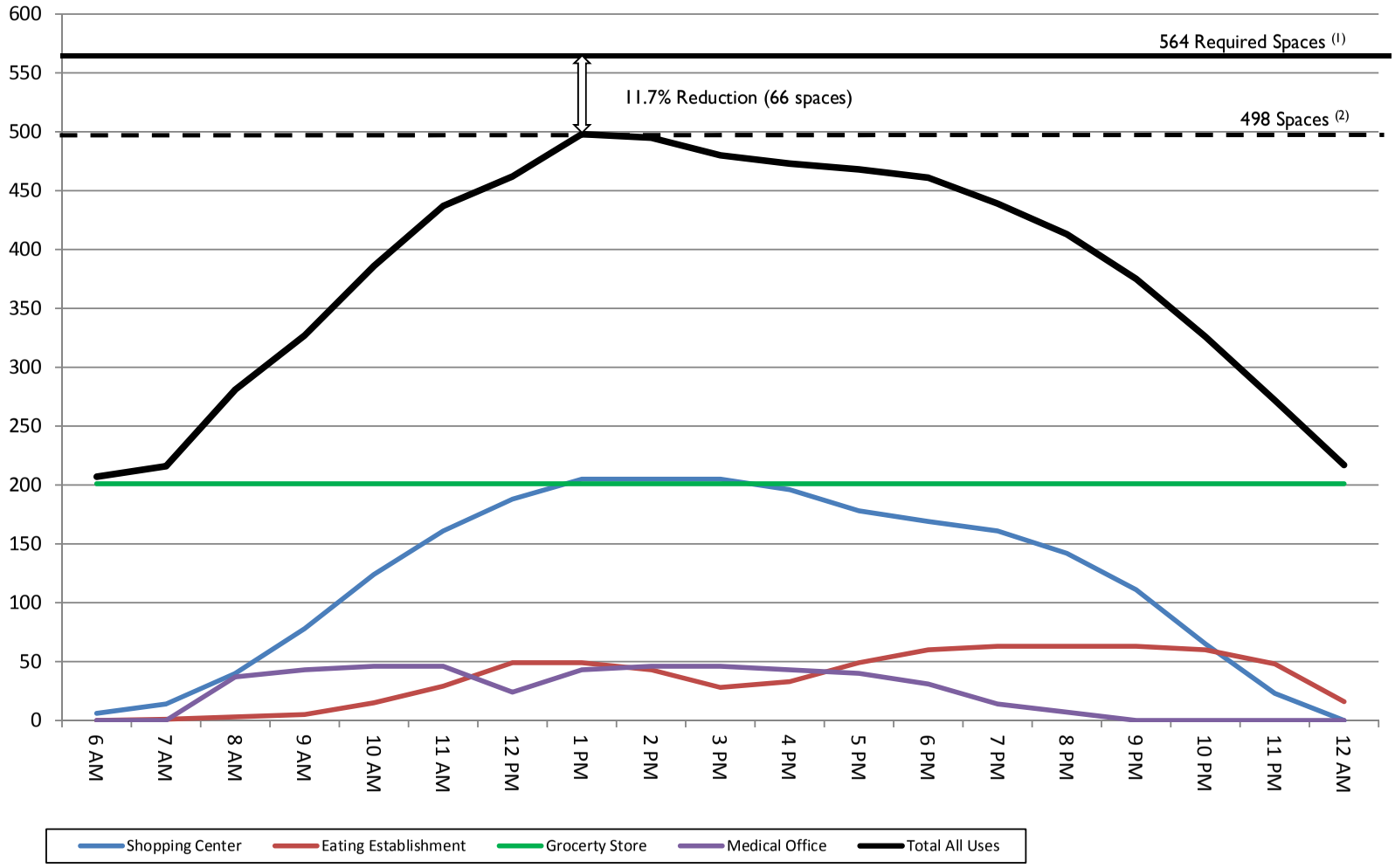
Figure 4
Option 1: Estimated Peak Hour Demand (Peak Month of December)



(1) Required spaces based on strict application of the Fairfax County Zoning Ordinance.
(2) Required spaces based on shared parking for applicable uses plus the grocery store parked to code.

Wells+Associates, INC
McLean, Virginia

Figure 5
Option 2: Estimated Peak Hour Demand (Peak Month of December)



(1) Required spaces based on strict application of the Fairfax County Zoning Ordinance.
(2) Required spaces based on shared parking for applicable uses plus the grocergy store parked to code.
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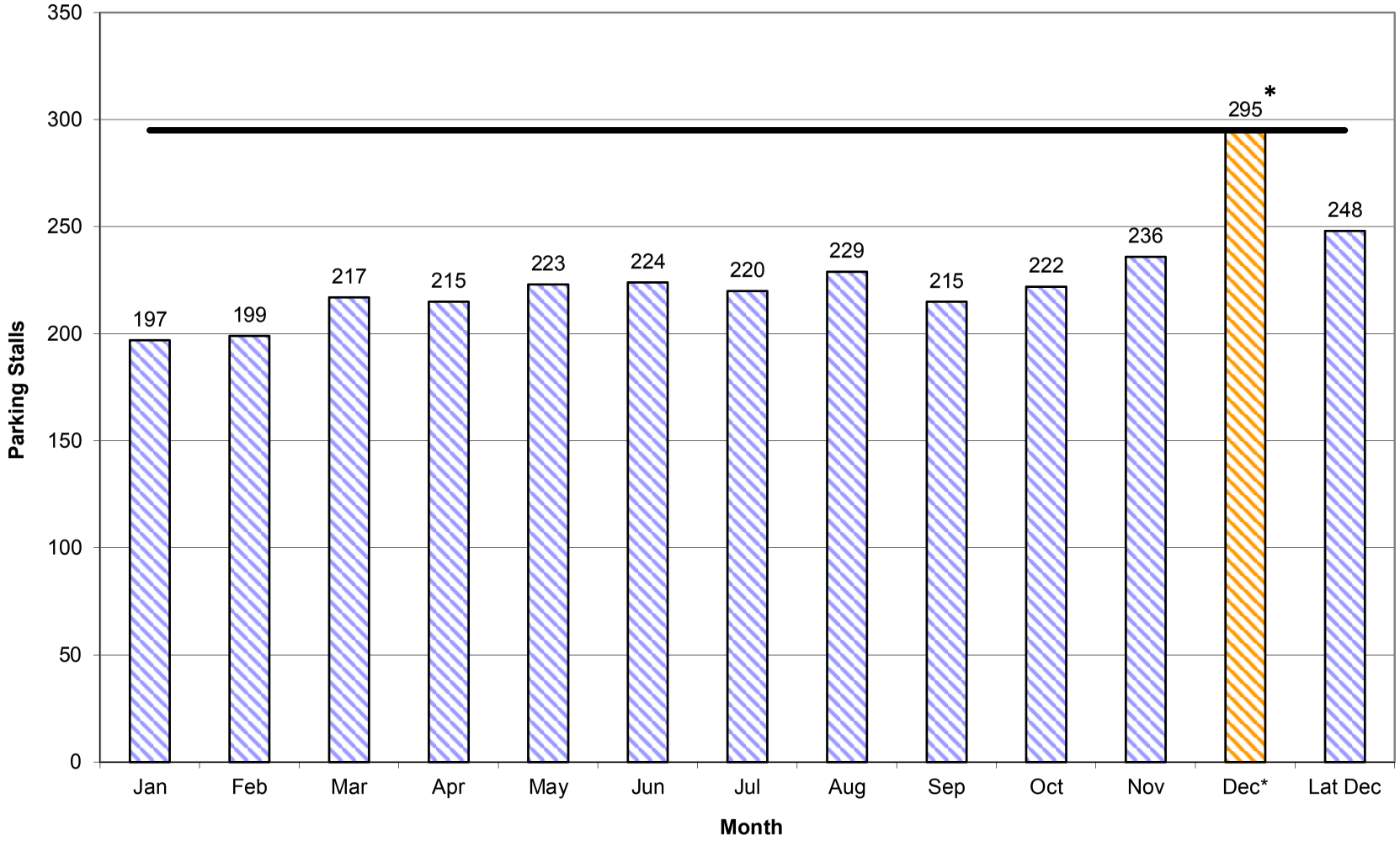
Wells+Associtates, INC
McLean, Virginia

Figure 6: Option 1 - Weekday Month-by-Month Estimated Shared Parking Demand Uses

(includes captive market/mode adjustments)



*Includes outdoor eating areas. Excludes grocery store.

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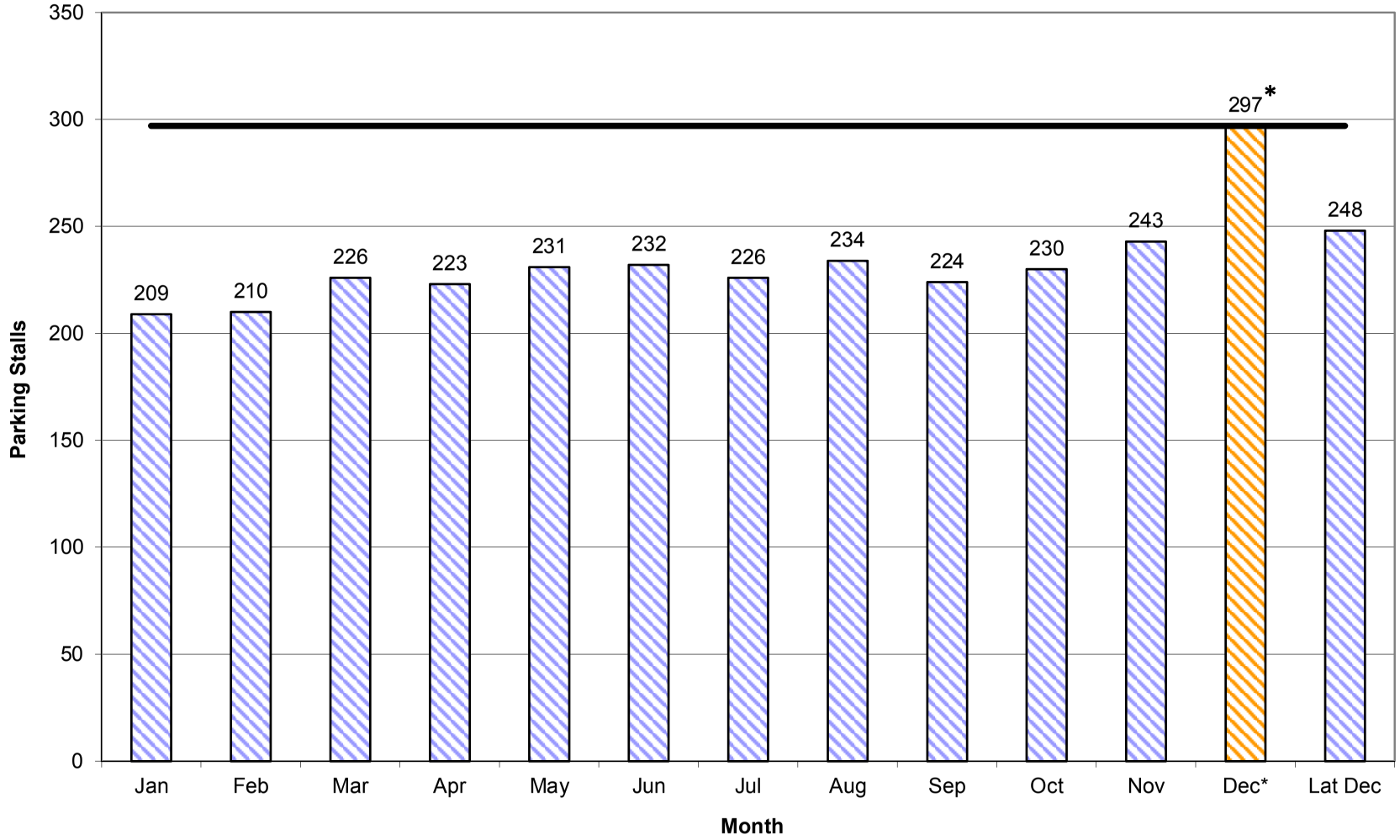
Figure 7: Option 2 - Weekday Month-by-Month Estimated Parking Demand Uses

(includes captive market/mode adjustments)



*Includes outdoor eating areas. Excludes grocery store.

WELLS + ASSOCIATES

- 498 parking spaces (11.7% reduction or 66 fewer spaces) for full build out, where:
    - 201 spaces serve the code requirement for the grocery store and
    - 297 spaces are shared among the remaining uses.

Parking Reduction Request. Despite the results justifying up to a 12.8% parking reduction under the more intense Option 1 (11.7% under Option 2), the Applicant is seeking the following overall parking reduction based on a proposed non-residential parking supply of 519 spaces:

- 519 parking spaces (up to a 8.8% reduction or 50 fewer spaces) for full build out of Option 1, where:
    - 201 spaces serve the code requirement for the grocery store and
    - 318 spaces are shared among the remaining uses.

This would provide 23 more spaces that justified by the shared parking model under Option 1 (or only 50 fewer spaces than the code requirement). In the case of Option 2, this would provide 21 more spaces that justified by the shared parking model (or only 45 fewer spaces than the code requirement).

Future Flexibility. Consistent with previous approvals in Fairfax County, the Applicant would like to request a condition with any Board approval to accommodate future potential changes in market conditions between shopping center retail, eating establishments, and office. This requested condition would permit minor modifications to the non-residential uses administratively without requiring a new action item for the Board to approve. The modification would be subject to a new parking reduction study demonstrating, to the satisfaction of the Director of the Department of Public Works and Environmental Services, that the new uses are comparable to the approved parking reduction and the percent of reduction granted by the Board does not be exceed an 8.8% reduction and a minimum requirement of 519 parking spaces are provided at all times.

Potential modifications may include:

- Shopping center general retail space and/or fast food converts to office space.

- Fast food restaurant converts to general retail space where its corresponding outdoor eating area is no longer relevant and would not require spaces to serve it.

- Eating establishment converts to shopping center retail space.

Basis for the Parking Reduction Request (Z.O. 11-102.4.B.)

The following summarizes the basis for the parking reduction request:

- Hourly parking accumulation characteristics of two (2) or more uses as modeled by the established methodology presented in the Urban Land Institute's (ULI) Shared Parking, 2nd edition publication. The shared parking model results in fewer spaces than otherwise required by strict application of the zoning ordinance.
- The site is located in close proximity to a mass transit station where a majority of the site is within 1/4 mile of the existing Dunn Loring - Merrifield metrorail station portal and portions of the site are located within the 1/8 mile. Proximity to a mass transit metro rail station will serve and promote non-auto trips among customers and employees. The multitude of daily commuters using the adjacent metrorail station could easily patronize the non-residential uses without impacting the established retail parking supply.
- The proposed non-residential uses will be located within an established and vibrant mixed-use community (e.g. office, residential, and office) that will attract and serve its immediate neighbors which are within a short walking/ biking distance to the site.
- The project includes a grocery store component that will provide its full required number spaces based on strict application of the zoning ordinance. Though not included in the shared parking model, it is safe to assume customers attract to the grocery store would also visit other retail uses without the need of an additional parking space.
- The site's enforcement plan described earlier supports the operation of the parking management plan.
- The project overall seeks to promote a vibrant transit oriented community that provides opportunities to limit auto-trips to the site.

Based on the above, the requested parking spaces to be eliminated are unnecessary to serve the site.

Impacts to Adjacent Properties (Z.O. 11-102.5)

The project will provide complimentary mix of non-residential uses that would also be afforded easy access to mass transit and a vibrant mixed-use community in immediate vicinity. Most importantly, the project has proffered a comprehensive TDM and Parking Management Plan that will monitor, measure, and enforce the project's traffic. Immediately adjacent to the project, the adjacent WMATA commuter garage at the Dunn Loring – Merrifield Metro station provides long term

daily parking for approximately 1,963 Metro commuters at a rate of $4.85 per day. These spaces are currently free on weekends and federal holidays. Most weekends, it's easy to find a space at Metro parking lots and practically speaking they can be used to supplement retail/residential parking demand and longer parking durations at Avenir Place as demand necessitates. The Dunn Loring-Merrifield Metro station also provides twenty –nine (29) short-term kiss and ride metered spaces at a rate of $0.25 per 15 minutes located north of Avenir Place near Building C and south of the entrance to the Dunn Loring-Merrifield Metro Station. In summary, if the parking reduction request were granted, there would be no impact on the site or surrounding areas.

Part II - Conclusions

Based on the documentation provided herein, the following can be concluded:

1. Under a strict application of the Zoning Ordinance, 569 parking spaces would be required under Option 1 to accommodate the proposed ±124,965 GFA of commercial retail building space which would be comprised of a ±50,096 GFA grocery store, ±69,795 GFA of shopping center space, and 5,074 GFA of eating establishment/restaurant space (184 table seats, 27 counter seats, and 15 employees); and also including outdoor eating areas of 3,713 GFA for fast food retail and 706 GFA for eating establishment (30 table seats).

2. Alternatively, under a strict application of the Zoning Ordinance, 564 parking spaces would be required under Option 2 to accommodate the proposed ±124,965 GFA of commercial retail building space which would be comprised of a ±50,096 GFA grocery store, ±12,729 GFA of office (medical), ±57,066 GFA of shopping center space, and 5,074 GFA of eating establishment/restaurant space (184 table seats, 27 counter seats, and 15 employees); and also including outdoor eating areas of 3,713 GFA for fast food retail and 706 GFA for eating establishment (30 table seats).

3. Fairfax County parking indices were applied to the ULI shared parking methodology for the shared parking uses which included a 15% customer captive (synergy) and 20% employee mode adjustment. Under Option 2, no captive or mode adjustments were assumed for the medical office space. The grocery store was assumed parked to the minimum code requirement absent any reductions. As part of the proffered annual monitoring and reporting component of the TDM plan, annual surveys of the non-residential employees should be included to verify employee modes of travel.

4. The parking analysis indicates that a parking reduction of 12.8% (or 73 fewer parking spaces) for a total minimum of 496 spaces would be required for the estimated Option 1 non-residential peak parking demand. Of the 496 spaces, 201 spaces represent the grocery store parked to code and the remaining 295 spaces represent the shared spaces among the remaining retail/ restaurant uses based on the ULI shared parking methodologies.

5. The parking analysis indicates that a parking reduction of 11.7% (or 66 fewer parking spaces) for a total minimum of 498 spaces would be required for the estimated Option 2 non-residential peak parking demand. Of the 498 spaces, 201 spaces represent the grocery store parked to code and the remaining 297 spaces represent the shared spaces among the remaining retail/ restaurant/ office uses based on the ULI shared parking methodologies.

6. The implementation of a parking management plan, as committed to by the Applicant, will serve to establish, regulate, and enforce the strategies in which the non-residential parking reduction will be achieved.

7. An enforcement and monitoring plan will support the implementation and operation of the parking management plan.

8. The Applicant is seeking a **parking reduction for a total minimum of 519 parking spaces** to serve the proposed non-residential retail uses. This request would provide for a parking reduction up to **8.8% (or up to 50 fewer parking spaces)** that would satisfy Option 1 or the less intense Option 2.

9. To accommodate future potential changes in market conditions between shopping center retail, office (medical), and restaurant/eating establishments, a condition should be provided to permit minor modifications to the non-residential. The modification would be subject to a new parking reduction study demonstrating, to the satisfaction of the Director of the Department of Public Works and Environmental Services, that the new uses are comparable to the approved parking reduction and the percent of reduction granted by the Board does not be exceed an 8.8% reduction and a minimum requirement of 519 parking spaces are provided at all times.

Board Agenda Item
December 7, 2009

ACTION – 6

Approval of Amended Parking Reduction for Dunn Loring Merrifield Metro Center (Providence District)

ISSUE:
Board approval of a 14.5 percent reduction of the code required parking, which is a reduction of 145 parking spaces, for the proposed residential development component and a 5.0 percent reduction of the code required parking, which is a reduction of 27 parking spaces, for the proposed retail component for the Dunn Loring Merrifield Metro Center, Tax Map reference number 49-1 ((1)) 27A, 49-2 ((1)) 13A &15A and 49-1 ((13)) 17A & 18A, Providence District.

RECOMMENDATION:
The County Executive recommends that the Board approve a 14.5 percent parking reduction for the proposed residential development component and a 5.0 percent parking reduction for proposed retail component for the Dunn Loring Merrifield Metro Center, pursuant to paragraphs 4(B), 5, and 26 of Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia,* based on an analysis of the parking requirements for each use on the site and a parking reduction study on condition that:

1. A minimum of 1,963 garage parking spaces, eight (8) bus bays and 37 Kiss-N-Ride parking spaces must be maintained at all times for the Dunn Loring Merrifield Metro Center.

2. A minimum of 860 garage parking spaces must be maintained at all times to serve the 628 residential dwelling units.

3. A minimum of 518 parking spaces must be maintained at all times to serve the shopping center and eating establishment/restaurant uses. Parking shall not be reserved to serve individual businesses.

4. The following uses are permitted per this parking reduction, for the Dunn Loring Merrifield Metro Center:

    - 628 residential dwelling units
    - 119,400 GSF shopping center (including a grocery store)
    - 5,600 GSF eating establishment/restaurant (comprising of 172 table seats, 19 counter seats, and 28 employees)

5. The Transportation Demand Management (TDM) program proffered in conjunction with the approval of the Dunn Loring/Merrifield Metro Center Proffers (RZ/FDP 2005-PR-039 and PCA/FDPA 88-P-030) must be implemented.

6. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Number 49-1 ((1)) 27A, 49-2 ((1)) 13A &15A and 49-1 ((13)) 17A & 18A, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.

7. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.

8. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.

9. All parking provided shall be in accordance with applicable requirements of Article 11 of Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.

10. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:
Board action is requested on December 7, 2009.

BACKGROUND:
On December 4, 2006, the Board approved RZ/FDP 2005-PR-039 concurrent with PCA/FDPA 88-P-030. An amended proffer request PCA/FDPA 2005-PR-039 concurrent with PCA/FDPA 88-P-030-020 was granted on June 2, 2008. Pursuant to the proffer conditions the applicant is now requesting a parking reduction.

The subject 14.06 acre parcel is located on the north side of Prosperity Avenue, west of Gallows Road and south of Interstate 66. The proposed development consists of a total of 628 residential dwelling units and 125,000 gross square feet (GSF) of secondary retail space serving the community. The 125,000 GSF space is comprised of 119,400 GSF of

shopping center space (that includes a grocery store) and 5,600 GSF of eating establishment/restaurant space (172 table seats, 19 counter seats, and 28 employees). The 628 residential dwelling units currently proposed would require 1,005 parking spaces according to the Fairfax County Zoning Ordinance. Also, the proposed 125,000 GSF of commercial retail space would require 545 parking spaces under a strict application of the Zoning Ordinance requirements. The application is a request for parking reduction of 14.5 percent (or 145 fewer spaces) for the residential development, and a parking reduction of 5.0 percent (27 fewer parking spaces) for the proposed secondary retail serving the community.

The review of the parking study indicates that the mix of uses, the Transit-Oriented development (TOD), its proximity to the Dunn Loring Metrorail station, and the presence of a transportation demand management (TDM) program accepted in conjunction with the approval of rezoning application RZ/FDP 2005-PR-039 dated November 30, 2006, will support this parking request. Therefore, the staff recommends granting a 14.5 percent parking reduction for the residential use and a 5.0 percent parking reduction for the secondary retail use serving the community.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I – Letter of Request for a Parking Code Reduction from Kevin R. Fellinin, Wells and Associates
Attachment II – Parking Reduction Study by Wells and Associates dated May 21, 2009 (Available in the Office of the Clerk to the Board)

STAFF:
Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
December 8, 2015

ACTION - 4

Approval of Herndon Metrorail Station Access Management Study (HMSAMS) and Reston Metrorail Access Group Phase 2 (RMAG2) Pedestrian and Bicycle Transportation Projects (Dranesville and Hunter Mill Districts)

ISSUE:
Board approval of HMSAMS and RMAG2 pedestrian and bicycle transportation projects, to be funded out of the County's Transportation Project Priorities (TPP) for FY 2015 – FY 2020, approved by the Board on January 28, 2014.

RECOMMENDATION:
The County Executive recommends that the Board approve the attached list of HMSAMS and RMAG2 pedestrian and bicycle transportation projects, to be funded out of the County's FY 2015 – FY 2020 TPP, as approved by the Board on January 28, 2014.

TIMING:
Board approval is requested on December 8, 2015, so that staff can move forward with implementation of projects as expeditiously as possible.

BACKGROUND:
On January 28, 2014, the Board approved the County's FY 2015 – FY 2020 TPP. The TPP included $21.55 million for project #189 RMAG2 intersection, pedestrian and bicycle transportation projects, and included $21.37 million for project #190 HMSAMS intersection, pedestrian and bicycle transportation projects. The first pedestrian and bicycle improvements for projects #189 and #190 have been developed in coordination with Board offices, the Town of Herndon, stakeholders and citizens, and are listed in Attachment I.

In April 2008, the Wiehle Avenue/Reston Parkway Station Access Management Plans were presented in a public meeting. Over time the project recommendations of this study became known as RMAG projects, a reference to the public advisory group that guided the study. On March 29, 2011, the Board approved funding the Dulles Corridor Bicycle and Pedestrian Access Improvements projects including priority RMAG projects, and on July 10, 2012, the Board approved funding additional RMAG projects, that mainly supported the Wiehle-Reston East Station for Phase 1 of the Metrorail Silver

Line. Those previously funded projects are either completed, under construction, or in design. The projects recommended for RMAG2 continue to support the Reston Town Center Station in Phase 2 of the Metrorail Silver Line. Additionally, three new projects are recommended for RMAG2 for the Reston Town Center Station and Phase 2 Silver Line Metrorail bikeshare expansion.

On January 20, 2015, staff presented the results of HMSAMS to the Board Transportation Committee. The study identified the existing bicycle and pedestrian network conditions, conducted public outreach in March 2014, and developed station access management plans for the Herndon Station and the Innovation Center Station for Phase 2 of the Metrorail Silver Line. HMSAMS recommended 14 intersection improvements, 14 pedestrian facility improvements and 30 bicycle facility improvements.

The first HMSAMS and RMAG2 pedestrian and bicycle transportation projects, as listed in Attachment I, are recommended due to their proximity to the Phase 2 Metrorail Silver Line Stations, as missing pedestrian and bicycle network facilities and intersection crossings to provide access to the Phase 2 Metrorail Silver Line Stations, and in consideration and avoidance of known developer activity. The projects recommended were chosen due to their criticality and in planning for implementation to coincide with Phase 2 Metrorail Silver Line opening. The cost estimates in Attachment I are preliminary planning-level estimates, and on-going innovative project delivery efforts may be able to reduce costs for many projects.

This first HMSAMS and RMAG2 pedestrian and bicycle transportation projects are estimated to cost $22 million. This encumbrance will leave additional available funding of $10.65 million for TPP project #189 RMAG2 and $10.27 million for TPP project #190 HMSAMS, to fund construction of projects currently recommended for design only, and to address additional Reston Town Center Station, Herndon Station, and Innovation Center Station needs that may be identified in the future.

FISCAL IMPACT:
The current estimate of revenues available from various sources for transportation projects in Fairfax County through FY 2020 is $1.4 billion, as incorporated into the County's FY 2015 – FY 2020 TPP approved by the Board on January 28, 2014. As part of the FY 2015 – FY 2020 TPP, the Board included $42.92 million for project #189 RMAG2 and project #190 HMSAMS. The $22 million necessary for the first HMSAMS and RMAG2 improvements will be provided by 2014 bond referendum funds in Fund 30050 (Transportation Improvements), and local revenues from Fund 40010 (County and Regional Transportation Projects). There is no impact to the General Fund.

Board Agenda Item
December 8, 2015

ENCLOSED DOCUMENTS:
Attachment I: Recommended HMSAMS and RMAG2 Pedestrian and Bicycle Transportation Projects

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT
Todd Wigglesworth, Section Chief, Coordination and Funding Division, FCDOT
Ray Johnson, Transportation Planner, Coordination and Funding Division, FCDOT
Chris Wells, Pedestrian Program Manager, Capital Projects Section, FCDOT
Adam Lind, Bicycle Program Coordinator, Capital Projects Section, FCDOT

Recommended HMSAMS and RMAG2 Pedestrian and Bicycle Transportation Projects

HMSAMS Pedestrian and Bicycle Transportation Projects			
Project Location	**Project Scope**	**Cost Estimate**	**HMSAMS Study #**
Sunrise Valley Drive/Monroe Street	Improve signalized crosswalks.	$100,000	2 Int
Van Buren Street/Worldgate Drive	Add signalized crosswalk.	$250,000	4 Int
Herndon Parkway/Herndon Metro Entrance North	Add mid-block signalized crosswalk.	$250,000	6 Int
Dulles Toll Road/Monroe Street	Pedestrian/Bicycle Bridge. Fund Feasibility/Cost Estimate Study.	$100,000	1 Ped
Innovation Center to Arrowbrook	Complete walkway with lighting.	$2,000,000	3 Ped/3 Bike S
Dulles Toll Road/Centreville Road	Add lighting under Dulles Toll Rd. Add signalized crosswalk at north ramps.	$350,000	5 Ped
Herndon Parkway from W&OD Trail to Fairbrook Drive	Improve access ramp at W&OD. Widen sidewalk to shared use path. Funding for Feasibility/Cost Estimate Study.	$100,000	6 Ped/1 Bike N
Chandon Park to Worldgate Drive	Dulles Glen Apartments to Worldgate Dr. shared use path and lighting.	$500,000	8 Ped/6 Bike N
Coppermine Crossing to Merrybrook	Improve FCPA fair-weather crossing to pedestrian bridge.	$200,000	9 Ped
Innovation Avenue/Rock Hill Road	Add Shared use path and lighting.	$500,000	13 Ped
Van Buren Street from W&OD to Monroe St Bridge	Reconstruct w/ on-road bike lanes, sidewalk(s), drainage, urban. Funding for Feasibility/Cost Estimate Study.	$250,000	2 Bike N
Monroe Street from Dulles Toll Road to Monroe Manor Drive Missing Links	Shared use path Dulles Toll Rd. to East Lake Dr., Fox Mill Rd. to Sunrise Valley Dr., Monroe Manor Dr. to Dwight St.	$1,500,000	2 Bike S
Sunrise Valley Drive from Fairfax County Parkway to Innovation Station	Reconstruct with on-road bike lanes. Reduce median width. Restripe with narrow lane widths.	$5,000,000	1 Bike S
		$11,100,000	
RMAG2 Pedestrian and Bicycle Transportation Projects			
Project Location	**Project Scope**	**Cost Estimate**	**RMAG Study #**
Bluemont Way & Discovery Street/Explorer Street/Library Street	Improve crosswalks, bike facilities.	$300,000	I2
Sunset Hills Road/Old Reston Avenue	Add signalized crosswalks.	$250,000	I8
Explorer Street/New Dominion Parkway	Improve crosswalk.	$100,000	I10
Sunrise Valley Drive from Reston Parkway to Soapstone Drive Missing Links	Complete shared use path north side. Add signalized crosswalk at Colts Neck Rd.	$1,500,000	I14/S8/S9
Sunrise Valley Drive/Edmund Halley Drive	Add signalized crosswalks.	$250,000	I15
Sunset Hills Road/Discovery Street Pedestrian Bridge Walkway Extended	Add signalized crosswalk.	$150,000	I29
Reston Parkway/Dulles Toll Road Westbound On-Ramp	Add signalized crosswalk. Remove southbound free-flow right turn.	$250,000	I30
Reston Parkway/Dulles Toll Road Eastbound Off-Ramp and On-Ramp	Add signalized crosswalks. Remove northbound free-flow right turn.	$500,000	I31
Dulles Toll Road Eastbound Off-Ramp/Fairfax County Parkway Trail	Realign trail to barrier-separated on shoulder. Realign trail crossing. Add signalized crosswalk.	$750,000	n/a
Sunset Hills Road Eastbound Off-Ramp/Fairfax County Pkwy Trail	Realign trail crossing. Add signalized crosswalk.	$500,000	X5
Bluemont Way from Discovery Street Pedestrian Bridge Walkway to Reston Parkway	Add sidewalk south side.	$300,000	S4
Sunset Hills Road from Town Center Parkway to Reston Town Center Station Entrance	Complete shared use path north side.	$300,000	S5
New Dominion Parkway from Reston Parkway to Fairfax County Parkway	Reconstruct with on-road bike lanes. Reduce median width. Restripe with narrow lane widths.	$1,500,000	B3
Town Center Parkway/W&OD Trail	Add access ramp at W&OD trail west side.	$500,000	B9
Town Center Parkway from Sunset Hills Road to Baron Cameron Avenue	Reconstruct with on-road bike lanes. Reduce median width. Restripe with narrow lane widths.	$1,000,000	B1
Sunrise Valley Drive from Reston Parkway to Fairfax County Parkway	Reconstruct with on-road bike lanes. Reduce median width. Restripe with narrow lane widths.	$1,500,000	S8/S9
Sunrise Valley Drive/Reston Association Entrance	Add signalized crosswalks.	$250,000	n/a
Reston Bikeshare Phase 2	Bikeshare Expansion for Phase 2 Silver Line Metrorail.	$1,000,000	n/a
		$10,900,000	

Board Agenda Item
December 8, 2015

ACTION - 5

Approval of Fairfax Connector December 2015 Service Changes

ISSUE:
Board of Supervisors' approval of Fairfax Connector's December 2015 service changes that address needed service reliability improvements on Fairfax Connector service in the Burke, Mount Vernon, Reston, Richmond Highway, and Springfield areas.

RECOMMENDATION:
The County Executive recommends that the Board approve the December 2015 service change proposal as outlined below.

TIMING:
Board approval is requested on December 8, 2015, so that service changes can be implemented on December 19, 2015.

BACKGROUND:
The December 2015 service change proposal includes schedule adjustments to improve on-time performance and connections with Metrorail, Virginia Railway Express (VRE), and other bus service. Proposed service changes preserve connections with and between neighborhoods, job and activity centers, Metrorail stations, and other destinations. There are no proposed routing changed except for RIBS 2 near the Wiehle-Reston East Metrorail Station. The routes included in the proposal are: 101, 109, 151, 152, 171, 371, 372, 373, 495, 551, RIBS 2, and RIBS 4.

Proposal highlights

- Schedule adjustments on routes 101, 109, 171, 371, 372, 373, 495, 551, and RIBS 4 to improve on-time performance;
- Route 151 service frequency will change to every 30 minutes from every 60 minutes weekday middays and most of the day on weekends; and
- RIBS 2 buses will travel via Metro Center Drive and Kaiser Permanente to the Wiehle-Reston East Metrorail Station.

To inform the public of the service changes and receive feedback from passengers, staff posted detailed information on the Fairfax Connector website and social media accounts, installed flyers on all buses, hosted a public meeting to directly engage the

public, and reviewed and responded to comments and questions. Public comment was reviewed and rider requests were incorporated into the proposal, where feasible. A summary of the public feedback is included as Attachment I.

Proposal Details

Schedule Adjustments

- Minor schedule adjustments on routes 171, 371, 372, 373, 551, and RIBS 4 to improve on-time performance and improve connections with Metrorail, Virginia Railway Express, and other bus service.

Route 101 – Fort Hunt Road

- A new schedule will reflect bus travel times adjusted for current traffic conditions.
- On Saturdays, the time between buses will increase by approximately five minutes (to an approximate 35 minute frequency) to improve on-time performance.
- Sunday service on-time performance will improve with a new Route 101 and 109 interline at the Huntington Metrorail Station with time allocated between the routes to maintain the hourly Route 101 service.

Route 109 – Rose Hill

- A new schedule will reflect bus travel times adjusted for current traffic conditions and new hourly Sunday service interlined with Route 101.

Route 151 – Engleside-Mount Vernon

- A new schedule will reflect bus travel times adjusted for current traffic conditions, and to evenly space scheduled bus departures with limited-stop Route 159 during weekday rush hours.
- On weekday middays and weekends, the time between buses will change from approximately every 60 minutes to approximately every 30 minutes.

Route 152 – Groveton-Mount Vernon

- A new schedule will reflect bus travel times adjusted for current traffic conditions.
- One additional northbound and southbound trip will be added to the weekday afternoon schedule to improve on-time performance and improve connectivity in the Richmond Highway corridor.

Route 495 – Burke Centre-Tysons

- A new schedule will reflect bus travel times adjusted for current traffic conditions and to improve bus-train connections at the Burke Centre VRE Station.
- Adjusted trip times will provide a new connection with the midday train (Train #325) scheduled to arrive at Burke Centre VRE at approximately 2 p.m.

Board Agenda Item
December 8, 2015

RIBS 2 – South Lakes

- A new schedule will reflect bus travel times adjusted for current traffic conditions.
- Buses will travel via Sunset Hills Road, Metro Center Drive, and Kaiser Permanente to the Wiehle-Reston East Metrorail Station.

The service changes proposed for implementation in December 2015 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients. Two routes qualified as experiencing a major service change. Further analysis of the changes to these two routes established that they would not result in a disparate impact to the minority riders of the route or a disproportionate burden on the low-income riders of the route. The Service Equity Analysis is included as Attachment IV.

FISCAL IMPACT:
This proposal expands service by approximately 8,000 annual revenue hours. Based on six months of operation, approximately $400,000 is required in FY 2016 to incorporate the service changes. Funding is included in current year appropriations in Fund 40000, County Transit Systems. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment I – Public comment summary
Attachment II – News release and public outreach information
Attachment III – RIBS 2 route change map
Attachment IV – Service Equity Analysis (Title VI)

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
Nick Perfili, Section Chief, Transit Services Division, FCDOT
Stuart Boggs, Transportation Planner, Transit Services Division, FCDOT
Randall White, Transportation Planner, Transit Services Division, FCDOT
Hejun Kang, Transportation Planner, Transit Services Division, FCDOT
Ray Johnson, Transportation Planner, Coordination and Funding Division, FCDOT
Judy Carleton, Transportation Planner, Coordination and Funding Division, FCDOT

Attachment I

Public Comment Summary

The following is a public comment summary regarding the December 2015 service change proposal, including comments received and staff response:

- Public meeting attendees: 6
- Written or telephone comments:

Route(s)	Comment	Summary Response
151	Regarding the bus stop right before arriving at Huntington South, I'm not certain who thought of this, as this stop is only a few feet from the Metro station and is a waste of valuable minutes in the arrival time of the Route #151. There's a stop light also there, that adds to reducing the arrival time.	Proposed running time adjustments will improve on-time performance. Staff will evaluate the bus stop utilization and locations based on this comment.
151	Running time/poor on-time performance. Some drivers are less familiar with route and this impacts on-time performance.	Staff will work to ensure bus operators are properly trained on Route 151 to ensure schedule adherence and route familiarity. Staff noted to the patron that buses may not arrive at the exact same time on every trip, every day due to traffic signal timing, passenger boardings and alightings, traffic conditions.
151	Supports improving weekday and weekend service levels.	Currently, buses operate approximately every 60-70 minutes on weekdays, middays and on weekends. To reduce crowding and improve on-time performance, the proposed weekday midday and weekend timetable will improve frequency to approximately every 30 minutes.
151, 171	The bus stop(s) and Richmond Highway, immediately adjacent to Target Department Store. There actually are two stops that are rarely utilized. Having these stops makes it very difficult for the drivers to cross the highway safely, based on oncoming traffic. One bus stop is nearest a motel on Richmond Highway, and the other is at the top of the hill. Both need to be removed.	Staff will evaluate the bus stop utilization and locations based on this comment, and determine if either of the bus stops should be removed or relocated.
495	Support for the new schedule included with the proposal, including the return of the 5:35 a.m. trip, with a further comment supporting the new proposed midday train connection at Burke Centre VRE Station.	The proposed schedule will improve existing VRE-bus connections at Burke Centre Station and offer a new midday connection.

Attachment II

FCDOT news release and public meeting information, Wednesday, October 7, 2015

Fairfax Connector Seeks Feedback on Proposed December 2015 Service Changes

Schedule changes to 12 Fairfax Connector routes are proposed to take place in December 2015 to improve on-time performance, enhance connectivity between routes, and improve connections with Metrorail and Virginia Railway Express.

Service proposal highlights include:

- Minor schedule adjustments on routes 171, 371, 372, 373, 495, 551, and RIBS 4 to improve on-time performance and improve connections with Metrorail, Virginia Railway Express, and other bus service;
- A new Route 109 schedule will reflect bus travel times adjusted for traffic conditions and new hourly Sunday service.
- Route 151 service frequency will change to every 30 minutes from every 60 minutes weekday middays and weekends; and
- RIBS 2 buses will travel via Sunset Hills Road, Metro Center Drive, and Kaiser Permanente to the Wiehle-Reston East Metro station.

Routes with proposed service changes: 101, 109, 151, 152, 171, 371, 372, 373, 495, 551, RIBS 2 and RIBS 4. Details by route are listed below.

Fairfax Connector will host a meeting to explain the proposed changes and take comments from the public:

Wednesday, October 14, 2015
6 - 8 p.m. (presentation at 7 p.m.)
South County Center, Room 221A/B
8350 Richmond Highway, Alexandria, VA 22309
Transit access: Fairfax Connector 171; Metrobus REX (Richmond Highway Express)

For more information or to comment on the proposed service changes, riders should visit fairfaxconnector.com, attend the public meeting, e-mail questions or comments to fairfaxconnector@fairfaxcounty.gov, or call 703-339-7200, TTY 703-339-1608. Public comment will be accepted until 5 p.m. Wednesday, October 21, 2015.

PROPOSAL DETAILS

Schedule Adjustments

- Minor schedule adjustments on routes 171, 371, 372, 373, 495, 551, and RIBS 4 to improve on-time performance and improve connections with Metrorail, Virginia Railway Express, and other bus service.

Route 101 – Fort Hunt Road

- A new schedule will reflect bus travel times adjusted for current traffic conditions.
- On Saturdays, the time between buses will increase by approximately five minutes (to an approximate 35 minute frequency) to improve on-time performance.

Route 109 – Rose Hill

- A new schedule will reflect bus travel times adjusted for current traffic conditions and hourly Sunday service.

Route 151 – Engleside-Mount Vernon

- A new schedule will reflect bus travel times adjusted for current traffic conditions, and to evenly space scheduled bus departures with limited-stop Route 159 during weekday rush hours.
- On weekday middays and weekends, the time between buses will change to approximately every 30 minutes.

Route 152 – Groveton-Mount Vernon

- A new schedule will reflect bus travel times adjusted for current traffic conditions.
- One additional northbound and southbound trip will be added to the weekday afternoon schedule to improve on-time performance and improve connectivity in the Richmond Highway corridor.

RIBS 2 – South Lakes

- A new schedule will reflect bus travel times adjusted for current traffic conditions.
- Buses will travel via Sunset Hills Road, Metro Center Drive, and Kaiser Permanente to the Wiehle-Reston East Metrorail Station.

For more information about this news release, contact Beth Francis in the Fairfax County Department of Transportation at 703-877-5602, TTY 711.

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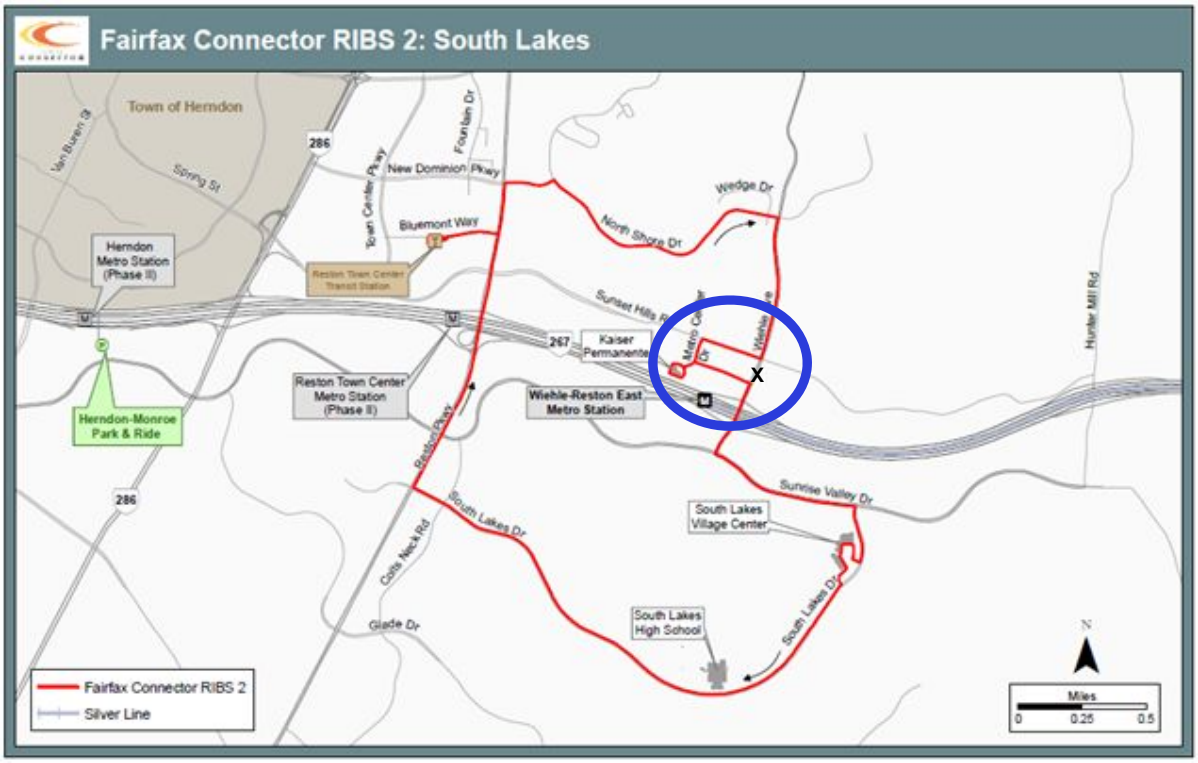
Attachment III

Proposed Route Change

RIBS 2 – South Lakes



- Buses will operate via Metro Center Drive and Kaiser Permanente to the Wiehle-Reston East Metrorail Station.

Attachment IV

Title VI Service Equity Analysis – Proposed December 2015 Fairfax Connector Service Changes

Summary of Analysis Results

The service changes proposed for implementation in December 2015 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. Twelve routes are involved in these changes. Of those, two routes qualified as experiencing a major service change. Further analysis of the proposed changes to these two routes established that they would not create a disparate impact on the minority riders or a disproportionate burden on the low-income riders of the routes.

Relevant Fairfax County Title VI Program Elements

A service equity analysis may require the evaluation of as many as four items, depending on the nature of the route, the proposed changes to it, and the environment that it serves. The policies listed in this section are contained in the County's Title VI Program, as approved by the Board of Supervisors on July 1, 2014.

A major service change is a change (due to a reduction in service, route restructuring, or addition of service) of 25 percent or more of total daily revenue service hours or miles on an individual route basis.

A disparate impact occurs when the difference between the system-wide percentage of minority riders and the percentage of minority riders affected by a proposed service change or fare change is 10 percent or greater.

A disproportionate burden occurs when the difference between the system-wide percentage of low-income riders and the percentage of low-income riders affected by a proposed service change or fare change is 10 percent or greater.

An adverse effect occurs when the proposed service change meets any of the following criteria for minority populations and low-income populations:

- *New or Additional Service:* if other service was eliminated to release resources to implement it;
- *Headway Changes:* if headway(s) increase by at least 20 percent;
- *Alignment Changes:* if at least 15 percent of the alignment is eliminated or modified;
- *Span of Service Changes:* if the span of service decreases by at least 10 percent; or
- *Elimination of an entire route.*

"If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only* if:

- "the transit provider has a substantial legitimate justification for the proposed service change; **and**
- "the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals." (Circular C 4702.1B, page IV-16; emphasis in original.)

FCDOT measured the minority population living within one quarter mile of the route alignment and compared the percentage of minority population within that area to the percentage of minorities living in the entire service area to determine whether a service change will cause a disparate impact. For this analysis, the service area average is used, which is 49.1% minority overall. The percentage of low-income households within one quarter mile of the route alignment is also measured and compared to the percentage of low-income households in the service area to determine whether a service change will cause a disproportionate burden. The service area average, which is 25.7% low-income overall, is used in this analysis.

Overview

Schedule changes to 12 Fairfax Connector routes (Routes 101, 109, 151, 152, 171, 371, 372, 373, 495, 551, RIBS 2, and RIBS 4) are proposed to take place in December 2015 to improve on-time performance, enhance connectivity between routes, and improve connections with Metrorail and Virginia Railway Express.

Service proposal highlights include:

- A new Route 109 schedule will reflect bus travel times adjusted for traffic conditions and new hourly Sunday service.
- Route 151 service frequency will change from every 60 minutes to every 30 minutes on weekdays, middays and weekends;
- RIBS 2 buses will travel via Sunset Hills Road, Metro Center Drive, and Kaiser Permanente to the Wiehle-Reston East Metrorail Station; and
- Minor schedule adjustments will be made to routes 171, 371, 372, 373, 495, 551, and RIBS 4 to improve on-time performance and improve connections with other local transit services.

Each of the 12 routes included in the service change was first evaluated against the Major Service Change threshold defined in the County's Title VI Program. Table 1 shows Routes 109 and 151 fall under FCDOT's Major Service Change Policy. The proposed changes to these routes either add new service or reduce headways, resulting in an overall improvement in service for riders.

Table 1: Service Changes Triggering a Major Service Change or Adverse Effect

Route	109			151		
	Weekday	Sat	Sun	Weekday	Sat	Sun
Proposed Service Changes - Change Types	Add hourly Sunday service			Reduce headways during weekdays, middays and weekends from 60 minutes to 30 minutes		
Proposed Daily Rev Hours	39.49	16.48	12.91	73.95	54.19	54.09
Proposed Daily Rev Miles	403.06	213.64	174.80	892.84	634.30	634.30
Current Daily Rev Hours	42.51	16.51	No service	63.31	31.12	31.12
Current Daily Rev Miles	403.06	213.64	No service	775.26	422.87	422.87
% Rev Hours	-7.1%	-0.2%	100%	16.80%	74%	74%
% Rev Miles	0.0%	0.0%	100%	15.17%	50%	50%

Table 2 provides an overview of potential impacts on minorities from the proposed changes. The table shows potential disparate impact on Route 151, but not on Route 109.

Table 2: Disparate Impact (Demographics for Proposed Routes)

Route	Minority Population	Route Population	Service Area Minority	Route Minority		Disparate Impact
109	6,847	14,812	49.1%	46.2%	-2.9%	No
151	24,803	35,884	49.1%	69.1%	20.0%	Yes

Table 3 provides an overview of potential impacts on low-income households from the proposed changes. Again, the table shows a potential disproportionate impact on Route 151, but not on Route 109.

Table 3: Disproportionate Burden (Demographics for Proposed Routes)

Route	Low-Income Households	Total Households along Route	Service Area Low-Income	Route Low-Income	Difference	Disproportionate Burden
109	1,490	6,029	25.7%	24.7%	-1.0%	No
151	5,461	12,592	25.7%	43.4%	17.7%	Yes

Conclusion: the changes to Route 151 do meet the threshold for conducting disparate impact and disproportionate burden analyses.

Service Equity Analysis by Route

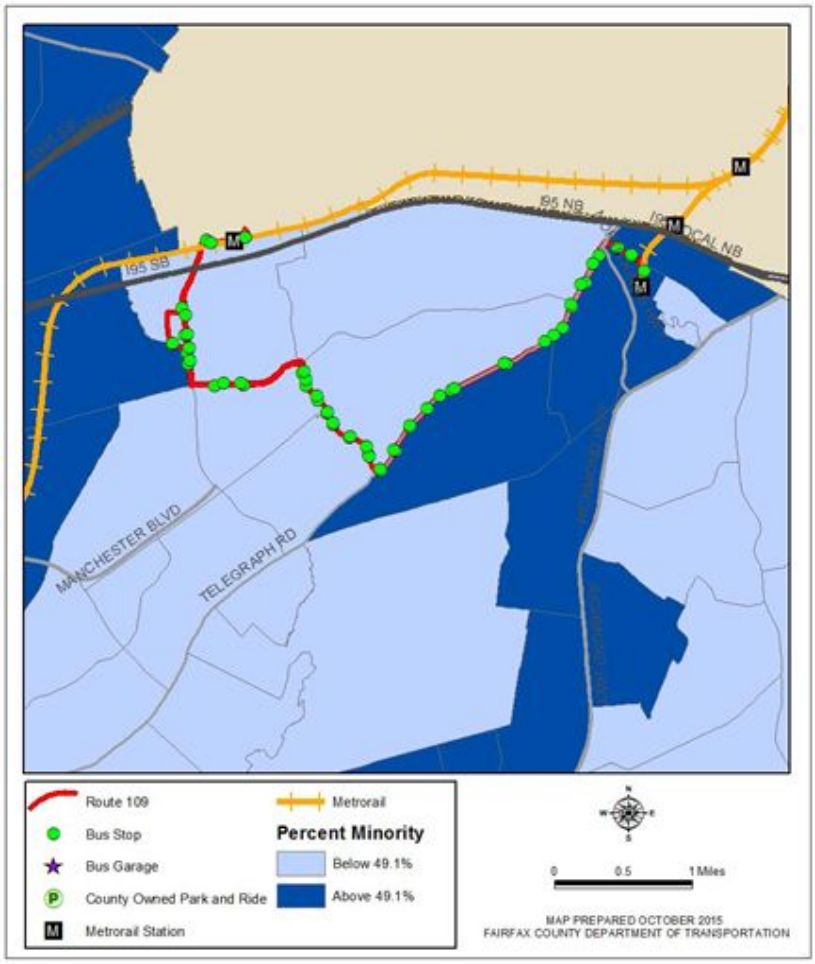
Route 109 – Rose Hill
A new schedule will reflect bus travel times adjusted for current traffic conditions and it will also add hourly Sunday service.

Major Service Change:

- Weekday revenue hours for Route 109 will decrease by 7.1 percent, and revenue miles will remain the same, which do not meet the threshold for a major service change of at least 25 percent. Therefore, no further analysis of the proposed changes to weekday service is required.
- Saturday revenue hours for the route will decrease by 0.2 percent, and revenue miles will remain the same, which do not meet the threshold for a major service change of at least 25 percent. Therefore, no further analysis of the proposed changes to Saturday service is required.
- Sunday revenue hours and revenue miles will increase 100 percent due to the addition of hourly service. This exceeds the major service change threshold of at least 25 percent.

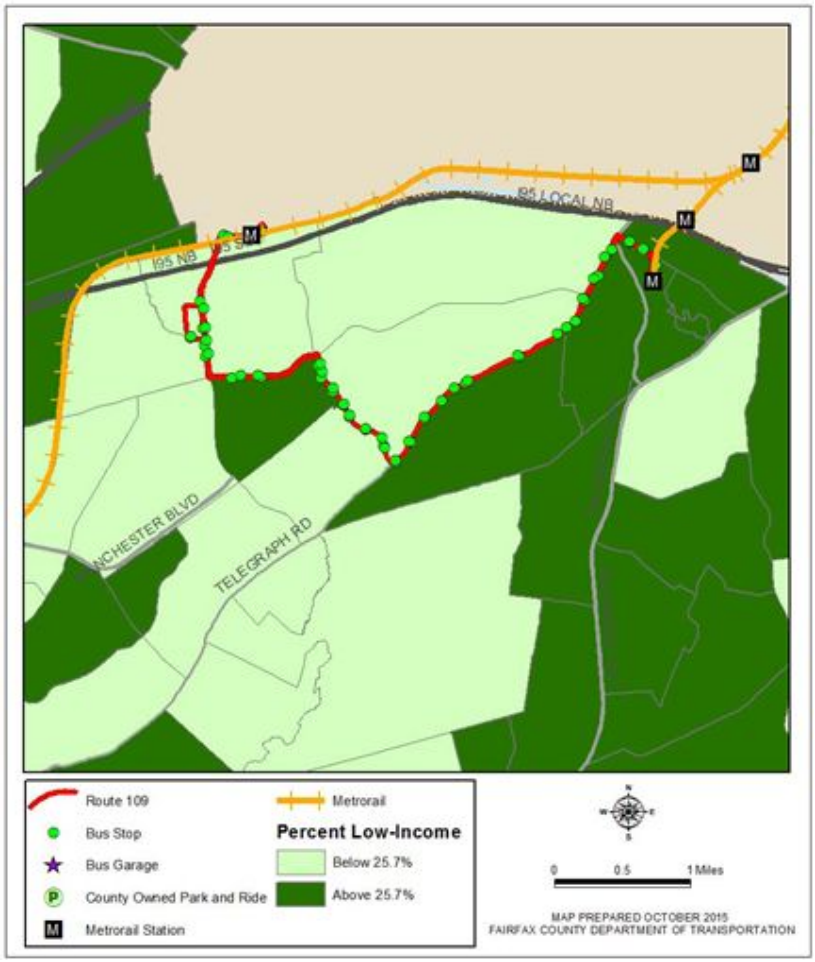
Disparate Impact: The population that lives within a quarter mile of Route 109 is 46.2 percent (Figure 1). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 109 and system-side minority riders is 2.9 percent, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to Sunday services will not create a disparate impact.

Figure 1: Route 109 Minority Population Map



Disproportionate Burden: The households within a quarter mile of Route 109 are 24.7 percent low-income (Figure 2). This is 1 percent less than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 109 and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore implementing proposed changes to Route 109 will not create a disproportionate burden on low-income households.

Figure 2: Route 109 Low-Income Population Map



Adverse Effects: Neither a disparate impact nor a disproportionate burden would result from these changes. Therefore, further evaluation of any adverse effects of the proposed changes to Route 109 is not required.

Route 151 – Engleside-Mount Vernon

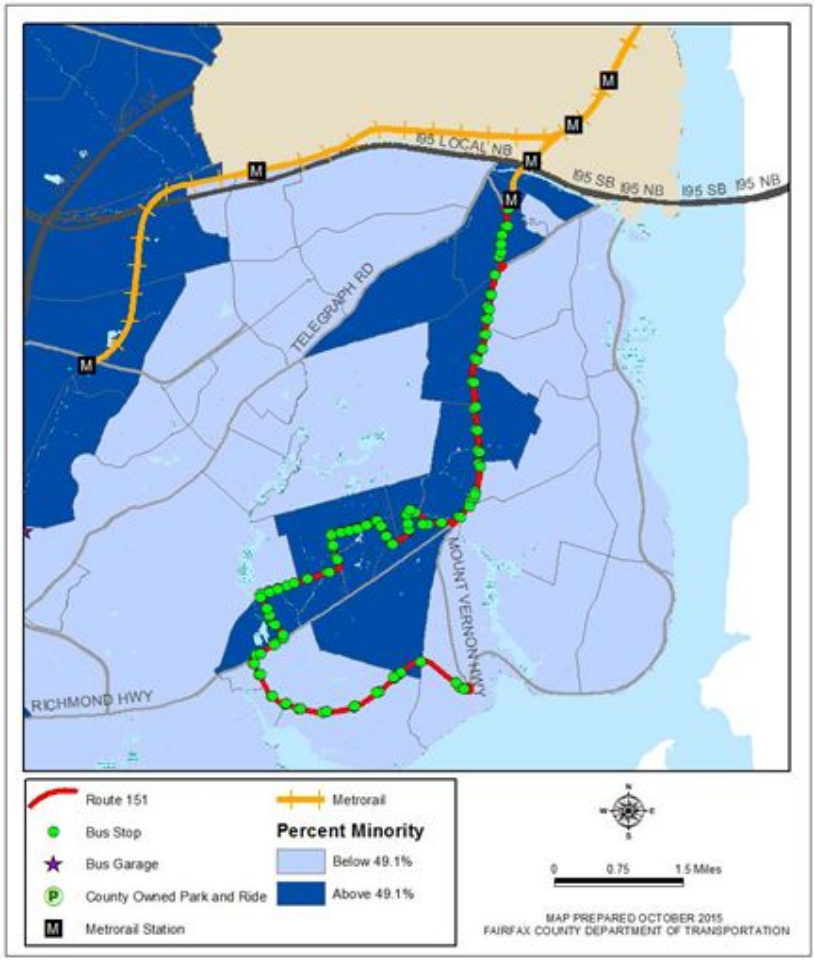
A new schedule will reflect bus travel times adjusted for current traffic conditions, and to evenly space scheduled bus departures with Route 159 during weekday rush hours. On weekdays, middays and weekends, the frequency will change from approximately 60 minutes to approximately 30 minutes.

Major Service Change:

- Weekday revenue hours for Route 151 will increase by 16.8 percent, and revenue miles will increase by 15.2 percent, which do not meet the threshold for a major service change. Therefore, no further analysis of the proposed changes to weekday services is required.
- Saturday revenue hours for the route will increase by 74 percent, and revenue miles will increase by 50 percent, which exceed the threshold for a major service change of at least 25 percent.
- Sunday revenue hours for the route will increase by 74 percent, and revenue miles will increase by 50 percent, which exceed the threshold for a major service change of at least 25 percent.

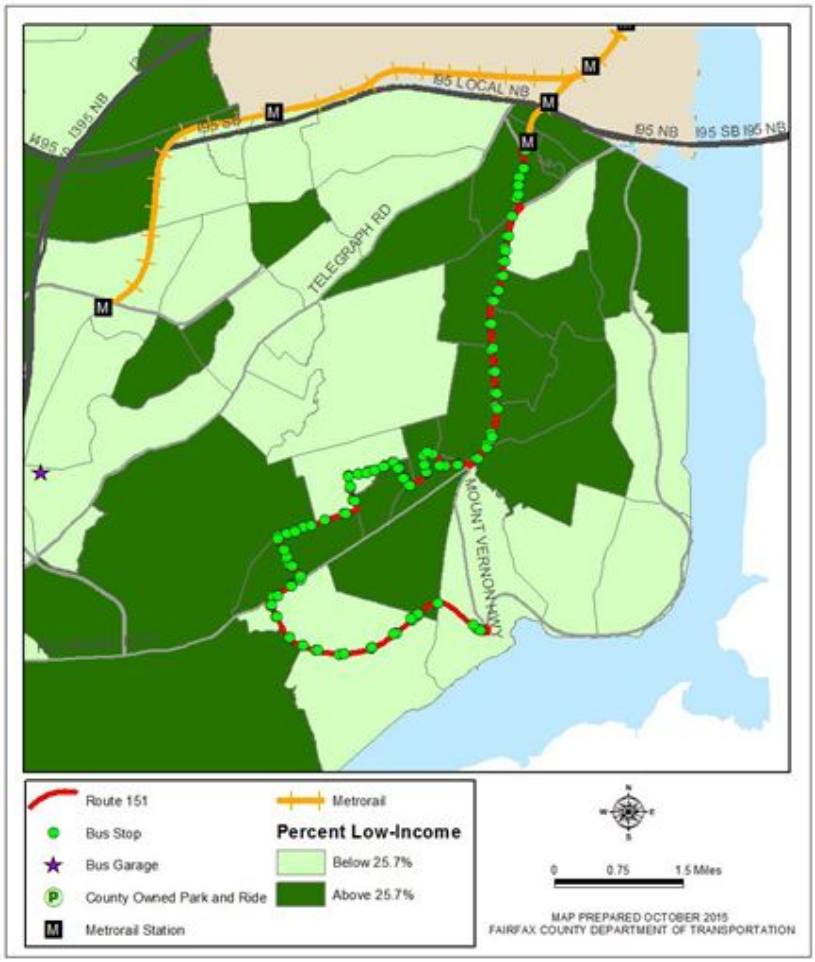
Disparate Impact: The population living within a quarter mile of Route 151 is 69.1 percent (Figure 3). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 151 and system-wide minority riders is 20 percent, which exceeds the disparate impact threshold of 10 percent. Therefore, the proposed change to the route must be analyzed further to determine if the change causes an adverse effect.

Figure 3: Route 151 Minority Population Map



Disproportionate Burden: The households within a quarter mile of Route 151 are 43.4 percent low-income (Figure 4). This is 17.7 percent higher than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 151 and system-wide low-income households is higher than the disproportionate burden threshold of 10 percent. Therefore, the proposed change to the route must be further analyzed to determine if the change causes an adverse effect.

Figure 4: Route 151 Low-Income Population Map



Adverse Effects: The proposed changes to Route 151 must be evaluated for adverse effects, because of the potential disparate impact on minority riders, and the potential disproportionate burden to low-income households of the route. The reduced headways on weekday middays and weekends will increase access to jobs for minority populations, low-income populations and all other populations throughout the region. Further, the addition of services is not provided at the expense of existing service that specifically serves minority riders and low-income households. Overall, the proposed change to Route 151 does not meet any of the criteria for adverse effects, and it will be a positive change for Fairfax County and the region.

Conclusion

The service changes proposed for implementation in December 2015 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The review showed that the proposed service changes will not create a negative disparate impact on minority riders or a negative disproportionate burden on low-income riders of the routes, but the additional service will result in an overall improvement in service for Fairfax Connector riders, including the communities along the routes.

Board Agenda Item
December 8, 2015

ACTION - 6

Authorization for the Department of Transportation to Apply for FY 2022 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds

ISSUE:
Board authorization is requested for the Department of Transportation to apply for: FY 2022 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality Program (CMAQ) Funds. These funds would be used to advance the projects listed below and described in Attachment I.

- Countywide Transit Stores
- Richmond Highway Bus Rapid Transit Project
- Tysons Roadway Improvements
- Reston Roadway Improvements
- Richmond Highway Widening (Mount Vernon Highway to Napper Road)
- Seven Corners Interchange Improvements
- Fairfax County Parkway Improvements

RECOMMENDATION:
The County Executive recommends that the Board authorize the Fairfax County Department of Transportation (FCDOT) to apply for FY 2022 RSTP and CMAQ funds.

TIMING
The Northern Virginia Transportation Authority (NVTA) is requesting that jurisdictions endorse applications for RSTP and CMAQ funding prior to its January 2015 meeting. The Commonwealth Transportation Board (CTB) will subsequently consider the NVTA-approved list of projects in May or June 2016.

BACKGROUND:
The CMAQ Program provides federal funds for regions that are determined to be in non-attainment for air quality to assist them in complying with Clean Air Act requirements. The RSTP Program provides federal formula funds to the region to assist with the implementation of transportation capital projects. The project requests for FY 2022 are a continuation of funding for projects that are included in the County's Transportation Priorities Plan adopted by the Board of Supervisors on January 28,

2014, for FY 2015 to FY 2020. No new projects are being recommended. Also, the Board previously approved RSTP and CMAQ allocations for FY 2021 in December 2014; and the NVTA has allocated RSTP and CMAQ funding through FY 2021. For FY 2022, the Virginia Department of Transportation (VDOT) estimates that in Northern Virginia, $40.4 million will be available for distribution in the RSTP Program, and $29.6 million will be available in the CMAQ Program.

FISCAL IMPACT:
There is no Local Cash Match (LCM) required for the RSTP and CMAQ funds; as the state provides the matching funds. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment I: List of Projects for RSTP and CMAQ

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Ray Johnson, Sr. Transportation Planner, Coordination and Funding Division, FCDOT
Noelle Dominguez, Legislative Liaison, Coordination and Funding Division, FCDOT
Todd Minnix, Chief, Transportation Design Division, FCDOT
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Karyn Moreland, Section Chief, Capital Projects and Operations Division, FCDOT

Attachment I

Projects for Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) Program FY 2022 Funding

CMAQ/RSTP (proposed request in millions)	
Countywide Transit Stores – These stores provide transit information, trip planning, fare media, and ridesharing information to area residents and visitors seeking alternatives to driving alone. From FY 2002 through FY 2020, CMAQ funding has been allocated to the operation of the countywide transit stores.	$0.64
Richmond Highway Bus Rapid Transit – The Route 1 (Richmond Highway) Multimodal Alternatives Analysis recommended a series of roadway and transit-related improvements in the Richmond Highway corridor. This funding request is associated with the implementation of Bus Rapid Transit, from the Huntington Metrorail Station area to Fort Belvoir.	$10.0
Tysons Roadway Improvements – This series of roadway improvements in the Tysons area will improve/increase access to the future development planned for Tysons and the Metrorail Silver Line. Some of these projects may also include pedestrian and bicycle improvements. This request does not include funding for the planned grid of streets. RSTP allocations to Tysons Roadway Improvements serve as federal contributions to the Tysons Funding Plan, approved by the Board of Supervisors on January 8, 2013.	$9.0
Reston Roadway Improvements – Similar to the Tysons Roadway Improvements, a series of roadway, bicycle, and pedestrian improvements is planned for Reston that will enhance access to future developments in this ever-growing area, particularly around the new Silver Line stations.	$9.0
Richmond Highway Widening (Mt Vernon Memorial Highway to Napper Road) – The Richmond Highway widening project is 2.9 miles in length and is located between Mt. Vernon Memorial Highway (south) and Napper Road. This project will provide a six-lane facility complementing the existing Richmond Highway project currently under construction from Telegraph Road to Mt. Vernon Memorial Highway. This project will tie into the section of Richmond Highway north of Napper Road which is also a six lane facility, resulting in a six lane facility from Ft. Belvoir to I-95/I-495 in Alexandria. This project includes both pedestrian and bicycle facilities and provision for future bus rapid transit.	$9.0
Seven Corners Interchange Improvements – The Seven Corners Interchange is a confusing confluence of major roads, multiple signalized intersections, limited pedestrian facilities, but no bicycle facilities. It also is where three regional commuter routes; Arlington Blvd (Route 50), Leesburg Pike (Route 7), and Wilson Boulevard/Sleepy Hollow Road converge. Due to all of this activity, most of the intersections at the Seven Corners Interchange operate at level of service E or F during peak periods. The interchange causes high levels of congestion, long periods of vehicular delay and safety concerns for pedestrians, bicyclists, and transit users. The	$9.0

Board of Supervisors adopted a Comprehensive Plan amendment for the Seven Corners area that includes a concept for a new Seven Corners Interchange. This project application is to design and construct the first phase of the new Seven Corners Interchange.	
Fairfax County Parkway Improvements – The Project provides for the widening of Fairfax County Parkway from Route 123 to Route 29 from 4 lanes (divided) to 6 lanes (divided) per Fairfax County Comprehensive Plan.	$10.0
Total CMAQ/RSTP Requested	**$56.64**

Board Agenda Item
December 8, 2015

ACTION - 7

Endorsement of the Chief Administrative Officers Task Force's Recommendation Regarding the Preliminary FY 2017 Virginia Railway Express Capital and Operating Budget

ISSUE:
Board endorsement of the Chief Administrative Officers (CAO) Task Force's initial recommendation regarding the proposed FY 2017 Virginia Railway Express (VRE) budget.

RECOMMENDATION:
The County Executive recommends that the Board endorse the CAO Task Force's primary recommendation on the FY 2017 VRE budget. The recommendation is to concur with the VRE Operations Board's recommendation to help balance the FY 2017 budget with a jurisdictional subsidy increase of five percent, as part of their six-year financial plan.

It is anticipated that additional recommendations will be presented to help balance the budget before the VRE Operations Board considers adoption of the FY 2017 budget on December 18, 2015. The strategies include reduction of VRE's Capital Reserve contribution, revision to VRE's train operator (Keolis) related costs, and ongoing review and reduction of VRE departmental operational costs. County staff concurs with evaluating these strategies to balance the FY 2017 VRE budget.

TIMING:
The Board should act on this item on December 8, 2015, because this is the last Board meeting before the VRE Operations Board considers adoption of the FY 2017 VRE budget on December 18, 2015.

DISCUSSION:
The VRE Chief Executive Officer presented the preliminary FY 2017 budget to the VRE Operations Board on September 18, 2015. The FY 2017 budget included an unfunded amount of approximately $2.8 million. The shortfall was primarily attributed to lower than budgeted federal and state operating and capital revenue to VRE, contractual increases, and an increase in track access fees, due to an additional Fredericksburg Line train associated with the opening of the new Spotsylvania County Station in FY 2016.

During the FY 2017 budget year, VRE will operate 32 daily revenue trains and continue its safety and customer service outreach programs. The capital budget for FY 2017 will focus on state of good repair of equipment and facilities and replacement of the mid-day storage facility. Five expansion railcars will be received during the fiscal year and an additional nine being manufactured.

The budget was referred to the local jurisdictions for review and comment. Beginning July 14, 2015, a staff task force, organized by CAOs of the VRE jurisdictions, has reviewed the preliminary budget and continues to meet with VRE staff to discuss it in detail.

The CAO Task Force is preparing a final report summarizing its review of the FY 2017 budget and offering any further recommendations that may be developed. The Task Force and VRE staff met on September 15, October 13, and November 17, 2015, to discuss recommendations. The CAOs will meet in mid-December 2015, before the December VRE Operations Board meeting, to officially review the Task Force's recommendation(s) and receive the VRE staff response. After the multiple meetings, phone conversations and on-line discussions between the Task Force and VRE staff, it is anticipated that VRE staff will deliver a balanced budget by December 18, 2015, to the VRE Operations Board. Although the Task Force's report is not finalized, it is expected to contain the following primary recommendation for the budget. The recommendation is as follows:

1) Help Balance the FY 2017 Budget With an Increase to the Local Subsidy

As discussed last year in developing the FY 2016 budget, the total jurisdictional subsidy of $16.4 million has been flat for the last four years and the level has not changed appreciably over the last seven years. In response, the VRE Operations Board agreed to include a five percent subsidy increase for FY 2017 as part of the FY 2016 six-year financial forecast. For the various reasons stated above, VRE staff calculated a projected shortfall for the FY 2017 budget of $2.8 million. One of their main proposals for reducing this amount is the five percent subsidy increase which will yield approximately $821,000. Other potential proposals for reducing the remainder of the shortfall include reduction of VRE's Capital Reserve contribution, revision to VRE's train operator (Keolis) related costs, and ongoing review and reduction of VRE departmental operational costs. The five percent increase is not affected by, or included in, the incorporation of changes as a result of the October 2015 passenger survey jurisdictional subsidy formula calculation.

FISCAL IMPACT:
The preliminary FY 2017 VRE budget includes an estimated total jurisdictional subsidy

of $17,250,000. Based on the most recent information received, Fairfax County's portion of the total FY 2017 local subsidy is not expected to exceed $5,089,648. Fairfax County's FY 2017 subsidy level should be available in mid-December 2015.

When the final amount of Fairfax County's share is known, County Fund 40000 will be adjusted to include that amount in the next County Budget approved by the Board of Supervisors. The Board is not being asked to approve Fairfax County's FY 2017 VRE subsidy at this time.

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Joe Mondoro, Chief Financial Officer, Department of Management and Budget
Tom Biesiadny, Director, Department of Transportation, FCDOT
Todd Wigglesworth, Acting Division Chief, Coordination and Funding Division, FCDOT
Mike Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

Board Agenda Item
December 8, 2015

INFORMATION – 1

Presentation of the Fiscal Year 2015 Comprehensive Annual Financial Report (CAFR)

Annually, pursuant to the *Code of Virginia* (Code), Section 15.2-2511, as amended, Fairfax County's financial statements are audited by an independent certified public accountant. This audit is conducted in accordance with auditing standards generally accepted in the United States; the standards applicable to financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States; and the Specifications for Audits of Counties, Cities, and Towns issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The Code also requires that an independent certified public accountant present a detailed written report to the local governing body at a public session by December 31. The County's financial statements for Fiscal Year 2015 have been audited by KPMG LLP (KPMG), and KPMG's unmodified opinion, with respect thereto, is presented on page 1 of the Financial Section of the County's CAFR. A representative from KPMG is with us today.

In addition to meeting the requirements of the Code, the audit was designed to meet the requirements of the U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the related Circular A-133 Compliance Supplement. Known as the Single Audit, this is a special type of compliance audit applicable to specific federal grant programs. The requirements of the Single Audit are established by federal legislation and regulation and are very stringent. KPMG's reports related specifically to this audit activity are included in a separate Single Audit Report.

Auditing standards generally accepted in the United States require that the auditors communicate, in writing, to those charged with governance all significant deficiencies, including material weaknesses. In a letter addressed to the Board of Supervisors, KPMG reports that no material weaknesses were noted.

The CAFR presented today will be submitted for rigorous peer review by the Government Finance Officers Association of the United States and Canada (GFOA). The 2014 CAFR for the County was awarded the GFOA's Certificate of Achievement for Excellence in Financial Reporting, the highest honor conferred by the GFOA.

A comprehensive package was delivered directly to the offices of each member of the Board of Supervisors on or before November 30, 2015. The package included:

- The Fiscal Year 2015 Comprehensive Annual Financial Report.
- The following KPMG reports to the Board of Supervisors:
    - Required communications letter pertaining to the conduct of the audit addressed to the Board;
    - No material weaknesses letter addressed to the Board;

- The Single Audit Report.

In compliance with the Code, a copy of the Fiscal Year 2015 CAFR is being provided to the Clerk to the Board of Supervisors where it shall remain open to public inspection.

ENCLOSED DOCUMENTS:
A comprehensive package has been delivered to the office of each member of the Board of Supervisors and to the office of the Clerk to the Board of Supervisors.

STAFF:
Joseph M. Mondoro, Chief Financial Officer, Director, Department of Management and Budget
Christopher J. Pietsch, Director, Department of Finance
Deirdre M. Finneran, Deputy Director, Department of Finance
Richard M. Modie Jr., Chief, Financial Reporting Division, Department of Finance
Tanya D. Burrell, Chief, Financial Operations Division, Department of Finance

Board Agenda Item
December 8, 2015

INFORMATION - 2

Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers

The Government Finance Officers Association of the U.S. and Canada (GFOA) has again recognized the superior quality of financial information Fairfax County makes available to the public. The County's Comprehensive Annual Financial Report (CAFR), the Integrated Sewer System's CAFR, the CAFRs of all three Fairfax County retirement systems, and the County's Annual Budget were recognized with GFOA's highest forms of recognition.

The County's CAFR was awarded the Certificate of Achievement for Excellence in Financial Reporting for the 38th consecutive year and the Integrated Sewer System received this certificate for the eleventh consecutive year. The Certificate of Achievement for Excellence in Financial Reporting was also awarded to all three Fairfax County retirement systems (the Employees', Police Officers and Uniformed Retirement Systems) by GFOA for their respective CAFRs. This marks the fourth consecutive year that all three systems have received this award since first applying for consideration. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. An impartial panel determined that the CAFRs demonstrated a constructive "spirit of full disclosure" to clearly communicate their financial stories and motivate potential users to read the CAFRs. All awards were based on the CAFRs for the fiscal year ended June 30, 2014.

This is the 31st consecutive year that Fairfax County has received GFOA's Distinguished Budget Presentation Award. In October 2015, GFOA notified the County that the FY 2016 Budget met the criteria for this award, which represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff in meeting the highest principles of public budgeting. To receive this award, a budget must be judged proficient in each of four major categories: as a policy document, financial plan, operations guide and communications guide.

In addition, the County's budget received the following special recognition from GFOA as part of the Distinguished Budget Presentation Award:

- "Outstanding as a Policy Document"

In July 2015, the International City/County Management Association (ICMA) announced that it had awarded its Certificate of Excellence to Fairfax County for the seventh consecutive year. The County is among only 30 jurisdictions across the nation being recognized for their superior efforts and results in performance measurement and management with this award – the organization's highest level of recognition – from the ICMA Center for Performance Measurement™ (CPM). The Certificate of Excellence is the highest of CPM's three levels of recognition, and pays special tribute to the County's efforts in identifying and reporting to the public key outcome measures and surveying of residents and employees, as well as the pervasiveness of performance measurement in our organization's culture.

The Association of Public Treasurers of the U.S. and Canada presented the County with the Association's Investment Policy Certificate of Excellence Award. This was the 18th consecutive year the County's investment policy received this award – recognition of the County's comprehensive written policy that meets stringent criteria set forth by this organization of treasury professionals.

ENCLOSED DOCUMENTS:
None

STAFF:
Joseph Mondoro, Chief Financial Officer
Chris Pietsch, Director, Department of Finance
Jeffrey Weiler, Director, Retirement Administration

Board Agenda Item
December 8, 2015

11:00 a.m.

Matters Presented by Board Members

Board Agenda Item
December 8, 2015

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. *Ross A. Fiorani v. Fairfax County Police, Navy Federal Credit Union, Robert Berger, Karen Compher, SIA, and Thema Scott*, Case No. 15-1717 (U.S. Ct. of App. for the Fourth Cir.)

2. *David J. Laux and Tara K. Laux a/k/a Tara K. Long v. Board of Supervisors of Fairfax County, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and the Commonwealth of Virginia*, Civil Action No. 15cv1334 (E.D. Va.) (Mason District)

3. *Lenir Richardson v. Officer O.J. Faulk, Officer D.N. Custer, Officer Rizza, Commonwealth of Attorney* [*sic*]*, Sergeant Mario Torres*, Case No. 1:15cv1489 (E. D. Va.)

4. *James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and Brian J. Foley, Fairfax County Building Official v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2015-0007970 (Fx. Co. Cir. Ct.) (Mason District)

5. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)

6. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide*, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)

7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2012-0013536 (Fx. Co. Cir. Ct.) (Providence District)

8. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John Hicks, Betty Pearson-Pavone, Dallas Hicks, Harold E. Pearson, Alice Hicks, and Edward Hicks*, Case No. CL-2014-0011059 (Fx. Co. Cir. Ct.) (Providence District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2010-0002573 (Fx. Co. Cir. Ct.) (Dranesville District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2012-0019078 (Fx. Co. Cir. Ct.) (Dranesville District)

11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Helen M. Parker-Smith*, Case No. CL-2014-0001775 (Fx. Co. Cir. Ct.) (Providence District)

12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Lucia O. Palacio***,** Case No. CL-2014-0001444 (Fx. Co. Cir. Ct.) (Providence District)

13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Reston Zoo, LLC*, Case No. CL-2012-0019076 (Fx. Co. Cir. Ct.) (Hunter Mill District)

14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Falls Church Hospitality, Inc.*, Case No. CL-2015-0002063 (Fx. Co. Cir. Ct.) (Providence District)

15. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ngoc Mai Truong Nguyen and Tony Nguyen*, Case No. CL-2015-0016150 (Fx. Co. Cir. Ct.) (Dranesville District)

16. *Anthony Crescenzo v. Gene Woo, Mai N. Woo, EVG-RR Ventures, LLC, Cardinal Bank, F. Kevin Reynolds, Trustee, Dennis Griffith, Trustee, and the Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2015-0005837 (Fx. Co. Cir. Ct.) (Mason District)

17. In Re*: April 15, 2015, Decision Of The Fairfax County Board of Zoning Appeals In BZA Appeal No. A 2012-HM-020*, Case No. CL-2015-0006478 (Fx. Co. Cir. Ct.) (Hunter Mill District)

18. *Paul T. Michael v. Fairfax County Board of Supervisors, Leslie B. Johnson, Fairfax County Zoning Administrator, Kim D. Nguyen, and Vu Tue Nguyen*, Case No. CL-2015-0008999 (Fx. Co. Cir. Ct.) (Mason District)

19. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. Nirmaladevi Jayanthan and Jayanthan Balasubram, a/k/a Balasubram Jayanthan, Jayanthan Bala, Bala Jayanthan, and Jay Bala*, Case No. CL-2015-0008179 (Fx. Co. Cir. Ct.) (Dranesville District)

20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Joseph K. Kim and Joon Kwon Park*, Case No. CL-2015-014971 (Fx. Co. Cir. Ct.) (Mason District)

21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Idania Maria Barahona and Gixeis J. Barahona*, Case No. GV15-019804 (Fx. Co. Gen. Dist. Ct.) (Lee District)

22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Andrea Viski and Brian Lucas*, Case No. GV15-023665 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herber Joya and Yessina Giron*, Case No. GV15-023669 (Fx. Co. Gen. Dist. Ct.) (Mason District)

24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Alexis O. Rodriguez and Maria Claribe Argueta de Rodriguez*, Case No. GV15-023666 (Fx. Co. Gen. Dist. Ct.) (Mason District)

25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jubilo Incorporated*, Case Nos. GV15-015625, and GV15-026466 (Fx. Co. Gen. Dist. Ct.) (Sully District)

26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Flor Barreda*, Case Nos. GV15-007102 and GV15-026640 (Fx. Co. Gen. Dist. Ct.) (Mason District)

27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jennifer L. Audibert and Joseph G. Henry*, Case Nos. GV15-019074 and GV15-019075 (Fx. Co. Gen. Dis. Ct.) (Dranesville District)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Edwin Rocha and Hilda Rocha and Jorge Alfredo Veron*, Case No. GV15-026063 (Fx. Co. Gen. Dist. Ct.) (Lee District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gregory I. Witherow and Ellen R. Witherow*, Case No. GV15-026107 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

30. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gulam J. Irfani, a/k/a Ghulam J. Irfani, and Syed Shah Salahuddin*, Case No. GV15-026108 (Fx. Co. Gen. Dist. Ct.) (Lee District)

31. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gulam J. Irfani, a/k/a Ghulam J. Irfani, and Syed Shah Salahuddin*, Case No. GV15-026109 (Fx. Co. Gen. Dist. Ct.) (Lee District)

32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Southland Corporation*, Case Nos. GV15-026243, GV15-026244 and GV15-026245 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Philip John Sokolowski*, Case No. GV15-026453 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

34. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sean P. Malone and Susan M. Malone*, Case No. GV15-036370 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

35. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Roberto E. Portillo, Maria E. Portillo, Carlos R. Portillo, and Alfredo R. Portillo*, Case No. GV15-026452 (Fx. Co. Gen. Dist. Ct.) (Mason District)

36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Richard De Costa*, Case No. GV15-026822 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ernesto Perez and Shirley R. Sejas*, Case No. GV15-026820 (Fx. Co. Gen. Dist. Ct.) (Providence District)

38. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael Ching*, Case No. GV15-026821 (Fx. Co. Gen. Dist. Ct.) (Sully District)

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Board Agenda Item REVISED
December 8, 2015

3:00 p.m.

Public Hearing on Proposed Plan Amendment 2015-IV-T1, Newington Road, Located East of Cinder Bed Road and West of Telegraph Road (Mount Vernon District)

This public hearing was deferred by the Board of Supervisors from the November 17, 2015 Board meeting to December 8, 2015, at 3:00 p.m.

ISSUE:
Plan Amendment (PA) 2015-IV-T1 considers the removal of all planning transportation improvements for the section of Newington Road located between Cinder Bed Road and Telegraph Road.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing for PA 2015-IV-T1 was scheduled for November 5, 2015; that meeting was canceled and rescheduled for December 3, 2016. On December 3, 2016, the Planning Commission deferred this plan amendment indefinitely.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the staff recommendation as shown on page 9 of the staff report dated October 22, 2015.

TIMING:
Planning Commission public hearing – December 3, 2015
Board of Supervisors' public hearing – December 8, 2015

BACKGROUND:
On July 28, 2015, the Board of Supervisors (Board) authorized the consideration of a Comprehensive Plan amendment for Newington Road in the Springfield Planning District, Mount Vernon Magisterial Supervisor District. The adopted Plan for the subject area recommends upgrading the existing 2-lane segment, from Cinder Bed Road to Telegraph Road, to meet current safety and design standards. Improvements could include widening existing lanes, reducing curves, adding sidewalks, bicycle facilities, turn lanes, or some combination, where necessary. The existing plan does not include adding lanes to this section of Newington Road. The Board requested that staff consider

the removal of all planned transportation improvements, identified in the Comprehensive Plan and policy documents, for the segment of Newington Road located between Cinder Bed Road and Telegraph Road.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:

The Staff Report for 2015-IV-T1 has been previously furnished and is available online at:
http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2015-iv-t1.pdf

STAFF:
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Dan Rathbone, Division Chief, Long Range Planning Division, FCDOT
Leonard Wolfenstein, Section Chief, Long Range Planning Division, FCDOT
Kris Morley-Nikfar, Planner III, Long Range Planning Division, FCDOT
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Marianne R. Gardner, Director, Planning Division (PD), DPZ
Leanna O'Donnell, Branch Chief, Policy and Plan Development, PD, DPZ
Clara Q. Johnson, Planner III, Policy and Plan Development, PD, DPZ

Board Agenda Item
December 8, 2015

3:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Hunter Mill @ Mystic Meadow Roundabout (Providence District)

ISSUE:
Public Hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-028-006, Hunter Mill @ Mystic Meadow Roundabout, in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:
On November 17, 2015, the Board authorized advertisement of a public hearing to be held on December 8, 2015, commencing at 3:30 p.m.

BACKGROUND:
The County is planning to construct a roundabout at the intersection of Hunter Mill Road at Mystic Meadow Way and the entrance to the Oakton Community Park. The project will include new pedestrian and bicycle improvements, storm drainage easements and utility relocations.

Land rights for these improvements are required on five (5) properties. The construction of the project requires the acquisition of a deed of dedication, an access easement, storm drainage easements, trail easements, grading agreement and temporary construction easements, and utility easements.

Land rights have been acquired on three of the five properties and negotiations continue with the remaining owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 and 15.2-1905 (2012). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item
December 8, 2015

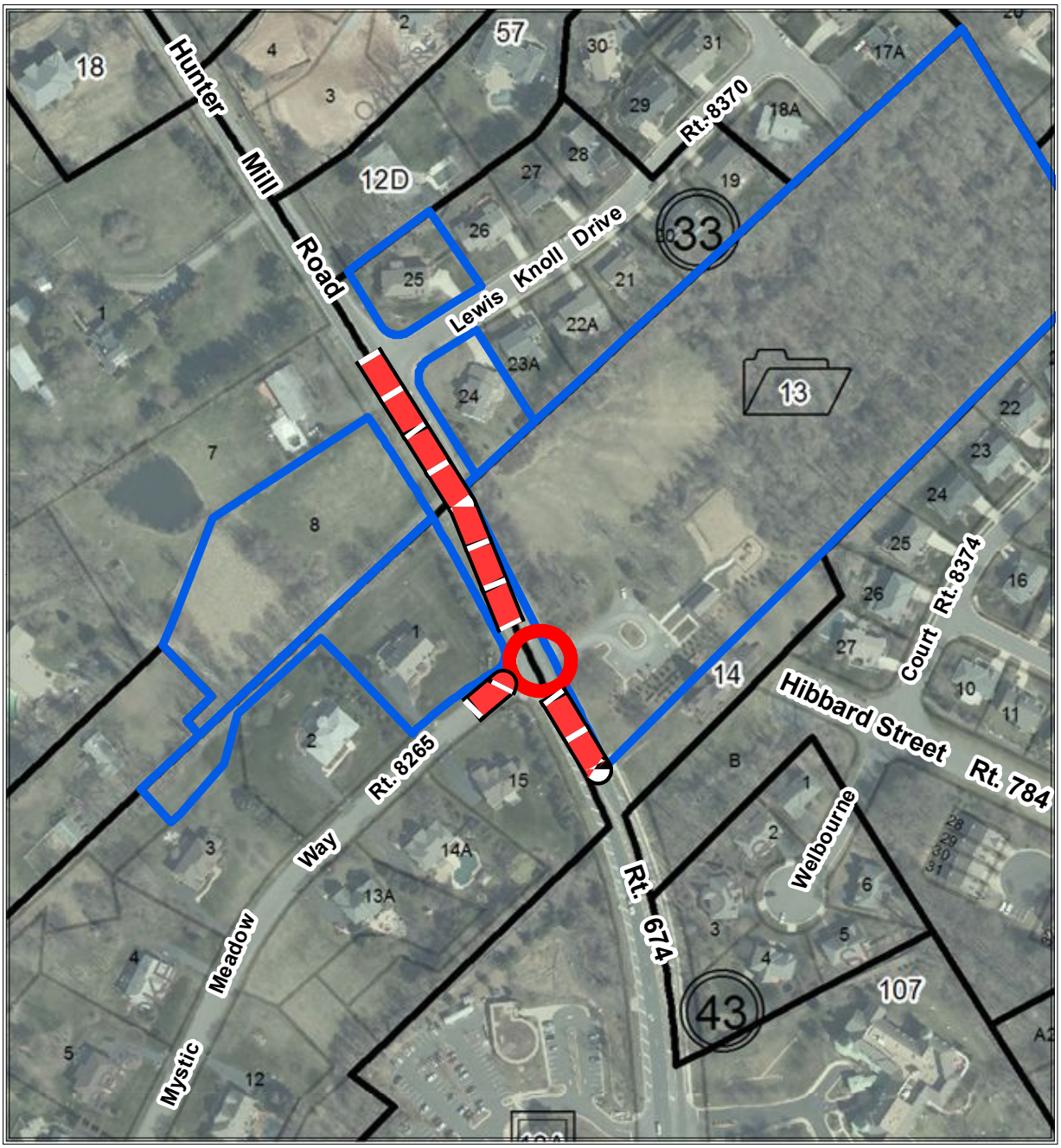
FISCAL IMPACT:
Funding in the amount of approximately $3,597,000 is available in Project 2G40-028-000, Spot Improvements, in Fund 40010, County and Regional Transportation Projects. No additional funding is being requested from the Board and there is no impact to the General Fund.

ENCLOSED DOCUMENTS:
Attachment A – Project Location Map
Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 2A).

STAFF:
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ATTACHMENT A

HUNTER MILL @ MYSTIC MEADOW ROUNDABOUT



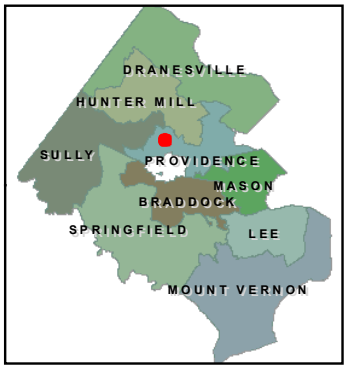
Tax Map: 47-2

Project 2G40-028-006
Providence District

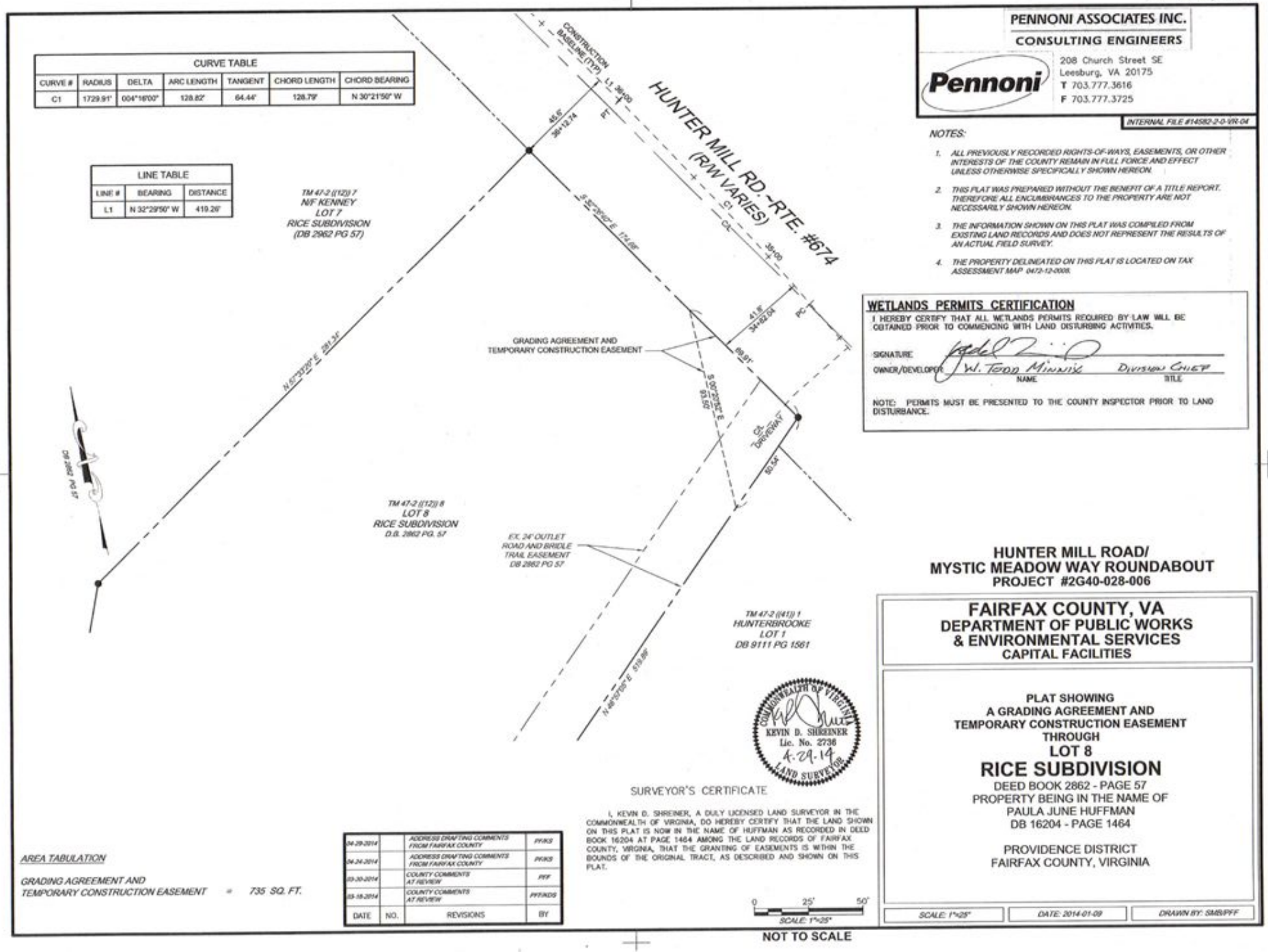
Affected Properties:

Proposed Improvements:

0 0.025 0.05 0.1 Miles



ATTACHMENT 1A



NOT TO SCALE

PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS

Pennoni

208 Church Street SE
Leesburg, VA 20175
T 703.777.3616
F 703.777.3725

INTERNAL FILE #14582-2-0-VR-04

NOTES:

1. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAYS, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE ALL ENCUMBRANCES TO THE PROPERTY ARE NOT NECESSARILY SHOWN HEREON.
3. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD SURVEY.
4. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 047-2-12-0008.

WETLANDS PERMITS CERTIFICATION

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING WITH LAND DISTURBING ACTIVITIES.

SIGNATURE

OWNER/DEVELOPER W. TODD MINNIX (NAME) DIVISION CHIEF (TITLE)

NOTE: PERMITS MUST BE PRESENTED TO THE COUNTY INSPECTOR PRIOR TO LAND DISTURBANCE.

HUNTER MILL ROAD/
MYSTIC MEADOW WAY ROUNDABOUT
PROJECT #2G40-028-006

FAIRFAX COUNTY, VA
DEPARTMENT OF PUBLIC WORKS
& ENVIRONMENTAL SERVICES
CAPITAL FACILITIES

PLAT SHOWING
A GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EASEMENT
THROUGH
LOT 8
RICE SUBDIVISION
DEED BOOK 2862 - PAGE 57
PROPERTY BEING IN THE NAME OF
PAULA JUNE HUFFMAN
DB 16204 - PAGE 1464

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=25' | DATE: 2014-01-09 | DRAWN BY: SMB/PFF

SURVEYOR'S CERTIFICATE

I, KEVIN D. SHREINER, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN ON THIS PLAT IS NOW IN THE NAME OF HUFFMAN AS RECORDED IN DEED BOOK 16204 AT PAGE 1464 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA, THAT THE GRANTING OF EASEMENTS IS WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND SHOWN ON THIS PLAT.

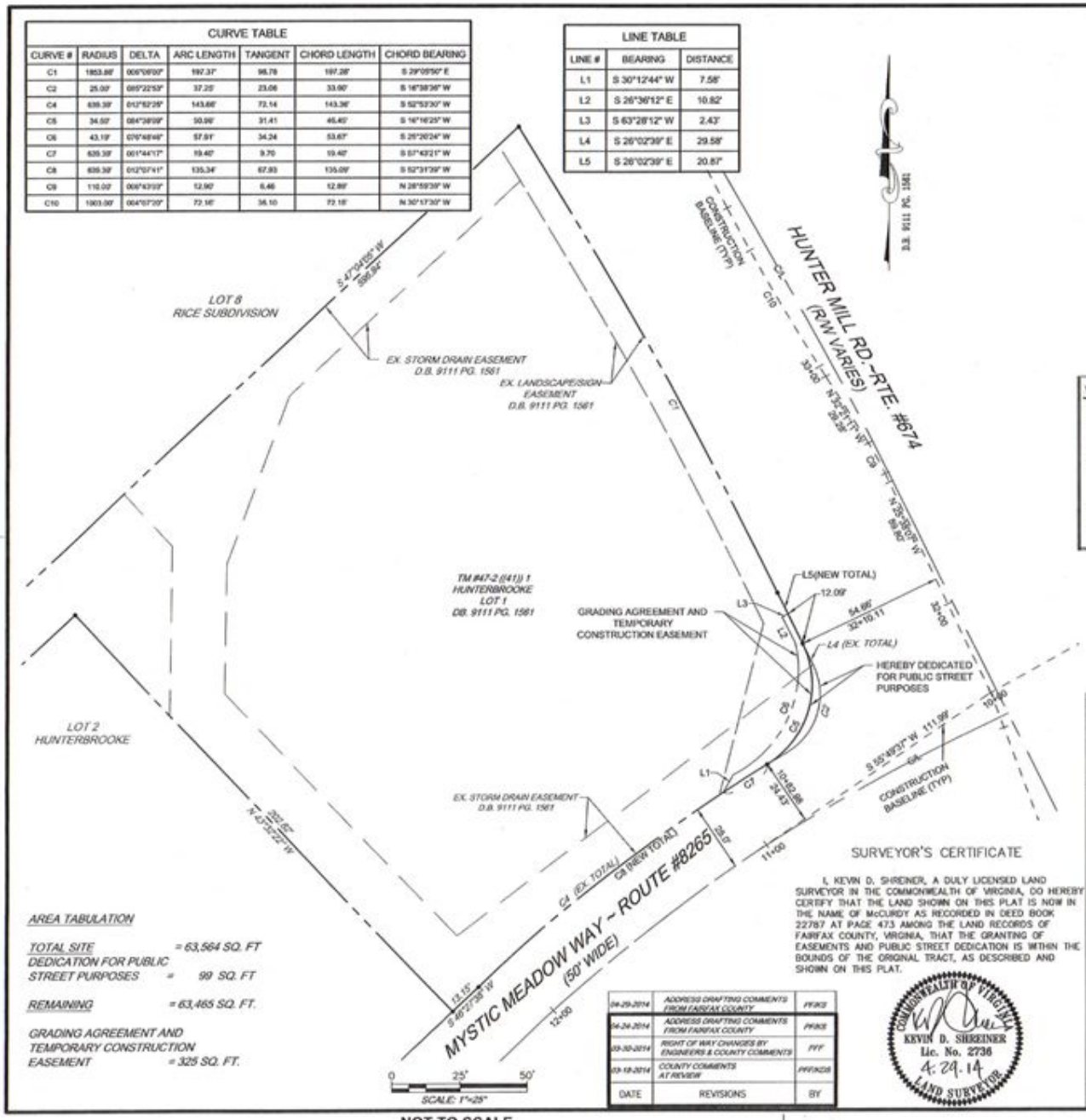
DATE	NO.	REVISIONS	BY
04-29-2014		ADDRESS DRAFTING COMMENTS FROM FAIRFAX COUNTY	PKKS
04-24-2014		ADDRESS DRAFTING COMMENTS FROM FAIRFAX COUNTY	PKKS
03-20-2014		COUNTY COMMENTS AT REVIEW	PFF
03-18-2014		COUNTY COMMENTS AT REVIEW	PFF/KDS

AREA TABULATION

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT = 735 SQ. FT.

CURVE TABLE						
CURVE #	RADIUS	DELTA	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	1853.88'	006°06'00"	197.31'	98.78	197.28'	S 29°05'50" E
C2	25.00'	085°22'53"	37.25'	23.06	33.90'	S 16°38'36" W
C4	639.39'	012°52'28"	143.66'	72.14	143.36'	S 52°53'30" W
C5	34.50'	084°38'09"	50.96'	31.41	46.40'	S 16°16'25" W
C6	43.19'	076°48'46"	57.91'	34.24	53.67'	S 25°20'24" W
C7	639.39'	001°44'17"	19.40'	9.70	19.40'	S 57°43'21" W
C8	639.39'	012°07'41"	135.34'	67.93	135.09'	S 52°31'39" W
C9	110.00'	006°43'03"	12.90'	6.46	12.89'	N 28°59'39" W
C10	1903.00'	004°07'20"	72.16'	36.10	72.15'	N 30°17'30" W

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 30°12'44" W	7.58'
L2	S 26°36'12" E	10.82'
L3	S 63°28'12" W	2.43'
L4	S 26°02'39" E	29.58'
L5	S 26°02'39" E	20.87'



NOT TO SCALE

AREA TABULATION

TOTAL SITE	= 63,564 SQ. FT
DEDICATION FOR PUBLIC STREET PURPOSES	= 99 SQ. FT
REMAINING	= 63,465 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	= 325 SQ. FT.

DATE	REVISIONS	BY
04-29-2014	ADDRESS DRAFTING COMMENTS FROM FAIRFAX COUNTY	PFKS
04-24-2014	ADDRESS DRAFTING COMMENTS FROM FAIRFAX COUNTY	PFKS
03-30-2014	RIGHT OF WAY CHANGES BY ENGINEERS & COUNTY COMMENTS	PFF
03-18-2014	COUNTY COMMENTS AT REVIEW	PFF/KDS

SURVEYOR'S CERTIFICATE

I, KEVIN D. SHREINER, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN ON THIS PLAT IS NOW IN THE NAME OF McCURDY AS RECORDED IN DEED BOOK 22787 AT PAGE 473 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA, THAT THE GRANTING OF EASEMENTS AND PUBLIC STREET DEDICATION IS WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND SHOWN ON THIS PLAT.

COMMONWEALTH OF VIRGINIA
KEVIN D. SHREINER
Lic. No. 2736
4.29.14
LAND SURVEYOR

PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS
Pennoni
208 Church Street SE
Leesburg, VA 20175
T 703.777.3616
F 703.777.3725

INTERNAL FILE #14582-2-0-VR-02

NOTES:

1. *ALL PREVIOUSLY RECORDED RIGHTS-OF-WAYS, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.*
2. *THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE ALL ENCUMBRANCES TO THE PROPERTY ARE NOT NECESSARILY SHOWN HEREON.*
3. *THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD SURVEY.*
4. *THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 047-2-41-0001.*

WETLANDS PERMITS CERTIFICATION

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING WITH LAND DISTURBING ACTIVITIES.

SIGNATURE
OWNER/DEVELOPER W. TODD MINNIX (NAME) DIVISION CHIEF (TITLE)

NOTE: PERMITS MUST BE PRESENTED TO THE COUNTY INSPECTOR PRIOR TO LAND DISTURBANCE.

HUNTER MILL ROAD/ MYSTIC MEADOW WAY ROUNDABOUT
PROJECT #2G40-028-006

FAIRFAX COUNTY, VA
DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES

PLAT SHOWING DEDICATION FOR PUBLIC STREET PURPOSES AND A GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT THROUGH

LOT 1
HUNTERBROOKE

DEED BOOK 9111 - PAGE 1561
PROPERTY BEING IN THE NAME OF
H. WILLIAM MCCURDY, JR. & NANCY E. MCCURDY
TRUSTEES UNDER THE MCCURDY FAMILY TRUST
DATED NOVEMBER 2, 2012
DB 22787 - PAGE 473
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SCALE: 1"=25"	DATE: 2013-01-09	DRAWN BY: SMB/PFF

ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, December 8, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 2G40-028-006, Hunter Mill @ Mystic Meadow Roundabout had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than December 15, 2015.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 2A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of constructing the roundabout, pedestrian and bicycle improvements and to provide adequate storm drainage as shown and described in the plans of Project 2G40-028-006, Hunter Mill @ Mystic Meadow Roundabout on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway,

Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the *Code of Virginia* and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to December 9, 2015, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the *Code of Virginia* as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project 2G40-028-006 - Hunter Mill @ Mystic Meadow Roundabout
(Providence District)

PROPERTY OWNER(S)	TAX MAP NUMBER
1. Paula June Huffman aka Paula Kenney Address: 2828 Hunter Mill Road Oakton, VA 22124	047-2-12-0008
2. H. William McCurdy, Jr., Trustee Nancy E. McCurdy, Trustee Address: 10300 Mystic Meadow Way Oakton, VA 22124	047-2-41-0001

A Copy – Teste:

_____
Catherine A. Chianese
Clerk to the Board of Supervisors

ATTACHMENT 1

1. AFFECTED PROPERTY

Tax Map Number: 047-2-12-0008
Street Address: 2828 Hunter Mill Road
Oakton, VA 22124

OWNER(S): Paula June Huffman
aka Paula Kenney

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Grading Agreement and Temporary Construction Easement - 735 sq. ft.

VALUE

Estimated value of interests and damages:

NINE HUNDRED DOLLARS ($900.00)

ATTACHMENT 2

2. AFFECTED PROPERTY

Tax Map Number: 047-2-41-0001
Street Address: 10300 Mystic Meadow Way
Oakton, VA 22124

OWNER(S): H. William McCurdy, Jr., Trustee
Nancy E. McCurdy, Trustee

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication – 99 sq. ft.
Grading Agreement and Temporary Construction Easement – 325 sq. ft.

VALUE

Estimated value of interests and damages:

TWO THOUSAND TWO HUNDRED DOLLARS ($2,200.00)

Board Agenda Item
December 8, 2015

3:30 p.m.

Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Sections 7-2-5 and 7-2-13 Relating to Election Precincts and Polling Places

ISSUE:
Public hearing to consider an ordinance that proposes to amend and readopt sections of Chapter 7 of the Fairfax County Code to (1) divide Aldrin and North Point precincts to create a new precinct and establish its polling place, (2) move the polling place for North Point precinct, (3) move polling places for McLean, Holmes No. 1 and Fountainhead precincts, and (4) correct the descriptions of McLean and Kirby precincts.

RECOMMENDATION:
The County Executive recommends adoption of the proposed ordinance.

TIMING:
On November 17, 2015, the Board authorized a public hearing to be held on December 8, 2015, at 3:30 p.m. to consider this ordinance. Board action on December 8, 2015, is necessary to provide sufficient time to notify voters of the changes in advance of the March 1, 2016, Presidential Primary Elections.

BACKGROUND:
Virginia Code permits 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. The Board of Supervisors is authorized to change 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. All registered voters who are affected by a change in their precinct or polling place will be mailed a notice in advance of the March 1, 2016 Presidential Primary Elections.

(1) In Hunter Mill District, staff recommends dividing Aldrin and North Point precincts to create a new precinct to redistribute the voters in this area. This proposal will create a new precinct from the southern portion of North Point to be named “Armstrong” and its polling place will be established at the Armstrong Elementary School located at 11900 Lake Newport Road, Reston. The northern portion of North Point combined with the northern portion of Aldrin will retain the name “North Point” and its polling place will be established at St. Thomas à Becket Catholic Church located at 1421 Wiehle Avenue, Reston. The southern portion of Aldrin will retain the name “Aldrin” and its polling place

will remain at the Aldrin Elementary School located at 11375 Center Harbor Road, Reston.

(2) In Dranesville District, staff recommends moving the polling place for McLean precinct from the Lewinsville Center located at 1609 Great Falls Street, McLean, to the nearby Lewinsville Presbyterian Church located at 1724 Chain Bridge Road, McLean. The Lewinsville Presbyterian Church has kindly offered the use of their facility while the Lewinsville Senior Center is closed for renovation. The polling place is expected to return to the Lewinsville Senior Center when it reopens in 2017.

In addition, staff recommends readopting the "metes and bounds" descriptions of McLean and Kirby precincts to more accurately identify two incomplete street segments that define part of the boundary between the two precincts.

(3) In Mason District, staff recommends moving the polling place for Holmes No. 1 precinct which is currently co-located with Holmes No. 2 precinct. The proposal will move Holmes No. 1 from Bailey's Elementary School located at 6111 Knollwood Drive, Falls Church, to the newly renovated Woodrow Wilson Library located at 6101 Knollwood Drive, Falls Church. The polling place for Holmes No. 2 precinct will remain at Bailey's Elementary School.

(4) In Springfield District, staff recommends moving the polling place for Fountainhead precinct which is currently co-located with Silverbrook precinct. The proposal will move Fountainhead from Silverbrook Elementary School located at 9350 Crosspointe Drive, Fairfax Station, to the newly opened Christ Church located at 7600 Ox Road, Fairfax Station. The polling place for Silverbrook precinct will remain at Silverbrook Elementary School.

FISCAL IMPACT:
Insignificant. Funding for precinct and polling place change notifications is provided in the agency's FY 2016 Adopted Budget.

ENCLOSED DOCUMENTS:
Attachment 1 – Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 – Summary of Proposed Changes
Attachment 3 – Descriptions and Maps of Proposed Changes
Attachment 4 – Proposed Ordinance

STAFF:
Cameron Sasnett, Director of Elections
Erin C. Ward, Senior 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 (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. 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 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. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted 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; 2012, cc. 488, 759.)

§ 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.)

Attachment 2: Summary of Proposed Changes

2016 PROPOSED PRECINCT BOUNDARY and POLLING PLACE CHANGES

SUPERVISOR DISTRICT	EXISTING PRECINCT(S)	ACTIVE REGISTERED VOTERS*	EXISTING POLLING PLACE(S)	PROPOSED PRECINCT(S)	PROJECTED REGISTERED VOTERS	PROPOSED POLLING PLACE(S)	NOTES ON CHANGES
HUNTER MILL	ALDRIN NORTH POINT	4,602 4,664	Aldrin Elementary School Armstrong Elementary School	ALDRIN ARMSTRONG NORTHPOINT	2,892 3,376 2,998	Aldrin Elementary School Armstrong Elementary School St. Thomas à Becket Church	Divides 2 precincts to create a new precinct to reduce the number of voters in Aldrin and North Point.
DRANESVILLE	MCLEAN	2,468	Lewinsville Center	MCLEAN	2,468	Lewinsville Presbyterian Church	Moves the polling place during renovations at the Lewinsville Senior Center and clarifies the precinct description along its boundary with Kirby precinct.
DRANESVILLE	KIRBY	2,044	McLean High School	KIRBY	2,044	McLean High School	Clarifies the precinct description along its boundary with McLean precinct. Change does not affect voters.
MASON	HOLMES #1	656	Bailey's Elementary School	HOLMES #1	656	Woodrow Wilson Library	Moves a polling place to eliminate crowding due to co-located polling places at Baileys Elementary.
SPRINGFIELD	FOUNTAINHEAD	4,004	Silverbrook Elementary School	FOUNTAINHEAD	4,004	Christ Church	Moves a polling place to eliminate crowding due to co-located polling places at Silverbrook Elementary.

* Registered voters as of October 14, 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Hunter Mill District

PRECINCT 234: ALDRIN

CONGRESSIONAL DISTRICT: **ELEVENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-SECOND**
HOUSE OF DELEGATES DISTRICT: **THIRTY-SIXTH**

DESCRIPTION:
Beginning at the intersection of Reston Parkway and ~~Leesburg Pike (Route 7), thence with Leesburg Pike~~ Wiehle Avenue, thence with Wiehle Avenue in a southeasterly direction to its intersection with Baron Cameron Avenue, thence with Baron Cameron Avenue in a southwesterly direction to its intersection with Reston Parkway, thence with Reston Parkway in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: Aldrin Elementary School
11375 Center Harbor Road, Reston

MAP GRIDS: 11-4, 12-1, 17-2

NOTES: Established March 1996
Precinct description revised and readopted – March 2003
Congressional District changed from 8th to 11th – January 2012
Precinct divided – December 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Hunter Mill District

PRECINCT 233: NORTH POINT

CONGRESSIONAL DISTRICT: **ELEVENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-SECOND**
HOUSE OF DELEGATES DISTRICT: **THIRTY-SIXTH**

DESCRIPTION:
Beginning at the intersection of Sugarland Road and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with ~~Reston Parkway, thence with Reston Parkway in a southwesterly direction to its intersection with~~ Baron Cameron Avenue, thence with Baron Cameron Avenue in a westerly direction to its intersection with Wiehle Avenue, thence with Wiehle Avenue in a generally northwesterly direction to its intersection ~~the Fairfax County Parkway (Route 286), thence with the Fairfax County Parkway in a northerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northerly direction to its intersection with Stuart Road at the Virginia Power Substation, thence with Stuart Road and a projection of Stuart Road crossing the Fairfax County Parkway in a northerly direction to its intersection~~ with Shaker Woods Road, thence with Shaker Woods Road in a generally northeasterly direction to its intersection with Sugarland Road, thence with Sugarland Road in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: ~~Armstrong Elementary School~~
St. Thomas à Becket Catholic Church
~~11900 Lake Newport Road~~ 1421 Wiehle Avenue, Reston

MAP GRIDS: 11-1, 11-2, 11-4, 12-1, 12-3

NOTES: Established May 1988
Boundaries adjusted in 1993 and 1996
The southern portion of Stuart Road was consumed by construction of the Fairfax County Parkway and the northern portion of Stuart Road was renamed Shaker Woods Road in 2001. Stuart Road and Shaker Woods Road both dead-end on opposite sides of the Fairfax County Parkway.
Precinct description revised and readopted – March 2003
Congressional District changed from 8th to 11th – January 2012
Precinct divided – December 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Hunter Mill District

PRECINCT 201: ARMSTRONG

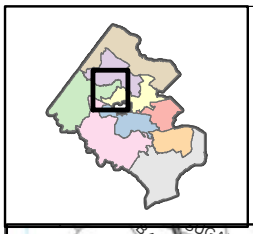
CONGRESSIONAL DISTRICT: **ELEVENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-SECOND**
HOUSE OF DELEGATES DISTRICT: **THIRTY-SIXTH**

DESCRIPTION:
Beginning at the intersection of Shaker Woods Road and Wiehle Avenue, thence with Wiehle Avenue in a southeasterly direction to its intersection with Reston Parkway, thence with Reston Parkway in a southwesterly direction to its intersection with Baron Cameron Avenue, thence with Baron Cameron Avenue in a westerly direction to its intersection with the Fairfax County Parkway (Route 286), thence with the Fairfax County Parkway in a northerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northerly direction to its intersection with Stuart Road at the Virginia Power Substation, thence with Stuart Road and a projection of Stuart Road crossing the Fairfax County Parkway in a northerly direction to its intersection with Shaker Woods Road, thence with Shaker Woods Road in a northeasterly direction to its intersection with Wiehle Avenue, point of beginning.

POLLING PLACE: Armstrong Elementary School
11900 Lake Newport Road, Reston

MAP GRIDS: 11-3, 11-4, 17-1, 17-2

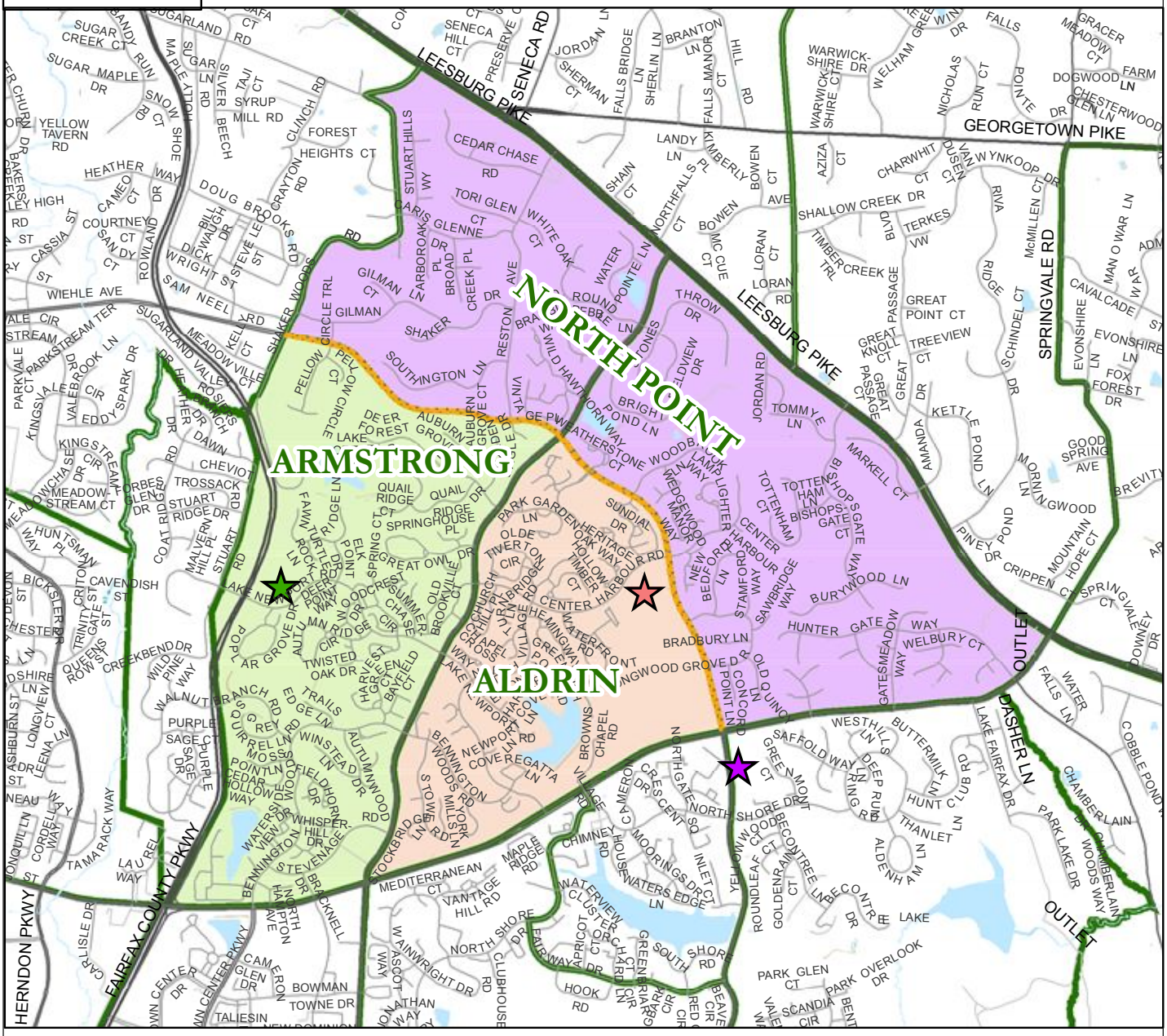
NOTES: Established December 2015



Commonwealth of Virginia

County of Fairfax

Proposed Precinct Change



New Proposed Precinct Boundary

New Proposed Precincts

- Precinct: 201 ARMSTRONG
- Precinct: 234 ALDRIN
- Precinct: 233 NORTH POINT

New Proposed Polling Places

- Armstrong Elementary
- Aldrin Elementary
- Saint Thomas a' Becket

N

0 0.25 0.5 Miles

November 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Dranesville District

PRECINCT 314: MCLEAN

CONGRESSIONAL DISTRICT: **TENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-SECOND**
HOUSE OF DELEGATES DISTRICT: **FORTY-EIGHTH**

DESCRIPTION:
Beginning at the intersection of the Capital Beltway (I-495) and Old Dominion Drive, thence with Old Dominion Drive in a southeasterly direction to its intersection with Chain Bridge Road, thence with Chain Bridge Road in a southwesterly, then westerly direction to its intersection with ~~a projection of~~ Evers Drive, thence with ~~this projection and~~ Evers Drive (including an unpaved portion of Evers Drive) in a southeasterly direction to its intersection with an unimproved drainage area (behind the houses fronting on Davis Court, thence with the unimproved drainage area in a southwesterly direction to its intersection with Great Falls Street, thence with Great Falls Street in a southeasterly direction to its intersection with Magarity Road, thence with Magarity Road in a southwesterly direction to its intersection with the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in a northwesterly direction to its intersection with the Capital Beltway, thence with the Capital Beltway in a northeasterly direction to its intersection with Old Dominion Drive, point of beginning.

POLLING PLACE: ~~Lewinsville Center~~ Lewinsville Presbyterian Church
~~1609 Great Falls Street~~, 1724 Chain Bridge Road, McLean

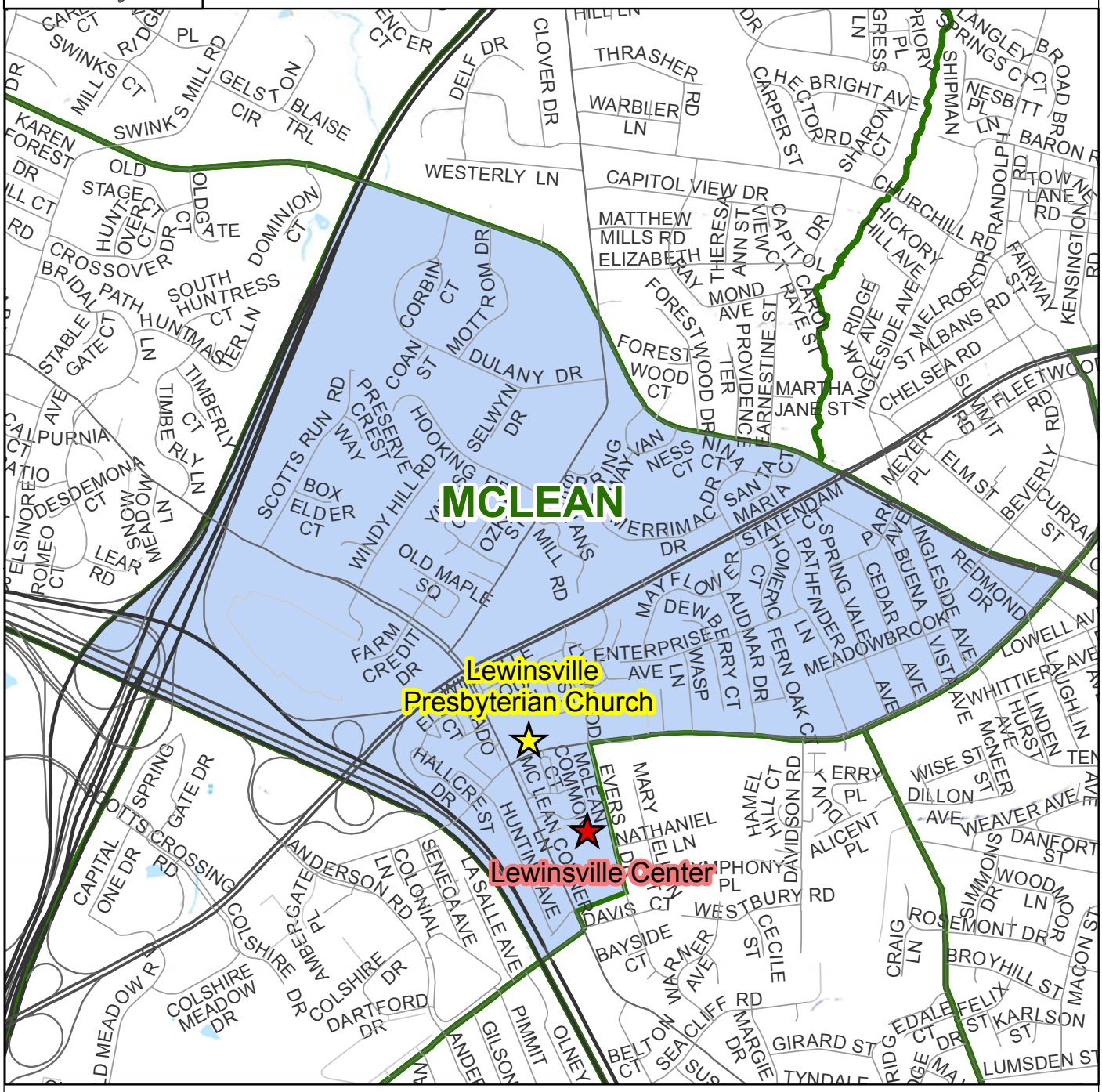
MAP GRIDS: 21-3, 29-2, 30-1, 30-2, 30-3, 30-4

NOTES: Established June 1955
Precinct description revised and readopted – March 2003
Delegate District changed from 53rd to 48th - July 2011
Polling Place moved temporarily – December 2015
Precinct description corrected and readopted – December 2015

Commonwealth of Virginia

County of Fairfax

McLean District



Precinct: 314 MCLEAN

Polling Place: ~~*Lewinsville Center*~~ Lewinsville Presbytarian Church

Proposed Precinct Polling Place

Current Precinct Polling Place

0 0.15 0.3 Miles

N

November 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Dranesville District

PRECINCT 310: KIRBY

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-SECOND**
HOUSE OF DELEGATES DISTRICT: **FORTY-EIGHTH**

DESCRIPTION:
Beginning at the intersection of ~~the projection of~~ Evers Drive and Chain Bridge Road, thence with Chain Bridge Road in an easterly direction to its intersection with Westmoreland Street, thence with Westmoreland Street in a southeasterly direction to its intersection with Pimmit Run (stream), thence with the meanders of Pimmit Run in a southwesterly, then northwesterly direction to its intersection with the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in a northwesterly direction to its intersection with Magarity Road, thence with Magarity Road ~~and a projection of Magarity Road~~ in a northeasterly direction to its intersection with Great Falls Street, thence with Great Falls Street in a northwesterly direction to its intersection with an unimproved drainage area (behind the houses fronting on Davis Court), thence with the unimproved drainage area in a northeasterly direction to its intersection with Evers Drive, thence with Evers Drive (including an unpaved portion of Evers Drive) in a northwesterly direction to its intersection with Chain Bridge Road, point of beginning.

POLLING PLACE: McLean High School
1633 Davidson Road, McLean

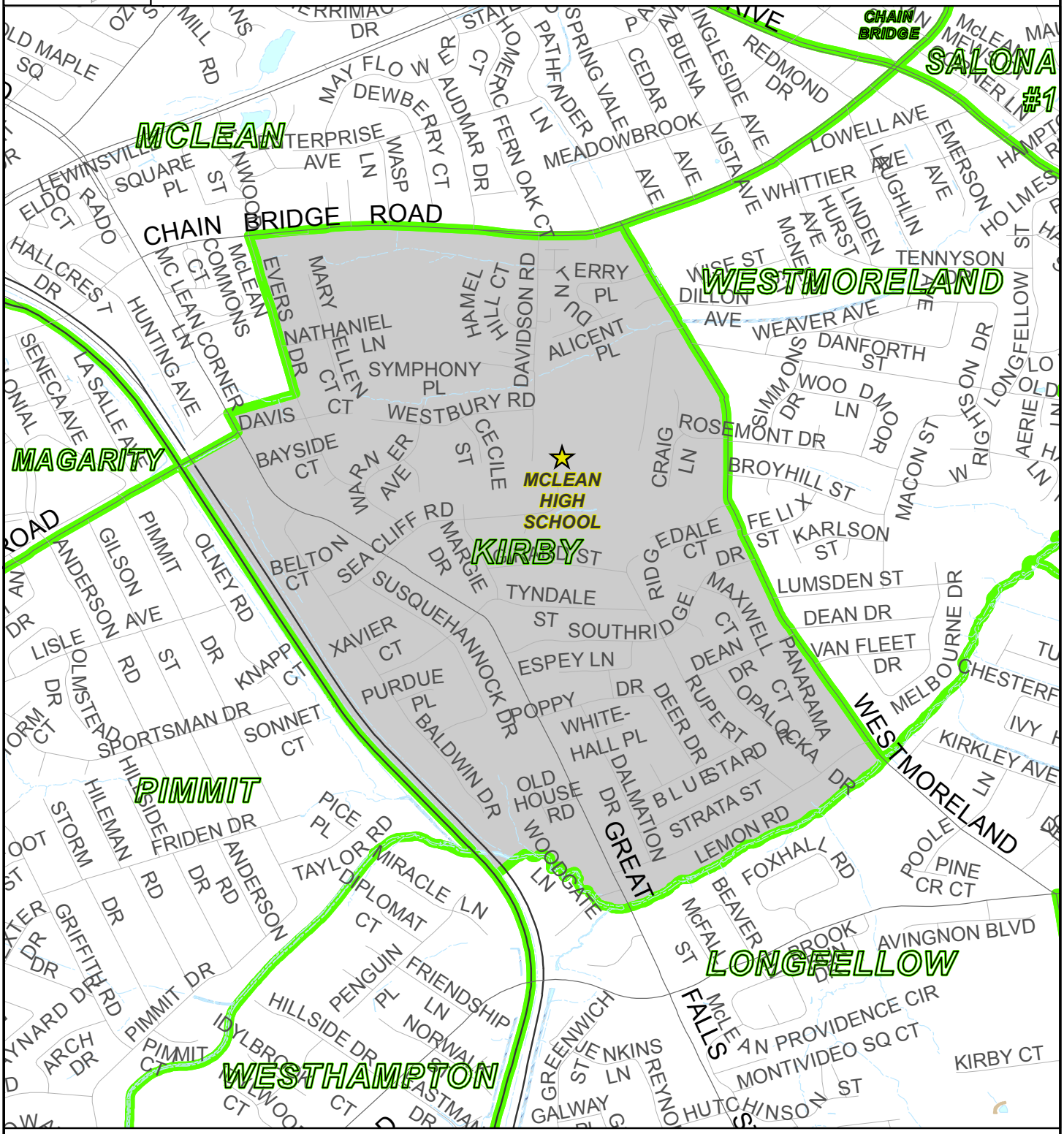
MAP GRIDS: 30-3, 30-4, 40-1, 40-2

NOTES: Established June 1971
Precinct description revised and readopted – March 2003
Delegate District changed from 53rd to 48th - July 2011
Congressional District changed from 10th to 8th – January 2012
Precinct description corrected and readopted – December 2015

Commonwealth of Virginia

County of Fairfax

Dranesville District



Precinct: 310 KIRBY

Polling Place: McLean High School

Fairfax County Voting Precincts

Featured Precinct Polling Place

0 500 1,000
Feet

N

July 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX

Mason District

PRECINCT 506: HOLMES NO. 1

CONGRESSIONAL DISTRICT: **EIGHTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-FIFTH**
HOUSE OF DELEGATES DISTRICT: **THIRTY-EIGHTH**

DESCRIPTION:
Beginning at the intersection of Glenmore Drive and Leesburg Pike (Route 7), thence with Leesburg Pike in a southeasterly direction to its intersection with Columbia Pike, thence with Columbia Pike in a southwesterly direction to its intersection with Blair Road, thence with Blair Road in a northwesterly direction to its intersection with Glen Carlyn Drive, thence with Glen Carlyn Drive in a northeasterly direction to its intersection with Knollwood Road, thence with Knollwood Road in a northwesterly direction to its intersection with Haven Place, thence with Haven Place in a northeasterly direction to its intersection with Vista Drive, thence with Vista Drive in a northwesterly direction to its intersection with Glenmore Drive, thence with Glenmore Drive in a northeasterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: ~~Baileys Elementary School~~ Woodrow Wilson Library
~~6111~~ 6101 Knollwood Drive, Falls Church

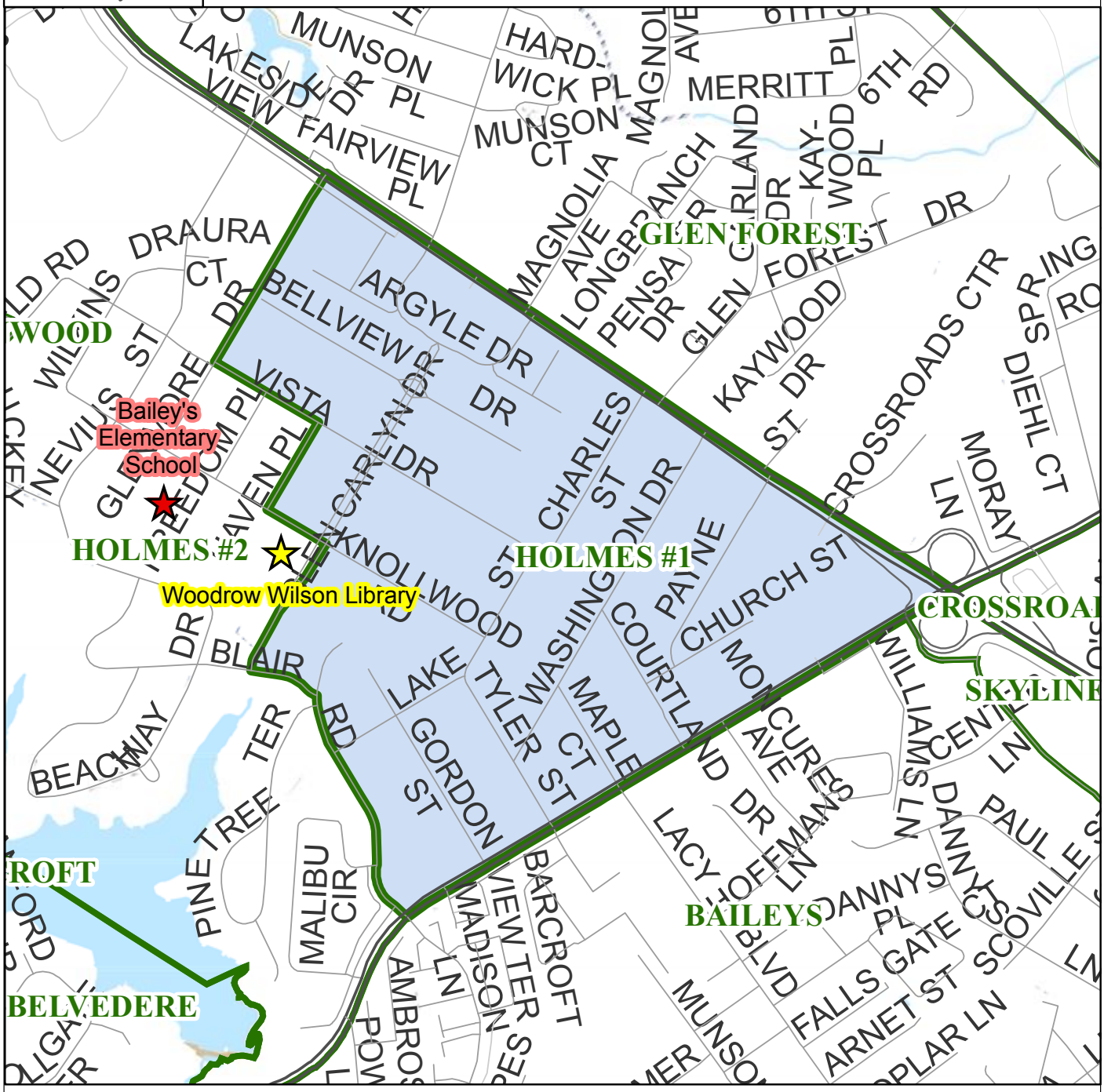
MAP GRIDS: 61-2, 61-4

NOTES: Established July 2011
Precinct combined Holmes No. 1 and Holmes No. 2 – July 2011
Precinct re-divided – November 2014
Polling place moved – December 2015

Commonwealth of Virginia

County of Fairfax

Mason District



Precinct: 506 HOMLES #1

Polling Place: ~~*Bailey's Elementary School*~~ *Woodrow Wilson Library*

Proposed Polling Place

Current Polling Place

0 0.1 0.2 Miles

N

November 2015

Commonwealth of Virginia

COUNTY OF FAIRFAX
Springfield District

PRECINCT 845: FOUNTAINHEAD

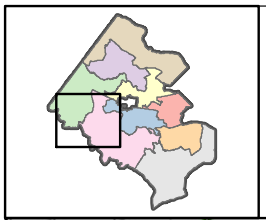
CONGRESSIONAL DISTRICT: **TENTH**
VIRGINIA SENATORIAL DISTRICT: **THIRTY-NINTH**
HOUSE OF DELEGATES DISTRICT: **FORTY-SECOND**

DESCRIPTION:
Beginning at the intersection of Wolf Run (stream) and Henderson Road, thence with Henderson Road in a northeasterly direction to its intersection with Ox Road (Route 123), thence with Ox Road in a southeasterly direction to its intersection with Silverbrook Road, thence with Silverbrook Road in an easterly, then southeasterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a generally northwesterly direction to its intersection with Wolf Run, thence with the meanders of Wolf Run in a northerly direction to its intersection with Henderson Road, point of beginning.

POLLING PLACE: ~~Silverbrook Elementary School~~ Christ Church
~~9350 Crosspointe Drive~~, 7600 Ox Road, Fairfax Station

MAP GRIDS: 87-3, 87-4, 95-2, 95-3, 95-4, 96-1, 96-2, 96-3, 96-4, 97-1, 97-3, 97-4, 104-2
105-1, 105-2, 105-3, 105-4, 106-1, 106-2, 106-3

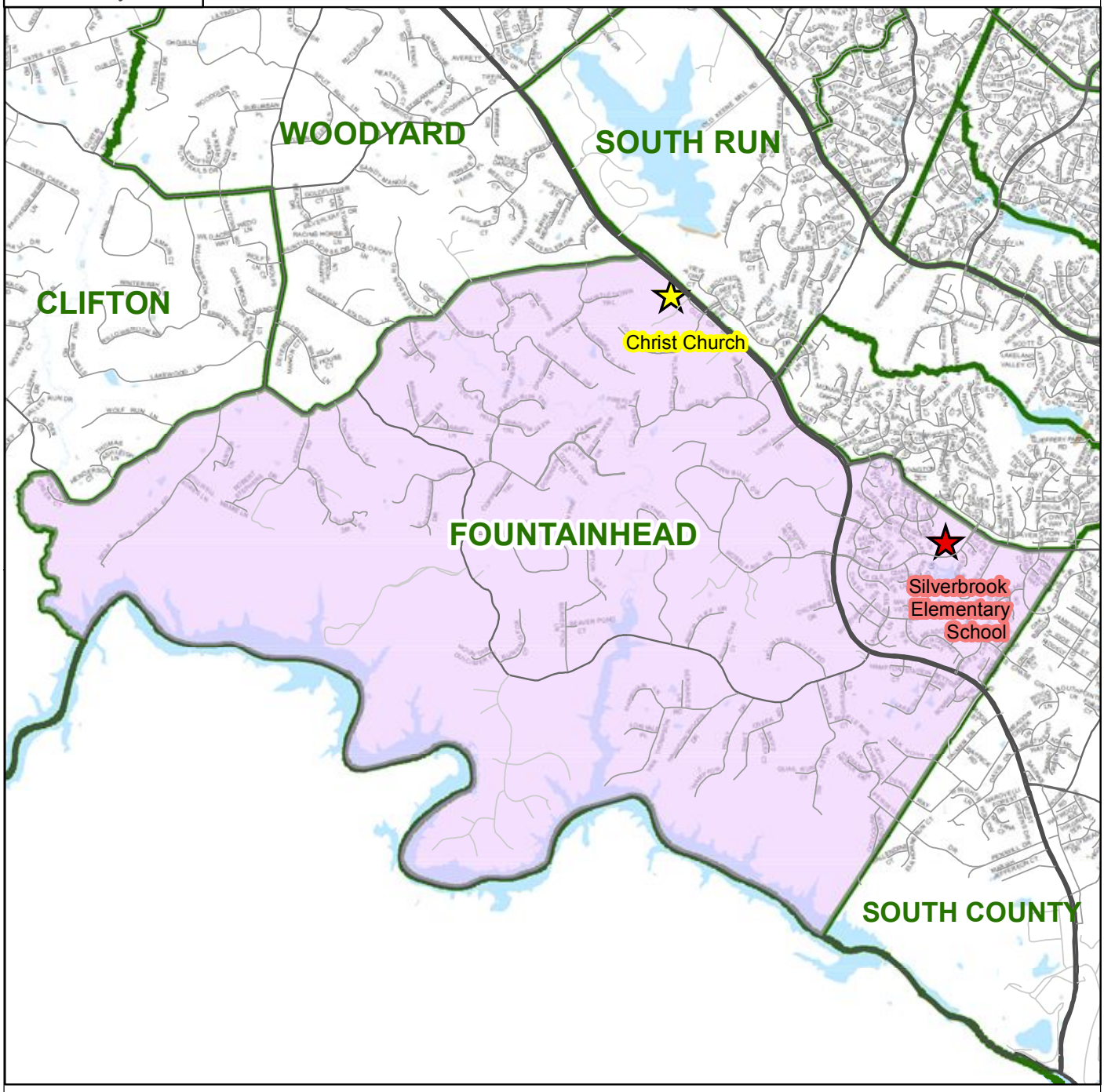
NOTES: Established August 2001
Precinct description revised and readopted March 2003
Congressional District changed from 11th to 10th – January 2012
Polling place moved – December 2015



Commonwealth of Virginia

County of Fairfax

Fountainhead District



Precinct: 845 FOUNTAINHEAD

Polling Place: ~~Silverbrook Elementary School~~ *Christ Church*

Proposed Precinct Polling Place

Current Precinct Polling Place

0 0.5 1 Miles

N

November 2015

PROPOSED ORDINANCE TO AMEND AND READOPT SECTIONS OF CHAPTER 7 OF THE FAIRFAX COUNTY CODE TO ESTABLISH A NEW PRECINCT AND POLLING PLACE IN THE HUNTER MILL DISTRICT, ADJUST THE BOUNDARIES OF TWO PRECINCTS IN THE HUNTER MILL DISTRICT AND MOVE A POLLING PLACE FOR ONE OF THOSE PRECINCTS, RELOCATE POLLING PLACES IN THE DRANESVILLE, MASON AND SPRINGFIELD DISTRICTS, AND AMEND THE DESCRIPTION OF TWO PRECINCTS IN THE DRANESVILLE DISTRICT

Draft of November 17, 2015 v.2

AN ORDINANCE to amend and readopt Sections 7-2-5 and 7-2-13 of the Fairfax County Code to reflect an election precinct change and polling place changes in the Hunter Mill, Dranesville, Mason and Springfield Districts.

Be it ordained that the Board of Supervisors of Fairfax County:

1. That Sections 7-2-5 and 7-2-13 of the Fairfax County Code are amended and readopted:

Section 7-2-5. Hunter Mill District.

The Hunter Mill District shall consist of these election precincts: Aldrin, Armstrong, Cameron Glen, Colvin, Dogwood, Flint Hill, Floris, Fox Mill, Frying Pan, Glade, Hunters Woods, Madison, McNair, North Point, Reston No. 1, Reston No. 2, Reston No. 3, South Lakes, Stuart, Sunrise Valley, Terraset, Vienna No. 1, Vienna No. 2, Vienna No. 4, Vienna No. 6, Westbriar, and Wolftrap.

Section 7-2-13. General provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, and July 9, 2013, ~~September 9, 2014~~, November 18, 2014[1], ~~and~~ June 23, 2015, and December 8, 2015,[2] and kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

[1] Corrects date on which 2014 amendments were adopted.

[2] In addition to the establishment of a new precinct as shown in Section 7-2-5 and the establishment or relocation of polling places specifically shown in the second and third enactment clauses, this amendment captures the revised boundaries of the Aldrin and North Point precincts in the Hunter Mill District and the readoption of the descriptions of McLean and Kirby precincts in the Dranesville District to more accurately identify part of the boundary between those two precincts.

2. That the polling place location for the newly-created precinct identified in the first clause of this ordinance is established at:

Supervisor District	Precinct	Polling Place
Hunter Mill	Armstrong (new precinct)	Armstrong Elementary School 11900 Lake Newport Road Reston, Virginia 20194

3. That the polling place locations for the following existing precincts are established at:

Supervisor District	Precinct	Polling Place
Dranesville	McLean (polling place relocated)	From: Lewinsville Center 1609 Great Falls Street McLean, Virginia 22101 To: Lewinsville Presbyterian Church 1724 Chain Bridge Road McLean, Virginia 22101
Hunter Mill	North Point (existing precinct; boundary adjusted and polling place relocated)	From: Armstrong Elementary School 11900 Lake Newport Road Reston, Virginia 20194 To: St. Thomas à Becket Catholic Church 1421 Wiehle Avenue Reston, Virginia 20190
Mason	Holmes #1 (polling place relocated)	From: Bailey's Elementary School 6111 Knollwood Drive Falls Church, VA 22041 To: Woodrow Wilson Library 6101 Knollwood Drive Falls Church, VA 22041

Springfield	Fountainhead (polling place relocated)	<u>From:</u> Silverbrook Elementary School 9350 Crosspointe Drive Fairfax Station, Virginia 22039 <u>To:</u> Christ Church 7600 Ox Road Fairfax Station, Virginia 22039

4. That this ordinance shall become effective upon adoption.

GIVEN under my hand this _____ day of December, 2015.

_____
Catherine A. Chianese
Clerk to the Board of Directors

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Board Agenda Item
December 8, 2015

3:30 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern

Board Agenda Item
December 8, 2015

4:00 p.m.

Presentation by the National Association of Counties (NACo) Recognizing Supervisor Hyland for his Years of Service to NACo

ENCLOSED DOCUMENTS:
None

PRESENTED BY:
Matthew Chase, Executive Director
National Association of Counties

Board Agenda Item
December 8, 2015

4:00 p.m.

Presentation of General Assembly Commending Resolutions to Supervisor Michael Frey and Supervisor Gerry Hyland

ENCLOSED DOCUMENTS:
None

PRESENTED BY:
Members of the Fairfax County General Assembly Delegation
Chief Patrons, HR 320 and SR 127: Delegate David B. Albo, Senator David W. Marsden
Chief Patron, HJ 872: Senator-Elect Scott A. Surovell