

2011 Fairfax County Legislative Program

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2011 Fairfax County Legislative Program

In order to remain a competitive state and an attractive place for economic development, Virginia must invest the resources necessary to educate its citizens at all levels, ensure the rule of law, protect its natural resources, provide for the basic needs of the less fortunate and build a sound infrastructure.

Priorities

Funding Core Services

Unfortunately, it has increasingly become the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues in order to maintain essential services. The critical state-local funding partnership must be restored so that the Commonwealth can weather the current fiscal crisis and emerge even stronger, as an investment in Virginia will pay dividends for years to come.

While all core services are important, Fairfax County's two funding priorities for the 2011 General Assembly are K-12 education and transportation.

1.) K-12 Funding (REGIONAL)

It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education.

Critical gaps continue to widen between Virginia's Standards of Quality (SOQ), the funding for those standards, and the actual local costs of providing a high quality education. Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the State General Fund, strong local effort, and the effect of high local composite indices, which diverts State funding away from this region.

Fairfax County and Northern Virginia localities oppose state budget cuts that disproportionately target or affect Northern Virginia, and support realistic and fully-funded Standards of Quality. Fairfax County and Northern Virginia also strongly oppose formula changes which further weaken the partnership between the state and localities, including but not limited to, any reduction in the current 55 percent State share of SOQ costs, capping state funding for support costs and the elimination or reduction of cost of competing funding to Northern Virginia localities. Unfortunately, the 2010-2012 budget adopted by the 2010 General Assembly exacerbates the stresses on the state-local K-12 partnership, by making the permanent, structural cuts that localities expressly sought to avoid. By relying on one-time, temporary actions to at least partially offset these cuts (e.g. reduced VRS rates, federal stimulus funds), the current budget understates the eventual impact of these structural changes. But even with these one-time actions, state funding to school divisions in FY2011 is reduced by about \$773 million as compared to the original budget for FY10 (adopted by the 2009 session). *(Revises and updates previous education position.)*

2.) Transportation Funding (REGIONAL)

Major new revenue sources for transportation must be enacted during the 2011 General Assembly session.

What was once a crisis in Northern Virginia and Hampton Roads has become a catastrophe for nearly the entire Commonwealth. There is no viable transportation solution that does not include long-term, dedicated, sustainable, new multimodal revenues.

Adopted December 7, 2010

Over the past three years, the Commonwealth Transportation Board has cut **\$4.6 billion** from the Six Year Program. Secondary and urban system construction funds have essentially been eliminated, despite the fact that the secondary roads are a Commonwealth responsibility. Six-year secondary road allocations to counties in Northern Virginia are now less than **\$2,000** each and localities are being allocated no urban construction funds. In addition, the growth in maintenance spending has been reduced from 4% to 3%, even though maintenance costs are increasing overall. The Commonwealth is risking serious disinvestment in its existing transportation infrastructure that will be more difficult and more expensive to correct in the future. Today, approximately \$1 billion is needed to address existing deficient pavement conditions, and approximately \$3.7 billion is needed to fix the Commonwealth's deficient bridges. Very shortly the Commonwealth will be unable to ensure that the required matches are available for the federal transportation funds the Commonwealth receives. Should this happen, Virginia would have to return these federal funds, further compounding the crisis.

Fairfax County continues to support additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements, and have taken actions to increase funding locally. In 2006, the region's TransAction 2030 Long-Range Transportation Plan estimated that Northern Virginia alone needs \$700 million per year in new transportation funding to address the region's transportation problems. This figure has increased since then, because most of the major HB 3202 revenue sources have been eliminated.

Fairfax County seeks reinstatement of exclusive Northern Virginia revenues in the range of at least \$300 million annually, as well as 100 percent of Northern Virginia's contribution of additional statewide revenues, to address transportation needs not originally covered by the HB 3202 funding approved for Northern Virginia. Both the regional and statewide revenues should be provided from stable, reliable, proven and permanent source(s).

The General Assembly must adopt new statewide transportation revenue sources to bolster existing highway and transit revenue sources that are not generating sufficient funding to meet the Commonwealth's critical highway needs or meet the Commonwealth's statutory 95 percent share of eligible transit operating and capital costs (net of fares and federal assistance). This additional transit funding alone would require approximately \$166 million annually in new funds for the limited transit projects and eligible operating costs included in the Six Year Program. Additional funds to dramatically increase Secondary Road investments are also needed.

Any funding solution must ensure that dedicated funding for Washington Metropolitan Area Transit Authority capital improvements and for Virginia Railway Express capital and operating expenses are addressed.

Existing state General Fund revenue streams (almost half of which now go to localities) are required and used for core services of the Commonwealth, such as education and public safety. These historically underfunded, locally provided core services have already experienced significant cuts, due to reduced General Fund revenues, and shifting the state's transportation funding responsibility to localities by using the General Fund increases local budget pressures without providing a true transportation solution. *(Revises and updates previous transportation funding position.)*

Given the severe state funding cuts to shared state/local services in recent years, Fairfax County has an additional priority funding concern for the 2011 General Assembly.

3.) State Structural Imbalance (REGIONAL)

The Commonwealth should rebalance its resources and responsibilities so that the structural balance of the budget and the funding partnership with localities are restored.

Adopted December 7, 2010

The Commonwealth is currently facing a serious structural imbalance in its budget, as more than \$4 billion in federal stimulus funding has largely sustained the General Fund in the last two years. Additionally, reducing Medicaid eligibility to balance the budget, as adopted in the 2010 session, is no longer an option as a result of federal health care reform. To fill this gap, Governor McDonnell and the General Assembly rely on additional federal Medicaid revenues to restore Medicaid eligibility and avoid severe human services reductions in FY 2011, exacerbating the structural imbalance through the use of one-time funds for ongoing expenses. The current budget also depends on accounting tools, such as accelerating sales tax collections, and the fiscally troubling decision to borrow funds from the Virginia Retirement System.

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities will be approximately \$1 billion less in FY 2011 than it was in FY 2008, and in FY 2009 the state began requiring "local aid to the Commonwealth" -- \$50 million per year in FY 2009-FY 2010, increasing to \$60 million per year in FY 2011-FY2012. As the state's economic situation improves, funding restorations to the following programs should be of paramount consideration:

- HB 599 – This funding for localities with police departments is tied to state GF revenue levels; since FY 2010, the state has cut HB 599 funding below those levels;
- State supported local employees – Funding to the County has been cut by \$3.6 million since FY 2010;
- Jail per diems – State changes to these rates reduce funding to the County by nearly \$5 million in FY 2011;
- Flexible cut to localities – The County's share of this cut is over \$4 million each year in FY 2011 and FY 2012.

Restoring the state-local funding partnership should be a top priority of the 2011 General Assembly. (*New position.*)

Governance

Each level of government has unique strengths. As the form of government closest to the people, local government must be provided the flexibility to serve the needs of residents, which can vary greatly from one part of the Commonwealth to another. Taxation and land use are key areas in which local government needs sufficient authority and flexibility to govern effectively, and, as such, are the County's two Governance priorities.

4.) Taxation

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized.

Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use or caps on capacity. Currently, about 90 percent of Fairfax County's revenues are capped, restricted or controlled by the state, which forces a dependence on the local real estate tax and prevents the creation of a more flexible tax base, structured to reflect the local economy and the core needs of County residents.

The decline of state revenues and subsequent state budget cuts passed on to localities will exacerbate this imbalance. Where possible, the state should consider updating state and local taxes to reflect changes in the economy or technology; avoid any expansion of revenue-sharing mechanisms controlled by the state; avoid any new state mandates while fully funding and/or reducing current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes) and lessen restrictions currently imposed on local revenues; or lessen current restrictions on the use of state funds now provided to localities for shared responsibilities. (*Revises and reaffirms previous position.*)

Adopted December 7, 2010

5.) Land Use

Local land use authority must be preserved, as appropriate community solutions differ significantly from one area of the state to another.

Local government is the level of government best suited to equitably and effectively deal with these issues, ensuring orderly and balanced growth or redevelopment while providing meaningful and the most direct public participation and accountability in this critical process.

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

Initiatives/Action Statements

Human Services -- Administration of Prescription Medication in Home Child Care Facilities

Initiate legislation to amend the Virginia Drug Control Act to clarify that family child care providers who are regulated/permitted through local ordinance in Northern Virginia may legally administer medication to children in their care, similar to the current authorization for state-licensed child care providers. The Virginia Drug Control Act was amended in 2006 to legalize the administration of prescription medications by *state-licensed* family child care providers who complete a training program and satisfy other criteria established in the law. However, it does not authorize *locally-regulated/permitted* family child care providers to administer prescription medications to children in their care, which potentially could place any County-permitted family child care provider who administers medications to children at risk of criminal prosecution under Virginia Code Title 18.2, Chapter 7, Article 1. Approximately 1800 family child care providers are permitted by Fairfax County. They care for thousands of children, some of whom may need prescription medication administered to them while they are in care, especially children with special needs.

Public Safety – Financial Exploitation of Elder or Incapacitated Adults

Initiate/support legislation to make the financial exploitation of an individual suffering from a diminished mental capacity a criminal act, whether the victim is impaired due to advanced age, mental illness, mental retardation, physical illness or disability, or other causes. For example, there has been a fifty percent increase in reported cases of elder fraud between 2008 and 2009. Moreover, this statistic likely does not capture the true extent of the problem, as instances of financial exploitation are often not reported due to victims' embarrassment, fear of loss of independence, or inability to recognize that they have been victimized.

Transportation – Revenue Sharing

Initiate legislation to restore the Virginia Department of Transportation's Revenue Sharing Program to the structure that existed prior to the 2006 session, including removal of the local administration and overmatch criteria. However, cities and towns should remain eligible for the program.

In 2006, the General Assembly significantly changed the program by adding tiers that favor projects administered by local governments and projects for which the local government contributes more than a 50 percent match. These criteria favor cities and towns who routinely construct their own highway projects. They also set off a bidding war between jurisdictions in the terms of the overmatch. Removing the tier structure would return the program to its original intent of giving jurisdictions an equal opportunity to qualify for funding.

Position Statements

Environment

Endocrine Disruptor Compounds

Support legislation and funding to implement a statewide strategy to address the potential health and environmental impacts of Endocrine Disruptor Compounds (EDCs) present in Virginia's waterways. Budget language adopted in 2009 directed the Board of Pharmacy, the Secretary of Health and Human Resources, and the Department of State Police to develop a program to ensure the proper disposal of unused pharmaceuticals; the take-back program recommended has not been funded, likely due to cost concerns. Legislation is pending in Congress that would provide for take-back programs for controlled substances. *(Updates and reaffirms previous position.)*

Global Climate Change

Support efforts to reduce greenhouse gas (GHG) emissions through conservation, use of renewable fuels, regulations, and market-based or other incentives. As a signatory to the Cool Counties initiative, support the reduction of GHG emissions to 80 percent below current levels by 2050, which translates to an average annual reduction of 2 percent per year.

Support enhanced state efforts to reduce GHG emissions, through implementation of strategies set forth in the Virginia Energy Plan, including: a 10 percent reduction in energy consumption by 2022; establishment and expansion of energy research and development programs; funding of renewable-energy grant programs; and incentives to assist the development and growth of energy-businesses and technologies.

Support opportunities for consumers to purchase renewable energy.

Support state legislative or executive action for Virginia to reduce GHG emissions, on a statewide or regional level, if a national system for GHG emissions reductions is not implemented.

Support legislation which would provide state income tax incentives for businesses or residents to defray a portion of the cost of new construction or improvements which save energy and mitigate adverse environmental impacts.

Support legislative or regulatory action strengthening energy efficiency standards for new homes. Virginia has not yet adopted the 2009 International Code Council energy provisions. Those provisions are currently under review by the Virginia Board of Housing and Community Development. *(Reaffirms previous positions.)*

Land Conservation

Support the current Governor's goal to preserve 400,000 acres statewide, which would add to the total of 424,000 acres preserved by former Governor Kaine. Additionally, continue to support prioritizing the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use. *(Updates and reaffirms previous position.)*

Reducing Environmental Contamination from Plastic and Paper Bags

Support legislation or other efforts which would encourage the use of reusable shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts. As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2011. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. *(Updates and reaffirms previous position.)*

Adopted December 7, 2010

Water Quality Improvement Fund

Support increased funding for the Water Quality Improvement Fund (WQIF), which is essential to an effective partnership among and across all levels of government to improve water quality and address federal Chesapeake Bay requirements.

The Virginia Water Quality Improvement Fund (WQIF) provides grants to local governments, soil and water conservation districts and individuals for point and nonpoint source pollution prevention, reduction and control programs. A primary objective of the WQIF is to provide funding to reduce the flow of excess nitrogen and phosphorus into the Chesapeake Bay. Without additional WQIF funds, wastewater treatment plants throughout the Commonwealth will receive no state support for required upgrades, leading to increased sewer rates for residents. Current estimates indicate that the WQIF is already overcommitted by approximately \$130 million to \$150 million, as projects have been approved far in excess of the funds available in the WQIF. Proceeds from a 2007-approved \$250 million state bond issue will be exhausted by the end of FY 2011. Fairfax County, which is partially served by the DC WASA Blue Plains Treatment Plant, has recently applied for WQIF grants to fund a portion of upgrades required at that facility. *(Updates and reaffirms previous County position.)*

Funding

BRAC

Fairfax County is being significantly impacted by the 2005 recommendations of the Base Realignment and Closure Commission (BRAC), with over 19,000 personnel from numerous Department of Defense (DOD) agencies and commands being moved into Fort Belvoir and the Engineer Proving Ground (EPG) in the County along with the Mark Center site in the City of Alexandria which borders Fairfax County. As a result, Fairfax County is facing significant shortfalls in the capacity of current transportation and school infrastructure to support the additional military and civilian jobs.

While federal American Recovery and Reinvestment Act funding is making possible the long-anticipated completion of the Fairfax County Parkway, overall federal assistance has been insufficient to ensure the appropriate increase in transportation capacity needed for such a large influx of personnel into an already congested area. The lack of federal assistance is compounded by cuts in state funding to the County's secondary road program, adversely affecting projects that could improve the BRAC transportation impacts at Fort Belvoir, Engineer Proving Grounds, and other locations in Fairfax County adversely impacted by the Mark Center site in the City of Alexandria. The 2011 General Assembly is requested to provide state assistance to mitigate these significant effects. *(Reaffirms and revises previous position.)*

Public Safety/Courts Funding

Public safety is a core service for the Commonwealth, as it is for localities. Protecting the Commonwealth's residents and ensuring the successful operation of the justice system requires appropriate state funding for the state-local partnership, including sufficient state support for all stages—law enforcement, courts, and jails/corrections. Continued and substantial state cuts in recent years, in addition to the underfunding that already exists, have placed an increased burden on localities to fund these critical programs; in these difficult budget times, it is unlikely that local governments will continue to dedicate local resources to fund state responsibilities.

To that end, Fairfax County supports adequate funding for the following:

- Excess Court Fees – The 2011 GA should reverse the diversion of local funding to the Commonwealth. The 2008-2010 biennium budget was amended to change the state

- share of excess court fees (paid to local courts for administrative expenses associated with home sales, home refinancings, wills, and other matters) from one-third to two-thirds – a funding loss that disproportionately affected higher cost Northern Virginia localities. This change was continued in the 2010-2012 biennium budget. (*Updates and reaffirms previous position.*)
- **HB 599** – This critical funding, provided to localities with police departments, must be maintained. Approximately 65 percent of all Virginians currently depend on local police departments for public safety services. This program strives to equalize state funding between cities, counties, and towns with police departments and localities in which the sheriff provides law enforcement. By FY 2012, Fairfax County's distribution of HB 599 funding will be approximately \$6 million less than the County's FY 2008 distribution. While this funding is tied to state GF revenue levels, since FY 2010, the state has cut HB 599 funding below those levels. (*Reaffirms longstanding Board position.*)
 - **Jails** – The Commonwealth should adequately compensate localities at a level which is commensurate with the State's responsibility for local jail operations. A 2005 report by the Compensation Board stated that only 20 percent of Fairfax County's jail operations funding comes from the state. Local governments in Virginia have historically borne a disproportionate burden of supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. State actions to address current state budget concerns should not result in the transfer of state prisoners to local jails, which would exacerbate the funding imbalance. The 2010-2012 biennium budget exacerbates these concerns by reducing the per diem paid for local responsible inmates in local or regional jails from \$8 per day to \$4 per day; from \$8 or \$14 per day to \$12 per day for state inmates housed in local or regional jails (including the out-of-compliance inmates); and the elimination of the additional \$14 per day currently paid for any inmates in contract beds through agreements with the Department of Corrections. Additionally, the adopted budget changes the definition of state-responsible offenders from felons with sentences of one year or more to felons with sentences of two years or more, which could mean more inmates in local and regional jails at a lower reimbursement rate from the state. (*Updates and reaffirms previous position.*)
 - **Courts** – The Commonwealth should adequately fund Virginia's courts, to ensure a well-functioning judicial branch. The underfunding of Virginia's court system places additional burdens on localities. From low pay for magistrates and court support staff (leading to a high turnover rate), to the current freeze on judicial vacancies, the courts are feeling the effects of repeated underfunding. The state must provide the resources necessary for a high quality, efficient court system by being a funding partner, rather than relying on local supplements to keep the system operational. (*Updates and reaffirms previous position.*)
 - **Juvenile Justice** – The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA) for programs designed to: prevent juvenile offenders from further penetrating the justice system; maintain youth in community based programs, rather than in state corrections centers; facilitate re-entry and prevent recidivism; and help troubled youth return to a more productive life and better future. In the FY 2012 budget, state funding for VJCCCA will have been reduced by over 67 percent since FY 2002. These cuts have created significant impacts in Fairfax County, and have required the termination of programs including the Family Counseling Unit and Intensive Supervision Program at the juvenile court. (*Updates and reaffirms previous County position.*)

General Laws

Absentee Voting

Support legislation to allow "no-excuse" absentee voting, allowing any registered voter to vote absentee without requiring that the voter state a reason for his/her desire to vote absentee. Support legislation that would provide for extended polling hours statewide to allow voters

Adopted December 7, 2010

additional time to reach polling places. Monitor consideration of an option for local governments to extend polling hours in the case of an emergency. *(Reaffirms previous position.)*

Fiscal Transparency

Support legislation necessary to enable the disclosure of certain local government financial transactions, provided that issues of privacy are addressed. Work is currently underway on the County's financial software that will provide more detailed budget and expenditure data to the public when the Enterprise Resource Plan project is completed. *(Reaffirms previous position.)*

Increased Threshold for Procurement of Professional Services

Support legislation to clarify that the threshold for procurement of professional services is \$50,000, rather than \$30,000. The General Assembly increased the threshold for use of competitive negotiation for the purchase of professional services from \$30,000 to \$50,000 in 2009; this bill would correct the omission of an additional Code section which applies to counties that elect to establish alternative procurement procedures through a resolution. *(New position.)*

Sexual Orientation

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

Videoconferencing of Advisory Boards

Support legislation to establish a limited exception to provisions of the Virginia Freedom of Information Act that would permit certain local citizen boards, authorities, and commissions to conduct meetings via videoconferencing, which would serve several goals, including (1) increasing volunteerism, especially among senior citizens, (2) reducing time commitments and long commutes on congested roads that now serve as impediments to those persons who serve on advisory panels, and (3) conserving fuel and lowering greenhouse gas emissions. Such a proposal could be crafted to apply only to entities that meet in an advisory capacity and are not required by statute. The Governor's Commission on Government Reform and Restructuring recently recommended allowing public bodies to meet electronically, provided certain conditions are met. *(Updates and reaffirms previous position)*

Health

Alternative On-Site Sewage Systems

Support legislation that would restore local government's right to regulate the use of alternative onsite sewage systems (AOSS) within the locality, including but not limited to the right to establish minimum setback distances and installation depths, and to prohibit the installation of such systems within or in close proximity to wetlands and other environmentally sensitive areas. Support legislation that would require sellers of residential property to disclose to prospective purchasers that an AOSS is on the property and that the system will have to be operated and maintained in accordance with applicable standards and requirements. *(New position.)*

Lyme Disease

Support funding initiatives that will advance research, surveillance, reporting, and diagnostics for Lyme disease. Cases of Lyme disease have been on the rise in Virginia, with over 800 cases reported to the Centers for Disease Control and Prevention in 2008. The Secretary of Health and Human Resources has recently convened a Lyme Disease task force to make recommendations

Adopted December 7, 2010

to the Governor regarding diagnosis, prevention, public education, medical treatment, and the impact of Lyme disease on children. (*Updates and reaffirms previous position.*)

Human Services

Health Care Reform (REGIONAL)

Support improvements in the state Medicaid program that increase access to services, particularly preventative services, resulting in lower overall health care costs.

The 2010 federal health care reform law contains many new directives for states and employers in providing health care coverage. A particularly significant provision for states is the expansion of the Medicaid program, which currently provides health care services for people in particular categories (low income children and parents, pregnant women, older adults, persons with disabilities). Virginia's current eligibility requirements are so strict that although it is the 12th largest state in terms of population, it is 48th in per capita Medicaid spending.

Due in part to that restrictive eligibility, the Commonwealth has already expressed concerns about the increased cost of this service expansion, but as Virginia begins the implementation of this new law, the state must be mindful of the potential impacts on localities. The Commonwealth should:

- Seek innovative methods of achieving cost containment through greater efficiencies, more targeted service delivery, and the use of technology to reduce Medicaid fraud, but avoid the implementation of traditional, outmoded and inflexible managed care;
- Work with local governments to provide appropriate flexibility and/or resources that may be necessary to effectively respond to the new federal law;
- Provide a smooth transition for those newly eligible for Medicaid services;
- Avoid actions that could shift costs to localities, including weakening the social safety net by restricting access or reducing funding for services.

Ensuring success will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. (*New position.*)

Land Use

Adequate Public Facilities Ordinance

Support legislation to give localities authority to adopt an adequate public facilities ordinance that would permit localities to adopt provisions for deferring the approval of subdivision plats or site plans when it is determined that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such legislation should not require localities to construct the necessary infrastructure within a timeframe established by the General Assembly. (*Reaffirms previous position.*)

Rights-of-Way

Oppose any reduction, preemption, or circumvention of VDOT's authority to manage and oversee highway rights-of-way or the County's rights as a property owner. Oppose any attempt to eliminate local governments' rights to charge, on a non-discriminatory basis, fair and reasonable compensation for use of its public property. (*Reaffirms previous position.*)

Adopted December 7, 2010

Public Safety

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility.

Fairfax County supports access for people with disabilities and older adults in public and private facilities. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities in the 20 years since the passage of the Americans with Disabilities Act (ADA), continued advancement is needed. Improved accessibility in public buildings, housing, transportation and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(New position.)*

Computer Trespass

Support legislation to update current laws related to computer trespass in order to capture new technologies not covered by existing Code language. *(Previously a Board initiative; bill was carried over per Senate policy on proposed criminal statutes with fiscal impacts. Included as position statement until state fiscal situation improves.)*

Dangerous Weapons in Public Facilities

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

Ignition Interlock Devices

Support legislation that would require all persons convicted of Driving While Intoxicated to use an ignition interlock device as a condition to driving for a minimum period of six months. Current law requires the use of such a device for second and subsequent offenses of DWI and for offenses where the offender's blood alcohol content was at least 0.15 percent. *(Reaffirms previous position.)*

Pedestrian Safety

Support revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less and at unsignalized crosswalks in front of schools. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. *(Reaffirms previous position.)*

Pre-Trial Services (REGIONAL)

Oppose legislation that would place restrictions on the use of pre-trial release programs. Attempts were made in the 2010 Session to limit those eligible for pre-trial release (with or without bond), and similar legislation may be introduced in 2011. Local governments opposed the 2010 legislation because it would increase costs (as more defendants would be kept in jail prior to trial) without increasing public safety. In fact, since pre-trial units provide supervision and drug testing in addition to other services, limiting or ending pre-trial programs may reduce public safety. *(New position.)*

Adopted December 7, 2010

Teen Driving

Support legislation to make the following infractions primary offenses for drivers under the age of 18: violation of the ban on use of wireless communication devices while operating a motor vehicle; violation of curfew; violation of limits on underage passengers; and violation of the seat belt law. These acts are currently secondary offenses, which require observations of a primary offense for a law enforcement officer to initiate enforcement action. *(Reaffirms previous position.)*

Taxation

Communications Tax

In 2007, a new telecommunications tax law repealed a number of local taxes and replaced them with a statewide communications tax. At that time, it was intended that local governments be guaranteed, on a locality-by-locality basis, tax revenues equivalent to their FY 2006 percentage share of total statewide telecommunication tax revenues, with the amount of new tax generated for each locality to be equivalent to such telecommunication tax revenue received in FY 2006. Changes in market area, customers served, and new technologies should periodically be examined within the context of the law, to ensure a modern communications tax system for localities which reflects and reacts to an ever-changing landscape.

The 2010 General Assembly included language in the 2010-2012 biennium budget that appropriates the communications tax as if it were a state revenue. However, these local taxes are only collected by the state, and are not state General Fund revenues, and were placed in a special trust fund to avoid this exact scenario. The decision by the GA and Governor to appropriate these local dollars, coupled with budget language to use a portion of these funds on services managed by the Department for the Deaf and Hard-of-Hearing, is an alarming turn of events for local governments and breaches the agreement carefully reached between localities and the Commonwealth in 2007. *(Revises previous position.)*

Transportation

Overweight Vehicle Fees

Support legislation to change the state permitting fee structure for overweight vehicles to more equitably reflect the estimated pavement and bridge damage costs attributed to those vehicles. *(New position.)*

Secondary Road Devolution

Oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. Also oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. *(Reaffirms previous position.)*

FAIRFAX COUNTY ***Transportation Fact Sheet***

Northern Virginia Transportation Needs

Northern Virginia needs additional \$700 million per year for transportation, above existing revenue streams (TransAction 2030).

Additional \$172 million per year is needed to meet state commitment of 95% of eligible transit operating and capital expenses (as for urban roadway maintenance).

VRE needs more than \$265 million for high priority capital, including: acquisition of new high-capacity railcars and of a new fare collection system; expansion of service and of mid-day storage of commuter trains; and the extension of platforms within the network.

Fairfax County's Secondary Road Program has declined from \$29 million (FY 2004) to \$240,000 (FY 2010) to *literally zero* (FY 2011) and beyond.

The Current Situation

CTB actions:

- Over the past three years, the Commonwealth Transportation Board has cut \$4.6 billion from the Six Year Program.
- Unable to sell a majority of the \$3 billion in statewide transportation bonds (HB 3202), as originally scheduled, due to insufficient revenues to pay debt service. \$500 million were sold in May 2010.

VDOT has reduced staff from approximately 8,500 on September 8, 2008, to approximately 6,800, as of July 1, 2010, leaving the Department with over 600 unfilled positions below the maximum employment level of 7,500.

Growth in VDOT maintenance spending being reduced; however, costs for individual maintenance activities are increasing.

Possibility: Virginia soon unable to match federal transportation funds, requiring state to return some of these funds (in past **Virginia** has benefited from additional federal funds from other states unable to match).

Other Information

Current transportation funding sources:

- \$0.175 per gallon of gasoline
- ½% sales tax
- 3% sales tax on motor vehicles
- Vehicle registration fees
- Driver's license fees
- Auto insurance premium taxes
- 2% recordation tax

Sample County project costs:

- Signalizing an intersection: \$250,000
- Major Interchange (Fairfax County Parkway @ Fair Lakes Parkway): \$80 million
- Major Intersection Improvement (Rt. 29 @ Gallows Rd.): \$120 million
- Road Widening Project (Stringfellow Rd (2 to 4 lanes Rt. 50 to Fair Lakes Blvd): \$46 million
- Springfield CBD Multi-modal Transit Center: \$40 million
- Metrorail Car: \$3 million
- Fairfax Connector Bus: \$444,500

Adopted December 7, 2010

FAIRFAX COUNTY ***Budget Fact Sheet***

State General Fund

46% of the state General Fund (GF) will provide aid to localities in the FY 2012 adopted budget (down from 52% in FY 2009).

31% of the GF will provide funding for K-12 in the FY 2012 adopted budget (down from 35% in FY 2009).

GF revenues in FY 2010 were less than GF revenues in FY 2006.

GF tax changes over the last 10 years have neutralized 2004 tax increase:

- 2004 tax reforms raised about \$1.6 billion per biennium in new revenue
- Since 1999, more than \$1.8 billion per biennium in state tax cuts and GF revenue reductions.

State Budget Cuts

State GF appropriation to localities has decreased by \$1 billion since FY 2009.

K-12 funding cut \$773 million in FY 2011 from original budget for FY 2010 (partially backfilled with federal stimulus funds).

The 2010 GA adopted permanent, structural cuts to K-12 totaling over \$325 million per year, in addition to the \$376 million per year cut to K-12 support positions made the previous session.

State K-12 spending per pupil has fallen from approximately \$5,300 in FY 2009 to approximately \$4,500 in FY 2011, while Virginia localities already spend \$3 billion more per year than required to match state K-12 funding.

Fairfax County Impacts

NOVA comprises 27% of the state population, generates 43% of state individual income tax revenues, receives 21% of state GF appropriations.

State funding to Fairfax County (not FCPS) cut \$25.9 million since FY 2009.

72.7% of the FCPS budget funded by F. Co. (the average district receives about half from its local government).

FCPS receives 19.5% share of funding from the state (the average funding share is 48%, due to the local composite index).

85% + of the FCPS budget is for direct costs associated with providing instructional programs.

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