

7. That the Acting County Executive continue through FY 1992 to closely monitor economic conditions. He will provide the Board of Supervisors, on a regular basis, with the most up-to-date financial information so the Board may consider necessary adjustments to the financial plan. The Acting County Executive will provide the Board with a list of estimated versus actual expenditures and revenues every two months;
8. That the County's direct General Fund expenditures be targeted at the same level included in the FY 1992 Adopted Budget Plan and provide for the funding of step increases;
9. That no cost of living adjustment will be funded for County and School employees.

This motion was seconded by Supervisor Hyland and carried by unanimous vote.

3a. BOARD OF SUPERVISORS MEETING WITH THE EMPLOYEES  
ADVISORY COUNCIL (EAC) (TAPE 3)

INFO

Supervisor Alexander moved that the Chairman schedule, as soon as practical, a meeting with the Employees Advisory Council (EAC), similar to the meeting of last fall. This motion was seconded by Supervisor Hyland and carried by a vote of nine, Supervisor Dix being out of the room.

4a. AUTHORIZATION TO ADVERTISE TO PETITION CIRCUIT  
COURT FOR REFERENDUM ON LEVY OF A TAX ON  
CERTAIN MEALS/BEVERAGES OF RESTAURANTS,  
AND GROCERY AND CONVENIENCE STORES  
(TAPE 3)

JPMCD/HOWLAND

- (A) Chairman Davis relinquished the Chair to Acting Chairman McConnell and moved that the Board authorize the advertisement of a public hearing to be held before the Board of Supervisors on January 27, 1992 at 7:30 p.m. to consider whether the Board shall petition the Circuit Court to order a referendum on whether the County should levy a tax of not more than four percent on restaurant meals and beverages and on certain prepared foods sold by grocery and convenience stores. This motion was seconded by Supervisor Hyland and CARRIED by a recorded vote of seven, Supervisor McConnell and Supervisor Berger voting "NAY," \*\*Supervisor Dix being out of the room.\*\*

Acting Chairman McConnell returned the gavel to Chairman Davis.

\*\*Upon his return to the Board Room, Supervisor Dix asked to be recorded as voting "AYE" on the previous motion.\*\*

7:30 PM - Public Hearing on a Meals Tax Referendum.

ISSUE: Board decision on whether to petition the Circuit Court to order a referendum on whether the County should levy a tax in accordance with Virginia Code §58.1-3833 of not more than four percent on foods and beverages sold by restaurants and on certain prepared foods sold in grocery stores and convenience stores.

TIMING: Immediate. The Petition to order a special election on April 7, 1992 must be filed with the Circuit Court no later than January 28, 1992.

BACKGROUND: On January 6, 1992 the Board of Supervisors scheduled a public hearing on this issue. A sample of a proposed referendum question will be available at the Board meeting.

ENCLOSED DOCUMENTS: Schedule for Special Election (proposed).

STAFF: Richard A. King, Acting County Executive; James P. McDonald, Deputy County Executive for Management and Budget; Edward L. Long Jr., Director, Office of Management and Budget; Dana W. Paige, Assistant Director, Office of Management and Budget; Michael H. Long, Assistant County Attorney.

SCHEDULE FOR SPECIAL ELECTION  
(PROPOSED)

- |    |  |  |
|----|--|--|
| 1. | Board Resolution to Petition Circuit court for Special Elections to be held April 7.   | January 27, 1992   |
| 2. | Petition Circuit Court for Writ of Election (allow 1 week for decision).               | January 28, 1992   |
| 3. | Special Election Ordered   | NLT February 4, 1992   |
| 4. | Proposed Special Election submitted to U.S. Dept. of Justice for Federal Preclearance. | NLT February 5, 1992   |
| 5. | Advertise the Election   | Once a week for three consecutive weeks prior to the election. |
| 6. | Special Election Held  | April 7, 1992  |

JAN 27 1992

Meals Tax Referendum

7:30 P.M.

- RESOLUTION -

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room of the Massey Building at 4100 Chain Bridge Road in Fairfax, Virginia, on Monday, January 27, 1992, at which meeting a quorum was present and voting, this resolution was adopted:

WHEREAS, the Board of Supervisors desires the voters of Fairfax County to decide whether the County should be empowered to levy a tax on food and beverages sold for human consumption by restaurants and by certain other sellers of food and beverages in accordance with the provisions of Va. Code § 58.1-3833 (1991); and

WHEREAS, Va. Code § 58.1-3833 provides that this tax shall be levied in Fairfax County only if approved by a referendum conducted in accordance with Va. Code § 24.1-165 (Supp. 1991); now, therefore be it,

RESOLVED by the Fairfax County Board of Supervisors that the Fairfax County Circuit Court is requested to issue a Writ of Election calling for a special election to be held on April 7, 1992, on the question of whether the County should be empowered to levy a tax on food and beverages in accordance with the provisions of Va. Code § 58.1-3833.

Copy Teste:

Nancy Vehrs  
Nancy Vehrs  
Clerk to the Board of Supervisors

Nancy (orig.)  
#118

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: John T. Frey  
Circuit Court Clerk

DATE: March 2, 1992

FROM: Richard A. King  
Acting County Executive

SUBJECT: Publication of Notice for the Special Election on the  
Enactment of a Local Food and Beverages Tax

REF.: In Re: Petition for a Special Election on Whether  
Fairfax County, Virginia, Should Adopt a Tax on Food  
and Beverages as Authorized by Va. Code § 58.1-3833,  
As Amended, At Law No. 112166 (Order entered January  
29, 1992.

A special election will be held on Tuesday, April 7, 1992, on the question of whether the County should have the authority to enact the food and beverage tax authorized by Va. Code § 58.1-3833 (1991). Va. Code § 58.1-3833 specifies how the election was placed on the ballot.

Va. Code § 58.1-3833 also requires the Clerk of the Circuit Court to publish notice of the election in a newspaper of general circulation in the County once a week for three successive weeks prior to the election. Attached is a notice suitable for that purpose. Please publish this notice once a week during the weeks of March 16-20, March 23-27 and March 30-April 3.

Thank you for your assistance. If you have any questions, please feel free to contact Michael Long at 246-2421 or me at 246-2531.

RAK/ML/st

Attachment

- cc: James P. McDonald, Deputy County Executive for Management and Budget
- Edward L. Long, Jr., Director, Office of Management and Budget
- Nancy Vehrs, Clerk to the Board
- Jane G. Vitray, Secretary, Electoral Board
- Michael Long, Assistant County Attorney

NOTICE OF ELECTION

Date

April 7, 1992

TAKE NOTICE that on Tuesday, April 7, 1992, pursuant to Sections 24.1-165 and 58.1-3833 of the Code of Virginia, as amended, and pursuant to the Circuit Court Writ and Order of Election entered on January 29, 1992, the regular election officials for the County of Fairfax, Virginia, will open the polls and conduct a special election on the question of whether the County of Fairfax shall be authorized to levy a tax on food and beverages sold for human consumption by restaurants and on food and beverages sold by certain other stores which is ready for human consumption.

The question for the special election shall be:

Question: Shall Fairfax County, Virginia, be authorized to levy a tax, in accordance with Virginia Code Section 58.1-3833, on foods and beverages sold for human consumption by restaurants and on prepared foods sold ready for human consumption by grocery stores and convenience stores?

Yes

No

Given under my hand this \_\_\_th day of March, 1992.

---

John T. Frey  
Clerk of the Circuit Court



JOHN T. FREY  
CLERK OF CIRCUIT COURT

COMMONWEALTH OF VIRGINIA  
*Circuit Court of Fairfax County*

4110 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030-4048  
703-246-2770



JANE M. DELIEE  
CHIEF DEPUTY

*orig - Nancy #118*

March 10, 1992

Doug Dozier  
WASHINGTON POST  
1150 15th Street, N. W.  
Washington, D. C. 20071

FAX 202-334-7833

Dear Mr. Dozier:

Per your instructions, please find enclosed the Notice of Election which is to run in the Thursday's Northern and Southern Virginia classified section of the WASHINGTON POST on the following dates:

Thursday, March 19, 1992

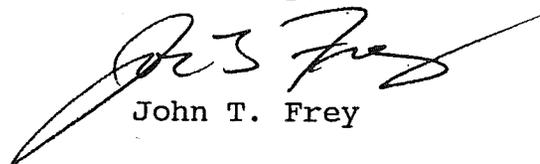
Thursday, March 26, 1992

Thursday, April 2, 1992

Please forward the proof of publication and the bill to me.

Thank you for your assistance. If you have any questions, please give me a call.

Sincerely,



John T. Frey

JTF:sb

Enclosure

- cc: James P. McDonald, Deputy County Executive for Management and Budget (w/o enclosure)  
Edward L. Long, Jr., Director, Office of Management and Budget (w/o enclosure)  
Nancy Vehrs, Clerk to the Board (w/o enclosure)  
Jane G. Vitray, Secretary, Electoral Board (w/o enclosure)  
Michael Long, Assistant County Attorney

#118

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Board of Supervisors                      DATE: March 27, 1992

FROM: Richard A. King  
Acting County Executive

SUBJECT: Federal Preclearance of the Special Election on a  
County Food and Beverage Tax

REF.: Board action of January 27, 1992

On January 27, 1992, the Board adopted a resolution requesting the Circuit Court to issue a Writ of Election for a special election to determine whether the County may adopt a tax on certain foods and beverages sold for human consumption by restaurants and other facilities. The Court issued the Writ of Election on January 29, and that change was submitted to the United States Attorney General for federal preclearance in accordance with Section 5 of the Voting Rights Act of 1965, as amended.

On March 27, 1992, staff received notice that the Attorney General did not file an objection to the conduct of this special election. Attached is a copy of that notice. Failure to file an objection within the specified period constitutes federal preclearance, so the County may conduct the election as planned on April 7, 1992.

If you have any questions, please feel free to call Michael Long at 246-2421.

Attachment: Letter from Gerald W. Jones to Robert Lyndon Howell dated March 25, 1992

cc: James P. McDonald, Deputy County Executive  
for Management and Budget  
Theodore Austell III, Executive Assistant  
to the County Executive  
Monica J. Horan, General Registrar  
Edward L. Long, Jr., Director  
Office of Management and Budget  
Nancy Vehrs, Clerk to the Board of Supervisors  
Jean M. Van Devanter White, Director, County Office of  
Public Affairs  
Jane G. Vitray, Secretary, Electoral Board  
Michael Long, Assistant County Attorney  
Michael G. Brown, Executive Secretary, State Board of  
Elections



U.S. Department of Justice

Civil Rights Division

JRD:MAP:ACJ:tlb  
DJ 166-012-3  
92-0417

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

March 25, 1992

Robert Lyndon Howell, Esq.  
Acting County Attorney  
4100 Chain Bridge Road  
Fairfax, Virginia 22030

Dear Mr. Howell:

This refers to the procedures for conducting the April 7, 1992, special election in Fairfax County, Virginia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on January 30, 1992.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

John R. Dunne  
Assistant Attorney General  
Civil Rights Division

By:

  
For Gerald W. Jones  
Chief, Voting Section

7:30 PH

FAIRFAX COUNTY, VIRGINIA  
OFFICE OF THE COUNTY EXECUTIVE  
MEMORANDUM

DATE: January 27, 1992

TO: Edward L. Long, Jr., Director  
Office of Management and Budget

FROM: James P. McDonald  
Deputy County Executive for  
Management and Budget

SUBJECT: 7:30 Public Hearing to Petition Circuit Court for  
Referendum.

At its meeting on January 27, 1992, the Board of Supervisors approved a petition to request the Fairfax County Circuit Court to issue a Writ of Election calling for a special election to be held on April 7, 1992, on the question of whether the County should be empowered to levy a tax on food and beverages in accordance with the provisions of Va. Code § 58.1-3833.

Attachment

cc: Michael Long  
Assistant County Attorney

JPMCD:mg

BOARD MEETING JANUARY 27, 1992

RE: Special Election on a Restaurant Meals Tax

Motion to Authorize Petitioning the Circuit Court for a Special Election on the Restaurant Meals Tax.

I move that the Board of Supervisors adopt the attached resolution concerning the Restaurant Meals Tax and ask the County Attorney to petition the Fairfax County Circuit Court to issue a Writ of Election calling for a special election on April 7, 1992.

- DRAFT RESOLUTION -

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room of the Massey Building at 4100 Chain Bridge Road in Fairfax, Virginia, on Monday, January 27, 1992, at which meeting a quorum was present and voting, this resolution was adopted:

WHEREAS, the Board of Supervisors desires the voters of Fairfax County to decide whether the County should be empowered to levy a tax on food and beverages sold for human consumption by restaurants and by certain other sellers of food and beverages in accordance with the provisions of Va. Code § 58.1-3833 (1991); and

WHEREAS, Va. Code § 58.1-3833 provides that this tax shall be levied in Fairfax County only if approved by a referendum conducted in accordance with Va. Code § 24.1-165 (Supp. 1991); now, therefore be it,

RESOLVED by the Fairfax County Board of Supervisors that the Fairfax County Circuit Court is requested to issue a Writ of Election calling for a special election to be held on April 7, 1992, on the question of whether the County should be empowered to levy a tax on food and beverages in accordance with the provisions of Va. Code § 58.1-3833.

Copy Teste:

---

Nancy Vehrs  
Clerk to the Board of Supervisors

SPECIAL ELECTION QUESTION ON THE RESTAURANT MEALS TAX

Should the County have the authority to levy a tax in accordance with Virginia Code §58.1-3833 of not more than four percent on foods and beverages sold by restaurants and on certain prepared foods sold by grocery stores and convenience stores?

Yes

No

1/27/92<sup>118</sup>

F A I R F A X   C O U N T Y   N O T I C E

Date

January 27, 1992

The Board of Supervisors will hold a public hearing to consider whether the Board shall petition the Circuit Court to order a referendum on whether the County should levy a tax in accordance with Virginia Code Section 58.1-3833 on foods and beverages sold by restaurants and on certain prepared foods sold by grocery stores and convenience stores. Public hearing to be held on Monday, January 27, 1992 at 7:30 p.m. in the Board Meeting Room of the Massey Building at 4100 Chain Bridge Road, Fairfax, Virginia.

All persons wishing to speak to this subject may call the Office of the Clerk to the Board at 703-246-3151 to be placed on the Speakers List, or may appear and be heard.

GIVEN under my hand this 6th day of January, 1992.

  
\_\_\_\_\_  
Viki L. Lester  
Deputy Clerk to the Board of Supervisors