



HERRITY REPORT



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Editor's Note: I apologize for the late delivery of the November *Herrity Report*. A citizen raised concerns that our monthly newsletters were political so we took the time to make sure we are acting in accordance with Fairfax County policy. I am pleased to report the County Attorney has agreed these communications are a constituent service. I consider the *Herrity Report* a valuable tool to communicate with my constituents on my efforts on their behalf and to get valuable feedback from them. I am pleased we will be able to continue to provide them.

November 2008 "A Month in Review"

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Why Are We Afraid of Transparency?

One of my first actions as a member of the Board of Supervisors was to introduce a fiscal transparency measure that would allow Fairfax County citizens to better track the way their tax dollars are being spent. At the second Board Meeting of the year I submitted a proposal to create an online budget and expenditure database that citizens could easily access from their home computers. Having this information on the internet in a simple and searchable format would be an important step towards a more open and accountable

government and would hopefully lead to increased citizen participation in the County budget process. The initial reaction was that with our current financial systems such a database would be expensive and difficult to implement. I pursued the matter further and found an inexpensive way to post most of our check book online in a searchable format. Unfortunately as we began exploring the feasibility of the database the County Attorney informed us that Virginia law currently prohibits us from making our expenditure data available to the public.

In October, I proposed we ask the County staff to include in our legislative package legislation that would allow us to put our checkbook online. It passed unanimously and was referred to our Legislative Committee. Recently the Fairfax County Board of Supervisors held a public hearing on our 2009 state legislative package. Included in this package are numerous bills that the Board of Supervisors support and would like to see passed in the upcoming General Assembly session. Much to my dismay not included in the package was my proposal to support legislation to allow us to put the Fairfax County check book online so that all of our citizens can see exactly how their tax dollars are being spent. Some of these expenditures, welfare payments for example, should be reported in aggregate only. Fortunately Senators Chap Peterson (D-Fairfax) and Ken Cuccinelli (R-Centreville) have proposed legislation to allow us to put our checkbook online. I am supporting their efforts.

From the federal government to small school systems, governments across the country are implementing fiscal transparency databases. The Federal Government led the way on budget databases with the creation of USAspending.gov. This fully accessible database was the result of “The Federal Funding Accountability and Transparency Act of 2006” a bipartisan effort. Following the lead of Congress, many states have begun to implement budget databases for their citizens. Since the beginning of 2007 at least 15 different states have enacted some sort of budget transparency legislation.

(<http://mapyourtaxes.mo.gov> – Missouri). If governments across the country can get this accomplished, a County as sophisticated as Fairfax County should be able to accomplish it.

Addressing Illegal Immigration

On November 17, I brought a matter before the Board of Supervisors that I feel is one of many important steps that will help insure our neighborhoods are safe. As you know, illegal immigration is a much discussed issue at the federal, state, and local levels of government all across the United States. One tool available to local law authorities is the 287 (g) program. In summary it

...authorizes the secretary of the U.S. Department of Homeland Security (DHS) to enter into agreements with state and local law enforcement agencies, permitting designated officers to perform immigration law enforcement functions, pursuant to a Memorandum of Agreement (MOA), provided that the local law enforcement officers receive appropriate

*training and function under the supervision of sworn
U.S. Immigration and Customs Enforcement (ICE)
officers.*¹

This program implemented in the Fairfax County jail would allow us to hold criminal illegal aliens for deportation. During a phone conversation to follow up on the status of our adoption of 287 (g), I was surprised to learn that Fairfax County's application had been rejected. DHS is developing a replacement program and Sheriff Barry said he is pursuing this option. After speaking further with Sheriff Barry, I thought it would be useful for him to come before the Board and give an overview of where Fairfax County stands with this program, and what steps, have been taken to take advantage this revised program. Mr. Barry did address the Board of Supervisors and indicated that he was working with DHS on implementing a similar program utilizing DHS employees. He expected to have details in late January 2009. I will update you on the statue in the near future.

¹ "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act"

U.S. Customs and Immigration Enforcement. 28 Sep, 2008. U.S Department of Homeland Security. 13 Nov, 2008. <http://www.ice.gov/partners/287g/Section287_g.htm

Accelerating the Schedule for the Fair Lakes/Fairfax County Parkway Interchange

When I took office last January, I met with VDOT on the Fair Lakes Parkway/Fairfax County Parkway interchange project. They indicated one item that would hold up the schedule was the relocation of the high voltage power lines just north of the interchange.

In the February, 2008 edition of the Herrity Report, I discussed how I was working with Dominion Virginia Power on the relocation of transmission lines which must be completed prior to starting construction on the Fair Lakes Parkway/Fairfax County Parkway interchange project. The Virginia Department of Transportation included two years in the project's timeline just for utility relocation. I have continually stayed in contact with representatives of Dominion Virginia Power who have now confirmed that the relocation was completed in November. If you were in that vicinity in the past few months, you may have seen the work underway (especially in the area near Monument Drive) and understand what a large undertaking this truly was. Thanks to Dominion Virginia Power, the utility relocation will not hold up the project's construction process. VDOT has indicated that this saved 1-2 years on the project. On my motion the Board unanimously approved a letter of thanks for Virginia Dominion Power. I will continue to work with VDOT to help head off any more potential hold-ups so we can continue to accelerate this project.

A visual rendering of the interchange project is available on VDOT's website at: <http://www.virginiadot.org/images/pr-nova-fairfax-rt7100-fairlakes-image.jpg>

Analyzing Problems with Early Absentee Voting

While turnout overall for the 2008 election turned out to be average the turnout for in-person absentee voting was unprecedented. In the Springfield office alone we averaged between 200-300 voters a day with lines wrapping around the West Springfield Governmental Center and continuing down the road outside. Many problems occurred during the absentee voting hours, including:

- Confusion about whether or not they could vote absentee.
- Confusion about curb side voting for the elderly and disabled.
- Complaints of unauthorized individuals and actions in the restricted voting area.
- Lack of enough Electoral Board employees to handle the volume of voters.
- Not enough phones to verify voter registration

The election officers in the West Springfield satellite location did a fantastic job with the resources they were provided. However, I think it is important that we have these issues addressed before the next election in order to provide voters with a more pleasant experience when casting their votes.

At the November 17 Board Meeting Supervisors Gross, Supervisor McKay, and myself presented a joint Board Matter asking the General Registrar and the Electoral Board to review the entire in-person absentee voting process and to report back to the Board of Supervisors on ways to improve the process.

I am also pleased to announce that legislation has been introduced in Richmond to fix the issues with the Federal Absentee Write-in Ballot process that was the subject of a press conference and previous *Herrity Reports*.

How to Deal with Illegal Boarding Houses in Your Neighborhood

Due to the high influx of complaints regarding boarding houses that we have been receiving in my office, last month I held a joint Town Hall meeting with Delegate Dave Albo, members from the county's Zoning Enforcement division, and members from the Police Gang Unit. The forum proved to be very good at providing practical and useful information to citizens, and also helped people understand the current abilities as well as restraints that our Zoning Enforcement division has, and how they go about their jobs.

We held a second forum with Mike Congleton, Head of the Zoning Enforcement department on Thursday December 11th with the Springfield District Council, in our Community Room at 6140 Rolling Road, Springfield VA 22152. The forum focused on our Zoning Enforcement department and our boarding house problem here in Fairfax County and the Springfield District.

Our difficult economic times have exacerbated these problems. I urge you to report these problems through Zoning Enforcement's online complaint form at <http://66.179.23.21/DP1/Metroplex/FairfaxCounty/customerservice/selectbyservno.asp>

or alternatively forward your complaints about boarding houses or other problems of that nature to John Nolan in my office at john.nolan@fairfaxcounty.gov . I will continue to work to address these problems that erode the quality of life in our neighborhoods.

Breaking Ground on the Final Phase of the Fairfax County Parkway

On October 31, I attended the groundbreaking ceremony for the extension of the Fairfax County Parkway from Rolling Road to Fullerton Road. The ceremony was held where Fullerton Road intersects the Parkway and many elected and state and local transportation officials attended. Secretary of Transportation Pierce Homer, Commonwealth Transportation Board Member Doug Koelemay, Supervisor Jeff McKay, Delegate Vivian Watts, Col. Jerry Blixt of Fort Belvoir, Delegate Mark Sickles, Delegate David Marsden, and Melisa Ridenour of the Federal Highway Administration were present.

It was a bittersweet event for me—it's great that we are finally moving forward on this project but not so great that due to a lack of funding, the project will have to be constructed in phases; only the first two of the four phases are actually funded. Unfortunately, those unfunded phases include some much needed access ramps for the communities at the north end of the project and the communities and businesses at the south end. Both Supervisor Gerry Hyland, Supervisor Jeff McKay and I worked together to garner support from the entire Board of Supervisors to have \$2 million allocated to construct one of the ramps originally slated to be built in (unfunded) phase four. This money allowed the ramp to be included in the request for proposal that went out for the first two phases' construction. Not having this vital ramp to allow vehicles access from Fullerton Road to the Parkway and I-95 north would isolate the numerous businesses (including a 250-truck UPS facility) in the Fullerton Industrial Park. This partial solution is not perfect but it is better than nothing.

I also met with a group of citizens along the southern section of Rolling Rd. to address their concerns with the project and its impact on Rolling Rd. I have asked VDOT and County staff to address these concerns.

Additionally, the Board of Supervisors along with members of our local state delegation, Delegate Dave Albo and Senator George Barker, contacted VDOT to request a switch in the order in which the last two phases are constructed. Phase Four extends Boudinot Drive to the Fairfax County Parkway by constructing a grade separated loop ramp. Constructing the third phase before the fourth will eliminate the ability of drivers to access businesses in the Fullerton Industrial Park from I-95 north. Obviously Phase Three is comprised of important access needs, but to quote Delegate Albo, constructing the third phase before the fourth "will create a traffic disaster." I will continue to work with Supervisor Hyland, Supervisor McKay, our state delegation and VDOT to push for funding for the final two phases of the project. I will also work to keep the funding currently in the project to stay in the project to go towards future phases.

Changing the Speed Limit on 123

In the last year, my office has received numerous complaints about what seemed an artificially low posted speed limit (35 M.P.H.) on the Fairfax County side of the Route 123 bridge over the Occoquan river. No one who I spoke with saw these posted limits serving any real purpose except as an effective speed enforcement location, as the road was improved and widened a few years ago to improve traffic flow and safety in the area. Most shared my puzzlement as to why the posted limit wasn't raised once that section of roadway improvement was completed. Over the summer, my office was in contact with Supervisor Gerry Hyland's staff and representatives from the Virginia Department of Transportation (VDOT) about this issue to see if the posted limit could safely be raised. This section of Route 123 is in the Mount Vernon District but is used by drivers in the Springfield District and countywide. Thanks to the hard work of Supervisor Hyland's staff and VDOT, I was pleased to see the new 50 m.p.h. signs in place as I drove back to the Springfield District office from a meeting in Woodbridge last month. Though this was a minor issue in the bigger scheme of things, in my opinion it was clearly a change for the better.

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