

OFPA  
Follow-Up  
Report

Fairfax County Department of Transportation  
**Cash Proffers Study**  
September 2024



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## FCDOT Cash Proffers Study

### Original Report Issued:

September 2021

### Follow-up Report Issued:

September 2024

### Objective

*The objective of this study was to follow up on recommendations from the FCDOT Cash Proffers study issued in September 2021. With nearly \$89 million across over 1,000 open cash proffers yet to be spent, OFPA wanted to ensure that proffers were being tracked and utilized effectively and efficiently, to maximize the use of funds for transportation needs in Fairfax County.*

## EXECUTIVE SUMMARY

OFPA performed a follow-up study from March to August 2024 on the Fairfax County Department of Transportation (FCDOT) Cash Proffers September 2021 study. OFPA followed up on the four recommendations from the September 2021 study and also considered compliance with a new County finance policy requiring monitoring and reconciliation of cash proffers.

Cash proffers, integral to Fairfax County's rezoning process, are funds from developers and property owners used to mitigate the impact of new developments on transportation. As of May 2024, FCDOT's open cash proffers receipts amounted to \$97.3 million, with \$8.8 million in proffer expenses, for a total of \$88.5 million in funds available. FCDOT manages these 1,100+ open cash proffers on an Excel Tracking Sheet.

OFPA identified opportunities as follows:

- create a project plan to review and validate older open proffers and identify opportunities to use, repurpose, return or release funds, as appropriate (begin reviewing larger proffers),
- incorporate controls into the Tracking Sheet to improve data completeness, accuracy and availability to enhance decision making, and
- implement procedures to comply with internal financial policy including regularly comparing cash proffer deposits in the Tracking Sheet to amounts recorded in the county's financial system.

### WHY THIS MATTERS

Fairfax County needs to track the nearly \$89 million in available transportation proffers effectively to ensure we can utilize as many funds as possible within Fairfax County, ultimately helping save taxpayer money on transportation projects. If proffers aren't tracked and managed effectively, we risk losing the funds or otherwise not being able to spend the funds within the County.



0

FULLY  
IMPLEMENTED



2

PARTIALLY  
IMPLEMENTED



0

NOT YET  
IMPLEMENTED



2

NO LONGER  
APPLICABLE

## Table of Contents

<b>Background</b> .....	2
<b>Recommendation 1</b>	
Cash Proffers Tracking and Monitoring (formerly <i>Aged Proffer Analytics</i> ).....	4
<b>Recommendation 2</b>	
Developer Operating Status .....	12
<b>Recommendation 3</b>	
Escrows Labeled as Proffers.....	14
<b>Recommendation 4</b>	
Proffer Statements not Available .....	16
<b>Appendix 1</b>	
Excerpt of a Cash Proffer Statement (Page 1 of 66) .....	19
<b>Appendix 2</b>	
Cumulative Available Balance of Open Cash Proffers Year over Year .....	20
<b>Appendix 3</b>	
Tracking Sheet Adjustments .....	21



## Background

### Countywide Strategic Plan Community Outcome Areas



**A Monetary Proffer contribution** is a cash payment voluntarily agree to by an applicant in an approved Rezoning Case (RZ) or Proffer Condition Amendment (PCA).

Cash Proffers, especially older proffers, have very **specific requirements** for how the funds can be used. They are not proffered for general transportation funds. Older proffers can require significant resources to find, research and interpret their use.

Cash proffers are part of the rezoning process in Fairfax County. As part of this process, private developers and individual property owners voluntarily proffer (or provide) funds with conditions and time triggers that qualify how and when they will be used to mitigate the impacts of their proposal. Fairfax County Department of Transportation (FCDOT) manages transportation cash proffers that are offered to mitigate transportation impacts generated by new development on the surrounding transportation network. For an excerpt from a proffer statement, please see [Appendix 1](#).

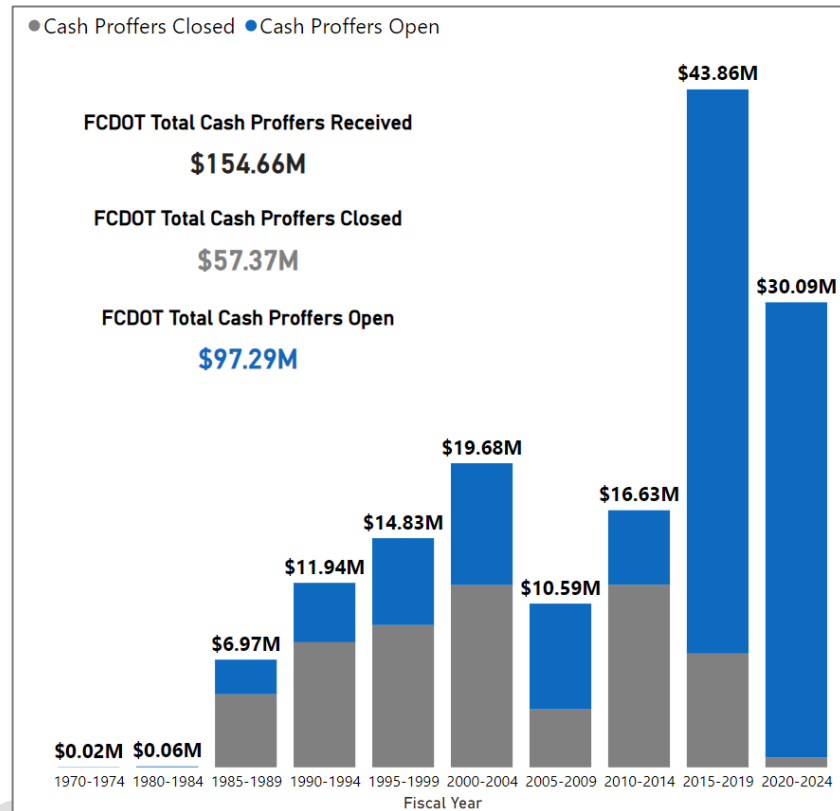
OFPA performed a follow up study on the FCDOT Cash Proffers Study issued in September 2021. The September 2021 study had four observations. Our follow up was conducted from March through August 2024. To follow up on the four observations, we interviewed staff and conducted data analysis on the FCDOT Cash Proffers Tracking Sheet (Tracking Sheet) provided by FCDOT in May and August. The Tracking Sheet serves as the means of tracking and monitoring proffers received and expended. Examples of data fields maintained on the Tracking Sheet are Deposit Entry (DE) Number, date payment received, amount received, payer name and address, and rezoning case number. The receipt of funds also is recorded in the county's general ledger system (FOCUS); however, receipts are not coded to a specific project in FOCUS and the use of proffered funds are not tracked real-time in FOCUS.

At the beginning of OFPA's review, FCDOT advised that the position responsible for tracking cash proffers had been vacant for 1 ½ years, which hindered the department's ability to maintain the Tracking Sheet. In June 2024, the position was filled by a member of Fairfax County's Finance Department. OFPA reviewed two versions of FCDOT's Tracking Sheet – the first dated May 2, 2024 (May Tracking Sheet) and the second dated August 6, 2024 (August Tracking Sheet). The August Tracking Sheet reflected updates made by FCDOT to improve the Tracking Sheet.

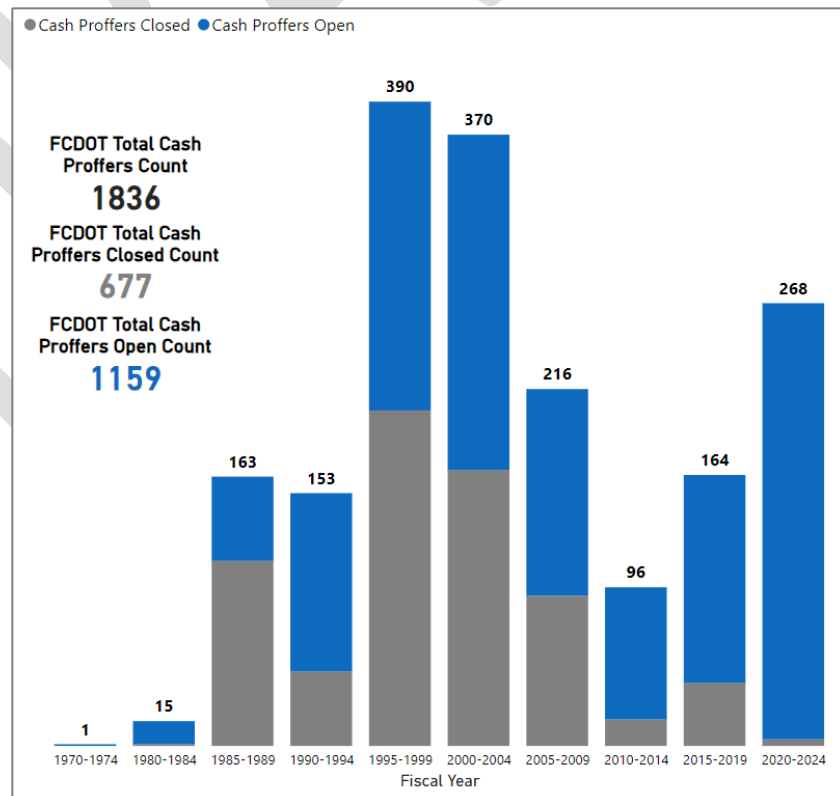
In addition to meeting with FCDOT, OFPA met with staff in Land Development Services (LDS), Finance and the Office of the County Attorney (OCA). These meetings were helpful in understanding internal processes and policy, as well as legislation relevant to cash proffers. New for this follow-up study was that in February 2023, the Department of Finance issued Financial Policy Statement (FPS) 250 – Cash Proffers Monitoring & Reconciliation. OFPA, therefore, reviewed FPS 250 to understand the monitoring and reconciliation requirements for cash proffers and evaluated compliance with FPS 250 during this follow-up study.

The two following charts show the value and quantity of cash proffers dating back to 1971, as of May 2024. See also [Appendix 2](#) for the cumulative available balance of open cash proffers over time as of May 2024, which has more than doubled compared to the balance from seven years ago in 2017.

## Amount of FCDOT Total Cash Proffers Received as of May 2024



## Quantity of FCDOT Total Cash Proffers Received as of May 2024



## Recommendation 1



PARTIALLY  
IMPLEMENTED

**Escheatment** is the process of transferring unclaimed, abandoned, or lost property to the state. This includes property such as bank accounts, assets, and uncashed checks.

**Database:** A usually large collection of data organized especially for rapid search and retrieval.

## Cash Proffers Tracking and Monitoring (formerly Aged Proffer Analytics)

### Excerpt from the September 2021 Report:

*Perform an analysis to assess the status of these aged proffer balances (5 – 48 years) and lack of financial activity (13.99 – 35.58 years) to determine if they remain a going concern. If these items cannot be considered a continued going concern, other use of funds should be considered (e.g., repurposed, escheated, or returned to developer).*

**Due:** 6/30/2023

FCDOT concurred with the OFPA recommendation as follows:

*Staff will continue a review of Aged Proffer balances in consultation with the County Attorney's Office (OCA). Many of the older proffer deposits are in amounts insufficient to fully fund the smallest of projects. Searchable electronic databases did not exist when older proffers were received. Small deposits from years ago have been held until additional funding becomes available to fully cover project costs. FCDOT has been verifying these aged proffers and continues to match and aggregate aged proffers to appropriate improvements in accordance with state law. FCDOT, in consultation with OCA, has established a process which focuses on the repurpose/escheatment of aged proffers oldest to newest. All Aged Proffers over \$100,000 have been reviewed which resulted in ~\$4.5M in contributions subject to escheatment (which require a public hearing). Staff anticipates scheduling late 2021/early 2022. ~\$3M in contributions are subject to repurposing, Staff is working to appropriate funding into Fund 30040 as part of FY 2022 Mid-Year 3rd quarter reviews.*

## OFPA Follow Up (Q1 FY2025)

To follow up on the proffers tracking and monitoring (proffer analytics) recommendation, OFPA reviewed the FCDOT Cash Proffer Tracking Sheet with 42 data fields (columns) dated 5/2/2024 (May Tracking Sheet) and an updated version (with 12 data fields) dated 08/06/2024 (August Tracking Sheet). The Tracking Sheet serves as the **database** for tracking FCDOT proffers and contains open and closed proffers; the focus of this follow-up study is open proffers.

### May and August Tracking Sheet Adjustments

We consulted with FCDOT regarding several items in both Tracking Sheets that needed to be amended in order for us to conduct data analytics. The list of adjustments that OFPA made at FCDOT's recommendation is in [Appendix 3](#).

## FCDOT Progress since September 2021 Study

FCDOT researched and provided an update on activities that have been performed or commenced since the September 2021 study, as follows:

- Seven cash proffers (totaling \$2.7 million) were administratively repurposed (as of May 2024),
- Four cash proffers (totaling \$781 thousand) were repurposed through public hearings (as of May 2024),
- Proffer liability balances in the May Tracking Sheet and FOCUS were out of balance by \$9.2 million, but were fully reconciled for the August Tracking Sheet, and
- FCDOT had begun to validate and update the data fields required by FPS 250 in the August Tracking Sheet (see section “**Compliance with FPS 250**” below for more detail).

### Open Cash Proffers Progress

May Tracking Sheet: When OFPA received the first Tracking Sheet in May 2024, the gross total of open cash proffers was \$97.3 million (\$67.4 million in 2021, a 44% increase) with 1,159 open cash proffers (993 in 2021); see table below. Proffer expenses recorded for open cash proffers in the May Tracking Sheet totaled \$8.8 million (\$7.5 million in 2021), and the total available balance of open cash proffers was \$88.5 million (\$59.9 million in 2021, a 48% increase). Twenty-eight of 1,159 open cash proffers (2%) had expenses recorded in the May Tracking Sheet.

### FCDOT Cash Proffers Comparison from 2021 to 2024

	2021		May 2024 *
Gross Total of Open Proffers	\$67.4M	↑	\$97.3M
Proffer Expenses on Open Cash Proffers	\$7.5M	↑	\$8.8M
Percent of Open Proffers with Expenses	3%	↓	2%
Available Total of Open Proffers **	\$59.9M	↑	\$88.5M
Quantity of Open Proffers **	993	↑	1,159
Quantity of Closed Proffers ***	761	↓	677

\* August 2024 not reported because the August Tracking Sheet provided by FCDOT did not include open and closed proffer status or expenses.

\*\* The September 2021 report noted \$62.2 million across 1,068 open proffers. These numbers included Special Agreements and Development Conditions, which OFPA excluded for this comparison.

\*\*\* FCDOT noted that the most likely reason for the quantity of closed proffers decreasing was due to cleanup efforts since 2021.

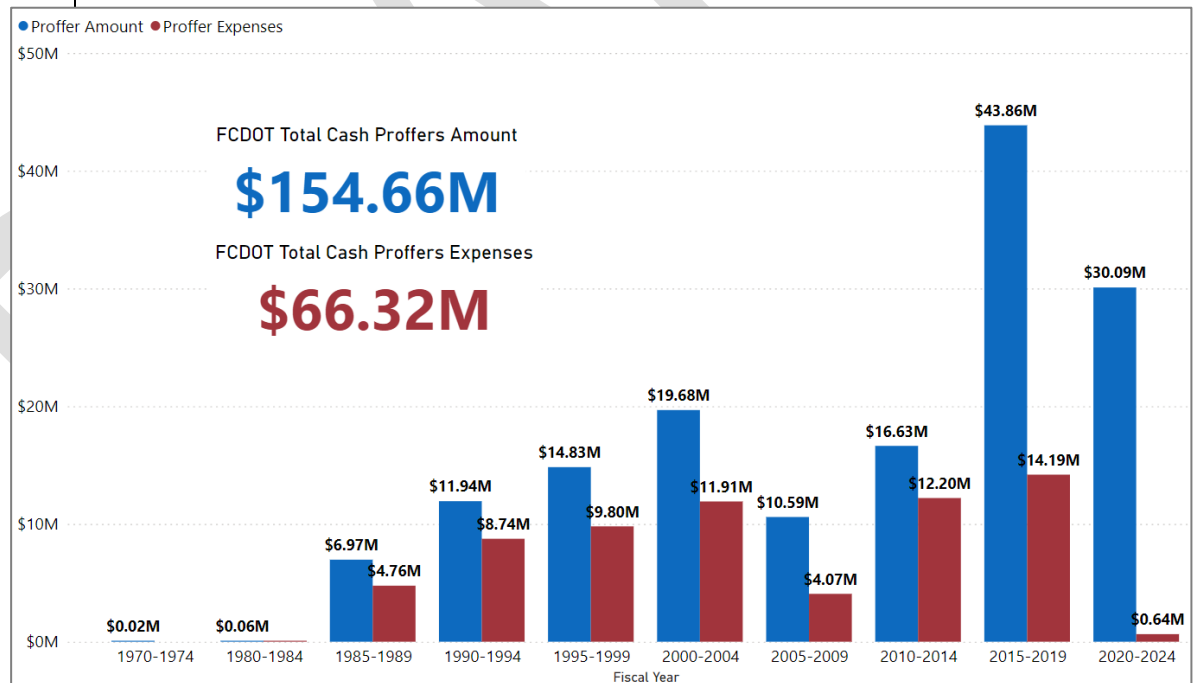


According to the May Tracking Sheet, open cash proffer receipts range from \$100 to \$10,393,684 with receipt dates ranging from 1973 to 2024.

**August Tracking Sheet:** When FCDOT provided the August Tracking Sheet, some proffer data (e.g., open or closed proffer status, proffer expenses) was not provided because FCDOT needed additional time to research and update all proffer data. Thus, FCDOT advised that open proffers and available balances reported in the May Tracking Sheet is the latest information until FCDOT can conduct research on proffers to validate the accuracy of the data. As a result, the charts below are as of May 2024.

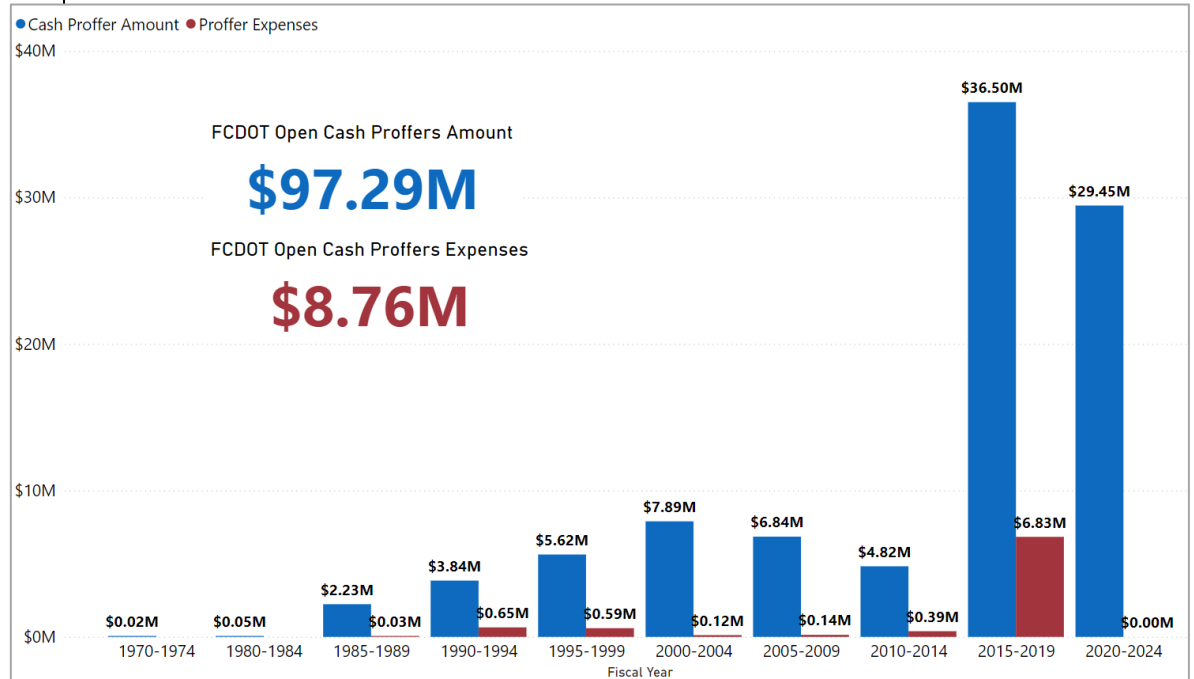
**Use of Proffers (Expenses):** The following chart shows the total cash proffers received (open and closed) as of May 2, 2024 with associated expenses, followed by a chart showing only open cash proffers and associated expenses as of May 2, 2024. Therefore, the first chart highlights the total value of proffers received over time (blue), regardless of open/closed status, compared to the associated expenses (red) of those same proffers received. For example, from 2015 to 2019, FCDOT received \$43.86 million in proffers, and those same proffers have had \$14.19 million in expenses as of May 2024.

**FCDOT Total Cash Proffers Amount (Open and Closed) vs Proffer Expenses as of May 2024\***

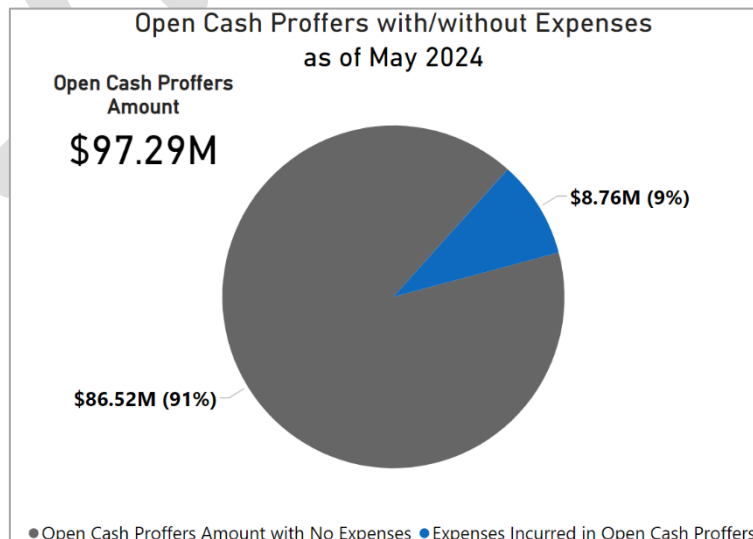


\*For comparison, the total cash proffers amount in the August Tracking Sheet is \$158.75 million (expenses have not yet been updated).

## FCDOT Open Cash Proffers Amount vs Expenses as of May 2024



The chart above excludes proffers that have been closed and shows only open cash proffers with associated expenses. The blue columns, representing only open proffers, are lower than the first chart (therefore, the delta between the blue columns in the two charts represents the closed proffers). However, the second chart also shows the net difference of open proffers compared to their expenses. Of the \$97.29 million open proffers as of May 2024, FCDOT has spent \$8.76 million (9%). See pie chart below. Since the May Tracking Sheet was provided to OFPA, FCDOT has drafted a plan for reviewing and validating old proffers to determine whether the funds can be used, repurposed, returned or released. OFPA recommends beginning with larger cash proffers.



## **Compliance with FPS 250**

As mentioned in the Background, the Department of Finance issued Financial Policy Statement (FPS) 250 – Cash Proffers Monitoring & Reconciliation in February 2023. OFPA, therefore, reviewed FPS 250 to understand the monitoring and reconciliation requirements for cash proffers that FCDOT should be performing. FCDOT had a tracking log as required by FPS 250 (Tracking Sheet) and columns in the May Tracking Sheet for the 10 required fields and more than 30 additional data fields. OFPA noted that FCDOT had not consistently entered data into the required fields in the May Tracking Sheet. Examples of required data that had not been consistently documented included assigned FOCUS project number, date funds transferred to assigned FOCUS project, and fiscal year. Data accuracy enables efficient and effective management of proffers and ensures that funds received are used timely for transportation projects within Fairfax County.

Since May 2024, FCDOT continued to work on updating the Tracking Sheet and provided a revised portion of the Tracking Sheet in August 2024 with 1,910 proffers (versus 1,836 in the May Tracking Sheet). The August Tracking Sheet contained the 10 fields required by FPS 250, plus two additional fields. FCDOT made progress on updating the required fields since May 2024. The DE number formats for all proffers have been standardized (for easier comparison to FOCUS). For the 95 proffers received since February 2023 when FPS 250 was issued, FCDOT has completed all required fields. FCDOT also has incorporated updated formulas to the Tracking Sheet to calculate totals based on various filters, and has added some conditional formatting to help quickly identify key information. Several minor updates still need to be made for the 95 proffers received after February 2023, including 3 proffers that do not have a full Payer's address, 1 proffer that has a payment received date in October 2024, and 1 proffer that should have a date recognized to revenue. Updating and validating the FPS 250 required data fields for the 1,815 proffers received prior to February 2023 will require additional time for FCDOT to complete. In addition, FCDOT advised that they will be meeting to discuss which data fields (columns) from the May Tracking Sheet they will retain. While the current FPS 250 only requires 10 fields, FCDOT expects to need additional data fields to track, monitor and manage proffers (examples may include open/closed status, proffer expenses, proffer statement link, magisterial district).

Per FPS 250, departments that receive cash proffers also are responsible for performing a monthly reconciliation of the cash proffer tracking log with the liability accounts in the general ledger system (FOCUS). In May 2024, OFPA found that reconciliations had not been performed. OFPA obtained the FOCUS balances for the two proffer-related liability accounts (225080, 225085) for Fund 300-C30040 (Contributed Roadway Improvements) which totaled \$55.1 million (5/10/2024). The May Tracking Sheet's liability balance for proffers not yet recognized as revenue was \$45.9 million (5/2/2024) which was \$9.2 million less than the FOCUS balance. In August 2024, FCDOT provided the August Tracking Sheet and FOCUS Detail Report for General Ledger Account 225080 (Performance Deposits-Proffers). OFPA

noted that the liability balance per the August Tracking Sheet and per FOCUS were completely reconciled with a \$0 difference. OFPA noted that \$7.5 million of deposits were entered into FOCUS (general ledger) during the month of July 2024.

Continuing to conduct monthly reconciliations will allow FCDOT to ensure the validity and accuracy of available proffer funds and identify and resolve discrepancies in a timely manner.

### **Recommendation Summary**

OFPA recommends:

1. FCDOT should continue to review all open proffers and identify opportunities to use funds. If funds must be repurposed, returned or released, FCDOT should proactively collaborate with Finance and OCA and other agencies, as necessary. OFPA suggests establishing a cross-departmental working group that meets regularly. OFPA recommends that FCDOT establish and follow a project plan and timeline. Given that there are more than 1,159 open proffers (as per the May Tracking Sheet), OFPA recommends that FCDOT prioritize larger proffers for review, validation and disposition.
2. FCDOT should continue to validate and update the Tracking Sheet to improve data accuracy, enhance and reduce risk around decision making, and ensure compliance with tracking log requirements specified in FPS 250. The Tracking Sheet should serve as a functional database that is the source of record for FCDOT cash proffers and should include all data fields necessary for managing and monitoring proffers. Leading practices for spreadsheets can include:
  - Using Excel-based tools to validate data and enforce data rules to reduce the likelihood of errors and inconsistencies in the data.
  - Managing data inputs (use dropdown menus from predefined lists, use data validation rules to block clearly incorrect data).
  - Protecting static parts of spreadsheets (lock cells or ranges to prevent accidental changes).
  - Using a separate tab with instructions and guidance for users.
3. FCDOT should continue to perform monthly reconciliations of the Tracking Sheet to the general ledger (FOCUS), as required by FPS 250.

**Management  
Response**

FCDOT staff concurs and will continue to actively review and manage the proffer tracking sheet and enter all data fields that have available information. FCDOT will continue to perform monthly reconciliations, as required by FPS250. Staff will also check and validate the data for inconsistencies and work to standardize entries and further automate calculations and controls in the spreadsheet. It should be noted that research of proffers can be a time-consuming process, as each proffer needs to be researched, and some proffers are in much older, less easily searchable, media forms (microfiche, scanned paper copies, etc.).

There are three groups of what have been classified as “open cash proffers” for which we plan to review, as the review of each group will/may lead to a different outcome. Those three groups, the proposed review process, and the timeframes associated with each are discussed below:

1. Open cash proffers received between July 1, 2005, and June 30, 2012, will be reviewed and all required fields will be checked and validated. FCDOT staff will work with the Office of the County Attorney (OCA), as well as Land Development Services (LDS) and the Department of Planning and Development (DPD) to determine the permissible disposition of these funds.
2. Open cash proffers received prior to July 1, 2005, will be reviewed and all required fields will be checked and validated. Cash proffers that can be repurposed (administratively or through public hearings) will be repurposed. Cash proffers that cannot be repurposed and have no ability to be used for the purpose for which they were proffered will be escheated. Cash proffers that do not meet either of these requirements will continue to be monitored for projects for which they can be used. It is important to note that many of the older proffer deposit amounts are insufficient to fully fund even small projects, thus small deposits from years ago have been held until additional funding becomes available to fully cover project costs.
3. Open cash proffers received on or after July 1, 2012, will be reviewed and all required fields will be checked and validated. FCDOT staff will continue to apply cash proffers to projects for which they can be used, and each year staff will review all proffers to ensure that they are timely expended.

Staff will also work with LDS and DPD to continue to evaluate processes related to cash proffers to allow for better tracking and record keeping related to proffers.



**Accountable  
Individuals**

Director, Department of Transportation (currently Gregg Steverson, Acting)

Coordination and Funding Division Chief, Department of Transportation (currently Noelle Dominguez)

**Implementation  
Date**

1. Timeframe: 15 months (**December 2025**)
2. Timeframe for reviewing proffers: 12 months (**September 2025**)  
Timeframe for escheating or repurposing cash proffers: 12 months following initial review timeframe (**September 2026**)
3. Timeframe: **Ongoing** – but must be complete before the end of the next fiscal year (**June 30th of that year**).

## Recommendation 2



NO LONGER  
APPLICABLE

### Developer Operating Status

#### Excerpt from the September 2021 Report:

*Assess the inactive or not located project developers and related proffer funds to determine if the related proffer funds and projects are continued going concerns. If these items cannot be considered a going concern, other use of funds should be considered (e.g., repurposed, escheated, or returned to developer).*

**Due:** 6/30/2022

FCDOT concurred with the OFPA recommendation as follows:

*If it is determined that contacting developers is required as a result of FCDOT's current Aged Proffer repurposing process, then steps would be taken to identify and contact the developer. This recommendation is addressed in the current process for addressing Aged Proffers. FCDOT will investigate entries where developer information is missing. If it is determined that contacting developers is required as a result of FCDOT's current Aged Proffer repurposing process, then steps would be taken to identify and contact the developer. FCDOT will enter developer information into the tracking spreadsheet for all new contributions received.*

#### OFPA Follow Up (Q1 FY2025)

For older proffers, we agree with Management that researching the operating status of the developer (now Payer in the August Tracking Sheet) should be done when it is determined that a proffer cannot be used for the purpose intended, and FCDOT therefore may need to contact the developer for repurposing or return of the funds.

Documenting the payer name and address in the Tracking Sheet is a requirement of FPS 250 and can provide FCDOT with a starting point to research a payer's operating status, if needed. FCDOT receives notification of a cash proffer receipt from LDS, and the LDS notification includes the payer's name and address. In the latest spreadsheet received by OFPA (August Tracking Sheet), OFPA noted that for the proffers received since February 2023 when FPS 250 was issued, 95 out of 95 (100%) proffers had a payer name in the Payer field, and 92 out of 95 (97%) also had an address. Three of 95 (3%) proffers had a partial address (it was the same payer name and address combination for three separate DE numbers). For proffers received prior to February 2023, 678 out of 1,815 (37%) proffers had the Payer field blank. As time and resources allow, FCDOT should work with the Department of Planning and Development (DPD), LDS and OCA to locate the payer and address information for older open proffers.

### **Recommendation Summary**

OFPA considers the recommendation regarding the developer operating status from September 2021 no longer applicable. Compliance with FPS 250 as per

**Recommendation 1** will ensure the Tracking Sheet has a payer name and address for each proffer that can provide a starting point for researching the developer, if needed.

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### Recommendation 3



NO LONGER  
APPLICABLE

## Escrows Labeled as Proffers

### Excerpt from the September 2021 Report:

*FCDOT internal tracker enhancement to delineate proffers from escrows potentially through codes or another unique identifier [sic]. Proffered funds are used for enhancements to the project and are fully spent. Escrow funds are contingencies which in some cases are returned to developers at the completion of the project. Properly tracking these financial instruments would lessen the potential to misallocate funds.*

**Due:** 6/30/2022

*FCDOT concurred with the OFPA recommendation as follows:*

*FCDOT concurs with OFPA's recommendation to delineate between proffers and escrows and will update the status of all developer contributions to include this information. FCDOT continues to improve internal processes for tracking proffers, however, further refinements can be made. FCDOT will enter this information into the tracking spreadsheet for all new contributions received.*

## OFPA Follow Up (Q1 FY2025)

To follow up on the labeling of proffers and escrows in FCDOT records, OFPA conducted meetings with LDS and FCDOT. LDS provided an overview of the difference between proffers and escrows. As part of this discussion, it was communicated that the term “escrow” can be used in rezoning applications to indicate the safeguarding of funds rather than designating that the funds are to be deposited in an escrow account, which can cause confusion. FCDOT reviewed the proffer agreements for the funds identified as mislabeled in the September 2021 report. FCDOT confirmed that the agreements are for proffers, rather than escrows.

The focus of this study was the tracking of proffers to ensure the county is able to maximize the use of proffers designated for the county. As a result, OFPA did not perform further testing on the labelling of escrows and proffers in the Tracking Sheet. As mentioned in the Tracking Sheet Adjustments section in Recommendation 1, FCDOT advised that special agreements and development conditions are not proffers but are maintained in the Tracking Sheet. FCDOT did not have a data field in the May or August Tracking Sheet that designates the type of monetary contribution/receipt, so OFPA used the first digits of the Case Number as provided by FCDOT (SE, SEA, SP, SPA, FDP and FDPA) to exclude these transactions. OFPA recommends that when FCDOT maintains construction and transportation funds other than proffers on the Tracking Sheet, a data field (Excel column) should be included to designate the type of contribution/receipt.

### **Recommendation Summary**

OFPA considers this observation regarding escrows labeled as proffers from September 2021 no longer applicable. However, because FCDOT is recording monetary contributions/receipts that are not proffers on the Tracking Sheet, OFPA suggests that FCDOT incorporate a data field to designate the type of monetary contribution/receipt (e.g., proffer, special agreement, development condition, etc.) This will enable FCDOT to more easily analyze and report on the different types of contributions/receipts for managerial decision making.

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#### Recommendation 4



### Proffer Statements not Available

#### Excerpt from the September 2021 Report:

*Perform research to locate the proffer statements not available during this study. If not located FCDOT should liaise with the County Attorney's Office to identify risk and next steps. Proffer statements provide the following critical information; proffer amount, project name/description, developer conditions, development plan, developer name, rezoning numbers, and other pertinent information.*

**Due:** 6/30/2022

*FCDOT concurred with the OFPA recommendation as follows:*

*FCDOT concurs that proffer statements be included into the internal tracking process. Most proffer statements have been located through online resources provided by LDS or visiting LDS office and securing hardcopies. FCDOT will continue to attempt to locate missing proffer statements, but this is dependent upon LDS either having this information online, or physically stored at LDS, or Department of Planning and Development (DPD) offices.*

### OFPA Follow Up (Q1 FY2025)

To follow up on the observation regarding the availability of proffer statements, OFPA first reviewed the FCDOT Cash Proffer Tracking Sheet from May 2024. Since the September 2021 study, FCDOT had added two columns to the Tracking Sheet: Proffer Statement Link and ZAPS Link. Proffer Statement Link provides a hyperlink to the proffer statement, and ZAPS Link provides a hyperlink to the Zoning Application Process System (ZAPS), which is a component of the LDS database and provides zoning-related information to the public and internal county users. (It should be noted the proffer statements often can be accessed via the ZAPS hyperlink as well.) While we noted 126 out of 1,159 (11%) open proffers did not have a hyperlink in the Proffer Statement Link or ZAPS Link columns, adding hyperlinks to proffer statements in the Tracking Sheet is a significant improvement since the September 2021 study.

Of the 126 proffers that were missing a Proffer Statement Link or ZAPS Link, 66 are for recent proffers (less than two years old), and the remaining 60 of 126 have deposit receipt dates of 1973-2021. We are aware that staffing vacancies during the past 1 ½ years impacted FCDOT's ability to maintain the data in the Tracking Sheet.

In the period since May 2024, FCDOT advised OFPA that LDS changed the online system where proffer documentation is stored, and proffer links in the Tracking Sheet will need to be replaced or updated to point to the new system.

OFPA recommends that FCDOT continue to prioritize ensuring that proffer statements are available for all proffers. For new proffers, FCDOT should

add hyperlinks to the new LDS system, and for open proffers, FCDOT should update existing hyperlinks during the review and validation of the Tracking Sheet.

For older proffer statements not available in the county's online systems, OFPA recommends that, as time allows, FCDOT work with DPD and LDS to locate statements in county records and archives. Having proffer statements readily available will enable the county to more easily validate key information documented in the Tracking Sheet to proffer statement terms and conditions and perform research when proffers need to be researched for repurposing or forwarding to outside entities (e.g., developer).

### **Recommendation Summary**

OFPA recommends:

- OFPA recommends that FCDOT continue to prioritize ensuring that proffer statements are available for all proffers. For new proffers, FCDOT should add hyperlinks to the new LDS system, and for open proffers, FCDOT should update existing hyperlinks during the review and validation of the Tracking Sheet (in Recommendation 1).
- For older proffers statements not available online, as time and resources allow, FCDOT should work with DPD and LDS to locate statements in county records and archives.

### **Management Response**

FCDOT staff concurs and has added proffer statements or links over the last few years for almost all deposit entries and will continue to work on adding the remaining missing statements to the tracking sheet. FCDOT continues to attempt to locate missing proffer statements, but it should be noted that this work is dependent upon: Land Development Services (LDS) having this information online, or the information being physically stored at the office of either LDS or the Department of Planning and Development (DPD). It is possible that some (especially older) statements may not be available.

### **Accountable Individuals**

Director, Department of Transportation (currently Gregg Steverson, Acting)

Coordination and Funding Division Chief, Department of Transportation (currently Noelle Dominguez)

**Implementation  
Date**

Newer and easily accessible statements will be located and added to the tracking sheet in the next few months with a goal of filling in these newer and accessible statements. FCDOT staff will continue to search for older and more difficult to locate documentation that may or may not be available and will update the tracking sheet with any information that is discovered, as time and resources allow. Total Completion Timeframe: 7 months (**March 2025**)

CAPITAL ONE PROFFERS  
PCA 2010-PR-021

May 5, 2014

Pursuant to Section 15.2-2303 (A), Code of Virginia (1950, as amended) and Sect. 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owner and applicant for themselves and their successors and/or assigns (collectively referred to as the "Applicant") in this Proffer Condition Amendment application ("PCA") proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map 29-4 ((5)) Parcel A2 (the "Property") shall be in accordance with the following conditions if, and only if, Proffer Condition Amendment application PCA 2010-PR-021 (the "Application") is granted by the Board of Supervisors (the "Board"). In the event that the application is denied, these Proffers shall be immediately null and void and of no further force or effect on the Property.

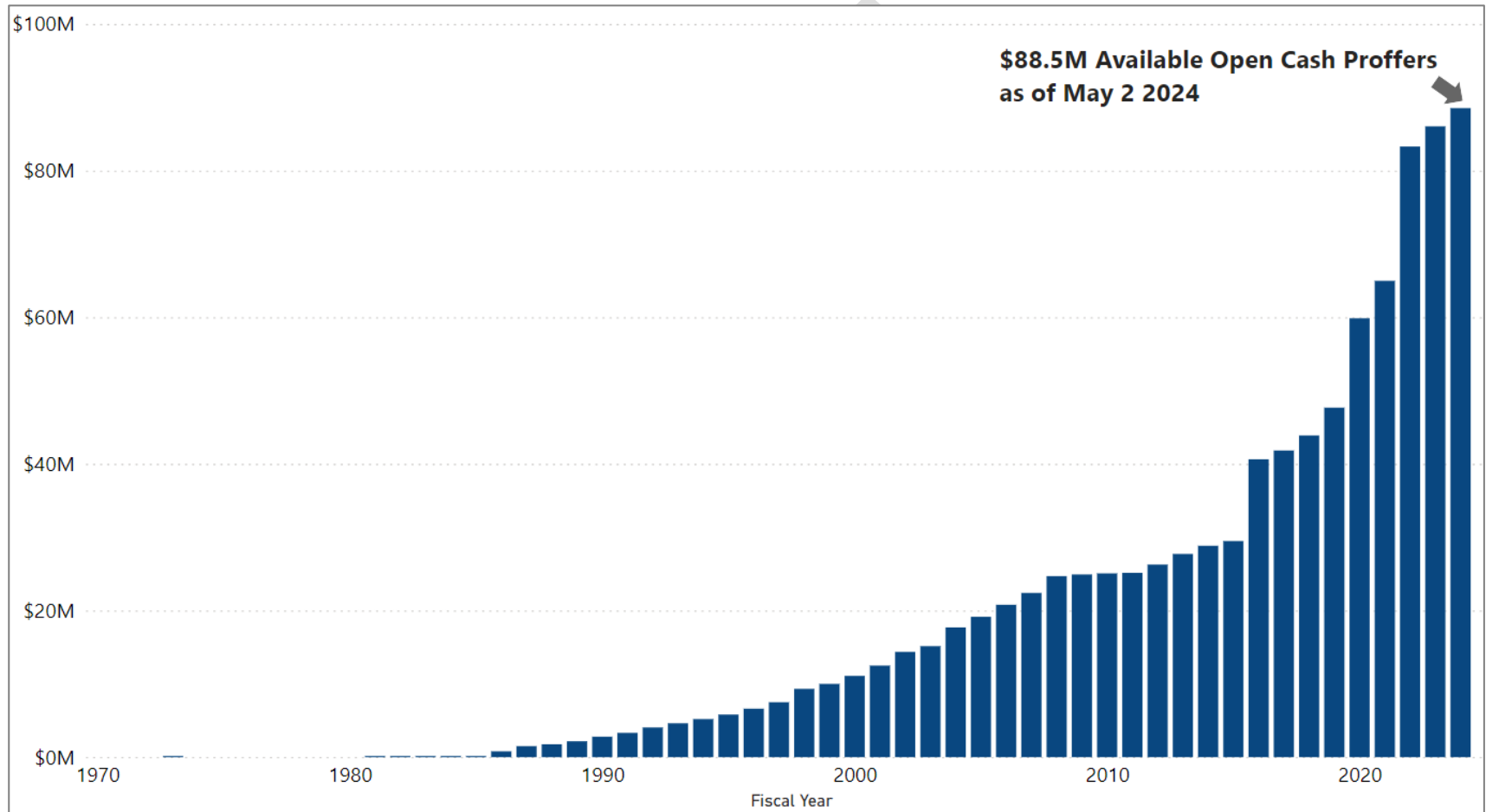
**GENERAL**

1. Conceptual Development Plan Amendment. The Property shall be developed in substantial conformance with the proffered elements of the Conceptual Development Plan Amendment dated May 6, 2013, and revised through February 18, 2014, prepared by William H. Gordon & Associates and consisting of 35 sheets (the "CDPA"). In addition to the specific Proffers contained herein, the proffered elements of the CDPA shall be limited to the grid of streets, general location of access points to buildings, general location of the buildings, mix of uses, minimum and maximum building heights, the amount and general location of urban park land, and general quality and character of the streetscape (the "Proffered Elements"). Other elements of the CDPA may be adjusted or modified with approval of future Final Development Plans ("FDP") in accordance with the provisions set forth in Section 16-402 of the Fairfax County Zoning Ordinance (the "Ordinance"), and these Proffers.
2. Minor Modifications. Minor modifications to the Proffered Elements of the CDPA and these Proffers may be permitted pursuant to Par. 4 of Section 16-403 of the Ordinance when necessitated by sound engineering or when necessary as part of final site design, and when such modifications are determined to be in substantial conformance with the Proffered Elements and these Proffers, as determined by the Zoning Administrator.
3. Future Applications. Any portion of the Property may be the subject of a Conceptual Development Plan ("CDP"), Conceptual Development Plan Amendment ("CDPA"), Final Development Plan ("FDP"), Final Development Plan Amendment ("FDPA"), Proffered Condition Amendment ("PCA"), Rezoning ("RZ"), Special Exception ("SE"), Special Permit ("SP"), Variance or other zoning action without joinder and/or consent of the owners of the other land areas, provided that such application complies with Section 18-204 paragraph 5 of the Ordinance. Previously approved proffered conditions or development conditions applicable to a particular portion of the Property which are not the subject of such an application shall remain in full force and effect.

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## Appendix 2

### Cumulative Available Balance of Open Cash Proffers Year over Year





### Tracking Sheet Adjustments: May 2024

1. We received a Tracking Sheet in May with 1,968 records and 42 fields (Excel columns). We identified six proffers with proffer expenses greater than proffer amount (receipt). Per FCDOT, three proffers were added to the Tracking Sheet to record staff notations and have since been deleted by FCDOT, and three needed to be changed from open to closed (and have since been updated by FCDOT). We made the same adjustments in the May Tracking Sheet provided to us.
2. Per FCDOT, we excluded Special Agreements and Development Conditions from the Tracking Sheet as these are development conditions and not proffers. These include: monetary contributions required by a special exception (SE), special exception amendment (SEA), special permit (SP), special permit amendment (SPA), final development plan (FDP) and final development plan amendment (FDPA). FCDOT does not have a data field that designates the type of monetary contribution/receipt, so we used the first digits of the Case Number to exclude transactions noted above (SE, SEA, SP, SPA, FDP and FDPA). A total of 129 transactions/receipts, amounting to \$5.84 million, were excluded.
3. We identified 48 line items in the May Tracking Sheet that appeared to be duplicate proffers based on DE (Deposit Entry) number. We requested guidance from FCDOT regarding whether to exclude several of the larger valued potential duplicates, but FCDOT was unable to respond in the time allotted due to competing priorities. As a result, all potential duplicates were included in our analysis.
4. We identified one proffer with \$2 million reserved for spending which had been subtracted from the available balance in the May Tracking Sheet. FCDOT advised that we should add this amount back to the total available balance. The final number of proffers was 1,836.

### Tracking Sheet Adjustments: August 2024

1. We received a subset of the Tracking Sheet in August 2024 with 2,044 records and 12 fields (Excel columns). FCDOT shared that they were not able to update the other fields for OFPA's deadline but were actively working on them.
2. Per Step 2 above, (Tracking Sheet Adjustments: May 2024) we excluded Special Agreements and Development Conditions from the Tracking Sheet as these are development conditions and not proffers. Total excluded was 134 transactions/receipt with an available balance of \$5.9 million. The final number of proffers was 1,910.

## Office of Financial & Program Audit

The **Audit Committee** and the **Office of Financial & Program Audit (OFPA)** were created by the Board of Supervisors, pursuant to Virginia Code §15.2-825. The **Audit Committee** consists of six members- four Supervisors of the Board and two county residents. Working under the guidance and direction of the Audit Committee, OFPA provides an independent means for determining the manner in which operations, programs, and resources authorized by the Board of Supervisors (BOS) are deployed by management, and whether they are consistent with the intent of the Board and operating effectively and efficiently.

### What We Do

OFPA designs and conducts reviews, studies, and evaluations of county agencies as assigned by the BOS or the Audit Committee. OFPA activities can vary from a simple inquiry, a program study, or long-term monitoring. We present the results of our work in reports that offer recommendations to increase county revenues, reduce county expenditures, or otherwise improve the efficiency and effectiveness of county resources. Results and recommendations are based on our analysis of county data and other information and may not identify every risk, process gap, revenue enhancement, or expense reduction.

### Our Goals

- Review the effectiveness and efficiency of programs and operations of county departments, agencies, and authorities.
- Identify cost savings and additional financial resources, as appropriate.
- Recommend ways to improve, promote, and increase accountability.



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To request this information in an alternate format, call OFPA at 703-324-1501.