Preliminary DRAFT 2017 Fairfax County Legislative Program

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

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

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

Priorities

Funding Core Services

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

It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education, including full funding for the biennial re-benchmark of Virginia's Standards of Quality (SOQ).

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

The Boards strongly support:

- Realistic and fully-funded Standards of Quality;
- Recognition of cost of living variations in state funding formulas, to more accurately determine a locality's true ability to pay, particularly for high cost of living areas;
- Restoration of full funding for Cost of Competing Adjustment (COCA) for support positions, a factor in the funding formula recognizing the competitive salaries required in high cost of living regions to attract and retain the highest quality instructional and support personnel – the 2016-2018 biennium budget conference report included a partial restoration of COCA at $17 million in FY 2017 and $17.4 million in FY 2018 ($5.6 million for Fairfax County Public Schools in FY 2017, and $5.8 million in FY 2018) – a major accomplishment for Northern Virginia localities;
- Appropriate recognition in state funding formulas of the increased costs required to serve children with higher level needs, including special education students (a category encompassing students with intellectual or physical disabilities as well as those with mental/behavioral health issues; costs are approximately 100 percent more than general education), those learning English as a second language (costs are approximately 30 percent more than general education), and those living in economically disadvantaged households (costs are approximately 10 percent more than general education); and,
- Increased state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.

Additionally, the Boards strongly oppose:

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

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

ranked 23rd nationwide in total per-student spending, but 11th in the local share of this spending, reflecting Virginia's reliance on local effort and a growing imbalance in this partnership. The Governor and the 2016 GA took significant steps towards improving state funding for K-12 education – it is essential that such funding be safeguarded from future cuts and that efforts to build on that success continue in years to come.

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

2.) Transportation Funding

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

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

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

  - During the 2015 session, the General Assembly began to address the significant reduction in state transit funding expected to occur in 2018, due to the depletion of transportation bonds. **However, further action is needed and the County supports additional efforts to fully address this impending deficit in transit funding before FY 2018, to ensure that transit systems continue to receive the state resources needed to provide critical services.**
  - In 2016, the General Assembly passed HB 1359 (2016), which established the Transit Capital Project Revenue Advisory Board to examine the effects of the loss of state transit capital funds and identify additional sources of revenue. The bill also requires this Advisory Board to develop a prioritization proposal for transit capital funding, making funding for new transit service or the expansion of transit service subject to the same prioritization factors as Smart Scale. Though the Commonwealth already has a tiered structure for providing transit capital funds (vehicles receive priority, followed by infrastructure and facilities, followed by other items) created by SB 1140 in 2013, HB 1359 requires the new Advisory Board to develop prioritization methods within those tiers. Because the current funding approach has only been utilized for two years and was enacted after years of discussion and negotiation among localities and transit operators throughout the state, the County remains concerned that changing the transit capital formula again, after such a short time period, only makes it more difficult for systems to adequately plan and provide transit service.

- **Fuels Tax Floor—**A 2.1 percent motor vehicle fuels tax is currently levied on fuels sold/delivered in bulk in the Northern Virginia area. The revenues from these taxes, which the County uses to support Metro service, have been adversely affected by reductions in the price and use of gas; while the County received $28.7 million from this revenue source in FY 2013, that amount decreased to $17.3 million in FY 2016. The County supports establishing a floor on the regional gas tax similar to the floor that already exists on the statewide gas tax established in HB 2313, ensuring consistency for this critical funding source.
- **Transportation and Economic Success –** The Commonwealth should provide funding assistance for the transportation needs of major employment centers, in order to lay the groundwork for continued economic success. Fairfax County contains several major employment centers that generate public benefit for the County and the Commonwealth. For these centers, including areas such as Springfield, Seven Corners, and Reston, to remain successful and accommodate predicted growth, they must transform into sustainable, transit-oriented, and walkable communities. That transformation has already begun in Tysons, where significant improvements in transit access have been made, but additional resources are needed to ensure that pedestrian, bicycle, and transit modes thrive and roadway congestion is addressed. The County's Six-Year Transportation Project Priorities (TPP) assumes significant local funding, as well as funding from regional and statewide sources. The projects in the TPP focus on making investments to strengthen the County's major employment activity centers, and it is important that the state and federal governments similarly recognize their importance by providing the funding needed to complete the transportation projects that have been identified in these areas.
- **Metro – The Commonwealth should continue to support Metro 2025.** The County supports WMATA's efforts to enhance the safety and security of the system and its riders, through adequate funding and oversight, including the SafeTrack Program. While focusing on safety and state of good repair, the region must also work to address future capacity needs. The region is projected to continue to grow over the coming decades, placing more pressure on a Metro system that is already nearing capacity. Further, improvements to the system's core capacity are needed as well as future extensions. Resources are critical to ensuring that these needs are addressed. Continued state support of Metro will help accommodate additional growth in Fairfax County and Northern Virginia, which is important for the entire Commonwealth.

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

3.) State Budget

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

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities decreased by approximately $1 billion between FY 2009 and FY 2016, including a five-year period in which the Commonwealth required localities to return funds to the state in order to help balance the state's budget – essentially creating a new reverse concept of "local aid to the Commonwealth," which translated into more than $20 million in state funding cuts to Fairfax County. During that time period, Virginia also implemented sizable structural budget cuts to K-12, costing localities more than $1.7 billion per biennium statewide. The Governor and the 2016 General Assembly made significant progress in improving the state's commitment to K-12, including substantially increasing funding in the 2016-2018 biennium budget; however, funding provided in the budget for a salary increase for teachers and other state-supported local employees was contingent on FY 2016 revenue projections, and when those projections were missed, a state revenue shortfall was created. Funding for such raises, planned for December 2017, will not proceed as planned, and additional state funding cuts in FY 2017 and FY 2018 are possible.

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

While direct aid to localities was 52 percent of the General Fund (GF) in FY 2009, it only accounted for 42 percent of the General Fund in FY 2017. And K-12, the most critical core service shared by the state and localities, dropped from 35 percent of the General Fund in FY 2009 to less than 29 percent in FY 2017.

In addition to the two County priorities of K-12 and Transportation, action should be taken at the 2017 General Assembly on the following budget items:

- Full restoration of Cost of Competing Adjustment (COCA) funding for K-12 support positions in the 2016-2018 biennium budget. (see also page 2)
- Full restoration of funding for planned salary increases for teachers and state-supported local employees included in the 2016-2018 biennium budget.
- Restoration, or at a minimum level funding, for HB 599 law enforcement funding. (see also page 10)
- Provision of sufficient state funding for services to individuals leaving the Northern Virginia Training Center, ensuring the Commonwealth fulfills its responsibility to implement the federal settlement agreement. (see also page 13) ***[TO BE UPDATED IN FUTURE DRAFT]***
- Expansion of Medicaid and restoration of funding for human services programs, which serve the most vulnerable Virginians. (see also the Human Services Issue Paper)

State revenues have continued to fluctuate considerably in recent years, with another large revenue shortfall announced in FY 2017 – the third dramatic downturn this decade, which has also seen years of sizable surplus funding. It is important that the state work to protect the additional funding provided in the 2016-2018 biennium budget for K-12 after years of underfunding, as well as work to preserve funding for critical local programs and

services. In addition, expansion of Medicaid as envisioned in the Patient Protection and Affordable Care Act presents a significant opportunity for the state to take advantage of enhanced federal revenues, thus freeing up state dollars to be redirected to other critical needs. (Medicaid expansion is discussed in more detail in the Human Services Issue Paper.) Now is the time for the state to focus on investments in critical core services that will continue to move Virginia forward. *(Revises and updates previous position.)*

Governance

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

4.) Local Authority

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

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

Local land use authority must also be preserved. Historically, local governments have served as the level of government best suited to equitably and effectively deal with local land use issues. However, recent actions by the General Assembly have significantly eroded local land use authority, which has the effect of distancing communities and neighborhoods from decisions about development in their area. Legislation enacted by the 2016 General Assembly to severely limit proffer authority, which has long been used to ensure that new development or redevelopment is able to mitigate its impacts and address community concerns about such impacts, will likely lead to serious repercussions in years to come.

Instead of statewide land use decisions that do not reflect differences in localities throughout the Commonwealth, communities should be empowered to act through their locally elected governments to ensure orderly and balanced growth and development, allowing direct public participation and accountability in this critical process. Additionally, further restrictions on local use of eminent domain are unnecessary; Fairfax County has been extremely judicious and wholly appropriate in its very selective use of condemnation. Moreover, additional legislation in this area should be avoided while courts adjudicate the 2013 amendment to the Virginia constitution, which changed what was a long-settled area of law.

Each level of government has unique strengths. However, as a Dillon Rule state, local governments in Virginia are significantly restricted in their authority, which impedes the ability of localities to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities. (Consumer protection is an example of an area in which local government is often better equipped to address local concerns.) At a minimum, the state should empower localities to solve their own problems, by providing increased authority or

discretion for services that have no compelling priority or impact for the Commonwealth, thus eliminating the need to seek permission for ministerial matters from the General Assembly each year. Moreover, efforts to encourage the new "sharing economy" must balance such interests with those of the community, safeguarding local revenue sources and land use authority (for example, as the General Assembly seeks to provide new authority for short-term rentals in residential areas). Additionally, requiring that all bills with a local fiscal impact be filed by the first day of the General Assembly session would allow localities the maximum time possible to highlight potential impacts as new legislation is considered. Furthermore, local governments must be included as full participants on any state commissions and study committees examining local issues, allowing for a more complete assessment of such issues and reflecting the governing partnership that must exist between the state and localities to ensure the effective administration of government. *(Updates and reaffirms previous position.)*

Initiatives/Action Statements

Position Statements

Environment

Global Climate Change/Environmental Sustainability Initiatives

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

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

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

Land Conservation

Support the Governor's goal to preserve 400,000 acres of open space and working lands statewide, including the Administration's initiative to protect 1,000 "Virginia Treasures," which are properties with particular conservation value, such as wetlands or riparian buffers. Support state incentives that promote donations to park authorities or associated foundations. Further, continue to support prioritizing the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use. In addition to other benefits, the preservation of open space contributes to watershed protection, an important issue as the state works to reduce nutrient pollution in the Chesapeake Bay. *(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 2017. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. *(Updates and reaffirms previous position.)* *(Note: The Environmental Quality Advisory Council recommended that the Board of Supervisors retain this position in the 2017 legislative program.)*

Funding

Economic Success

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

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

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

Libraries

Support increased state aid to public libraries, which provide communities with critical services such as student homework support, research assistance, and public internet access. Approximately 5 million visits were made to Fairfax County public libraries in FY 2015, with approximately 12 million items borrowed. State aid to libraries declined significantly during the recent recession; at a minimum, the state should avoid further reductions in aid. *(Updates previous position.)*

Public Safety/Courts Funding

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

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

cities, counties, and towns with police departments and localities in which the sheriff provides law enforcement. Though state funding did increase in the 2016-2018 biennium budget, if state funding had consistently increased with state revenues, as is required, Fairfax County would have received approximately $35.7 million in additional funding over the past seven years. *(Updates and reaffirms longstanding Board position.)*

- **Jails – The Commonwealth should adequately compensate localities at a level which is commensurate with the state's responsibility for local jail operations.** Local governments in Virginia have historically borne a disproportionate burden of supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. *(Reaffirms previous position.)*
- **Courts – The Commonwealth should adequately fund Virginia's courts, to ensure a well-functioning judicial branch.** The overall underfunding of Virginia's court system continues to place additional burdens on localities and the judicial system. Providing sufficient funding for the salaries of court personnel, including clerks, magistrates, Commonwealth's Attorneys, public defenders, district court employees, and probation office employees, among others, is a critical state responsibility. Budget-related actions in recent years to limit the filling of judicial vacancies have strained the ability of the courts to administer justice efficiently while managing a large volume of cases – though the 2016 General Assembly filled one vacancy on the Fairfax Circuit Court and one vacancy on the Fairfax General District Court, an additional vacancy remains on both the Circuit Court and the General District Court, as does the need for an additional Fairfax Juvenile and Domestic Relations Court (JDRC) Judge (although the 2016 General Assembly authorized this additional JDRC judge effective July 1, 2018, funding still needs to be allocated). In the 2016-2018 state budget, the General Assembly directed the Supreme Court to update the weighted caseload study that was completed by the National Center for State Courts in 2013 and updated in 2015, in an effort to objectively reevaluate the need for judgeships in each court. In addition to the quantity of filed cases, other qualitative factors should be considered to evaluate judicial workload and allocate judgeships and state funding for the court system, including, for example, the growing need for interpreters, increases in population and commercial development, and the effect of cost-of-living on retention of competent local court personnel. *(Updates and reaffirms previous position.)*

Water Quality Funding

Support budget action at the 2017 General Assembly providing adequate state appropriations to the Water Quality Improvement Fund (WQIF) in order to ensure full and timely payments under point source upgrade contracts with local governments; also support continuation of, and increased funding to, the Stormwater Local Assistance Fund (SLAF).

Fairfax County and local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). The state has made significant progress in providing funding in recent years, including deposits to the WQIF of surplus funds and the establishment and funding of the SLAF ($28 million in matching grant funds was allocated for SLAF in 2014, an additional $5 million was provided in 2015, and $20 million in bond proceeds were authorized by the 2016 GA), and the County recently received approximately $1.5 million in SLAF funds for the Flatlick Branch Phase III Stream Restoration project. However, in order to meet federal Chesapeake Bay requirements, additional state assistance for urban stormwater needs will be required (in 2011, the Senate Finance Committee estimated these costs to be between $9.4 billion and $11.5 billion by 2025), while additional funding will likely also be needed for wastewater treatment plant upgrades in the Chesapeake Bay watershed. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort, and such funding must continue to increase if Virginia is to meet its commitments for the Chesapeake Bay. *(Updates and reaffirms previous position.)*

General Laws

Elections
Support legislation to promote participation in elections, including allowing any registered voter to vote absentee without requiring that the voter state a reason ("no-excuse" absentee voting), and providing for extended polling hours statewide to allow voters additional time to reach polling places. Legislation intended to enhance security regarding elections must be carefully analyzed to ensure that it strikes a balance between maintaining the integrity of elections while not discouraging the exercise of the franchise. The effects of the 2013 voter ID legislation should be examined for potentially harmful consequences before further legislation in this area is considered. Similarly, reactions at the state and federal levels to the recent Supreme Court decision striking down Section IV of the Voting Rights Act, which eliminated the requirement that changes to Virginia's election laws be "pre-cleared," should be closely monitored. Additionally, support greater state financial support for election administration. Such assistance will be increasingly necessary as federal Help America Vote Act (HAVA) funds are exhausted in FY 2018; currently, these funds comprise 60 percent of annual spending by the Virginia Department of Elections. *(Updates and reaffirms previous position.)*

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

Health

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

Lyme Disease
Support funding initiatives that will advance research, surveillance, reporting, diagnostics, and treatment for Lyme disease, as recommended by the Lyme Disease Task Force convened in 2011 by the Governor and the Secretary of Health and Human Resources. Cases of Lyme disease have been on the rise in Virginia, with 976 confirmed and 370 probable cases reported to the Centers for Disease Control and Prevention in 2014. *(Updates and reaffirms previous position.)*

Human Services

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

The health, safety and school readiness of children is a fundamental priority. However, children in the Commonwealth face increasing challenges that must be addressed in a comprehensive manner to ensure the

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

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

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

Northern Virginia Training Center (NVTC) *[TO BE UPDATED IN FUTURE DRAFT]*

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

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

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

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

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

Mental Health, Public Safety, and the Criminal Justice System *[TO BE UPDATED IN FUTURE DRAFT]*
Support sustainable funding for public safety and mental health services which connect non-violent offenders experiencing mental health crises to treatment instead of the criminal justice system. Also, support funding for the provision of mental health services in jails, including training for personnel.

For many years, police officers have been the first responders when an individual is in the midst of a mental health crisis – the Fairfax County Police Department responds to more than 5,000 calls each year that are mental health related. As a result, many of these calls lead to incarceration for low-level offenses (trespassing, disorderly conduct), precluding the individual from receiving appropriate treatment in the community for the underlying mental health issues with which he or she is grappling. In fact, nearly four in ten inmates at the Fairfax County Adult Detention Center (ADC) have been identified as needing mental health care, and more than one in four have a serious mental health illness and co-occurring substance use disorder. Though the impacts of mental health challenges on public safety are increasingly receiving national attention, the fact remains that the criminal justice system is ill-equipped to deal with such issues, and substantial changes must be made. Innovative approaches in the courts to quickly identify individuals with mental illness who are charged with criminal offenses could ensure appropriate treatment and enhance diversion efforts, leading to better outcomes for individuals and the community. Additionally, it is significantly more expensive to deliver mental health services in a detention facility than in the community due to the high cost of incarceration, which is approximately $50,000 per year in Fairfax County, not including additional costs for mental health care. In contrast, it only costs approximately $7,500 per year to provide intensive case management in the community, through the Community Services Board.

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

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

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

Land Use

Proffers

Local authority to accept cash and in-kind proffers from developers must be restored without restrictions. Such proffers assist with providing necessary capital facilities and infrastructure to serve new development and maintain local community standards, in order to keep and improve quality of life and encourage and spur economic development.

The 2016 GA enacted legislation sharply limiting local proffer authority, reducing the County's ability to work with developers and local communities to ensure that new development or redevelopment mitigates its impacts and addresses community concerns about such impacts. Though the legislation was primarily intended to narrow localities' proffer authority, it also restricts developers' options to proffer an array of items to satisfy community concerns about a particular development; under the new law, localities cannot accept proffers that fall outside the bounds of these new requirements, even if they are offered voluntarily. Another challenge created by this new law is that it hinders a locality's ability to work cooperatively with a developer by potentially requiring the payment of enhanced damages if a locality "suggests" a proffer that could not be accepted, running counter to the collaborative environment that has been created in the County over many years. Though significant areas of Fairfax County were exempted from such requirements due to these potential issues, navigating this new landscape will pose challenges for localities, communities and developers for the foreseeable future. The County supports full restoration of its proffer authority; at a minimum, no further restrictions on local land use should be considered, and any proposal for replacing proffer commitments with development impact fees must be at the option of each locality. *(Revises previous position.)*

Public Safety

Accessibility *[TO BE UPDATED IN FUTURE DRAFT]*

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

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

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

Dangerous Weapons in Public Facilities

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

Pneumatic Guns

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

Taxation

Communications Sales and Use Tax

Support legislation to protect the financial interests of local governments based upon declining revenues in the communications sales and use tax. After lengthy negotiations, the 2007 General Assembly repealed many local telecommunications taxes and replaced them with a statewide communications tax. The expectation at that time was that the new communications tax would grow and localities would, at a minimum, receive the same amount of funding as they received in FY 2006 ($85.5 million for Fairfax County). However, this tax has eroded and in FY 2016, the County only received approximately $76.6 million. Consequently, any consideration of formula changes must be avoided until and unless communications tax revenues increase sufficiently to ensure revenue neutrality for localities, as agreed upon when this compromise was reached. A 2015 report by the Virginia Department of Taxation found several reasons for the decline in Communications Sales and Use Tax revenue, including a decline in telephone landlines (down 21 percent between 2007 and 2014), a decline in gross receipts from satellite radio services (down 91 percent between 2007 and 2014), and exemptions in the current law for streaming audio and video services and prepaid calling services, which have become increasingly popular in recent years. These changes in market area, customers served, new technologies, and perhaps the rate itself must be examined to ensure a modern communications tax system for localities, which reflects and reacts to an ever-changing landscape. *(Updates and reaffirms previous position.)*

Transportation

Secondary Road Devolution

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

Pedestrian and Transit Safety

Safe access to transit facilities can be improved through infrastructure investments, better traffic safety laws, and adequate sidewalk maintenance, including snow removal following inclement weather. With the opening of the Silver Line, along with significantly increased Fairfax Connector service and more concentrated growth, more residents and workers in the County are choosing to walk and use transit. Fairfax County supports revisions to Virginia's existing pedestrian law that clarify the responsibilities of both drivers and pedestrians, 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. *(Revises and reaffirms previous position.)*

FAIRFAX COUNTY
2017 Transportation Fact Sheet

Transportation Conditions

- Only 18% of secondary roads in Fairfax County have pavement in fair or better condition (a significant decline from 31% since 2015). This is 42% lower than the statewide average of 60%, and far short of VDOT's target of 82%. While the County's interstates and primary roads have improved from previous years, there are still significant unmet roadway maintenance needs in Fairfax County.

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

- Transit agencies provide over 158 million passenger trips in Northern Virginia on bus and rail annually and approximately three-quarters of transit trips in the Commonwealth are in Northern Virginia. The Fairfax Connector operates more than 80 routes across the County and provides approximately 10 million passenger trips each year to enable residents to access jobs, schools, grocery stores, and other destinations across the County and region.

The Current Situation

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

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

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

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

Sample Project Costs			
Traffic Signal Upgrade	$350,000	Road Widening Project*	$50-150 million
Major Interchange*	$100-300 million	Multi-modal Transit Center	$60 million
Intersection Improvement	$3 million	Metrorail Car	$2.5 million
Roadway Extension*	$60-120 million	Transit Bus	$500,000

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

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