

**AR:ar**

The recessed meeting was called to order at 10:05 a.m., with all Members being present, and with Chairman Davis presiding.

Others present were Richard A. King, Acting County Executive; Robert L. Howell, Acting County Attorney; Theodore Austell, III, Executive Assistant to the County Executive; William Howland, Assistant to the County Executive; Ann Richardson and Jennifer L. Dickson, Office of the Clerk to the Board of Supervisors.

**BOARD MATTERS**

**2.AUTHORIZATION TO ADVERTISE FOR PROFESSIONAL**

**ASSISTANCE IN SEARCH FOR A PERMANENT**

**COUNTY EXECUTIVE (Tape 1)**

As Chairman of the Board's County Executive Search Committee, Supervisor Alexander moved that the Board authorize staff to advertise the Request for Proposal (RFP) for professional assistance in the search for a permanent County Executive. This motion was seconded by Supervisor Berger and carried by unanimous vote.

**3.LETTER FROM BAILEY'S CROSSROADS**

**REVITALIZATION CORPORATION (Tape 1)**

Supervisor Trapnell asked unanimous consent that the Board direct staff to enter into the record of the January 27, 1992 Board Meeting a letter from the Bailey's Crossroads Revitalization Corporation regarding the bonds for revitalization of declining areas in the older eastern parts of Fairfax County. Without objection, it was so ordered.

**4.WORK SESSION ON THE FISCAL YEAR (FY) 1993-1997**

**CAPITAL IMPROVEMENT PROGRAM (CIP) AND BOARD**

**DECISION ON FINANCING OPTIONS FOR THE**

**FAIRFAX COUNTY PARKWAY (Tapes 1-3)**

Following a briefing by James P. McDonald, Deputy County Executive for Management and Budget; and Anthony H. Griffin, Deputy County Executive for Planning and Development, with input from John W. diZerega, Director, Department of Public Works, and Alton C. Hlavin, Assistant

Superintendent, Department of Facilities Services, Fairfax County Public Schools, there was an extensive question and answer session held by the Board on the Fiscal Year (FY) 1993-1997 Capital Improvement Program (CIP).

[NOTE: Later in the meeting, the work session on the FY 1993-1997 CIP continued. See Clerk's Summary Item CL#6.]

### **5. BOARD RECESS (Tape 3)**

At 12:00 noon, the Board recessed for lunch.

**JLD:jld**

At 1:40 p.m., the Board reconvened in the Board Room with all Members being present, and with Chairman Davis presiding.

### **6. CONTINUATION OF WORK SESSION ON THE FISCAL YEAR (FY) 1993-1997 CAPITAL IMPROVEMENT PROGRAM (CIP) AND BOARD DECISION ON FINANCING OPTIONS FOR THE FAIRFAX COUNTY PARKWAY (Tape 3)**

[NOTE: Earlier in the meeting, discussion began on the Fiscal Year (FY) 1993-1997 Capital Improvement Program (CIP). See Clerk's Summary Item CL#4.]

Supervisor Alexander distributed to Board Members a revised Slide 9 entitled, "Recommended Restoration Detail." He stated that the intent of the proposal is to locate additional monies in order to:

- Fund the projects on the list proposed by staff;
- Add several projects; and

- Allow the flexibility with the balance at the end of the term for other projects determined to be critical by Board Members.

Supervisor Alexander proceeded to outline the proposal, as follows:

- Apportion \$80 million of the \$126 million transportation bond issue for the Fairfax County Parkway and \$50 million for Metro, which would result in an approximate \$37 million cash flow flexibility;

- Construct the Fairfax County Parkway in FY 1993, but defer selling the bonds until FY 1994, which would result in another \$22 million in cash flow; and

- Limit the Schools to \$50 million per sale in FY 1994, 1995 and 1996, which would result in another \$32 million each year for cash flow.

Supervisor Alexander stated that this proposal allows the Board to accomplish all of the projects contained on the staff list and to add Crossroads/New Beginning, which results in an \$11.1 million flexibility in FY 1993 and \$28.4 million in FY 1994.

Following a clarification by staff, Supervisor Alexander stated that of the \$28.4 million in FY 1994, \$10 million would need to be saved for future years.

Following a query by staff, Supervisor Alexander asked unanimous consent that the Board allow staff the flexibility to redo the estimates for the Fairfax County Parkway, in light of the one-year deferral, which were not yet done due to time constraints. Without objection, it was so ordered.

Supervisor Alexander clarified that the proposal would allow the Board the flexibility in the bottom line for additional projects that could be added to the list as necessary. He stated that if the Board were to adopt Slide 9, the individual projects could be addressed at a future date and the Fairfax County Parkway and Metro bond issues would be scheduled for November, with the flexibility to alter this schedule due to actions by the General Assembly.

Supervisor Alexander moved that the Board concur in the recommendation of staff with the amendments outlined above and shown on revised Slide 9, "Recommended Restoration Detail." This motion was jointly seconded by Supervisor Dix and Supervisor McConnell.

Discussion continued among Board Members, with input from Shiva K. Pant, Director, Office of Transportation, and John W. diZerega, Director, Department of Public Works.

Following a query by Chairman Davis, Supervisor Alexander clarified that the motion indicates the priority of the Fairfax County Parkway by the Board and solves the Board's Metro obligation for the near future.

Following additional discussion among Board Members and staff, Supervisor Hanley asked that the motion be amended to change the reduction to School sales from \$32 million in FY 1994 to \$24 million, which would result in \$58 million instead of \$50 million. This request was seconded by Chairman Davis.

Supervisor Hanley clarified her amendment that School projects already underway and funded can proceed.

The amendment was accepted as part of the main motion.

Supervisor Hyland asked that the motion be amended to include a commitment of policy of the Board that in deciding how to expend any remaining balance, storm drainage, and community and neighborhood improvements be included as subjects for additions, and this was accepted.

Additional clarification and discussion of various projects continued among Board Members, with input from William C. Beckner, Director, Park Authority.

Supervisor Alexander asked unanimous consent that the Board direct staff to contact him to discuss the closing of Lee District Center at 6:00 p.m. when previously it had remained open until 10:00 p.m. Without objection, it was so ordered.

The question was then called on the main motion, as amended, which carried by unanimous vote.

[NOTE: Later in the meeting, action was taken to request staff to report to the Board with the final figures at the February 10, 1992, Board meeting. See Clerk's Summary Item CL#8.]

## **ADDITIONAL BOARD MATTERS**

### **7.PERSONNEL SHORTAGE AT OFFICE OF ASSESSMENTS**

#### **SATELLITE OFFICE IN FRANCONIA GOVERNMENTAL**

#### **CENTER (Tape 3)**

Supervisor Alexander called to the Board's attention the shortage of personnel at the Office of Assessments satellite office in the Franconia Governmental Center and he asked unanimous consent that the Board direct the County Executive to respond at the Board of Supervisors' meeting scheduled for February 10, 1992 with solutions to correct this inadequacy on a temporary basis. Without objection, it was so ordered.

## **8.FISCAL YEAR (FY) 1993-1997 CAPITAL IMPROVEMENT**

### **PROGRAM (CIP) (Tape 3)**

[NOTE: Earlier in the meeting, action was taken on the Fiscal Year (FY) 1993-1997 Capital Improvement Program (CIP). See Clerk's Summary Items CL#4 and CL#6.]

In response to a query from Anthony H. Griffin, Deputy County Executive for Planning and Development, it was the consensus of the Board to direct staff to report at the Board of Supervisors meeting scheduled for February 10, 1992 with the final figures on the CIP, with Board adoption scheduled for February 24, 1992. Without objection, it was so ordered.

## **9.REPORT ON GENERAL ASSEMBLY ACTIVITIES (Tape 3)**

Chairman Davis called to the Board's attention the report on legislative activities and it was the consensus of the Board, in order to allow Board Members an opportunity to review the report, to proceed with other issues.

[NOTE: Later in the meeting, action was taken on the legislative report. See Clerk's Summary Item CL#13.]

## **10.RESOLUTION REGARDING A PUBLIC/PRIVATE**

### **PARTNERSHIP FOR MASS TRANSIT IN THE**

### **DULLES CORRIDOR (Tapes 3-4)**

(Verbatim)

(R)(NOTE: At the Board of Supervisors' meeting held on January 27, 1992, Board action was deferred on a Resolution regarding public/private partnership in the Dulles Corridor. Refer to Clerk's Summary Item CL#53 of that date.)

Supervisor Berger reinstated his motion made previously at the Board of Supervisors' meeting held on January 27, 1992: That the Board adopt a Resolution to the

Commonwealth Transportation Board (CTB) on mass transit in the Dulles Corridor, to read as follows:

**WHEREAS**, the extension of Metro Rail Service from the District of Columbia through the Tysons/Dulles Corridor to Washington Dulles International Airport is a top priority mass transportation improvement objective of Fairfax County; and

**WHEREAS**, on September 20, 1990, the CTB adopted a Resolution calling for the development of a comprehensive, multi-modal mass transit system, including rail, in the corridor at the earliest date practicable; and

**WHEREAS**, in December 1991, the President signed into law the Intermodal Surface Transportation Efficiency Act of 1991 which provides approximately 32 billion dollars for mass transit construction across the country over the next six years; and

**WHEREAS**, the Act requires at least 20 percent of capital funding for mass transit projects to come from non-federal sources; and

**WHEREAS**, it is both likely and desirable that a significant portion of the non-federal construction funds for Metro rail in the corridor will come from a public/private partnership resulting from formation of one or more special taxing districts under Title 15.1 of the Code of Virginia; and

**WHEREAS**, the Act expressly provides \$6 million to be paid over to the Commonwealth of Virginia pursuant to an agreement to be entered into with the U.S. Secretary of Transportation on or before April 30, 1992, to fund a transit alternative analysis and preliminary engineering for rail in the corridor; and

**WHEREAS**, the availability of the federal planning funds, the possibility of significant federal funding for construction under the Act, and the prospect of substantial private sector contributions, make the immediate initiation of coordinated project planning of a multi-modal mass transit system in the corridor, involving Metro, the Northern Virginia Transportation Commission (NVTC), Fairfax and Loudoun Counties, the Town of Herndon, the Metropolitan Washington Airports Authority, the commercial and industrial landowners in the corridor, the Citizens Advisory Committee to the Northern Virginia Transportation Coordinating Council, and other interested governmental and citizen organizations an urgent and immediate priority so that implementation of the Fairfax County express bus program and the extension of Metro rail service are properly designed, phased, and financed as expeditiously as possible:

**NOW THEREFORE**, it is hereby resolved that the Fairfax County Board of Supervisors expresses its strong support for formation of a public/private partnership to pursue funding for the extension of Metro rail service through the corridor to Dulles Airport under the Federal Act; and it is

**RESOLVED** further that the Board urges the CTB to pursue the \$6 million federal grant for planning immediately, and to use the proceeds of that grant to expedite all planning and analysis, and the formation of a public/private initiative to pursue a multi-modal mass transit system in the corridor, including the extension of Metro rail service into Dulles Airport, immediately.

On January 27, 1992, Supervisor Dix seconded the motion for the purposes of discussion.

Supervisor Alexander distributed to Board Members copies of a letter and an adopted Resolution dated January 23, 1992 from David L. Gunn, General Manager, Washington Metropolitan Area Transit Authority (WMATA), to John Milliken, Secretary, Department of Transportation, Commonwealth of Virginia, regarding the Dulles Corridor area. He stated that the Metro Board is not in agreement with a "public/private initiative to pursue a multi-modal mass transit system in the corridor," as listed in the last paragraph of the Resolution. He stated that the Metro Board is requesting that WMATA be designated as the assignee or contractor to perform alternatives analysis and preliminary engineering for the Dulles Rail line.

Following discussion among Board Members, Supervisor Alexander moved a substitute motion that the Board further defer action on the Resolution and invite Mr. Gunn to appear before the Board on February 10, 1992 to discuss WMATA's position. This motion was seconded by Supervisor Hyland.

Supervisor Berger clarified the purpose of his motion for the record: to expedite the process of establishing rail in the Dulles corridor and to request that CTB seek funding which would provide more control over this matter to Virginia.

Following queries from Chairman Davis and Supervisor Hanley, Supervisor Berger clarified that it was his intent that the resolution not prohibit the Virginia Department of Transportation (VDOT) from granting or making WMATA its assignee or contractor. However, it was noted that the resolution is not clear on this subject.

Again, Supervisor Berger provided additional clarification of his motion for the record: request CTB to apply for the grant and urge CTB to form a public/private partnership to establish a complete plan.

Following continued discussion, the question was called on the substitute motion to defer action on the Resolution which **FAILED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Frey, Supervisor Hanley, and Supervisor Hyland voting "**AYE.**"

Discussion ensued among Board Members and it was clarified that the Board is requesting CTB to pursue the grant using whatever vehicle deemed appropriate and that CTB then has the flexibility to award the grant to whomever they choose, including WMATA.

Supervisor Alexander moved that the motion be amended to include "Metro" as part of the public/private partnership, as follows:

"**NOW THEREFORE**, it is hereby resolved that the Fairfax County Board of Supervisors expresses its strong support for formation of a **Metro/public/ private partnership...**"; and

"**RESOLVED** further that the Board urges the CTB to pursue the \$6 million federal grant for planning immediately, and to use the proceeds of that grant to expedite all planning and analysis, and the formation of a **Metro/public/private initiative...**"

This motion was seconded by Supervisor Hyland and **FAILED** by a recorded vote of five, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**AYE,**" Supervisor Frey abstaining.

Chairman Davis clarified again that the adoption of the resolution does not exclude participation by WMATA or any Board Member advocating WMATA's participation. He noted that the intent of the resolution is to request CTB to expedite the process.

Following a query by Supervisor Hyland, Supervisor Berger stated that a partnership between CTB and WMATA would be a public/public partnership.

Chairman Davis called the question on the main motion (Supervisor Berger's), which **CARRIED** by a recorded vote of six, Supervisor Alexander, Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland voting "**NAY.**"

Chairman Davis relinquished the Chair to Vice-Chairman McConnell and asked unanimous consent that the Board direct staff to prepare the appropriate cover letter expressing the comments made by Board Members during today's discussion. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.



Supervisor Hanley asked unanimous consent that the Board direct staff to prepare a Verbatim Transcript of the Board's entire discussion on this issue. Without objection, it was so ordered.

## **11.CONSTRUCTION OF SUBSTATIONS IN CLIFTON BY VIRGINIA POWER AND NOVEC, SPECIAL EXCEPTION APPLICATIONS**

### **SE 91-S-031 AND SE 91-S-046 (Tape 4)**

Supervisor McConnell called to the Board's attention applications by Virginia Power and NOVEC to construct substations in the Clifton area on the same parcel of land. She stated that the applications were heard by the Planning Commission on January 30, 1992 and decision deferred until February 5, 1992. Therefore, due to the extreme need for these substations to be built in order to avoid a situation in which service is lost to the customers, Supervisor McConnell moved that the Board direct staff to schedule the public hearings before the Board of Supervisors on Special Exception Applications SE 91-S-031 and SE 91-S-046 for March 9, 1992. This motion was seconded by Supervisor Dix and carried by unanimous vote.

## **12.LETTER FROM THOMAS M. DAVIS, III, CHAIRMAN, BOARD OF SUPERVISORS, TO THE HONORABLE L. DOUGLAS WILDER, GOVERNOR, COMMONWEALTH OF VIRGINIA, ON CAPITAL PROJECTS (Tape 4)**

Chairman Davis called to the Board's attention correspondence distributed to Board Members addressed to The Honorable L. Douglas Wilder, Governor, Commonwealth of Virginia, from Thomas M. Davis, III, Chairman, Board of Supervisors, regarding capital projects.

Supervisor Alexander moved that the Board endorse the correspondence. This motion was jointly seconded by Supervisor Bulova, Supervisor Hyland and Supervisor Frey and carried by unanimous vote.

## **13.REPORT ON GENERAL ASSEMBLY ACTIVITIES (Tape 4)**

Supervisor Hanley, Chairman, Board's Legislative Subcommittee, briefly outlined the package distributed to Board Members entitled, "1992 General Assembly--Legislative Report Number 2," dated February 3, 1992.

As Board Members reviewed the legislative report, discussion ensued on Senate Bill SB 270, a bill to provide that approved final subdivision plats and site plans shall be valid for at least five years and permit a locality to grant extensions for additional time.

Chairman Davis noted that the five year period begins with the date of approval and, after relinquishing the Chair to Vice-Chairman McConnell, he asked unanimous consent that the Board direct staff to include this clarification in the legislative report. Without objection, it was so ordered.

Vice-Chairman McConnell returned the gavel to Chairman Davis.

Discussion continued among Board Members, with input from Michael Long, Assistant County Attorney, on House Bill HB 1006, a bill to prohibit a local business, professional, and occupational license ("BPOL") tax on businesses engaged in research and development or on receipts from the sale of property that is intended for resale to a government entity within two years, and SB 270.

Supervisor Hanley noted that Board recommendation on HB 1006 would have to be deferred until the next Board meeting pending additional information from staff.

Supervisor Hanley moved that the Board adopt the legislative report, as recommended by the Board's Legislative Subcommittee, with the following amendments:

- Delete a recommendation on HB 1006 and its Senate companion; and
- \*\*Record the opposition of Supervisor Bulova, Supervisor Hanley, and Supervisor Hyland to SB 270.\*\***

The second to this motion was inaudible.

**\*\*[NOTE: Later in the discussion, Supervisor Hanley amended the motion to include Supervisor Alexander's opposition to SB 270. See discussion prior to the vote on the legislative report.]\*\***

Supervisor Dix asked that the motion be amended to clarify the language regarding Senate Bill 470 on Page 5 of the "1992 General Assembly--Legislative Report Number 2," as follows:

- "Senate Bill No. 470 (Senator Waddell) (SFin) would allow the Northern Virginia localities and the City of Norfolk to impose a **local** income tax for education purposes in addition to transportation purposes which is allowed under current law."

This was accepted.

Supervisor Hanley asked that the motion be amended to also include Supervisor Alexander's opposition to SB 270, and this was accepted.

The question was then called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

#### **14.REPORT OF BOARD OF SUPERVISORS' PROCEDURES**

#### **SUBCOMMITTEE REGARDING COMPENSATION FOR**

#### **BOARDS, AUTHORITIES AND COMMISSIONS (Tape 4)**

(BACs)

Supervisor Berger called to the Board's attention a report by the Board's Procedures Subcommittee regarding compensation to Boards, Authorities and Commissions, which is in response to Supervisor Dix's motion at the January 6, 1992, Board Meeting.

Supervisor Berger stated that the Subcommittee has proposed the following:

- For Classification Group I, that the rate of compensation be changed from \$60 per meeting to \$30 per meeting;
- For Classification Group II, that the rate of compensation be changed from \$50 per meeting to \$15 per meeting;
- For Classification Group III, that the rate of compensation be changed from \$15 per meeting to \$0 compensation;
- Classification Group IV, the classification for ad-hoc citizen committees, is already not receiving compensation;
- For Classification Group V, that the rates be changed as proposed:
  - \*Board of Equalization -- from \$125 per meeting to \$80 per meeting;
  - \*Board of Zoning Appeals -- from \$125 per meeting to \$80 per meeting; and
  - \*Geotechnical Review Board, Civil Service Commission and Planning Commission shall remain unchanged;

- Compensation for the Fairfax County Redevelopment and Housing Authority and the Fairfax County Park Authority be paid from their respective trust funds or other non-general fund sources; and
- In all cases the participants would have to request compensation.

Supervisor Berger noted that a formal motion will be made to the Board on February 24, 1992 with the proposed compensation changes to become effective on March 1, 1992, and it is his belief that the proposed changes may be able to save the County over \$40,000 in Fiscal Year (FY) 1992 and approximately \$175,000 in FY 1993.

Supervisor Dix asked unanimous consent that the Board direct staff to report with an analysis of the staff support allocated to the Boards, Authorities and Commissions, including the amount of funds expended. Without objection, it was so ordered.

Supervisor Hyland suggested that it would be helpful to receive input from the chairpersons of the various Boards, Authorities and Commissions regarding whether the Board, Authority or Commission still serves the purpose or function for which it was created, and whether it should continue, including the reasons why.

Supervisor Hyland noted that, although he is a member of the Board's Procedures Subcommittee, he does not necessarily agree with the entire proposal.

Supervisor Hyland asked unanimous consent that the Board direct staff to transmit a copy of the Procedures Subcommittee's proposal to the Chairmen of the Boards, Authorities and Commissions. Without objection, it was so ordered.

Following a query from Supervisor Hanley, Supervisor Berger clarified that the members of the Boards, Authorities and Commissions would have to request their compensation. He stated that compensation would not be automatic.

Supervisor Hanley expressed her opposition to the proposal for the members of the Boards, Authorities and Commissions to have to request their compensation.

#### **15. BOARD ADJOURNMENT (Tape 4)**

At 3:00 p.m., the Board adjourned