

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 22, 2022**

AGENDA

9:30	Done	Presentations
9:30	Adopted Report #5	Report on General Assembly Activities
9:30	Done	Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
9:30	Done	Matters Presented by Board Members
9:30	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Extension of Review Period for 2232 Application (Mount Vernon District)
2	Approved	Authorization to Advertise a Public Hearing to Convey a Deed of Easement for Fiber Optic Lines at the Criminal Justice Academy (Sully District)
3	Approved	Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2022 Revised Budget Plan
4	Approved	Authorization to Advertise a Public Hearing for the De-Creation/Re-Creation of a Small and Local Sanitary District for the Removal of Vacuum Leaf Collection Services (Mount Vernon District)
5	Approved	Approval of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program – Braddock Road (Sully District)
6	Approved	Authorization for the Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's FY 2022 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant Program (Dranesville, Hunter Mill, and Lee Districts)
7	Approved	Supplemental Appropriation Resolution AS 22217 for the Department of Transportation to Accept Grant Funding and Authorization to Execute a Grant Project Agreement with the Department of Rail and Public Transportation for the Connected Autonomous Vehicle Demonstration Project (Providence District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 22, 2022**

**ADMINISTRATIVE
ITEMS
(continued)**

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| 8 | Approved | Approval of a Resolution to Allow Midwest Medical Transport Company, LLC, Operating as MMT Ambulance, to Operate a Private EMS Agency Within Fairfax County |
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ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Approval of an Unmanned Aircraft Systems Program Authorization Request for Fairfax County Television Channel 16 |
| 2 | Approved | Approval of a Resolution Consenting to the Virginia Railway Express Issuance of Bonds for Capital Expenses |
| 3 | Approved | Adoption of a Resolution Approving the Issuance of Industrial Development Authority Health Care Revenue Refunding Bonds (Inova Health System Project) Series 2022 |
| 4 | Approved | Approval of 2022 Rate Adjustments to Fairfax Center, Centreville, Tysons, Tysons-Wide, Tysons Grid of Streets, and Reston Road Funds (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts) |
| 5 | Approved | Authorization to Enter Into an Agreement with the Northern Virginia Transportation Commission (NVTC) to Develop a Strategic Framework for Fairfax County and NVTC to Guide Implementation of Route 7 Bus Rapid Transit (Dranesville, Providence, and Mason Districts) |

**CONSIDERATION
ITEMS**

- | | | |
|---|-----------------|---|
| 1 | Approved | Approval of Bylaws Restating the Purpose and Membership of the Cathy Hudgins Community Center Advisory Council (CHCCAC) |
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CLOSED SESSION

Done	Closed Session
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**PUBLIC
HEARINGS**

- | | | |
|------|----------------------------------|--|
| 3:30 | Indefinitely
Deferred | Decision Only on Proposed Plan Amendment 2021-00006, 2806 Popkins Lane, Located on Popkins Lane, West of Bryant Town Court (Mount Vernon District) |
|------|----------------------------------|--|

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
March 22, 2022**

**PUBLIC
HEARINGS
(continued)**

3:30	Approved with amendment	Decision Only to Consider Amendments to <i>The Code of the County of Fairfax Virginia</i> (County Code), Chapter 119 (Grass or Lawn Area) to Establish Regulations on Running Bamboo and to Add a New Article 4 to Establish Civil Penalties
3:30	Approved	Public Hearing to Consider Adopting an Ordinance to Establish the Marlboro Estates Community Parking District (Dranesville District)
4:00	Public hearing held; action deferred	Public Hearing on the Draft Proposed One-Year Action Plan for FY 2023
4:00	Held	Public Comment



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
March 22, 2022

9:30 a.m.

PRESENTATIONS

- PROCLAMATION — To designate April 2022 as Child Abuse Prevention Month.
Requested by Supervisor Palchik and Supervisor Lusk.
- PROCLAMATION — To designate April 4-10, 2022, as Public Health Week.
Requested by Chairman McKay.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs

Board Agenda Item
March 22, 2022

9:30 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

Documents available online at <https://www.fairfaxcounty.gov/boardofsupervisors/>, under "2022 Board Legislative Reports," by March 21, 2022.

PRESENTED BY:

Supervisor James R. Walkinshaw, Chairman, Board of Supervisors' Legislative Committee

Bryan J. Hill, County Executive

Board Agenda Item
March 22, 2022

9:30 a.m.

Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard March 22, 2022

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

FINAL COPY

**APPOINTMENTS TO BE HEARD MARCH 22, 2022
(ENCOMPASSING VACANCIES PROJECTED THROUGH **APRIL 30, 2022**)**
(Unless otherwise noted, members are eligible for reappointment)

**A. HEATH ONTHANK MEMORIAL AWARD
SELECTION COMMITTEE (1-year term)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Clifford L. Fields; appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly; 2/09- 1/20 by Bulova) Term exp. 1/21 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (Appointed 1/10-7/21 by Foust) Term exp. 1/22	Dranesville District Representative		Foust	Dranesville
Deborah A. Woolen (Appointed 11/20- 02/21 by Lusk) Term exp. 1/22	Lee District Representative	Deborah A. Woolen	Lusk	Lee
VACANT (Formerly held by Mary Frances Tunick; appointed 10/20-3/21) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13- 6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Samuel E. Thornton (Appointed 2/01-1/07 by Kauffman; 1/10- 1/19 McKay) Term exp. 1/22	Lee District Representative		Lusk	Lee

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Frieda A. Tatem; appointed 10/93-10/96 by Davis; 9/99-10/02 by Hanley; 10/05-10/08 by Connolly; 11/11-10/17 by Bulova) Term exp. 10/20 <i>Deceased</i>	At-Large #1 Representative		By Any Supervisor	At-Large
Jayant Reddy (Appointed 1/16-7/18 by Bulova) Term exp. 8/21	At-Large #4 Representative		By Any Supervisor	At-Large

ANIMAL SERVICES ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Chester J. Freedenthal (Appointed 6/19 by McKay; 2/20 by Lusk) Term exp. 2/22	Lee District Representative	Chester J. Freedenthal	Lusk	Lee
Christina Anderson (Appointed 1/18-2/20 by Gross) Term exp. 2/22	Mason District Representative		Gross	Mason
Harley Methfessel (Appointed 2/12-3/20 by Herrity) Term exp. 2/22	Springfield District Representative		Herrity	Springfield

ARCHITECTURAL REVIEW BOARD (3-year terms)

NOTE: Members shall be appointed by the Board as follows: At least two (2) members shall be certified architects; one member shall be a landscape architect authorized to practice in Virginia; one member shall be a lawyer with membership in the Virginia Bar; six (6) members shall be drawn from the ranks of related professional groups such as archaeologists, historians, lawyers, and real estate brokers.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael McReynolds; appointed 9/20 by Smith) Term exp. 9/21 <i>Resigned</i>	Related Professional Group #6 Representative	Karen Campblin (Smith)	By Any Supervisor	At-Large

ATHLETIC COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
William E. Bright, III (Appointed 1/20 by Lusk) Term exp. 4/22	Lee District Alternate Representative	William E. Bright, III	Lusk	Lee
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Gross	Mason
Katherine E. Quinn (Appointed 6/16-3/18 by Bulova; 7/20 by McKay) Term exp. 3/22	Member-At-Large Principal Representative	Katherine E. Quinn	McKay	At-Large Chairman's

CONFIRMATION NEEDED:

- Mr. Roland Taylor as the Town of Herndon Principal Representative

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19 by Foust) Term exp. 6/20 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)

NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE
ASSESSMENTS (BOE) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Dolores Quintela, appointed 2/20-11/21 by McKay) Term exp. 12/23 <i>Resigned</i>	Professional #1 Representative		By Any Supervisor	At-Large

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Janet E. Bradshaw (Appointed 3/05-3/18 by Hudgins; 6/20 by Alcorn) Term exp. 3/22	Fairfax County #1 Representative	Janet E. Bradshaw (Alcorn)	By Any Supervisor	At-Large
Darlana Ricks (Appointed 11/14- 3/18 by Hudgins) Term exp. 3/22	Fairfax County #3 Representative	Darlana Ricks (Alcorn)	By Any Supervisor	At-Large
Kelsey J. Myers (Appointed 3/19 by Hudgins) Term exp. 3/22	Fairfax County #5 Representative	Kelsey J. Myers (Alcorn)	By Any Supervisor	At-Large
Kathleen T. Jones (Appointed 9/17-3/18 by Hudgins; 6/20 by Alcorn) Term exp. 3/22	Fairfax County #6 Representative	Kathleen T. Jones (Alcorn)	By Any Supervisor	At-Large

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CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Alexandra Rossi; appointed 3/18 by Hudgins; 6/20 by Alcorn) Term exp. 3/22 <i>Resigned</i>	Fairfax County #8 Representative	Caren Anton (Alcorn)	By Any Supervisor	At-Large
VACANT (Formerly held by Amer Bayoumi; appointed 1/21 by Alcorn) Term exp. 3/22 <i>Resigned</i>	Fairfax County #9 (Youth) Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by James C. Chesley; appointed 5/12-9/19 by Bulova) Term exp. 9/23 <i>Resigned</i>	At-Large #2 Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Grant Sitta; appointed 9/10-9/15 by Gross) Term exp. 9/19 <i>Resigned</i>	Mason District Representative	Mary T. Smith	Gross	Mason

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jade Harberg (Appointed 7/16-6/18 by Bulova; 7/20 by McKay) Term exp. 5/22 <i>Resigned</i>	At-Large Chairman's Representative	Zachary Smith	McKay	At-Large Chairman's

CIVIL SERVICE COMMISSION (2-year terms)

NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Thomas Garnett, Jr. (Appointed 10/05-1/08 by Kauffman; 12/09- 12/17 by McKay; 1/20 by Lusk) Term exp. 12/21	At-Large #6 Representative	Thomas Garnett, Jr. (Lusk)	By Any Supervisor	At-Large
Vanessa Jordan (Appointed 6/20 by Walkinshaw) Term exp. 12/21	At-Large #8 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)				
<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lisa Sales; appointed 2/17-1/20 by Storck) Term exp. 10/22 <i>Resigned</i>	Mount Vernon District Representative	Lanita Thweatt	Storck	Mount Vernon
VACANT (Formerly held by Chelsea H. Smith; appointed 2/20-10/20 by Herrity) Term exp. 10/23 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield
VACANT (Formerly held by Dena Bashri; appointed 11/20 by Smith) Term exp.10/22 <i>Resigned</i>	Sully District Representative		Smith	Sully
NEW POSITION	Lesbian-Gay- Bisexual-Queer- Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large
NEW POSITION	Transgender Woman Representative		McKay	At-Large

COMMUNITY ACTION ADVISORY BOARD (CAAB) (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Debbie Kilpatrick; appointed 5/19 by Smith) Term exp. 2/22 <i>Resigned</i>	Sully District Representative	Kevin Hickerson	Smith	Sully

CONFIRMATIONS NEEDED:

- Mr. Michael Mahrer as the Literacy Council of Northern Virginia Representative
- Ms. Marcia E. McDevitt as the League of Women Voters Representative
- Mr. Morgan Jameson as the Federation of Citizens Associations Representative
- Ms. Maria Isabel Leiva Alfonso as the Elected - North Target Area #3 Representative

CONSUMER PROTECTION COMMISSION (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Wes Callender (Appointed 9/14-7/18 by Foust) Term exp. 7/21	Fairfax County Resident #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Daton Lynch; appointed 9/18 by Smith) Term exp. 7/21 <i>Resigned</i>	Fairfax County Resident #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Abrar Omeish; appointed 2/18-9/18 by Bulova) Term exp. 7/21 <i>Resigned</i>	Fairfax County Resident #9 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christopher Boeder (Appointed 9/18 by L. Smyth) Term exp. 8/21	Providence District Representative		Palchik	Providence
Jennifer Chronis (Appointed 12/16-7/18 by Herrity) Term exp. 8/21	Springfield District Representative		Herrity	Springfield
Neil J. Welch (Appointed 9/19 by Smith) Term exp. 4/22	Sully District Representative	Neil J. Welch	Smith	Sully

**DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT
ADVISORY BOARD, PHASE I (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC ADVISORY COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Alfred Thieme (Appointed 1/09-12/17 by Gross) Term exp. 12/20	Mason District Representative	Steve Lee	Gross	Mason
Shelton Rhodes (Appointed 3/19 by Smith) Term exp. 12/21	Sully District Representative	Shelton Rhodes	Smith	Sully

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Howard J. Guba (Appointed 6/18 by Bulova) Term exp. 3/21	Citizen #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 05/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Renee Grebe Appointed 1/16-1/19 by McKay) Term exp. 1/22	At-Large #1 Representative	Renee Grebe (Lusk)	By Any Supervisor	At-Large
Robert A. Robbins (Appointed 12/13- 2/19 by L. Smyth) Term exp. 1/19	Providence District Representative		Palchik	Providence

FAIRFAX AREA DISABILITY SERVICES BOARD (3-year terms)

(Limited to two full consecutive terms)

NOTE: Members may be reappointed after being off the Board for three years. State Code requires that the membership in the local disabilities board include at least 30 percent representation by individuals who have physical, visual, or hearing disabilities or their family members. For this 15-member board, the minimum number for this representation would be five members.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Doris Ray; appointed 1/20 by McKay) Term exp. 11/22 <i>Resigned</i>	At-Large #1 Business Community Representative		By Any Supervisor	At-Large
Sarah Graham Taylor (Appointed 7/21 by Lusk) Term exp. 11/21	Lee District Representative	Sarah Graham Taylor	Lusk	Lee
Ayman Eldarwish (Appointed 10/17 by Gross) Term exp. 11/20	Mason District Representative		Gross	Mason

**FAIRFAX COUNTY CONVENTION AND VISITORS
CORPORATION BOARD (3-year terms)**

(Limited to two full consecutive terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sam Misleh (Appointed 6/15-6/18 by McKay) Term exp. 6/21 <i>Not eligible for reappointment</i>	Lee District Representative		Lusk	Lee

GMU FAIRFAX CAMPUS ADVISORY BOARD (At the pleasure)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert Goldenkoff; appointed 5/17 by Cook) <i>Resigned</i>	Braddock District #2 Representative	Ann Sharp	Walkinshaw	Braddock

HEALTH SYSTEMS AGENCY BOARD (3-year terms)
(Limited to two full terms; members may be reappointed after one-year lapse)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Veronica C. Doran (Appointed 7/17 by Cook) Term exp. 6/21	Provider #1 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by George Alber; appointed 1/16-9/18 by Bulova) Term exp. 9/21 <i>Deceased</i>	At-Large #1 Representative		By Any Supervisor	At-Large

**INFORMATION TECHNOLOGY POLICY
ADVISORY COMMITTEE (ITPAC) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by William Berg; appointed 3/31 by Walkinshaw) Term exp. 12/23 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Deborah Woolen (Appointed 9/20 by Lusk) Term exp. 1/22	Lee District Representative	Deborah A. Woolen	Lusk	Lee
Jan B. Reitman (Appointed 7/14-1/20 by Gross) Term exp. 1/22	Mason District Representative		Gross	Mason

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Annette Koklauner (Appointed 1/16 by Bulova) Term exp. 6/19	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Sarah McCue (Appointed 3/19 by Alcorn) Term exp. 6/21	Hunter Mill District Representative		Alcorn	Hunter Mill

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**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Nabil S. Barbari (Appointed 1/07-9/16 by Gross) Term exp. 6/19	Mason District Representative		Gross	Mason
VACANT (Formerly held by Jeffrey Levy; appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by L. Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

POLICE CIVILIAN REVIEW PANEL (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Shirley A. Norman- Taylor appointed 2/19 by Bulova; 2/20 by McKay) Term exp. 2/23 <i>Resigned</i>	Seat #3 Representative		By Any Supervisor	At-Large

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jay A. Jupiter (Appointed 2/17- 12/17 by Storck) Term exp. 12/21	Citizen At-Large #1 Representative	Jay A. Jupiter (Storck)	By Any Supervisor	At-Large

REDEVELOPMENT AND HOUSING AUTHORITY (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Staci Jones Alexander (Appointed 12/20 by Gross) Term exp. 4/22	Mason District Representative	Staci Jones Alexander	Gross	Mason

**RESTON TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anne Mader; appointed 9/17 by Hudgins) Term exp. 9/21 <i>Resigned</i>	Commercial or Retail Ownership #2 Representative		By Any Supervisor	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #3 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Marvin Powell (Appointed 10/04-11/12 by Frey; 1/16-12/18 by Smith) Term exp. 12/21	Sully District Representative		Smith	Sully

TENANT LANDLORD COMMISSION (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Vincent J. Fusaro; appointed 1/20 by Herrity) Term exp. 1/23 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Christopher Lee Kocsis; appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large

Continued on next page

TENANT LANDLORD COMMISSION (3-year terms)

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Landlord Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kenneth Comer (Appointed 2/12-1/18 by Bulova; 1/20 by McKay) Term exp. 1/22	At-Large Chairman's Representative	Kenneth Comer	McKay	At-Large Chairman's
Alexander Rough (Appointed 2/20 by Alcorn) Term exp. 1/22	Hunter Mill District Representative	Alexander Rough	Alcorn	Hunter Mill
James Albright (Appointed 5/18-1/20 by Gross) Term exp. 1/22	Mason District Representative	James Albright	Gross	Mason

Continued on next page

TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE (2-year terms)

Continued from previous page

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Stiven Foster (Appointed 1/18 by Smyth; 1/20 by Palchik) Term exp. 1/22	Providence District Representative		Palchik	Providence
Karl D. Liebert (Appointed 9/17-1/20 by Herrity) Term exp. 1/22	Springfield District Representative		Herrity	Springfield

TREE COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert D. Vickers (Appointed 4/07 by DuBois; 11/09-10/18 by Foust) Term exp. 10/21	Dranesville District Representative		Foust	Dranesville

TRESPASS TOWING ADVISORY BOARD (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Denver Supinger (Appointed 9/18 by Bulova) Term exp. 9/21	Citizen Alternate Representative	Denver Supinger (McKay)	By Any Supervisor	At-Large

**TYSONS TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large

CONFIRMATION NEEDED:

- Mr. Todd Rowley as the Chamber of Commerce Lessees of Non-Residential Space Representative

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Maria Teresa Alva (Appointed 7/16- 11/17 by Bulova) Term exp. 10/21	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

UPPER OCCOQUAN SEWAGE AUTHORITY (UOSA) (4-year terms)

CONFIRMATION NEEDED:

- Mr. Shwan Fatah as the Fairfax County Alternate #1 Representative

WETLANDS BOARD (5-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anita Van Breda; appointed 12/13-2/16 by Bulova; 5/18/21 by McKay) Term exp. 12/25	At-Large #2 Representative		By Any Supervisor	At-Large

Resigned

YOUNG ADULTS ADVISORY COMMITTEE (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mohamed Rahman; appointed 6/20 by McKay) Term exp. 1/22 <i>Resigned</i>	At-Large #2 Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Kiana Simpkins; appointed 9/20 by Foust) Term exp. 1/22 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Ana McCoy) appointed 9/20 by Lusk) Term exp. 1/22 <i>Resigned</i>	Lee District Representative		Lusk	Lee

CONFIRMATION NEEDED:

- Ms. Casey Judge as the Fairfax County Government Employee Representative

NEW BOARDS**AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Lee District Representative		Lusk	Lee
NEW POSITION	Mason District Representative		Gross	Mason

FAIRFAX COUNTY 250TH COMMISSION (6-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Springfield District Representative	Paul Kohlenberger	Herrity	Springfield

CONFIRMATIONS NEEDED:

- Ms. Cameron Brumett as the Army Historical Foundation Representative
- Mr. Scott Stroh as the Gunston Hall Representative
- Ms. Gretchen Bulova as the History Commission #1 Representative
- Ms. Carole L. Herrick as the History Commission #2 Representative
- Mr. Elliot B. Bell-Krasner as the Human Rights Commission Representative
- Ms. Elizabeth Maurer as the National Museum of the United States Army Representative
- Mr. Patrick Lennon as the Visit Fairfax Representative

HISTORICAL MARKER PROJECT VOTING COMMITTEE (6-month terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	At-Large Chairman's Representative		McKay	At-Large Chairman's
NEW POSITION	Lee District Representative		Lusk	Lee
NEW POSITION	Mason District Representative		Gross	Mason
NEW POSITION	Black Chamber of Commerce Representative		Confirmed by the Board	Confirmation

CONFIRMATIONS NEEDED:

- Ms. Michele Audrey Togbe as the Fairfax County Public School Equity Leads #1 Representative
- Ms. Madison Sarai Judd as the Fairfax County Public School Equity Leads #2 Representative
- Ms. Talia-Rose Diorio as the Fairfax County Public School Equity Leads #3 Representative
- Mr. Boisseau Michael Woltz, III as the NAACP Youth Council Representative

Board Agenda Item
March 22, 2022

9:30 a.m.

Matters Presented by Board Members

Board Agenda Item
March 22, 2022

9:30 a.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

Extension of Review Period for 2232 Application (Mount Vernon District)

ISSUE:

Extension of review period for 2232 application to ensure compliance with review requirements of Section 15.2-2232 of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2022-MV-00001.

TIMING:

Board action is requested on March 22, 2022, and is required by April 12, 2022, to extend the review period for the application noted above before its expiration date.

BACKGROUND:

Subsection B of Section 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." The need for the full time of an extension may not be necessary and is not intended to set a date for final action.

PROJECT DESCRIPTION:

Furnace Associates, Inc. proposes to convert the Lorton Landfill into a public park.

The review period for the following application should be extended:

2232-2022-MV-00001	Furnace Associates Inc. Overlook Ridge Park Tax Map No. 113-1 ((1)) 5, 113-1 ((1)) 7, 113-3 ((1)) 2 and 113-3 ((1)) 4 10001 Furnace Rd., Lorton, VA Mount Vernon District Submitted February 11, 2022 Extended to June 11, 2022
--------------------	--

Board Agenda Item
March 22, 2022

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
None.

STAFF:
Rachel Flynn, Deputy County Executive
Barbara A. Byron, Director, Department of Planning and Development (DPD)
Michelle K. Stahlhut, Chief, Facilities Planning Branch, Planning Division (DPD)
Salem Bush, Planner, Facilities Planning Branch, Planning Division, (DPD)

Board Agenda Item
March 22, 2022

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Convey a Deed of Easement for Fiber Optic Lines at the Criminal Justice Academy (Sully District)

ISSUE:

Authorization of the Board to advertise a public hearing regarding granting of a non-exclusive easement to MetroDuct Systems VA LLC (MetroDuct) to install a fiber optic line at the Criminal Justice Academy.

RECOMMENDATION:

The County Executive recommends that the BOS authorize a public hearing regarding the proposed conveyance of a fiber optic line easement to MetroDuct.

TIMING:

BOS action is requested on March 22, 2022, to provide sufficient time to advertise the proposed public hearing on April 12, 2022, at 2:30 p.m.

BACKGROUND:

The Board is the owner of the Criminal Justice Academy located at 14601 Lee Road on a parcel identified as Fairfax County Tax Map Number 0441-01-0001D (the Academy). Managed by the Fairfax County Police Department (Police Department), the facility provides training for 2,300 annual recruits and incumbents from the Police Department and the Sheriff's Office as well as the towns of Herndon and Vienna.

MetroDuct is a competitive local exchange carrier company providing telecommunications services to both the public and private sectors in the Northern Virginia region. MetroDuct would like to better serve its high bandwidth customers by obtaining a non-exclusive easement from the County for the extension of its fiber optic line across the Academy campus. The approximately 7,250 square feet easement area would be located parallel to the sidewalk that runs along the Lee Road street frontage and outside the Academy's security fence. MetroDuct is offering \$63,437.50 as consideration for the Board's granting of the easement.

Review of the configuration of the fiber optic line and terms of the easement document were coordinated between staff from the Police and Facilities Management Departments. To preserve access to the Academy at all times during construction, Metroduct will install the fiber optic cable into the ground by boring under the driveway

Board Agenda Item
March 22, 2022

apron. The conduit for the fiber line will be buried at least three feet down from the surface and encased in concrete to prevent any subsurface conflict with future driveway repaving efforts.

Because Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may dispose of any real property interest, staff recommends that the Board authorize staff to advertise a public hearing to review the conveyance of the fiber optic line easement to MetroDuct.

FISCAL IMPACT:

MetroDuct's payment of \$63,437.50 will be deposited in the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

Attachment 2 – Plan View

Attachment 3 – Draft Easement

STAFF:

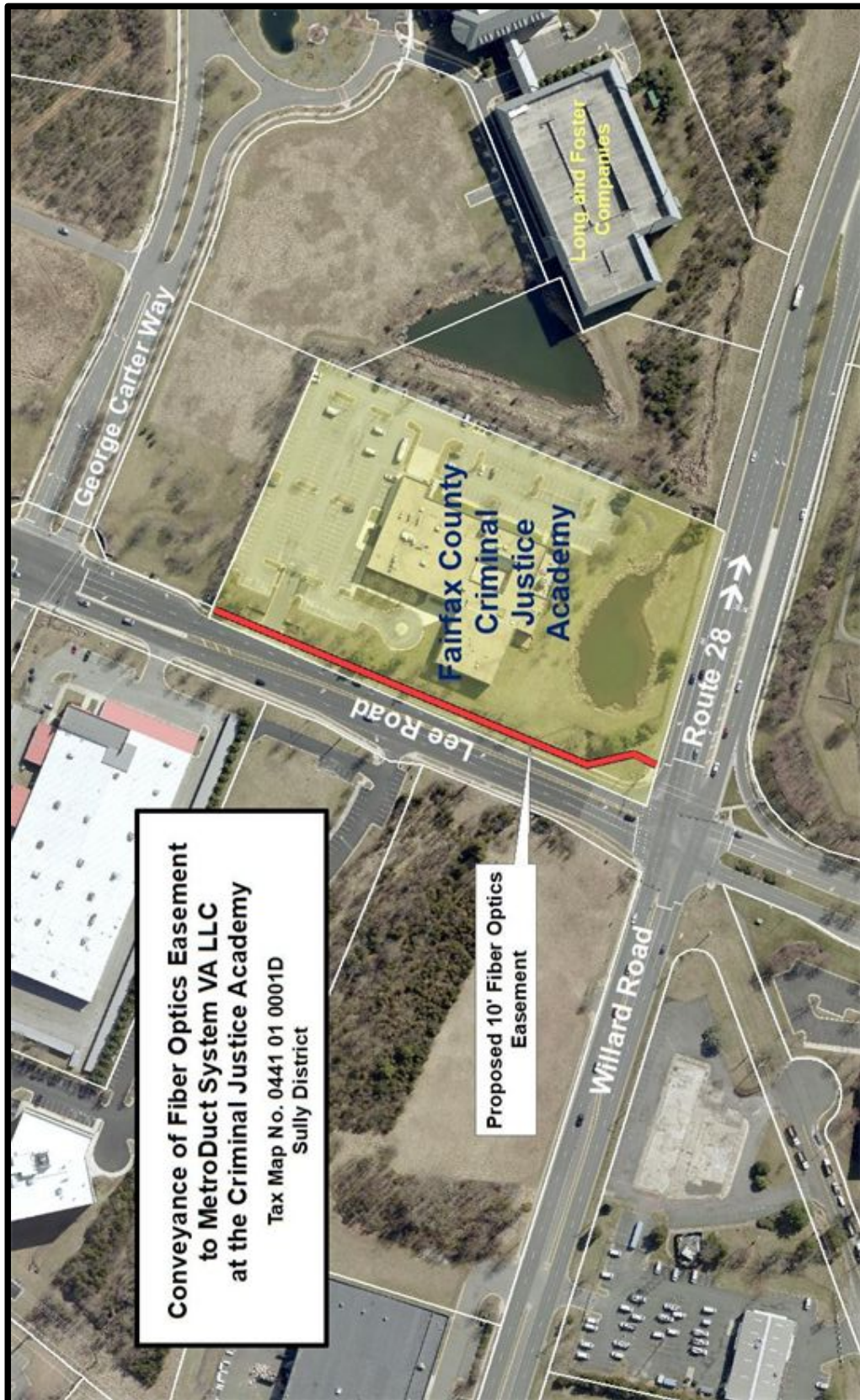
Ellicia L. Seard-McCormick, Deputy County Executive

José A. Comayagua, Director, Facilities Management Department

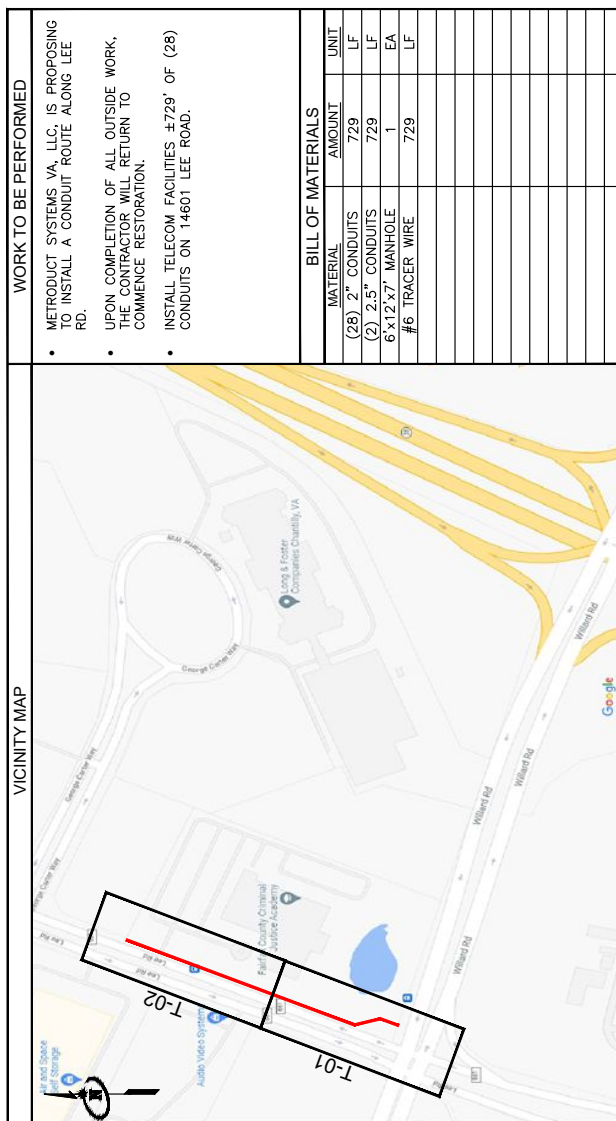
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

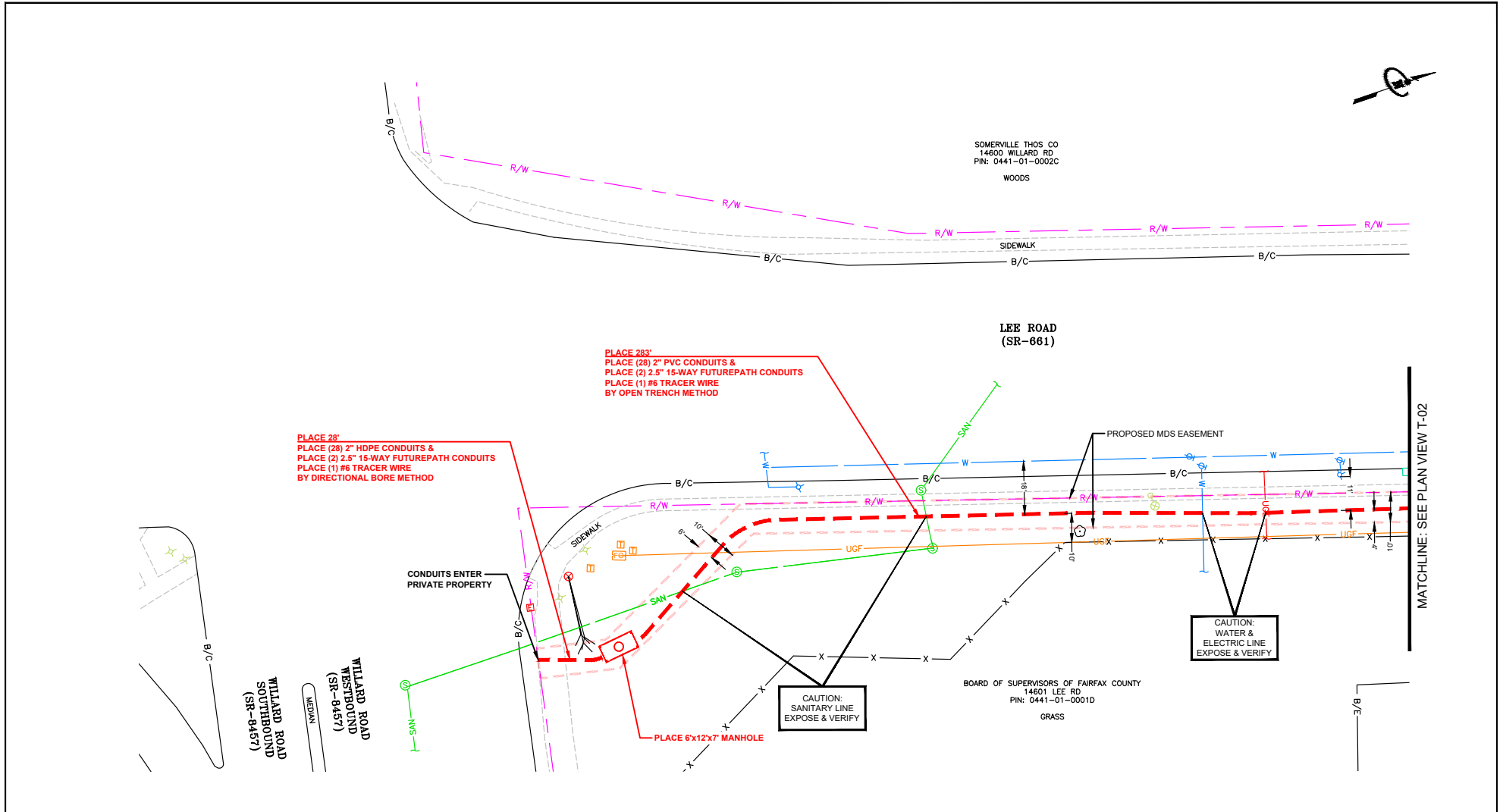
F. Hayden Coddington, Assistant County Attorney



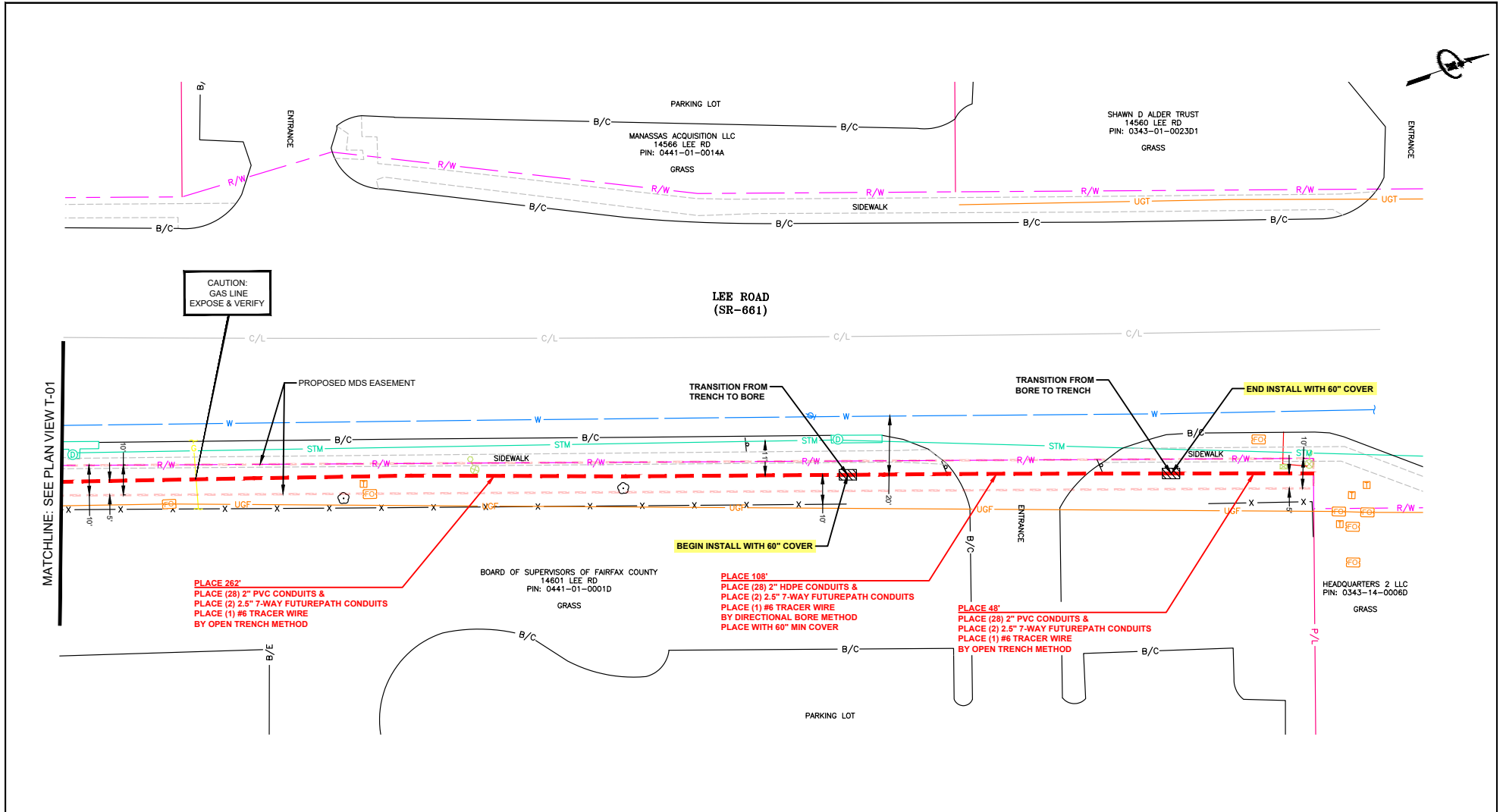
METRODUCT SYSTEMS VA, LLC
SPAN 1 - RED ROUTE
BOARD OF SUPERVISORS - CONSTRUCTION DRAWING
CHANTILLY, VIRGINIA (FAIRFAX COUNTY)



VA811.COM 1-800-562-7001	<div></div>	<div><p>DISCLOSURE</p><p>THIS DRAWING IS ONLY A GUIDELINE AND AS SUCH DOES NOT COVER EVERY POSSIBLE CONTINGENCY THAT MAY OCCUR.</p><p>INFORMATION ON THESE SHEETS HAVE BEEN PREPARED FROM THE BEST AVAILABLE INFORMATION AND SOURCES. UTILITY LOCATIONS ARE NOT GUARANTEED. ANY DISCREPANCIES OR OTHERWISE NOTED AND HAVE NOT BEEN ENLARGED TO DETERMINE EXACT LOCATION. UTILITY FACILITY LOCATIONS ARE NOT GUARANTEED. ANY DISCREPANCIES OR OTHERWISE NOTED AND HAVE NOT BEEN ENLARGED TO DETERMINE EXACT LOCATION.</p><p>NO INFORMATION ON THIS DOCUMENT IS PROPRIETARY AND SHALL NOT BE USED, COPIED, REPRODUCED, OR DISCLOSED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT.</p></div>	<div><p>ENGINEERING AND CONSTRUCTION FIRM</p><div></div><p>8033 Elm Drive Mechanicsville, Virginia 23111 PHONE: 804-321-8800 FAX: 804-445-2146</p></div>	<div><p>CLIENT/APPLICANT</p><p>METRO DUCT SYSTEMS, LLC</p><div></div><p>METRO DUCT SYSTEMS</p><p>SPAN 1 - RED ROUTE CHANTLITY, VIRGINIA</p></div>	<table><tr><th>REV</th><th>DATE</th><th>DESCRIPTION</th><th>BY</th><th>PROJECT NUMBER</th><th>PROJECT INFORMATION</th></tr><tr><td></td><td></td><td></td><td></td><td>052010225</td><td>SUN</td></tr><tr><td></td><td></td><td></td><td></td><td>BOARD OF SUPERVISORS</td><td>CONSTRUCT</td></tr><tr><td></td><td></td><td></td><td></td><td>DATE: 01/07/2022</td><td>DATE:</td></tr><tr><td colspan="4"></td><td colspan="2">PAGE INFORMATION</td></tr></table>	REV	DATE	DESCRIPTION	BY	PROJECT NUMBER	PROJECT INFORMATION					052010225	SUN					BOARD OF SUPERVISORS	CONSTRUCT					DATE: 01/07/2022	DATE:					PAGE INFORMATION		<div><p>T-00</p><p>COVER</p></div>	<div><p>SHEET 1 OF 8</p></div>
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MetroDuct Systems
 Tract # VA-FX-0000.0000
 Fairfax County, Virginia

**MetroDuct Systems VA LLC
 NON-EXCLUSIVE EASEMENT**

THIS EASEMENT AGREEMENT is made this ____ day of _____, 2021, for one dollar (\$1.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the undersigned **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA**, a body of corporate and politic having an address of 12000 Government Center PW, Suite 424, Fairfax, VA 22035 ("Grantor") hereby grants and conveys to **METRODUCT SYSTEMS VA LLC**, a Virginia limited liability company having an address of 1366 Dublin Road, Columbus, Ohio 43215 ("Grantee"), its affiliates, licensees, successors and assigns (collectively "Grantees") a non-exclusive and perpetual right of way and easement in, under, and across the "Easement Area" (described as being the same as shown on Exhibit "A" attached hereto and made a part hereof), for the installation, construction, maintenance, operation, repair and replacement of cables, lines and other facilities at any time and from time to time for the communication, transportation or other transfer of data, information, signals, or other material by means of fiber optics, electronic signaling or any other means including all technological developments evolving therefrom ("Facilities"). Permitted uses shall include the installation of below-ground vaults and the like and any utilities required for the operation thereof, together with the right to have underground commercial electrical service extended across the Easement Area to provide service to such Facilities and the reasonable right of ingress and egress across the "Property" to the Easement Area for the purpose of access to and use of the easement granted herein including over such drives, lanes, ways or private roads as may now or hereafter exist on the Grantor's "Property". If there are no drives, lanes, ways or private roads reasonably convenient to the Easement Area, Grantor further grants the right of ingress or egress across any of the Grantor's "Property" for the purposes consistent with the easement, including but not limited to, intrusive construction and installation of the Facilities.

The "Property" is legally described as being: 14601 Lee Rd, MAP # 0441 01 0001D. Grantor affirmatively states and represents him/her/itself is the owner in fee simple of the Property.

Being the same Property as recorded in: Fairfax County, Virginia, Deed Book 9819 Page 1151.
 Grantee hereby reserves the right to use said Easement Area for non-exclusive utility line and easement purposes.

Grantee hereby agrees to restore at its expense all property disturbed by its activities in use of the Easement Area to as near as reasonably possible the condition existing prior to the disturbance.

If the Grantor at some later time proposes property improvements on said land that would necessarily require the relocation of the Facilities of the Grantee, which have been or may be installed under this easement, said Grantee will relocate those Facilities at Grantor's sole cost and expense upon receipt of payment from Grantor. Said Grantee shall have the right, when relocating those Facilities, to place and maintain (and remove) them in a suitable location elsewhere on said land as mutually agreed to by Grantor and Grantee (which agreement shall not be unreasonably withheld by either party) and shall have the same rights hereunder in such new location as it originally possessed hereunder in the old location. Grantor acknowledges that prior to making such improvements, including the improvements set forth in the paragraph below, that Grantor shall provide Grantee with reasonable prior written notice before commencement of construction of such improvements so that Grantee may make adjustments to its Facilities.

The Grantor shall have the right to use the surface of the land over said Easement Area for any purpose provided the Grantor does not in any way interfere with the Grantees use of the easement granted herein, and provided further that no building or other structure shall be erected upon, across or over the Easement Area granted herein, and Grantor shall not excavate or fill below two feet within said Easement Area.

Any work performed on the Facilities or any relocation required hereunder shall be conducted in a good and workmanlike fashion and in accordance with all applicable laws, rules, regulations and ordinances.

Grantee shall maintain insurance coverage insuring Grantee against claims, demands or actions for personal injuries or death resulting from the use or operation of the Facilities with limits of not less than One Million Dollars (\$1,000,000) any one occurrence, in an aggregate amount of Two Million Dollars (\$2,000,000) and for damage to property in an amount of not less than Five Hundred Thousand Dollars (\$500,000).

Grantee shall protect, indemnify, defend and hold Grantor, its agents, customers, employees and invitees (collectively, the "Indemnified Parties") harmless from and against any and all third party claims for loss, damage, liability, injury to person or property, including reasonable cost and expense incurred by the Indemnified Parties on account of any claim or assertion of liability arising or alleged to have arisen out of the negligence or willful misconduct of the indemnifying party. An Indemnitor's indemnification obligations hereunder shall not be applicable to any claims to the extent caused by the negligence, intentional acts or omissions or willful misconduct of the Indemnified Persons.

Any notice to be given in connection with this Agreement shall be in writing and shall be sent either by hand delivery (which shall include, without limitation, overnight delivery by a nationally recognized overnight courier service such as Federal Express or United Parcel Service) or by depositing it with the United States Postal Service or any official successor thereto, certified or registered mail, return receipt requested, with adequate postage prepaid, addressed to the party to whom the notice is being sent (and marked to a particular individual's attention if so indicated) as hereafter provided. Rejection or other refusal by the addressee to accept or the inability of any party attempting hand delivery or, in the case of attempted delivery by mail, the United States Postal Service to deliver because of changed address of which no prior written notice was given shall be deemed to be the receipt of the notice sent on the day hand delivery was attempted or, in the case of attempted delivery by mail, on the date which is three (3) days after the notice was deposited with the United States Postal Service or any official successor thereto. In the event that registered or certified mail service is not being provided by the United States Postal Service or any official successor thereto at the time in question, each notice may then be served by regular mail. Any party hereto shall have the right from time to time to change the address or individual's attention to which notices to it shall be sent by giving the other party written notice thereof. For notice purposes the addresses of the parties shall be as follows:

If to Grantor:

BOARD OF SUPERVISORS OF FAIRFAX COUNTY
12000 Government Center PW, Suite 424
Fairfax, VA 22035

If to Grantee:

MetroDuct Systems VA LLC
c/o Team Fishel
8093 Elm Drive
Mechanicsville, VA 23111
Attn: Legal Department

The foregoing addresses (or subsequent addresses of which notice is recorded as provided in this sentence) shall continue to be effective for notice purposes under this Agreement notwithstanding a sale of all or portions of the Property, unless the party acquiring the rights of this Agreement by sale of the Grantor Property files a notice in the County of Fairfax, Commonwealth of Virginia land records cross referenced to this Agreement which specifies the address (and up to two additional addresses) to which such notices under this Agreement to such party are to be sent.

It is understood and agreed that this is an easement only and in no way grants or conveys any part of the underlying fee simple estate of any lands owned by Grantor. This agreement and all of the terms, provisions and obligations hereof shall be covenants running with the land affected thereby and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

Grantee's acceptance of this agreement and the recordation hereof in the Land Records of Fairfax County, Virginia shall be deemed to constitute and evidence Grantee's agreement to all of the terms and provisions hereof.

This Easement and all rights, duties, and obligations hereunder, are binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.

(Signature page to follow)

Executed and approved on behalf of the Board of Supervisors of Fairfax County, Virginia, by the authority granted by said Board.

APPROVED AS TO FORM:

Board of Supervisors of Fairfax County, Virginia

Assistant County Attorney

By: _____
Ellicia L. Seard-McCormick
Deputy County Executive of Administration

Commonwealth of Virginia:
County of Fairfax, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____,
_____, by Ellicia L. Seard-McCormick, Deputy County Executive of Administration, on behalf of the Board of
Supervisors of Fairfax County, Virginia.

Notary Public

My commission expires:

[An affixed seal must
be a photographically
reproducible image.]

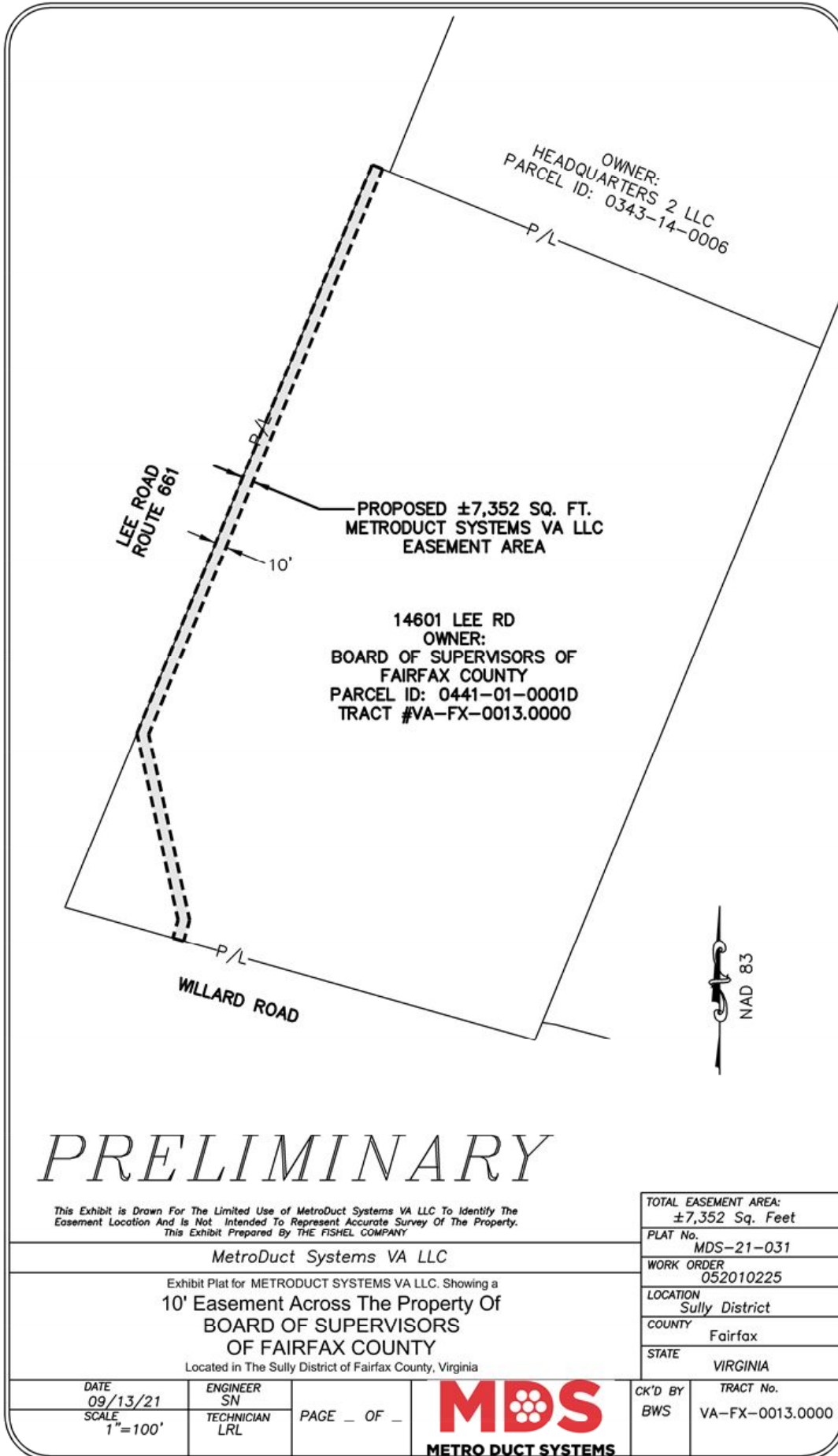
Notary Registration Number: _____

PLEASE RETURN RECORDED ORIGINAL TO:

Team Fishel
8093 Elm Drive
Mechanicsville, VA 23111

This document was drafted by:
Joseph G. Blake II, Esq.
General Counsel
MetroDuct Systems VA LLC
1366 Dublin Road
Columbus, Ohio 43215

EXHIBIT "A"



W:\Projects\2021\Virginia\052010225-MDS\AD 153\SURVEY\Survey Civil\ESMT PLATS (DWG)\14601 LEE RD\14601 LEE RD\14601 LEE - E SMT.dwg, 9/13/2021 10:29:17 AM

Board Agenda Item
March 22, 2022

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2022 Revised Budget Plan

ISSUE:

Board approval of an advertisement for a public hearing to adjust the FY 2022 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2022 Third Quarter Reviews*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action to amend the current appropriation level.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing.

TIMING:

Board action is requested on March 22, 2022, to provide sufficient time to advertise the proposed public hearings on the following days: April 12, 2022, at 4:00 p.m., April 13, 2022, at 3:00 p.m., and April 14, 2022, at 3:00 p.m.

BACKGROUND:

As the *FY 2022 Third Quarter Review* includes proposed adjustments in appropriation greater than one percent of total expenditures, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement.

The School Board funding adjustments included in the advertisement are based on staff's Third Quarter recommendations to the School Board, which were presented to the School Board on March 10, 2022, with action to be taken by the School Board on March 24, 2022.

Board Agenda Item
March 22, 2022

ENCLOSED DOCUMENTS:

These attachments will be available online on Monday, March 21, 2022:

www.fairfaxcounty.gov/budget/fy-2022-third-quarter-review

Attachment A – Proposed advertisement for public hearing

Attachment B – Memorandum to the Board of Supervisors dated March 22, 2022 from Bryan Hill, County Executive, with attachments, transmitting the County's *FY 2022 Third Quarter Review* with appropriation resolutions and the Fairfax County Public Schools staff's recommendations on the *FY 2022 Third Quarter Review*.

STAFF:

Bryan Hill, County Executive

Christina Jackson, Chief Financial Officer

Philip Hagen, Deputy Director, Department of Management and Budget

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing for the De-Creation/Re-Creation of a Small and Local Sanitary District for the Removal of Vacuum Leaf Collection Services (Mount Vernon District)

ISSUE:

Board of Supervisors' authorization to advertise a Public Hearing for the De-Creation/Re-Creation of a Small and Local Sanitary District for the Removal of Vacuum Leaf Collection Services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing at 4:00 p.m. on Tuesday, May 10, 2022, to consider the following change to small and local sanitary districts for refuse/recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the creation of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
DTA Small District 1 Within Mount Vernon District (Waynewood Area)	De-Create/ Re-Create	Remove Vacuum Leaf	Approve

TIMING:

Board of Supervisors' authorization to advertise on March 22, 2022, is required for a Public Hearing to be held on May 10, 2022, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

Board Agenda Item
March 22, 2022

The submitted petitions have been reviewed, and it has been determined that the petitions meets the Board of Supervisors' Adopted Criteria.

Staff recommends that the authorization to advertise a public hearing for the de-creation/re-creation of the Waynewood Area for the removal of vacuum leaf collection, be approved. If approved, the modification will become permanent on July 1, 2022.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Summary Sheet
Attachment 2: Data Sheet with Proposed Resolution and Map (Waynewood Area)

STAFF:
Rachel Flynn, Deputy County Executive
Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)
John W. Kellas, Deputy Director, DPWES

SUMMARY SHEET

Proposed alterations to the following small and local sanitary districts for refuse/recycling and/or leaf collection service:

1. De-Create/Re-Create DTA Small District 1 within Mount Vernon District for the purpose of removing vacuum leaf collection service to Waynewood area.

DATA SHEET
De-Create/Re-Create
DTA Small District 1
Within the Mount Vernon District

Purpose: To remove County vacuum leaf collection service to the Waynewood area.

- Petition requesting service received March 19, 2021.
- Petition Area: 82 Properties.
- 51 Property Owners in favor.
- 16 property owners opposed.
- 15 Non-responsive / unable to contact.
- The Department of Public Works and Environmental Services can provide the requested service using existing equipment.
- The Department of Public Works and Environmental Services recommends that the proposed action be approved. If approved, services will be effective July 1, 2022.

NOTICE OF INTENTION TO PROPOSE FOR ADOPTION
A RESOLUTION AND A PUBLIC HEARING THEREON
TO DE-CREATE/RE-CREATE
SMALL DISTRICT 1
WITHIN MOUNT VERNON DISTRICT

TAKE NOTICE that at a regular meeting of the Board of Supervisors of the County of Fairfax, Virginia, held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday the 22nd day of March, 2022, it was proposed by said Board to adopt a resolution to de-create/re-create a small district known as Small District 1 within Mount Vernon District to include Waynewood area for the purpose of removing vacuum leaf collection services to be effective July 1, 2022, and the Clerk of said Board was directed to cause notice thereof by publication once a week for two consecutive weeks in a newspaper published in or having general circulation in said County, together with a notice that at a regular meeting of said Board to be held in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on

TUESDAY
May 10, 2022
COMMENCING AT 4:00 P.M.

The said Board of Supervisors of Fairfax County, Virginia, will hold a public hearing at which time and place any interested parties may appear and be heard. The full text of the resolution to be adopted is in the following words and figures, to-wit:

WHEREAS, Virginia Code Section 15.2-858, as amended, provides for, among other things, the Creation by the Board of Supervisors of Fairfax County, Virginia, of a small/local sanitary district by resolution; and

WHEREAS, the Board of Supervisors has been presented with facts and information upon consideration of which said Board, finding the property embraced in the proposed small sanitary district will be benefited by de-creating/re-creating the small sanitary district for the purpose of discontinuing vacuum leaf collection for the citizens who reside therein.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the advertisement for the proposed de-creation/re-creation of a small sanitary district, pursuant to Virginia Code Section 15.2-858, as amended, to be known as Small District 1 within Mount Vernon District, Fairfax County, Virginia, which said de-creation/re-creation of the small sanitary district shall be described as follows:

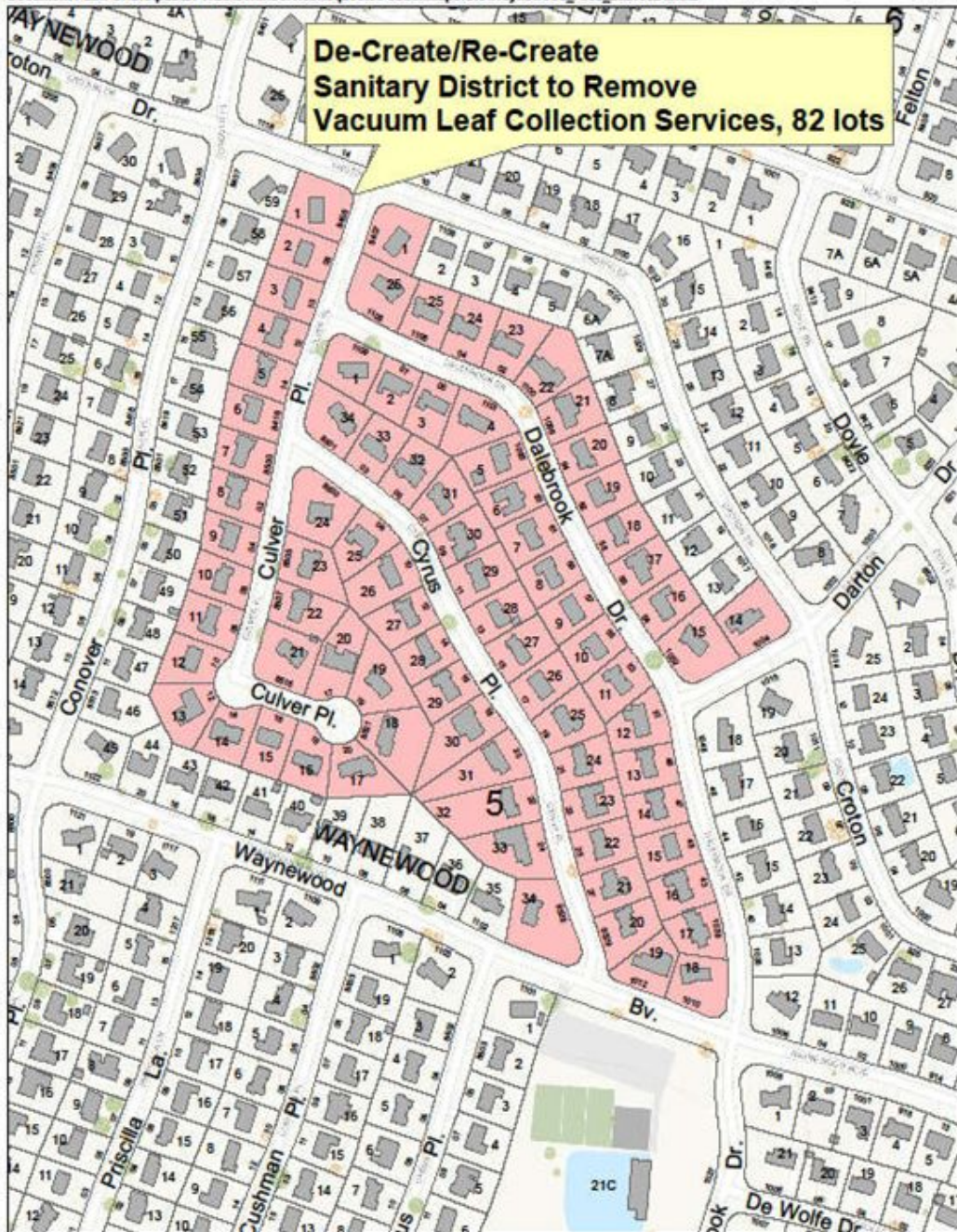
The de-creation/re-creation of Small District 1 within Mount Vernon District to include Waynewood area located in the County of Fairfax, Virginia, and as shown on the attached map.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Fairfax County, Virginia, declares its intention to implement the purpose for which said Small District 1 within Mount Vernon District is hereby created to wit:

To remove vacuum leaf collection service for the citizens who reside therein.

Given under my hand this ____ day of March, 2022

Jill G. Cooper
Clerk for the Board of Supervisors



TAX MAP: 102-4

WAYNEWOOD AREA

Board Agenda Item
March 22, 2022

ADMINISTRATIVE - 5

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Braddock Road (Sully District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Braddock Road, between Westfields Boulevard /Stone Road and Kimanna Drive (Sully District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on March 22, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Braddock Road, between Westfields Boulevard /Stone Road and Kimanna Drive (Sully District), meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding” signs. On February 17, 2022, FCDOT received verification from the Sully District Supervisor’s office confirming community support.

Board Agenda Item
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FISCAL IMPACT:

For the “\$200 Additional Fine for Speeding” signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: “\$200 Additional Fine for Speeding” Signs Resolution – Braddock Road

Attachment II: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Braddock Road

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Gregg Steverson, Deputy Director, FCDOT

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
BRADDOCK ROAD
SULLY DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, March 22, 2022, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Braddock Road from Westfields Boulevard/Stone Road to Kimanna Drive. Such road also being identified as a Minor Arterial Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Braddock Road.

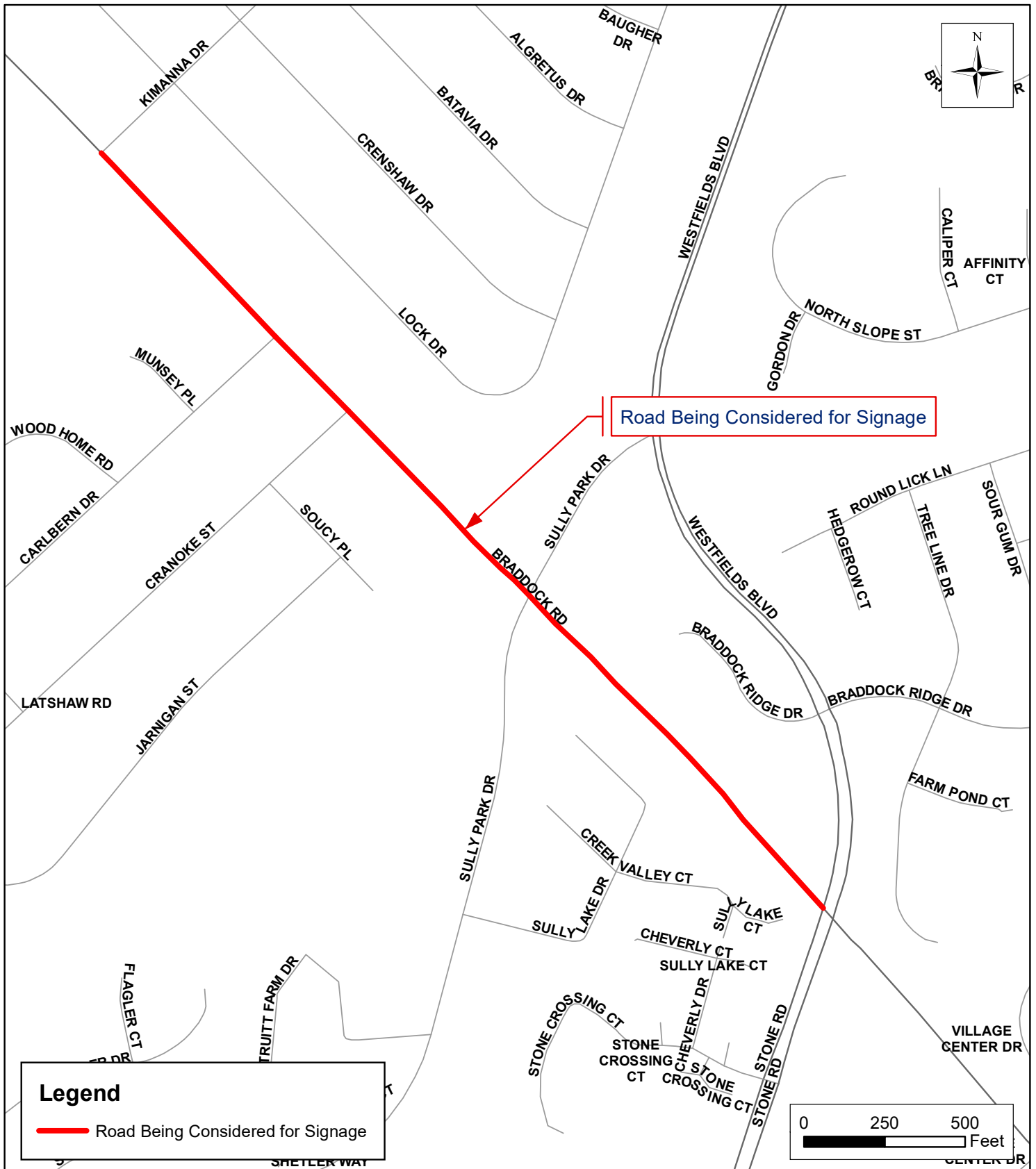
NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Braddock Road from Westfields Boulevard/Stone Road to Kimanna Drive.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

ADOPTED this 22nd day of March, 2022.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 43-4, 44-3, 53-2, 54-1

February 2022

**Fairfax County Department of Transportation
Residential Traffic Administration Program
Proposed \$200 Additional Fine for Speeding
Braddock Road
Sully District**



ADMINISTRATIVE - 6

Authorization for the Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's FY 2022 Rebuilding American Infrastructure with Sustainability and Equity Discretionary Grant Program (Dranesville, Hunter Mill, and Lee Districts)

ISSUE:

Board of Supervisors authorization is requested for the Department of Transportation (FCDOT) to apply for and accept grant funding, if received, from the United States Department of Transportation's (USDOT) FY 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program. FCDOT plans to apply for funding in the amount of \$42,475,000 for the implementation of the Frontier Drive Extension project and the Sunrise Valley Drive Active Transportation Improvements project. There is a 20 percent Local Cash Match requirement of \$8,495,000. Staff has identified resources in Fund 40010, County and Regional Transportation Projects, to satisfy this requirement. The grant submission deadline is April 14, 2022, and awards should be made in Summer 2022. No positions will be created through this grant program.

If the actual award(s) received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement(s) and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

The project application requires a project endorsement resolution (Attachment 1) from the local governing body; therefore, Board approval of Attachment 1 is also requested.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize FCDOT to apply for and accept grant funding, if received, from the USDOT in the amount of \$42,475,000, including \$8,495,000 in Local Cash Match, for the Frontier Drive Extension, and Sunrise Valley Drive Active Transportation Improvements projects. No positions will be created through this grant program.

The County Executive also recommends the Board authorize the Chairman of the Board

Board Agenda Item
March 22, 2022

of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

The County Executive also recommends that the Board of Supervisors adopt the project endorsement resolution in substantial form of Attachment 1.

TIMING:

Board approval is requested on March 22, 2022, to meet the submission deadline of April 14, 2022.

BACKGROUND:

The USDOT has published a Notice of Funding Opportunity (NOFO) for \$1.5 billion in grant funding through the RAISE discretionary grant program. The popular program helps communities around the country carry out projects with significant local or regional impact. The RAISE Grant Program is a successor to the Better Utilizing Investments to Leverage Development (BUILD), and Transportation Investment Generating Economic Recovery (TIGER) grant programs.

The FY 2022 RAISE grants are for capital investments in surface transportation that will have a significant local or regional impact. Eligible projects include, but are not limited to:

- Highway, bridge, or other road projects
- Public transportation projects
- Passenger and freight rail transportation projects
- Port infrastructure investments
- Intermodal projects
- Transportation facilities on tribal land
- Planning and pre-construction activities for any of the above

RAISE grant applications will be evaluated based on the following criteria: safety, environmental sustainability, quality of life, economic competitiveness, state of good repair, innovation, and partnership. USDOT is encouraging applicants to consider how their projects can address climate change, ensure racial equity, and remove barriers to opportunity.

The FY 2022 Appropriations Act states that FY 2022 RAISE funds are only available for obligation through September 30, 2026 and must be expended by September 30, 2031.

Board Agenda Item
March 22, 2022

Formal Board authorization is requested for FCDOT to apply for FY 2022 RAISE Grant funds. FCDOT staff reviewed the program's criteria and recommends applying for the Frontier Drive Extension and Sunrise Valley Drive Active Transportation Improvements projects. These projects have been previously approved as priorities of the Board in the Transportation Priorities Plan, and Herndon Metrorail Station Access Management Study. The following is a brief description of each project:

- Frontier Drive Extension
The Frontier Drive Extension from Franconia-Springfield Parkway to Loisdale Road provides improvements to the circulatory system around the Franconia-Springfield Transit Center, which provides improved access to both the Washington Metropolitan Area Transit Authority (WMATA) Metrorail System and Virginia Railway Express commuter rail service. It also modifies the ramps of Franconia-Springfield Interchange in Springfield, thereby reducing congestion on Loisdale Drive. It provides on-street parking along Frontier Drive, as well as pedestrian and bicycle facilities.
- Sunrise Valley Drive Active Transportation Improvements
The Sunrise Valley Drive Active Transportation Improvement project will reconstruct Sunrise Valley Drive from Innovation Station to Fairfax County Parkway to provide cycle tracks by narrowing the median and travel lane widths.

The current project estimate for the Frontier Drive Extension is \$169.0 million, and \$23.6 million is the planning level estimate for Sunrise Valley Drive Active Transportation Improvements. To date, the County has secured approximately \$35.0 million and \$6.0 million, respectively, to support these projects. The applications in this Board item are for grant funding in the amounts of \$25.0 million for the Frontier Drive Extension, and \$17.5 million for Sunrise Valley Drive Active Transportation Improvements from USDOT.

FISCAL IMPACT:

Grant funding in the amount of \$42,475,000 is being requested from USDOT for the implementation of the Frontier Drive Extension project and the Sunrise Valley Drive Active Transportation Improvements project. The 20 percent Local Cash Match requirement of \$8,495,000 is available in Fund 40010, County and Regional Transportation Projects, in project 2G40-107-000, Construction Reserve NVT 30 Percent. No new General Fund resources are required. This grant does not allow the recovery of indirect costs. If grant funding is awarded, formal budget appropriation will be requested at a quarterly review once the Grant Agreements have been fully executed.

Board Agenda Item
March 22, 2022

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution of Endorsement for FY2022 United States Department of Transportation RAISE Grant Program Applications

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Todd Wigglesworth, Chief, Coordination and Funding Division (CFD), FCDOT

Noelle Dominguez, Chief Coordination Section, CFD, FCDOT

Ray Johnson, Chief, Funding Section, CFD, FCDOT

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on Tuesday, March 22, 2022, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves a submission to the United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program for \$25,000,000 in funding for the Frontier Drive Extension, and \$17,475,000 in funding for the Sunrise Valley Drive Active Transportation Improvement projects.

Adopted this 22nd of March, 2022, Fairfax, Virginia

ATTEST _____
Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
March 22, 2022

ADMINISTRATIVE - 7

Supplemental Appropriation Resolution AS 22217 for the Department of Transportation to Accept Grant Funding and Authorization to Execute a Grant Project Agreement with the Department of Rail and Public Transportation for the Connected Autonomous Vehicle Demonstration Project (Providence District)

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 22217 for the Fairfax County Department of Transportation (FCDOT) to accept funding from the Virginia Department of Rail and Public Transportation (DRPT) for the Connected Autonomous Vehicle Shuttle Program (CAV) in the amount of \$260,000. This funding will be used to continue the CAV demonstration project through FY 2022. A 20 percent Local Cash Match is required. The grant period is from July 1, 2021, to December 31, 2022. When grant funding expires, the County is under no obligation to continue funding the program. Board authorization is also requested for the Director of FCDOT to enter into grant agreement 71122-01 with DRPT on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 22217 to accept funding from DRPT in the amount of \$260,000, including \$52,000 in Local Cash Match, for the CAV demonstration project. Funding will be used to continue the operation of the Relay shuttle service through the end of December 2022. No new positions are associated with this grant project agreement. The County Executive also recommends the Board authorize the Director of FCDOT to enter into grant agreement 71122-01 with DRPT, on behalf of the County.

TIMING:

Board approval is requested on March 22, 2022.

BACKGROUND:

On October 22, 2020, Fairfax County and Dominion Energy partnered to launch a Connected Autonomous Vehicle (CAV) electric shuttle service called Relay. Relay operates Monday through Thursday, 10 a.m. to 2 p.m., approximately every 15 to 20 minutes, from the Dunn Loring Metrorail Station to the Mosaic District.

Board Agenda Item
March 22, 2022

Fairfax County received a \$250,000 grant award from DRPT to implement the CAV shuttle service in FY 2020. In addition, Dominion Energy purchased the vehicle and has provided significant in-kind promotion, marketing, and staff support. The County is also receiving the support of the Virginia Transportation Research Council for an independent research report on the two year-long pilot. The County has received an additional \$260,000 in FY 2022 Demonstration Program Assistance from DRPT to continue the CAV pilot for another year

DRPT provides Demonstration Project Assistance as part of their FY 2022 Public Transportation Grant cycle. The Demonstration Assistance Program is a competitive grant program with the goal of supporting local efforts to improve transit reliability, access, and connection to activity centers, and transit mobility options. The program focuses on innovative and non-traditional transportation solutions that can directly or indirectly improve public transportation in the Commonwealth.

FISCAL IMPACT:

Grant funding in the amount of \$260,000, including \$52,000 in LCM, has been received to continue the operation of the CAV Demonstration Project in FY 2022. The 20 percent Local Cash Match (LCM) requirement is available in the Fund 40000, County Transit Systems, budget. No new General Fund resources are required. Appropriation to the Fund 50000, Federal-State Grant Fund, will total \$208,000. The current appropriation in Fund 40000, County Transit Systems, is sufficient to meet the LCM requirement. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated awards in FY 2022. This grant does not allow for the recovery of indirect costs.

As the CAV project was planned as a pilot program, continued state support beyond FY 2022 is uncertain. When the FY 2022 state Demonstration grant has expired, if the Board chooses to continue the service, additional funding will be needed.

CREATION OF NEW POSITIONS:

No positions will be created.

ENCLOSED DOCUMENTS:

Attachment 1 - Supplemental Appropriation Resolution AS 22217

Attachment 2 - Resolution to Authorize Staff to Execute Grant Project Agreement 71122-01 with DRPT

Attachment 3 - Grant Project Agreement 71122-01 with DRPT for FY 2022 the CAV Demonstration Project

Board Agenda Item
March 22, 2022

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Deputy Director, FCDOT
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Ray Johnson, FCDOT, Chief Funding Section, FCDOT
Christina Cain, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Richard Dzubin, Assistant County Attorney

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 22217

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on March 22, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund: 500-C50000, Federal-State Grant Fund

Agency: G4040, Department of Transportation \$208,000

Grant: 1400156-2022, CAV Demonstration Project

Reduce Appropriation to:

Agency: G8787, Unclassified Administrative Expenses \$208,000

Fund: 500-C50000, Federal-State Grant Fund

Source of Funds: Virginia Department of Rail and Public Transportation, \$208,000

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on March 22, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

AGREEMENT EXECUTION RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, the Grant Project Agreement with the Virginia Department of Rail and Public Transportation for the funding of the Connected Autonomous Vehicle Shuttle Demonstration project. Project administration will be handled by Fairfax County.

Adopted this 22nd day of March 2022, Fairfax, Virginia

ATTEST _____
Jill G. Cooper
Clerk for the Board of Supervisors

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2022
Six Year Improvement Program Approved Project
Project Number 71122-01**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, on February 1, 2021, the Grantee submitted an Application for the Project; and

WHEREAS, the Department has approved funding for the Project; and on June 23, 2021, the CTB allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Operate the Relay Connected Autonomous Vehicle electric shuttle service.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$208,000 for the Project approved in the Fiscal Year 2022 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. The Project Agreement may be amended upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS**

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Operation the Relay Connected Autonomous Vehicle Electric Shuttle Service

Demonstration Assistance Project Agreement

Project Number: 71122-01

Project Start Date: July 1, 2021

Project Expiration Date: June 30, 2022

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 80%)	\$208,000
1400	Local expense (share of Project cost - 20%)	\$ 52,000
	Total Project Expense	\$260,000

In no event shall this grant exceed \$208,000.

Board Agenda Item
March 22, 2022

ADMINISTRATIVE - 8

Approval of a Resolution to Allow Midwest Medical Transport Company, LLC, Operating as MMT Ambulance, to Operate a Private EMS Agency Within Fairfax County

ISSUE:

MMT Ambulance is based in Fairfax County, Virginia. MMT Ambulance, is requesting licensure from the Commonwealth of Virginia to operate an EMS Agency for the purposes of providing interfacility transport services within Fairfax County.

EMS providers in Virginia are regulated by the Virginia Department of Health, Office of Emergency Medical Services (OEMS) and require a resolution from the governing body of each locality where the provider maintains an office, stations an EMS vehicle for response, or is a designated emergency response agency.

RECOMMENDATION:

The County Executive recommends the Board approve the resolution allowing MMT Ambulance to operate as an EMS Agency within Fairfax County.

TIMING:

Board action is requested on March 22, 2022.

BACKGROUND:

The Commonwealth of Virginia requires all ambulance companies to be licensed by the Virginia Department of Health, Office of Emergency Medical Services. Midwest Medical Transport Company, LLC, operating as MMT Ambulance, has submitted an application to operate an EMS Agency within Fairfax County. Fairfax County Fire and Rescue Department has sole responsibility for emergency ambulance service within Fairfax County and agrees that MMT Ambulance, be authorized to provide non-emergency treatment/transport of ill and injured persons as may be required while providing service to clients.

FISCAL IMPACT:

None.

Board Agenda Item
March 22, 2022

ENCLOSED DOCUMENTS:

Attachment 1: Resolution

Attachment 2: Memorandum dated 3/11/22 to Deputy County Executive Thomas Arnold
from Fire Chief John S. Butler

Attachment 3: Letter from MMT Ambulance to Fire Chief John S. Butler

STAFF:

Thomas Arnold, Deputy County Executive

Fire Chief John Butler, Fire and Rescue Department

Assistant Chief Jason Jenkins, Fire and Rescue Department

Assistant Chief Joseph Knerr, Fire and Rescue Department

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on Tuesday, March 22, 2022, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Midwest Medical Transport Company, LLC operating as MMT Ambulance, a private ambulance company located in Fairfax County, Virginia, is requesting licensure in the Commonwealth of Virginia as an Emergency Medical Services (EMS) agency; and,

WHEREAS, the Commonwealth of Virginia requires all ambulance companies to be licensed by the Virginia Department of Health, Office of Emergency Medical Services (OEMS); and,

WHEREAS, Virginia law requires approval of the governing body of the locality in which any licensed EMS agency is located; and,

WHEREAS, MMT Ambulance will serve within Fairfax County; and

WHEREAS, private ambulance companies provide the important service of non-emergency treatment/transport of ill and injured persons at/from fixed sites and transfer between medical facilities;

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors approves Midwest Medical Transport Company, LLC operating as MMT Ambulance, to become a licensed EMS agency in the Commonwealth of Virginia and operate according to the Virginia Department of Health and Office of Emergency Medical Services Regulations, the Code of Virginia, and the Fairfax County Code.

ADOPTED this 22nd day of March 2022.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



County of Fairfax, Virginia

MEMORANDUM

DATE: March 11, 2022

TO: Thomas Arnold
Deputy County Executive

FROM: Fire Chief John S. Butler
Fire and Rescue Department

SUBJECT: Commercial Agency EMS Licensure Application

The Fire and Rescue Department (FRD) has been notified that Midwest Medical Transport Company operating as MMT Ambulance, LLC, a commercial EMS provider, is seeking EMS agency licensure in the Commonwealth of Virginia. EMS agencies in Virginia are regulated by the Office of EMS (OEMS) and applications for licensure are processed by the regional OEMS Program Representative. Pursuant to EMS Rules and Regulation 12VAC5-31-420, *Application for EMS agency license*, the application requires

An ordinance or resolution from the governing body of each locality where the agency maintains an office, stations an EMS vehicle for response within a locality or is a Designated Emergency Response Agency as required by § 15.2-955 of the Code of Virginia confirming approval. This ordinance or resolution must specify the geographic boundaries of the agency's primary service area within the locality.

MMT Ambulance, LLC, intends to operate one or more ambulances in Fairfax County and therefore requires such a resolution from the County.

FRD Operations staff have taken the follow actions in this matter:

1. Contacted the OEMS Program Representative to obtain background information about this organization and the application.
2. Contacted representatives of Midwest Medical Transport Company to discuss the request and determine the intended level of operation. Staff informed the representatives that Fairfax County Code Sections 81 Article 1 *Emergency Ambulance and Rescue Services* assigns sole responsibility for 9-1-1 emergency ambulance to the Fire and Rescue Department and those commercial operations are restricted "transportation services ... that [do] not involve and [are] not in response to an emergency or accident."
3. Contacted the regulatory office in other jurisdiction(s) where they currently operate and requested all pertinent public records such as complaints, dates of licensure, regulatory violations, or other information about the organization.

Proudly Protecting and
Serving Our Community

Fire and Rescue Department
12099 Government Center Pkwy
Fairfax, VA 22035
703-246-2126
www.fairfaxcounty.gov/fire



Here is a summary of the information obtained by FRD staff.

1. The OEMS Regional Representative researched the record of MMT Ambulance, LLC, in the Commonwealth of Virginia. OEMS confirms that Midwest Medical Transport Company will be a licensed ALS and BLS EMS agency in the Commonwealth and will hold EMS Agency number 50587 pending approval of jurisdictional resolutions.
2. EMS Division staff contacted Midwest Medical Transport Company, who confirmed the company's intention to operate as MMT Ambulance, LLC in Fairfax County. MMT Ambulance will be operating BLS and ALS ambulances as Inova's commercial transport service. They stated that as their intent is to base an office within Fairfax County to handle Northern Virginia transports. MMT Ambulance, Regional Manager, Mr. Babson understands that emergency response service in Fairfax County is, by County Code, a responsibility of the Fire and Rescue Department and that all calls for emergency response are dispatched by the County Department of Public Safety Communications 9-1-1 center. He stated their intention is only interfacility transports.
3. Mr. Aaron Jennings, Deputy Director of Ohio EMS Administration responded to information request regarding Midwest Medical Transport Company. Mr. Jennings verified that the company operates in the state of Ohio and is an agency in good standing with license number 25-118-2 for ALS and BLS transports.

Based upon this information, FRD staff has found no information upon which to deny MMT Ambulance, LLC. the opportunity to provide commercial interfacility ambulance transport service in Fairfax County. Agency recommendation is that per *12VAC5-31-420* of the Code of Virginia the Board of Supervisors pass a resolution or ordinance allowing Midwest Medical Transport Company this opportunity.



Fire Chief John S. Butler12099
Government Center Parkway
Fairfax, VA 22035

RE: MMT Ambulance

Chief Butler,

I am Chuck Babson, a Regional Director at MMT Ambulance. Through a complete bid process MMT has been chosen as the ambulance provider for Inova Health to provide BLS and ALS non-emergency transportation. This will be a new start up and as so, we are navigating the licensing and resolution process.

A little about us - Midwest Medical, the parent company with corporate offices in Omaha Nebraska. Currently operating in 9 States with over 2400 employees transporting over 500 patients per day with a primary mission of servicing healthcare systems. Locally in Virginia will operate as MMT Ambulance. Our main station will be located at Gateway on 8500 Cinder Bed Rd in Lorton with a secondary station at the hospital in Leesburg. This footprint should allow for adequate deployment to cover Inova's large geographic area while being responsive to flexing transport demand. We have made significant capital investment in both vehicles and equipment that will start arriving in Fairfax on March 15th. We are now focusing on our most important asset, our employee's. We are recruiting local area EMT's and Paramedics, Dispatchers, Mechanics and Leadership.

In order to meet the requirements of the Code of Virginia Section 15.2-955, 1950, as amended, it requires local governing approval of any emergency medical service organization operating within that locality. DC Kordalski has been assisting me gathering the required information for submission to the County. I believe our packet is complete.

Thank you, and DC Kordalski for taking the time to assist me with our new venture in Fairfax County. We look forward to being a partner in the community and we are grateful to be trusted with the transportation of the citizens and visitors of Fairfax County.

Should you have any questions or require any additional information my contact info is below, please reach out at your convenience.

Chuck Babson
Chuck.Babson@mwmtc.com
203.410.0516

From the Office of:
Charles E Babson III, Regional Director
8500 Cinder Bed Rd Lorton, VA 22079 Phone: 804-395-5650
<http://www.midwest-med.com/>

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ACTION - 1

Approval of an Unmanned Aircraft Systems Program Authorization Request for Fairfax County Television Channel 16

ISSUE:

Board of Supervisors approval is requested for Fairfax County Television Channel 16's Unmanned Aircraft Systems (UAS) Program Authorization Request to permit the acquisition of aerial video of County locations. The Department of Cable and Consumer Services (DCCS) plans to add UAS capabilities in coordination with the UAS program managed by the Department of Emergency Management and Security.

RECOMMENDATION:

The County Executive recommends that the Board approve Fairfax County Television Channel 16's UAS Program authorization request.

TIMING:

Board action is requested on March 22, 2022.

BACKGROUND:

The intended scope and purpose of the planned DCCS Unmanned Aircraft Systems Program, is specifically the acquisition of video of County facilities, parks, buildings, and historic landmarks to enhance television programs that inform the public about County services. To ensure the privacy of the public, imagery would be recorded to ensure that individuals would not be recognizable or, if anyone is recognizable, a signed County Release Form would be acquired. The imagery would be acquired by Channel 16 staff members who have been trained through the County program and are FAA Part 107 licensed operators. Channel 16 staff agree to comply with the provisions of the UAS Program Manual and the UAS program governance structure.

In accordance with the Board of Supervisors approved authorization process for non-public safety departments to operate a UAS program, on February 18, 2022, DCCS forwarded a memo to the Board of Supervisors for review and comment. Board members were provided a minimum of three weeks to review the memorandum, and to have the opportunity to ask questions, provide comments or concerns, request

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March 22, 2022

additional information, or note an objection. Having received no questions, comments, concerns, or objections, DCCS is submitting this request for Board approval.

FISCAL IMPACT:

DCCS has allocated \$900 in the FY 2022 Cable Fund 400-C40030 budget for acquisition of aerial video equipment and operator license certification. There is no impact to the County's General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Unmanned Aircraft Systems Program Authorization Request Memo

STAFF:

Ellicia Seard-McCormick, Deputy County Executive
Rebecca L. Makely, Acting Director, Department of Cable and Consumer Services
Donna E. Monacci, Department of Cable and Consumer Services

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney





County of Fairfax, Virginia

MEMORANDUM

DATE: February 18, 2022

TO: Board of Supervisors

THRU: Ellicia Seard-McCormick 
Deputy County Executive for Administration

FROM: Rebecca L. Makely, Acting Director 
Department of Cable and Consumer Services

SUBJECT: Unmanned Aircraft Systems Program Authorization Request

On June 25, 2019, the Board of Supervisors approved the authorization process for non-public safety agencies to request to operate unmanned aircraft systems under the public safety Unmanned Aircraft Systems Program (UAS). In accordance with this authorization process, the Department of Cable and Consumer Services (DCCS) is submitting the following request to the Board.

The Communications Productions Division (CPD) of DCCS seeks to add UAS capabilities to support Fairfax County television Channel 16 video productions in coordination with the Fairfax County UAS program managed by the Department of Emergency Management and Security.

The intended purpose and scope of CPD's UAS program is acquisition of aerial video of County locations to enhance television programs and videos that inform residents about County services. The operational benefit is visually showing locations in geographical context within the County.

The types of imagery would include County facilities, parks, buildings, and historic landmarks from high-angle views. Locations recorded would be Fairfax County and Park Authority facilities and known public areas in the County. To ensure the privacy of the public, imagery would be recorded to ensure that individuals would not be recognizable or, if anyone is recognizable, a signed County Release Form would be acquired. The imagery would be saved on Channel 16's internal editing network for use in present and future projects. The imagery would be acquired by CPD staff members who have been trained through the County program and are FAA Part 107 licensed operators. CPD staff agrees to comply with the provisions of the UAS Program Manual and the UAS program governance structure. CPD would have one of its FAA Part 107 licensed pilots serve on the UAS Steering Committee, if requested. The drone and camera would be purchased from Cable Fund 400-C40030 with no impact to the County's General Fund.

Office of the County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035-0066
703-324-2531, TTY 711, Fax 703-324-3956
www.fairfaxcounty.gov

Unmanned Aircraft Systems (UAS) Program Authorization Request
February 11, 2022
Page 2

In accordance with the approved UAS authorization process, Board members will be provided a minimum of three weeks to review the memorandum and to have the opportunity to ask questions, provide concerns or comments, request additional clarification, or note an objection.

If no Board member notes any objections the requesting department or agency may then submit an Action Item for the Board consideration of a UAS program expansion. However, if any Board member notes an objection the department or agency shall be required to first present its proposed UAS program to the Public Safety Committee for discussion and guidance as to any next steps.

Please contact Donna Monacci, Director of the Communications Productions Division, with questions, concerns, or comments related to CPD's program authorization request.

Attachment 1 – Authorization Process for Non-Public Safety Agencies to Participate in the Public Safety Unmanned Aircraft System Program

Attachment 2 – Program Manual: Unmanned Aircraft Systems

cc: Bryan J. Hill, County Executive
Elizabeth D. Teare, County Attorney
Ellicia Seard-McCormick, Deputy County Executive for Administration
Jill G. Cooper, Clerk for the Board of Supervisors
Seamus Mooney, Coordinator, Department of Emergency Management and Security
Donna E. Monacci, Director, Communications Productions Division
Tony Castrilli, Director, Public Affairs

Board Agenda Item
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ACTION - 2

Approval of a Resolution Consenting to the Virginia Railway Express Issuance of Bonds for Capital Expenses

ISSUE:

Board approval for the Virginia Railway Express (VRE) to advance public bond issuance backed by the Commuter Rail Operating and Capital (C-ROC) Fund.

RECOMMENDATION:

The County Executive recommends that the Board approve VRE's request for jurisdictional consent to proceed with the proposed public bond issuance supported exclusively by dedicated VRE revenue and without local jurisdictional funding, by approving the attached resolution (substantially in the form of Attachment 1).

TIMING:

Board approval of Attachment 1 is requested on March 22, 2022, in preparation for bond issuance and final approval by the Northern Virginia Transportation Commission (NVTC) and Potomac and Rappahannock Commission (PRTC) at their May 5, 2022, meeting. The requested deadline for all jurisdictional consent has been set as the end of March 2022.

BACKGROUND:

The C-ROC Fund was created by the General Assembly in 2018, and can be used by VRE for operations, pay-as-you-go (PAYGO) capital, or as the backing for a debt issuance. Approximately \$15 million of regional fuels tax revenue is dedicated to the C-ROC Fund each year.

The Transforming Rail in Virginia (TRV) program is the Commonwealth's effort to improve passenger rail in Virginia by acquiring railroad right-of-way, increasing rail capacity, and improving passenger and freight operations. Components of the program include the acquisition of portions of CSX Transportation (CSXT) right-of-way and the construction of a new Long Bridge across the Potomac River.

The Virginia Passenger Rail Authority (VPRA) was created in 2020 to own the right-of-way and other assets and to oversee intercity and commuter rail programs in the state. A Funding Agreement between NVTC, PRTC, and VPRA anticipates a major financial contribution by VRE to the TRV program. Currently, VPRA is in the process of

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purchasing CSXT right-of-way between Fredericksburg and Washington, DC, for approximately \$525 million. VRE has committed to leveraging half of its annual C-ROC revenues over an expected 30-year term and providing the proceeds to VPRA to assist in the right-of-way purchase and its associated capital improvements. The projected net proceeds of this debt issuance are expected to be over \$100 million.

VRE is jointly owned and operated by NVTC and PRTC. As with previous debt issuances by VRE, NVTC will serve as the issuer of the C-ROC backed debt, with concurrence from PRTC. To date, two actions have been recommended by the VRE Operations Board and approved by the Commissions related to the issuance:

1. In September 2021, the Commissions approved an update to VRE's Financial & Debt Management Principles. The updated principles are aligned with the authorizing elements of the C-ROC statutes; reflect key provisions of the Funding Agreement; set thresholds for affordability, such as debt service coverage; and ultimately support investment grade credit ratings.
2. The financial analysis undertaken by VRE's financial advisor, PFM, determined that a public bond issuance would be the most advantageous option for issuing the debt, and that an investment grade credit rating would be expected for such an issuance given current market conditions. In December 2021, the Commissions authorized VRE and NVTC staff to advance a public bond issuance backed by C-ROC revenues.

VRE staff intends to return to the VRE Operations Board and the Commissions in Spring 2022 for approval of the bond documents and final authorization to proceed with the sale and issuance of the bonds. As part of that final authorization, VRE legal counsel will provide an opinion confirming that the issuance of public bonds backed by the C-ROC funds will not require credit support from any individual member jurisdiction and will not be a debt of the Commonwealth or any individual jurisdiction.

Section III(A)(2) of the VRE Master Agreement states that "the Commissions shall utilize reasonable debt financing to the extent that such [financing] is advantageous to the commuter rail project and is in the interest of the Participating Jurisdictions of the VRE Master Agreement, but requires that the Commissions not issue debt related to the commuter rail project (other than the initial debt that was needed to begin VRE service) without the unanimous consent of all Participating and Contributing Jurisdictions". This planned C-ROC backed issuance differs from previous VRE debt issuances in that a credit backstop from the local jurisdictions will explicitly not be part of the pledge. Nonetheless, VRE's bond counsel has advised that the language of the VRE Master Agreement still requires individual jurisdiction consent.

The current schedule for the C-ROC backed bond issuance anticipates final approval by the Commissions at their May 5, 2022, meetings, with the bonds being sold via

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negotiated sale in mid-May and closing in early June. All jurisdictional approvals must be in place for the bond sale to proceed, and each jurisdiction is being asked to consider providing its consent by the end of March 2022.

FISCAL IMPACT:

Fairfax County will experience no fiscal impact to the general fund or any other related funds. As referenced in the attached resolution, this VRE Bond Issuance does not require credit support from, and will not be a debt of Fairfax County.

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County Resolution Consenting to VRE Bond Issuance

STAFF:

Rachel Flynn, Deputy County Executive
Christina Jackson, Chief Financial Officer
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Joe LaHait, County Debt Manager, Department of Management and Budget
Todd Wigglesworth, Division Chief, Coordination and Funding Division, FCDOT
Brent Riddle, Senior Transportation Planner, Coordination and Funding Division, FCDOT
Marcus Moore, Senior Transportation Planner, Coordination and Funding Division, FCDOT

ASSIGNED COUNSEL:

Emily Smith, Assistant County Attorney

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held on March 22, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

**RESOLUTION CONSENTING TO THE ISSUANCE OF BONDS FOR
VIRGINIA RAILWAY EXPRESS**

WHEREAS, the Northern Virginia Transportation Commission ("NVTC") and the Potomac and Rappahannock Transportation Commission ("PRTC") (collectively, the Commissions) operate the Virginia Railway Express ("VRE") commuter rail service in Northern Virginia pursuant to the Master Agreement for Provision of Commuter Rail Services in Northern Virginia – Establishment of the Virginia Railway Express among the Commissions, the Participating Jurisdictions and the Contributing Jurisdictions (the "Master Agreement");

WHEREAS, the County of Fairfax, Virginia (the "County"), is a Participating Jurisdiction under the terms of the Master Agreement;

WHEREAS, on March 26, 2021, VRE entered into a Passenger Rail Improvements and Funding Agreement (the "Funding Agreement") with the Virginia Department of Rail and Public Transportation, which was subsequently assigned to the Virginia Passenger Rail Authority;

WHEREAS, the Funding Agreement includes provisions for the Commissions to fund a portion of the Planned Improvements of the Transforming Rail in Virginia Program, as well as the purchase of real property for right-of-way acquired by the Commonwealth of Virginia (the "Project");

WHEREAS, as provided for in the Funding Agreement, the Commissions will use Commuter Rail Operating and Capital ("C-ROC") funds for a debt issuance as the source of the initial funding commitment to the Project;

WHEREAS, in September 2021, the Commissions approved updated and amended Financial and Debt Management Principles for VRE to guide the issuance of debt backed by the C-ROC funds;

WHEREAS, on November 19, 2021, December 2, 2021, and December 2, 2021, the Operations Board, NVTC, and PRTC each, respectively, authorized VRE staff to advance a public bond issuance backed by the C-ROC funds to support the financing of the Project, provided such bonds do not require credit support from, and are not a debt of, the County;

WHEREAS, the issuance of public bonds backed by the C-ROC funds shall not require credit support from the Participating Jurisdictions or Contributing Jurisdictions and shall not be a debt of the Commonwealth or the Participating Jurisdictions or Contributing Jurisdictions;

WHEREAS, pursuant to Section III(A)(2) of the Master Agreement, the Commissions shall use reasonable debt financing to the extent that such financing is advantageous to the commuter rail project and is in the interest of the parties to the Master Agreement, but requires that the Commissions not issue debt related to the commuter rail project, other than the initial debt, without the consent of all Participating and Contributing Jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Fairfax, Virginia, meeting in regular session this 22nd day of March 2022, does hereby consent, in accordance with the terms of the Master Agreement, to the issuance of additional commuter rail revenue bonds by the Commissions in accordance with the Funding Agreement to finance the Project, provided such bonds do not require credit support from, and are not a debt of, the County.

BE IT FURTHER RESOLVED that the appropriate officers of the County are authorized to execute and deliver such agreements, instruments and certificates as may be necessary to accomplish the foregoing.

ATTEST:

Jill G. Cooper
Clerk for the Board of Supervisors

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ACTION - 3

Adoption of a Resolution Approving the Issuance of Industrial Development Authority Health Care Revenue Refunding Bonds (Inova Health System Project) Series 2022

ISSUE:

Board adoption of a resolution approving the issuance by the Industrial Development Authority (“IDA”) of Fairfax County of its Health Care Revenue Refunding Bonds (Inova Health System Project) Series 2022 (the “Bonds”), in multiple series to be issued from time to time for the purpose of refunding outstanding indebtedness.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the “Board”) approve the issuance of the Bonds by adopting the resolution that is set forth as Attachment 1 (the “County Resolution”).

TIMING:

Board action is requested on March 22, 2022, so that Inova may proceed to sell and close the bonds to take advantage of favorable market conditions which are subject to increasing risks associated with economic and geopolitical factors.

BACKGROUND:

In order for Inova to sell the Bonds, this action is required by the Ordinance adopted on October 28, 1974, by the Board of Supervisors of Fairfax County, Virginia (the “Ordinance”). Proceeds of the Bonds will be used by the Inova Health System Foundation and its affiliates (“Inova”) to refund all or a portion of the IDA’s Health Care Revenue Bonds (Inova Health System Project), Series 2012A (the “Series 2012A Bonds”), Health Care Revenue Bonds (Inova Health System Project), Series 2012B (the “Series 2012B Bonds”), Health Care Revenue Bonds (Inova Health System Project), Series 2012D (the “Series 2012D Bonds”) and Health Care Revenue Bonds (Inova Health System Project), Series 2014A Bonds, (the “Series 2014A Bonds, and collectively with the Series 2012A Bonds, the Series 2012B Bonds and the Series 2012D Bonds, the “Prior Bonds”). The issuance of the Bonds and the refunding of the Prior Bonds is being done to take advantage of the favorable interest rate environment which is subject to increasing risks associated with economic and geopolitical factors.

The Bonds may also support funding for a debt service reserve for the Bonds if in the opinion of Inova at the time of the sale of the Bonds a debt service reserve fund is warranted and paying all or a portion of the costs of issuance.

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March 22, 2022

Pursuant to the Ordinance, a copy of the resolution (the “IDA Resolution”) constituting the recommendation of the IDA that the Board of Supervisors approve the issuance of the Bonds is submitted to the County (Attachment 2).

Upon adoption of the Resolution, the Chairman of the Board of Supervisors and the County Executive will be authorized to execute a letter evidencing the approval of the Board of Supervisors of the issuance of the Bonds. No further action will be required of the Board of Supervisors for the issuance of the Bonds.

FISCAL IMPACT:

As set forth in the Fiscal Impact Statement (Attachment 3 hereto), the issuance of the Bonds is expected to have no incremental economic fiscal impact. The Bonds will not constitute a debt obligation of the County or the Board and therefore there is no impact on the County’s financial statements. The Bonds will be entirely supported by the revenues of Inova.

ENCLOSED DOCUMENTS:

Attachment 1 - County Resolution Approving the Issuance of the Bonds
Attachment 2 – IDA Resolution
Attachment 3 - Fiscal Impact Statement

STAFF:

Christina Jackson, Chief Financial Officer
Joseph LaHait, Debt Manager, Department of Management and Budget

ASSIGNED COUNSEL:

Emily Harwood Smith, Assistant County Attorney

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, March 22, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, APPROVING, AMONG OTHER THINGS, A PLAN OF FINANCING AND THE ISSUANCE OF NOT EXCEEDING \$425,000,000 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA, REVENUE REFUNDING BONDS (INova HEALTH SYSTEM PROJECT) SERIES 2022 TO BE ISSUED IN ONE OR MORE SERIES; AND DELEGATING CERTAIN POWERS TO THE COUNTY EXECUTIVE

WHEREAS, Fairfax County, Virginia (the “County”) is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

WHEREAS, on October 28, 1974, the Board of Supervisors of Fairfax County, Virginia (the “Board”) adopted by ordinance (the “Ordinance”) an emergency amendment to the 1961 Code of the County of Fairfax, Virginia, as amended, providing a new Chapter 15F creating the Industrial Development Authority of Fairfax County, Virginia (the “Authority”), and appointing the initial members thereof and said Ordinance having been duly readopted on December 9, 1974, as required by law; and

WHEREAS, the Ordinance authorizes the Authority to exercise all the powers granted by the Industrial Development and Revenue Bond Act, being Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), including the power to issue revenue bonds of the Authority for the purpose of providing funds to pay the cost of certain projects required or useful for health care purposes; and

WHEREAS, Inova Health Care Services (“Inova Health Care”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Fairfax Hospital, Inova Fair Oaks Hospital and Inova Mount Vernon Hospital located in Fairfax County, Virginia, Inova Alexandria Hospital located in the City of Alexandria, Virginia, and Inova Loudoun Hospital, located in Loudoun County, Virginia; and

HEREAS, Inova Health System Foundation (“Inova”) is the controlling member of Inova Health Care (collectively with Inova Health Care, the “Inova Obligated Group”); and

WHEREAS, the Authority has previously issued its Health Care Revenue Bonds (Inova Health System Project), Series 2012A (the “Series 2012A Bonds”), its Health Care Revenue Bonds (Inova Health System Project), Series 2012B (the “Series 2012B Bonds”), its Health Care Revenue Bonds (Inova Health System Project), Series 2012D (the “Series 2012D Bonds” and its Health Care Revenue Bonds (Inova Health System Project), Series 2014A Bonds, (the “Series

2014A Bonds,” and collectively with the Series 2012A Bonds, the Series 2012B Bonds and the Series 2012D Bonds, the “Refunded Bonds”) for the benefit of the Inova Obligated Group bearing interest at either fixed rates or variable rates from time to time; and

WHEREAS, the Authority has, by resolution adopted on March 17, 2022 (the “Authority Resolution”), approved a plan of financing and refinancing (the “Plan of Financing”) which will entail the issuance by the Authority from time to time of one or more series of its revenue bonds (the “Bonds”) for the purpose of providing funds to undertake any or all of the following: (a) undertake the refunding of all or any portion of the Refunded Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; (c) finance a portion of interest accruing on the Bonds; and (d) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds (collectively, the “Project”); the Bonds shall be issued in an aggregate principal amount not to exceed \$425,000,000 for the financing and refinancing of the Project and the refunding of the Refunded Bonds; and

WHEREAS, the Authority has delivered or caused to be delivered to the Board the following: (i) a reasonably detailed summary of the comments expressed at the public hearing held by the Authority in connection with the Plan of Financing, the issuance of the Bonds and the refunding of the Prior Bonds; (ii) a fiscal impact statement concerning the Bonds in the form specified in Section 15.2-4907 of the Act; and (iii) a copy of the Authority Resolution setting forth the recommendation of the Authority that the Board approve the Plan of Financing including the issuance of the Bonds; and

WHEREAS, the Board has determined that it is necessary at this time to approve the Plan of Financing, including the issuance of the Bonds, in an aggregate principal amount set forth above to promote the improvement of the health and living conditions of the people of the County and the Commonwealth of Virginia, improve health care and otherwise aid in improving the prosperity and welfare of the County and the Commonwealth of Virginia and its inhabitants;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia:

Section 1. The Board hereby approves the Plan of Financing, including the issuance by the Authority of the Bonds in one or more series in an aggregate principal amount not exceeding four hundred twenty five million dollars (\$425,000,000) as described herein for the purpose of providing funds to (a) undertake the refunding of all or any portion of the Refunded Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted (c) finance a portion of interest accruing on the Bonds; and (d) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds.

Section 2. The Chairperson of the Board of Supervisors and the County Executive or his or her designee are hereby authorized and directed, on behalf of the Board, to take any and all actions necessary, including the execution of any documents, to carry out the Plan of Financing and to consummate the issuance and sale of the Bonds in conformity with the provisions of this resolution.

Section 3. The approval of the Plan of Financing and the issuance of the Bonds and the refunding of all or any portion of the Prior Bonds, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and the Act, does not constitute an endorsement to any prospective purchaser of the Bonds of the creditworthiness of Inova, or any of its affiliates, and, as required by the Act, the Bonds shall provide that neither the Commonwealth of Virginia, the County nor the Authority shall be obligated to pay the principal of, the redemption premium, if any, or the interest on the Bonds or other costs incident thereto except from the revenues and funds pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

Section 4. The approval by the Board of the Plan of Financing, including the issuance by the Authority of the Bonds in one or more series, from time to time, and the refunding, conversion or restructuring of all or a portion of the Refunded Bonds as provided herein, does not constitute the granting of approval for purposes of, or the waiver or rights, or rights of approval, with respect to any other regulatory functions of the County concerning any of the facilities financed or refinanced with the proceeds of the Bonds that lie within the County, including but not limited to permits, zoning, and availability fees.

Section 5. This Resolution shall take effect immediately.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Attachment 2

**SERIES RESOLUTION OF THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY,
VIRGINIA, AUTHORIZING, AMONG OTHER THINGS,
THE ISSUANCE OF INDUSTRIAL DEVELOPMENT
AUTHORITY OF FAIRFAX COUNTY, VIRGINIA,
HEALTH CARE REVENUE REFUNDING BONDS (INOVA
HEALTH SYSTEM PROJECT), SERIES 2022 TO BE
ISSUED IN ONE OR MORE SERIES, AND APPROVAL OF
THE PLAN OF FINANCING**

WHEREAS, the Industrial Development Authority of Fairfax County, Virginia (the “Authority”) is a political subdivision of the Commonwealth of Virginia and is authorized under Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), to enter into loan agreements, contracts, deeds and other instruments for the purpose of financing or refinancing certain facilities, including medical facilities and other facilities owned and operated or used by organizations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to the end that the Authority may protect and promote the health and welfare of the inhabitants of the Commonwealth of Virginia, and to issue its revenue bonds for the purpose of carrying out any of its powers; and

WHEREAS, Inova Health Care Services (“Inova Health Care”) is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which operates Inova Fairfax Hospital, Inova Fair Oaks Hospital and Inova Mount Vernon Hospital, located in Fairfax County, Virginia, Inova Alexandria Hospital, located in the City of Alexandria, Virginia, and Inova Loudoun Hospital, located in Loudoun County, Virginia; and

WHEREAS, Inova Health System Foundation (“Inova”) is the controlling member of Inova Health Care (collectively with Inova Health Care, the “Inova Obligated Group”); and

WHEREAS, the Authority has previously issued its Health Care Revenue Bonds (Inova Health System Project), Series 2012A (the “Series 2012A Bonds”), its Health Care Revenue Bonds (Inova Health System Project), Series 2012B (the “Series 2012B Bonds”), its Health Care Revenue Bonds (Inova Health System Project), Series 2012D (the “Series 2012D Bonds” and its Health Care Revenue Bonds (Inova Health System Project), Series 2014A Bonds (the “Series 2014A Bonds,” and collectively with the Series 2012A Bonds, the Series 2012B Bonds and the Series 2012D Bonds, the “Refunded Bonds”) for the benefit of the Inova Obligated Group bearing interest at either fixed rates or variable rates from time to time; and

WHEREAS, the Authority has been requested to consider the approval of a plan of financing and refinancing (the “Plan of Financing”) which will entail the issuance by the Authority from time to time of one or more series of its Health Care Revenue Refunding Bonds (Inova Health System Project) Series 2022 (the “Bonds”) in an aggregate principal amount not exceeding \$425,000,000 for the purpose of providing funds to: (a) refund all or a portion of the Refunded Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at

the time of the sale of the Bonds, a debt service reserve fund is warranted; (c) finance a portion of interest accruing on the Bonds; and (d) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds (collectively, the Project”); and

WHEREAS, Inova has described the benefits of the Plan of Financing, including the pursuing of refinancing or otherwise restructuring or conversion of the Refunded Bonds, and has requested that the Authority take action, including the issuance of revenue bonds under the Act in such amount or amounts as may be necessary to provide funds to undertake the Plan of Financing, including the refunding or restructuring or conversion of the Refunded Bonds; and

WHEREAS, the Board of Directors (the “Board”) of the Authority has determined that the Plan of Financing and the issuance of the Bonds, in one or more series from time to time, will accomplish the purposes of the Act and promote the safety, health, welfare, convenience and prosperity of the inhabitants of the Commonwealth of Virginia and Fairfax County and surrounding areas; and

WHEREAS, the Bonds may be issued in multiple series from time to time at either fixed interest rates or variable interest rates, as further described herein; and

WHEREAS, the Board of Supervisors of Fairfax County, Virginia, is required under federal and state law to approve the Plan of Financing and the issuance of the Bonds by the Authority; and

WHEREAS, there have been presented at this meeting draft copies of the following documents relating to the issuance of the Bonds:

(a) one or more Contracts of Purchase, including the Letter of Representations of the Inova Obligated Group attached thereto (collectively, the “Contract of Purchase”), by and between the Authority and Morgan Stanley & Co. LLC., as representative of the purchasers referred to in the Contract of Purchase (collectively, the “Underwriters”), relating to the Bonds;

(b) one or more Trust Agreements (collectively, the “Trust Agreement”), between the Authority and U.S. Bank Trust Company National Association, as Bond Trustee (the “Bond Trustee”), securing the Bonds;

(c) one or more Loan Agreements (collectively, the “Loan Agreement”), between the Authority and Inova Health System Foundation (“Inova”), relating to the Bonds; and

(d) one or more Preliminary Official Statements or Official Statements of the Authority in connection with the offering and sale of the Bonds (collectively, the “Preliminary Official Statement”); and collectively with the documents referred to in paragraphs (a) through (c) above, the “Financing Documents”.

WHEREAS, the Authority has determined that adequate provision has been made for the payment of the principal and purchase price (if applicable) of, redemption premium, if any, and interest on the Bonds; and

WHEREAS, the Authority hereby finds that the use of the proceeds of the Bonds to finance and refinance the Project and refund, convert or restructure the Refunded Bonds will accomplish the public purposes set forth in the Act being the promotion of the health and welfare of the residents of Fairfax County, Virginia and surrounding areas, will be in the public interest and will be consistent with the purposes of the Act.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAIRFAX COUNTY, VIRGINIA DOES HEREBY RESOLVE, AS FOLLOWS:

Section 1. Capitalized words and terms used in this Series Resolution and not defined herein shall have the same meanings in this Series Resolution as such words and terms are given in the Trust Agreement or the Loan Agreement.

Section 2. Pursuant to the authority granted to it by the Act, the Authority hereby approves the Plan of Financing and hereby authorizes the issuance of the Bonds for the purpose of providing funds to (a) refund all or a portion of the Refunded Bonds; (b) fund a debt service reserve fund for the Bonds, if in the opinion of Inova at the time of the sale of the Bonds, a debt service reserve fund is warranted; (c) finance a portion of interest accruing on the Bonds; and (d) pay certain expenses incurred in connection with the authorization, issuance and sale of the Bonds.

The Bonds shall be issued as fully registered bonds in denominations permitted by the provisions of the Trust Agreement. The Bonds shall be issuable in book-entry form, as provided in the Trust Agreement. The Bonds shall bear interest and be payable as provided in the Trust Agreement. Payments of principal of and interest on the Bonds shall be made by the Bond Trustee to the registered owners of the Bonds in such manner as is set forth in the Trust Agreement.

The Bonds are hereby authorized to be issued in multiple series from time to time bearing the series designation of the year of issuance and a letter designation to be established prior to or concurrently with the issuance thereof, and may be issued in fixed or variable rates of interest.

Section 3. The Bonds shall be subject to optional, extraordinary optional and mandatory redemption, and in the case of Bonds bearing interest at variable rates, optional and mandatory tender for purchase at the times, upon the terms and conditions, and at the prices set forth in the Trust Agreement.

Section 4. The Board hereby delegates to the Chairperson and Vice-Chairperson of the Authority, subject to the limitations and guidelines contained herein, the power to determine and carry out the following with respect to the Bonds:

(A) To determine the aggregate principal amount of the Bonds; the aggregate principal amount of all series of Bonds authorized hereunder for the

purposes described in the preamble to this Series Resolution, not to exceed \$425,000,000 for the purpose of providing for the refinancing, restructuring or conversion of the Refunded Bonds;

(B) To determine the maturities and maturity amounts of, and the Sinking Fund Requirements for, the Bonds, no such maturity to extend beyond April 1, 2062;

(C) To approve the sale of the Bonds in accordance with the provisions of Section 9 of this Series Resolution, provided that the purchase price for the Bonds shall not be less than ninety-seven percent (97.00%) of the par amount of the Bonds; and

(D) To determine any other terms or provisions for the Bonds deemed advisable and not in conflict with the terms and provisions of this Series Resolution.

The execution and delivery of the Trust Agreement, the Loan Agreement, and the Contract of Purchase, pursuant to Sections 6 and 7, respectively, of this Series Resolution, shall be conclusive evidence of the determinations or other actions taken by the Chairperson or Vice-Chairperson of the Authority pursuant to the authority granted in this Series Resolution.

Section 5. The proceeds of the Bonds shall be applied as provided in Section 2.07 of the Trust Agreement and in a closing certificate of the Authority.

Section 6. The forms, terms and provisions of the Trust Agreement and the Loan Agreement are hereby approved in all respects, and the Chairperson or Vice-Chairperson and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute and deliver the Trust Agreement and the Loan Agreement in substantially the forms presented to this meeting, together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate, including but not limited to changes, modifications and deletions necessary to incorporate the final terms of the Bonds as shall be set forth in the Contract of Purchase; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

Section 7. The form, terms and provisions of the Contract of Purchase are hereby approved in all respects, and the Chairperson or Vice-Chairperson of the Authority is hereby authorized and directed to execute and deliver the Contract of Purchase in substantially the form presented to this meeting, together with such changes, modifications, insertions and deletions as the Chairperson or Vice-Chairperson, with the advice of counsel, may deem necessary or appropriate; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

Section 8. The forms of the Bonds set forth in the Trust Agreement are hereby approved in all respects, and the Chairperson or Vice-Chairperson and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to execute, by manual or facsimile signature, as provided in such forms of the Bonds, and to deliver to the Bond Trustee for authentication on behalf of the Authority, the Bonds in definitive form, which shall be in

substantially the forms presented to this meeting together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary, appropriate and consistent with the Trust Agreement; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Authority.

Section 9. The Authority hereby approves the award of the Bonds to the Underwriters at a price of not less than ninety-seven percent (97.00%) of the principal amount of the Bonds, subject to the approval thereof by the Chairperson of the Authority or, in his absence, the Vice-Chairperson of the Authority.

Section 10. Upon their execution in the forms and manner set forth in the Trust Agreement, the Bonds shall be deposited with the Bond Trustee for authentication, and the Bond Trustee is hereby authorized and directed to authenticate the Bonds and the Bond Trustee shall deliver the Bonds to the Underwriters against payment therefor, subject to the provisions of Section 2.07 of the Trust Agreement.

Section 11. The Preliminary Official Statement (including any draft final Official Statement for Series 2022 Bonds to be issued in a variable rate of interest) is hereby approved in the form presented at this meeting, and the Chairperson or Vice-Chairperson is hereby authorized to execute, on behalf of the Authority, one or more Official Statements in substantially the form of the Preliminary Official Statement (collectively, the "Official Statement"), together with such changes, modifications and deletions as the Chairperson or Vice-Chairperson, with the advice of counsel, may deem necessary or appropriate; and such execution shall be conclusive evidence of the approval thereof by the Authority. The Authority hereby approves and authorizes the distribution and use of copies of the Preliminary Official Statement, the Official Statement, the Trust Agreement, the Loan Agreement and the other Financing Documents by the Underwriters in connection with such sale.

Section 12. U.S. Bank Trust Company National Association, Richmond, Virginia, is hereby appointed Bond Trustee for the Bonds.

Section 13. The Depository Trust Company ("DTC"), New York, New York is hereby appointed as the initial Securities Depository for the Bonds, with Cede & Co., a nominee thereof, being the initial Securities Depository Nominee and initial registered owner of the Bonds.

Section 14. Leigh Anne Arnold, Chairperson of the Authority, and Robert Surovell, Secretary of the Authority, are each hereby appointed an Authority Representative, with full power to carry out the duties set forth in the Trust Agreement and the Loan Agreement.

Section 15. The Chairperson, the Vice-Chairperson, the Secretary and any Assistant Secretary of the Authority alone or together are authorized and directed (without limitation except as may be expressly set forth herein) to take such action and to execute and deliver any such documents, certificates, undertakings, agreements, letters of instructions, tax regulatory agreements, escrow agreements, or other instruments, including any such documents, certificates, undertakings, agreements, letters of instructions, tax regulatory agreements, escrow agreements, or other instruments to be entered into by the Authority in connection with the issuance of the Bonds and the redemption, restructuring, conversion, or purchase thereof and of

the Refunded Bonds, as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Trust Agreement, the Loan Agreement, the Contract of Purchase and the Official Statement, and such execution and delivery shall be conclusive evidence of the authorization and approval thereof by the Authority.

Section 16. The Authority hereby recommends that the Board of Supervisors of Fairfax County, Virginia (the “Board”) approve the Plan of Financing and the issuance of the Bonds.

Section 17. The Chairperson or Vice-Chairperson and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to deliver to the Board (a) a reasonably detailed summary of the comments expressed at the public hearing held in connection with the Plan of Financing, including the issuance of the Bonds and the refunding of the Refunded Bonds, (b) a fiscal impact statement concerning the Bonds in the form specified in Section 15.2-4907 of the Act and (c) a copy of this Series Resolution, which constitutes the recommendation of the Authority that the Board approve the Plan of Financing including the issuance of the Bonds.

Section 18. All costs and expenses in connection with the refunding or restructuring or conversion of the Refunded Bonds, including the fees and expenses of bond counsel, shall be paid from the proceeds of the Bonds to the extent permitted by law. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Inova Obligated Group and that the Authority shall have no responsibility therefor.

Section 19. On the date hereof the Authority will hold a public hearing in connection with the Plan of Financing. As provided by the Internal Revenue Code of 1986, as amended, (the “Code”), the public hearing is a joint hearing on behalf of Fairfax County and Loudoun County. The Authority hereby ratifies all actions in connection with the giving of notice for such hearing pursuant to Section 15.2-4906 of the Act and Section 147(f) of the Code.

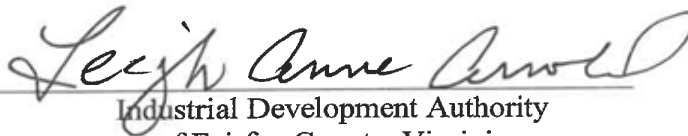
Section 20. The Authority shall perform such other acts and adopt such further resolutions as may be required to implement its undertakings as hereinabove set forth.

Section 21. This Series Resolution shall take effect immediately upon its passage.

CERTIFICATE

The undersigned officer of the Industrial Development Authority of Fairfax County, Virginia (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on March 17, 2022, in accordance with law, with a quorum present and acting throughout, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

Dated: March 17, 2022


Industrial Development Authority
of Fairfax County, Virginia


**FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING***

Date: March 22, 2022

To the Board of Supervisors
of Fairfax County, Virginia

Applicant: Inova Health System Foundation and Affiliates
Facility: Health Care Facilities in Fairfax County, Including Bonds Related to
Health Care Facilities In Fairfax County and Loudoun County, Virginia

		Fairfax County	Loudoun County	Total All Jurisdictions
1	Maximum amount of financing sought.			\$425,000,000*
2.	Estimated taxable value of the facility's real property to be constructed in the locality.	0	0	0
3.	Estimated real property tax per year using present tax rates.	0	0	0
4.	Estimated personal property tax per year using present tax rates.	0	0	0
5.	Estimated merchants' capital tax per year using present tax rates.	0	0	0
6.	(a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.	N/A	N/A	N/A
	(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.	N/A	N/A	N/A
	(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.	N/A	N/A	N/A
	(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.	N/A	N/A	N/A
7.	Estimated number of regular employees on year round basis.	0	0	0
8.	Average annual salary per employee.	0	0	0


Leigh Anne Crowl
Industrial Development Authority
of Fairfax County, Virginia

* The bond financing is limited to refunding existing bonds and refinancing previously financed projects which projects were subject to Fiscal Impact Statements submitted to the Board of Supervisors.

ACTION - 4

Approval of 2022 Rate Adjustments to Fairfax Center, Centreville, Tysons, Tysons-Wide, Tysons Grid of Streets, and Reston Road Funds (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)

ISSUE:

Adjustments are needed to Fairfax Center Area, Centreville Area, Tysons, Tysons-wide, Tysons Grid of Streets, and Reston Road Fund rates to compensate for inflation in project construction costs, in accordance with the Consumer Price Index for all urban consumers (CPI-U).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the attached rate schedule (Attachment 1), including a 7.5 percent adjustment of the existing contribution rates in all fund areas with the new rate effective April 1, 2022.

TIMING:

Board action is requested on March 22, 2022, so that the new rates can take effect on April 1, 2022.

BACKGROUND:

One of the principles of the Comprehensive Plan for each of the road fund areas is that development above the baseline level established in the plan may be approved, if the developer mitigates the impact of such increased density or intensity by contributing to a fund for the provision of off-site road improvements. All road funds function in this manner.

Attachment 1 reflects the increase in developer contribution rates as calculated with the 7.5 percent inflation since 2021. The 7.5 percent is derived from the CPI-U as required by the Code of Virginia. The rate increase is necessary to keep pace with inflationary project construction cost increases. The last rate increase was effective April 1, 2021.

Attachment 2 includes language for all current road funds in the County and has been included as a reference. No change for road fund language or procedures is being proposed.

Board Agenda Item
March 22, 2022

FISCAL IMPACT:

Adoption of the revised rates will increase the funds contributed by developers to Fund 30040, Contributed Roadway Improvements, by 7.5 percent over previously anticipated amounts. However, the primary effects of the increase will be felt in future years. This is because the contribution amount for each development is determined by the effective rate at the time of the land use action (rezoning, special exception, special permit) approval by the Board. The contribution rate at the time of approval will remain effective for a period of two years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within two years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total contribution required.

ENCLOSED DOCUMENTS:

Attachment 1: Calculation of Revised Contribution Rate for 2022

Attachment 2: Current Road Funds Guidelines Approved March 2019

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Ray Johnson, Chief, Funding Section, FCDOT

Smitha Chellappa, Senior Transportation Planner, Funding Section, FCDOT

Mei Fang, Transportation Planner, FCDOT

Jeffrey C. Hermann, Chief, Site Analysis and Transportation Planning Division, FCDOT

CALCULATION OF REVISED CONTRIBUTION RATE – 2022

Inflation rate for 2022 based on the Consumer Price Index published by the US Department of Labor, Bureau of Labor Statistics (not seasonally adjusted)

Proposed 2022 Contribution Rate

Road Fund Area	Type	Approved Rate 2021	Inflationary Increase 2022	Proposed Rate 2022
Tysons	non-residential	\$4.84	1.075	\$5.20
	residential	\$1,073.93	1.075	\$1,154.47
Tysons-Wide	non-residential	\$6.53	1.075	\$7.02
	residential	\$1,157.59	1.075	\$1,244.41
Tysons-Grid of Streets	non-residential	\$7.45	1.075	\$8.01
	residential	\$1,157.59	1.075	\$1,244.41
Fairfax Center	non-residential	\$6.58	1.075	\$7.07
	residential	\$1,457.32	1.075	\$1,566.62
Centreville	non-residential	\$7.07	1.075	\$7.60
	residential	\$2,792.84	1.075	\$3,002.30
Reston	non-residential	\$10.38	1.075	\$11.16
	residential	\$2,268.59	1.075	\$2,438.73

GUIDELINES FOR THE CENTREVILLE AREA ROAD FUND, Adopted March 19, 2019

The following guidelines shall be used to establish, implement, and operate the Centreville Area Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The fund is intended to collect monies in conjunction with an application for residential development that is within the Centreville Area and exempt from or otherwise not subject to the provisions of Va. Code § 15.2-2303.4 (“exempt residential development”) and to collect monies in conjunction with non-residential development of property within the Centreville Area. The boundaries of the Centreville Area are defined in the Fairfax County Comprehensive Plan, 2017 Edition, Area III - Centreville Area and Suburban Center, as amended (and as shown in the attached map).

The collection of money for the fund may occur, when permitted by law, as part of any rezoning, proffered condition amendment, Special Exception, or Special Permit application (collectively “Land Use Actions”) in this area that proposes a change in use, a change in zoning district, or an increase in intensity (amount of building square footage), and in limited circumstances an increase in density (number of dwelling units/acre).

The fund will be used to construct roadway improvements that cannot otherwise be built through private development in the Centreville Area. These improvements are considered off-site improvements. Projects constructed under the fund are expected to result in improvements that will enhance overall transportation capacity and functionality within the Centreville Area. The road improvements constructed using Centreville Area Road Fund monies will accommodate pedestrian and bicycle facilities in their design. The improvements will also accommodate transit use and facilities.

The Transportation Section of the Centreville Area and Suburban Center Plan includes roadway improvements within the planning boundary where these funds can be applied to improvement projects. These improvements, described within the Comprehensive Plan, are needed to provide convenient connections within the Centreville Area, distribute multi-modal traffic efficiently, and enhance the quality of the network for all modes of transportation. The Comprehensive Plan for the Centreville Area and Suburban Center recommends that the private sector be responsible for construction of roadway improvements that are within and immediately adjacent to properties to be redeveloped and also provide contributions to the Centreville Area Road Fund.

These guidelines were adopted by the Board of Supervisors on March 19, 2019.

ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The cash contribution rate for the Centreville Area Road Fund is reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics. The adjusted rate is submitted to the Board of Supervisors for approval.

Changes to these guidelines, as appropriate, may be submitted with the annual adjustment.

CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes. Off-site roadway projects are defined for the purposes of this document as construction of roadway improvements that cannot otherwise be built through private development in the Centreville Area and include projects such as the following:

- Those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 28.
- Improvements to secondary roadways functioning as arterial roadways, including Braddock Road, New Braddock Road, and Stone Road.
- Bridges and interchanges on interstate and primary roadways.
- Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- Those portions of roads internal to the Centreville Area which are not within the boundaries of or adjacent to sites subject to development.
- Dedication of land or right-of-way from the applicable site for road projects specifically that are not for site access and otherwise are not required to directly address the impact of site generated traffic.

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Centreville Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)¹. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- Rail stations and facilities peripheral to their function.
- Park-n-ride lots.
- Bus transit transfer stations and facilities peripheral to their function.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

¹ Turning lanes and traffic signals provided on major arterials non-interstate primary facilities are considered to be off-site improvements.

The recommended contribution formula approved by the Board of Supervisors at the initial adoption of these guidelines was as follows²:

- For any application requesting a level of development above the baseline, the contribution will be \$6.80 per gross square foot (GSF) of building structure of the total proposed non-residential space and \$2,687 per dwelling unit of the total proposed exempt residential development.
- Up to one-third of the total recommended contribution can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects, if no density credits have been granted for the same right-of-way.
- The total recommended contribution can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action.

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway

² Contribution amounts to the fund have subsequently been modified. A track of previous revisions since 2013 is provided at the end of the document.

construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits, subject to applicable provisions in the Virginia Code. This contribution approach is intended to facilitate the construction of Centreville Area transportation improvements.

For exempt residential development, when applicable, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Centreville Area Road Fund has been met.

Right-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

CENTREVILLE AREA ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received for the Centreville Area Road Fund will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be used to help fund and implement roadway projects in the Centreville Area.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE CENTREVILLE AREA ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON MARCH 19, 2019, AS AMENDED

STEP 1: Total Recommended Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate = total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

sq. feet of land dedicated for off-site and/or transit-related projects multiplied by the per foot assessed value of the land at time of site plan submission or final subdivision plan submission*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-related projects consistent with bonding practices and verified and accepted by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3) will result in the net contribution due the Centreville Area Road Fund. (Note: if the sum of Creditable Improvements meets or exceeds the value of Step 1, then the commitment to the fund is met with dedication of right-of way and in-kind construction.)

***NOTE:** This value cannot exceed one-third of the total contribution calculated in Step 1 and cannot include land for which density credits have been granted.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

CENTREVILLE ROAD FUND RATE ADJUSTMENT HISTORY*

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Exempt Residential Rate per Dwelling Unit
January 1, 2013	2.88%	\$6.10	\$2,414
February 1, 2014	1.98%	\$6.22	\$2,462
February 1, 2015	2.18%	\$6.36	\$2,516
February 3, 2016	0.25%	\$6.38	\$2,522
March 1, 2017	2.04%	\$6.51	\$2,573
March 1, 2018	2.50%	\$6.67	\$2,637
April 1, 2019	1.90%	\$6.80	\$2,687

*For rates effective before January 1, 2013, please contact the Department of Transportation.



**GUIDELINES FOR THE FAIRFAX CENTER AREA ROAD FUND, Adopted November 22, 1982,
Amended through March 19, 2019**

ANNUAL REVIEW PROCESS FOR THE FAIRFAX CENTER AREA

The following guidelines will be used to establish, implement, and operate the Fairfax Center Area Road Fund. These procedures were adopted by the Board of Supervisors on November 22, 1982, and have been revised periodically since their adoption. Guidelines for the monitoring of development in the Area as well as a procedure for reviewing the roadway contribution formula are included herein. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for a proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

A. MAINTENANCE / REVIEW OF LAND USE DATA

It is the intent of the Board of Supervisors that the target or goal for development intensity of the Fairfax Center Area be Level B, as recommended by the Planning Commission. The annual review process will be utilized to assure the achievement of this goal. In addition, the Department of Planning and Zoning and the Department of Land Development Services will collect and maintain the following information with respect to land use development in the Fairfax Center Area:

- o the development status of parcels, land development units and unit groups (including acreage, existing zoning, existing land use, planned land use, number and type of dwelling units, and amount and type of non-residential floor area); and
- o the identification of activity in the development pipeline for each parcel, land development unit and unit group (including the following stages of development: rezonings pending, rezonings granted, site plans submitted, site plans approved, building permits issued, and projects under construction).

Staff will prepare an annual summary document of this information for presentation to the Board of Supervisors.

B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The following excerpt from the Comprehensive Plan identifies the intention of the Board of Supervisors to review the method by which the private sector contributes to funding of roadway improvements in the Fairfax Center Area:

The proportional share of the transportation improvements provided by the private sector will be established by the Board of Supervisors and reviewed periodically through an established public process such as the Annual Plan Review.

The paragraphs that follow specify the review process to be undertaken by the Board and County staff. Clarification on the Contribution Formula, Roadway Improvements Prioritization, and the Road Fund Account are also provided.

An appraisal of funding and implementation of roadway improvements in the Fairfax Center Area will be made annually and presented to the Board. The appraisal will include but not be limited to the following items:

- o identification of total funds contributed by the private sector and the funds contributed over the previous year(s);
- o review of trends in roadway construction costs reflecting inflation (or deflation) rates;
- o listing of right-of-way dedications, roadway construction, and other commitments/contributions provided in previous year(s);
- o examination of the development pipeline toward re-assessment of programming of roadway projects; and
- o discussion regarding the ability of current funding mechanisms to satisfactorily provide for necessary roadway improvements.

This annual appraisal will not be conducted as a full-scale traffic analysis and roadway needs study. Rather, it will evaluate the suitability of roadway project implementation with respect to specific site developments and the overall Fairfax Center Area development. In addition to these items, staff will make recommendations with respect to the prioritization of roadway projects. An examination of the funding formula will also be presented for reconsideration by the Board.

C. CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes. Off-site roadway projects are defined for the purposes of this document as:

- o Those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 50.
- o Improvements to secondary roadways functioning as arterial roadways, including Fairfax County Parkway, Waples Mill Road, Shirley Gate Road, West Ox Road, Stringfellow Road, and Clifton Road.
- o Bridges and interchanges on interstate and primary roadways.
- o Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- o Those portions of roads internal to the Fairfax Center Area that are not within the boundaries of or adjacent to sites subject to development.

These off-site roadway improvements are identified in the next section titled "Prioritization of Roadway Improvements."

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Fairfax Center Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those

improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)¹. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- o Rail stations and facilities peripheral to their function.
- o Park-n-ride lots.
- o Bus transit transfer stations and facilities peripheral to their function.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

The recommended contribution formula approved by the Board of Supervisors at the initial adoption of these guidelines is as follows²:

- o For any application requesting a level of development above the baseline, the contribution will be \$2.50 per gross square foot (GSF) of building structure of the total proposed non-residential space and \$577 per dwelling unit of the total proposed residential uses.
- o Up to one-third of the total recommended contribution can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects, if no density credits have been granted for the same right-of-way.
- o The total recommended contribution can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action (rezoning, Special Exception, or other).

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private

¹ Turning lanes and traffic signals provided on non-interstate primary facilities (e.g. Route 29) are considered to be off-site improvements.

² Contribution amounts to the fund have subsequently been modified. A track record of previous revisions is provided at the end of the document.

sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant, should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by the LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of Fairfax Center Area transportation improvements.

For residential development, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Fairfax Center Area Road Fund has been met.

As the Fairfax Center Area develops, a schedule of roadway improvements will be established. However, rights-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

D. PRIORITIZATION OF ROADWAY IMPROVEMENTS

The timing of the roadway improvements is crucial to the manner in which the Fairfax Center Area develops. The following improvements are considered as high priority and should be scheduled for implementation as closely as possible to the order in which they are listed. Physical, fiscal, and developmental constraints may shift the priorities of the projects as identified through the annual analysis of road improvement needs. The improvement priorities were adopted by the Board of Supervisors on January 9, 2001. (Note: strikeout indicates completed project.)

- o Advanced right-of-way acquisition for:
 - ~~_____ Monument Drive west of Fields Brigade Road~~
 - ~~_____ Stringfellow Road relocation~~
- o At-grade improvements/construction:
 - ~~_____ West Ox Road / Route 29 at-grade improvements~~
 - ~~_____ Completion of Monument Drive west of Fields Brigade Road~~
 - ~~_____ Stringfellow Road widening between Fair Lakes Parkway to Route 29~~
 - ~~_____ Widen Route 50 to 6 lanes east of Stringfellow Road~~
 - ~~_____ Waples Mill Road / Route 50 at-grade improvements~~
 - ~~_____ Widening of Waples Mill Road to six lanes between Route 50 and Route 29~~
 - ~~_____ Widening of Rugby Road to four lanes between Fairfax County Parkway and Route 50~~
 - Widening of Route 50 to 8 lanes between Waples Mill Road and I-66
 - Construction of local and collector roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites under development
- o Interchanges:
 - ~~_____ Fairfax County Parkway / Route 29 / West Ox Road~~
 - ~~_____ Fairfax County Parkway / Route 50~~
 - Waples Mill Road / Route 50
 - ~~_____ Fairfax County Parkway / Fair Lakes Parkway / Monument Drive with widening of the Parkway to 6 lanes between I-66 and Route 50~~
- o Route 29 reconstruction:
 - East of West Ox Road, including interchanges at Shirley Gate Road Monument Drive, and Legato Road
 - West of West Ox Road, including an interchange at Clifton Road/Stringfellow Road
- o Fairfax County Parkway widening:
 - ~~_____ Construction of 4 lanes between Route 29 and Braddock Road~~
 - ~~_____ Widening to 6 lanes between I-66 and Route 50 in conjunction with the construction of an interchange at Fair Lakes Parkway / Monument Drive~~
 - Construction of 6 through lanes between I-66 and Route 29

This priority listing will change due to development and financial considerations. It is important that development not occur without the availability of sufficient roadway access and capacity. This is especially important in the development of those parcels that would utilize the sub-connectors traversing or adjoining their property.

Roadway construction and/or right-of-way dedication by either the private or public sector will not necessarily follow the aforementioned priority listing. However, construction of

development projects by the private sector may be predicated upon the completion of adjacent roadways in order that the roadway system can satisfactorily accommodate the change in travel patterns resulting from additional development.

E. ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received for the Fairfax Center Area Road Fund, will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be utilized to help fund and implement roadway projects in the Fairfax Center Area as closely as possible to the order in the aforementioned priority list. The widening of I-66 and the construction of sub-connector roads (unless included in the listing of priorities) will not be funded from this account.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE FAIRFAX CENTER AREA ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON NOVEMBER 22, 1982, AS AMENDED

STEP 1: Total Recommended Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate =
total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

sq. feet of land dedicated for off-site and/or transit-related projects
multiplied by the per foot assessed value of the land at time of site plan
submission or final subdivision plan submission*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-
related projects consistent with bonding practices and verified and accepted
by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Contribution less Approved Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3)
will result in the net contribution due the Fairfax Center Area Road Fund.
(Note: if the sum of Creditable Improvements meets or exceeds the value of
Step 1, then the commitment to the fund is met with dedication of right-of way
and in-kind construction.)

***NOTE:** This value cannot exceed one-third of the total contribution calculated in Step
1 and cannot include land for which density credits have been granted.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

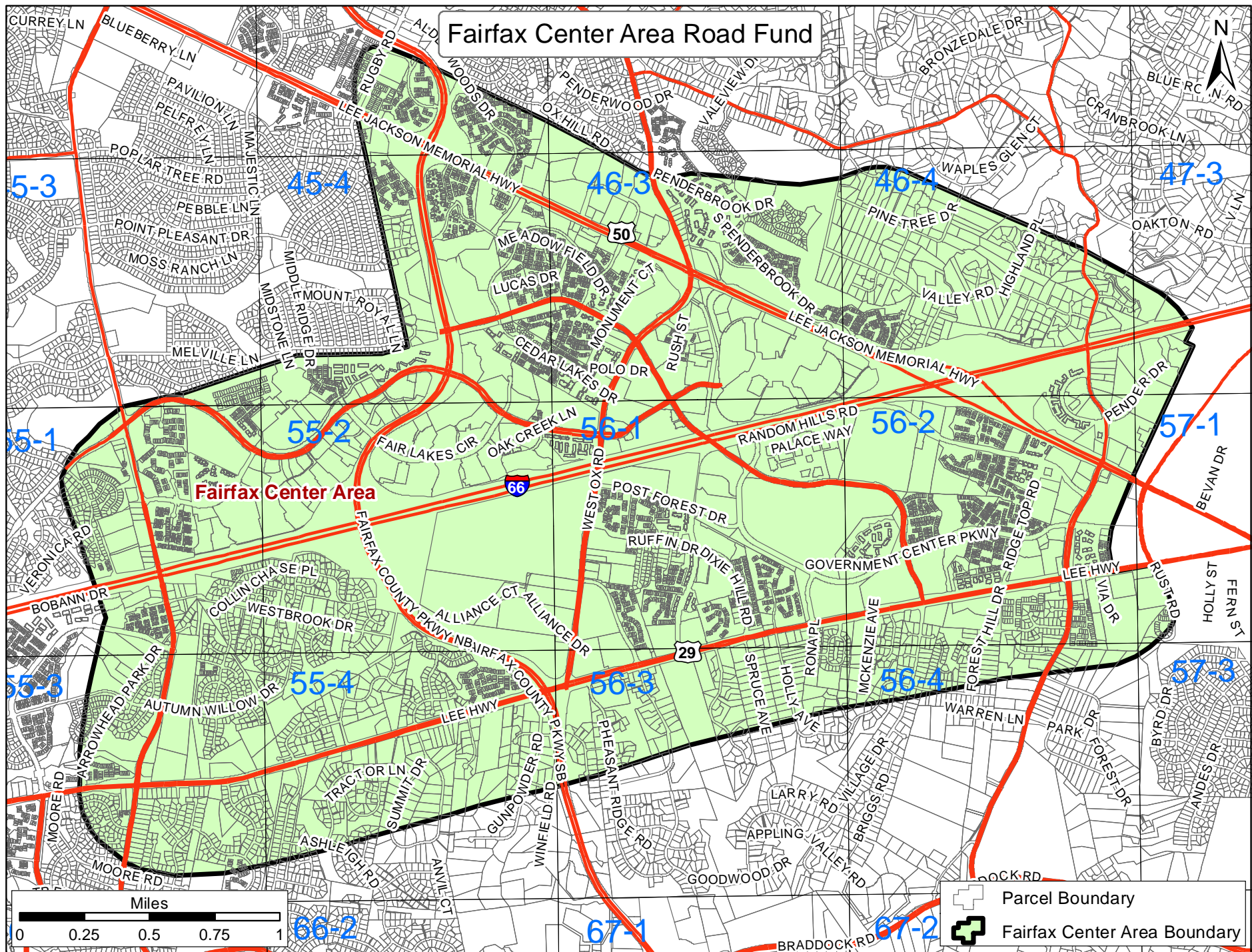
- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C**FAIRFAX CENTER AREA RATE ADJUSTMENT HISTORY**

Effective Date	Percent Increase	Non-Residential Rate per square foot	Residential Rate per unit
January 27, 1992	0	\$3.97	\$883
March 1, 1993	1.75	\$4.04	\$898
March 1, 1994	0.5	\$4.06	\$902
April 1, 1995	0.5	\$4.08	\$906
June 28, 1999	0	\$4.08	\$906
January 8, 2001	2.5	\$4.18	\$928
March 18, 2002	2	\$4.26	\$946
March 24, 2003	3	\$4.39	\$974
March 15, 2004	2	\$4.48	\$993
February 28, 2005	6	\$4.75	\$1,053
September 24, 2007	3.2	\$5.07	\$1,124
October 1, 2008	3.6	\$5.25	\$1,164
December 1, 2010	1.3	\$5.32	\$1,179
January 1, 2012	3.89	\$5.53	\$1,225
January 1, 2013	2.88	\$5.69	\$1,260
February 1, 2014	1.98	\$5.80	\$1,285

February 1, 2015	2.18	\$5.93	\$1,313
February 3, 2016	0.25	\$5.94	\$1,316
March 1, 2017	2.04	\$6.06	\$1,342
March 1, 2018	2.50	\$6.21	\$1,376
April 1, 2019	1.90	\$6.33	\$1,402



GUIDELINES FOR THE RESTON ROAD FUND, Adopted February 28, 2017, Amended through March 19, 2019

The following guidelines will be used to establish, implement, and operate the Reston Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Reston Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Reston Transit Station Areas pursuant to any rezoning, proffered condition amendment, Special Exception, or Special Permit applications (collectively “Land Use Actions”) in these areas that proposes a change in use, or zoning district, or an increase in density (number of dwelling units) and/or intensity (amount of building square footage). The boundaries of the Reston TSAs are defined in the Fairfax County Comprehensive Plan, 2013 Edition, Area III - Reston, as Amended. Any Land Use Action that is subject to the provisions of Va. Code § 15.2-2303.4, as amended, must be dealt with on a case-by-case basis and not under these guidelines.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Reston. Projects constructed under the Reston Road Fund are expected to be street links that will enhance overall transportation capacity and functionality within Reston. The street sections constructed utilizing Reston Road Fund monies will accommodate pedestrian and bicycle facilities and include on-street parking in their design. The street sections will also accommodate transit use and facilities. Illustrations of the expected cross-sections for the Grid of Streets (“Grid”) are included with the Comprehensive Plan text and are further defined by Appendix B2 of the VDOT Road Design Manual and VDOT approved design standards for each of the Reston TSA areas.

The Grid described within the Comprehensive Plan is needed to provide convenient connections within Reston, distribute multi-modal traffic efficiently, and enhance the quality of the network through the implementation of a “complete streets” design. The Grid is generally comprised of the street network that provides site access and circulation within Reston. The Comprehensive Plan for the TSAs and the Reston Transportation Funding Plan recommend that the private sector be responsible for construction of the portions of the Grid network and intersection improvements that are within and immediately adjacent to properties to be redeveloped as well as for contributions to the Reston Road Fund to support the construction of off-site portions of the Grid.

These guidelines were adopted by the Board of Supervisors on February 28, 2017.

RESTON ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Reston Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics. The paragraphs that follow discuss the process to be undertaken to administer the Fund.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines in order to fulfill the objectives of the Reston Transportation Funding Plan is as follows:

For any Land Use Action application proposing a change in use, change in zoning district, or increases in density and/or intensity, the contribution will be \$9.56 per gross square foot

("GSF") of building structure of the total proposed new non-residential space and \$2,090 per unit of the proposed new residential uses.

The amount of the recommended financial contribution for each Land Use Action application will be identified prior to its approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total recommended contribution. Prior to approval of a Land Use Action or an approval of a site plan for the approved Land Use Action, the total financial contribution may be adjusted to reflect the deduction of any applicable credit and/or applicable "in-kind" contribution. Creditable improvements will be applicable to the entire Land Use Action application. In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of "off-site" Grid projects as defined below.

An applicant may elect at Land Use Action to construct or to provide sufficient funds to construct a portion(s) of a qualifying off-site Grid transportation project(s). An applicant's election is subject to approval by FCDOT and the approving authority for the land use action. If this is approved and the applicant requests credit against the contribution, the applicant will provide a cost estimate to FCDOT and Land Development Services (LDS) for review and comment consistent with bonding practice prior to site plan approval.

For non-residential development, the applicant will be asked to contribute 25% of the total recommended financial contribution, less applicable credits, to be paid prior to or upon site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 75% of the total financial contribution, less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of the Reston Grid network before occupancy of the new development.

For residential development, the applicant will be asked to contribute 100% of the total recommended financial contribution, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

The contribution formula does not apply to public use facilities.

Applicants for Land Use Action in the Reston TSAs may receive credit against their contribution to the Reston Road Fund under specific circumstances (Creditable Improvements). Creditable Improvements will apply to the entire Land Use Action application. Creditable Improvements are defined as:

- Those portions of streets identified for construction in the Reston Comprehensive Plan, approved by the Board of Supervisors on February 11, 2014, as amended, internal to the Reston TSAs that are off-site from, not within or immediately adjacent to the boundaries of the development site.
- Construction of capacity and/or operational improvements to the Grid and/or intersection improvements that are not otherwise required to address the impact of site-generated traffic, as determined by a site-specific Traffic Impact Analysis (TIA) completed at the time of the Land Use Action AND are not within or immediately adjacent to the boundaries of the development site.

- Traffic signals for Grid intersections that are not otherwise required to address the impact of site generated traffic as determined by a site-specific TIA data at the time of the Land Use Action AND are not within the boundaries of or directly adjacent to the development site.
- Advanced Off-site land acquisition for construction of Grid and intersection improvements.
- Construction of on-site Grid sections in the first phase of a multi-phase development which are not necessary for first phase development access or traffic mitigation as approved by FCDOT prior to approval of a Land Use Action.
- Dedication of land or right-of-way for off-site Grid projects for which density credit has not been granted for the land to be dedicated. Right-of-way will be valued based on the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved, Virginia state board licensed MAI or SRA American Institute designated general appraiser.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as those above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

RESTON ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. If accrued, any interest expended from the fund for administration will be reported annually to the Reston Service District Advisory Board (created April 4, 2017). The monies in this account will be used to help fund and implement Grid and intersection improvement projects in the Reston Transit Station Areas.

Annual Review

An annual review shall be conducted by the Department of Transportation and submitted to the Reston Service District Advisory Board for review of the Reston Road Fund, the Grid and intersection improvement projects, and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Reston, as well as the construction schedule, funding status, and the funding mechanisms for Reston's transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding

mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

Sunset Provision

The Reston Road Fund will be discontinued upon completion of construction of all Grid and intersection improvements identified in the Reston Phase I Comprehensive Plan Amendment approved by the Fairfax County Board of Supervisors on February 11, 2014.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE RESTON ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON February 28, 2017, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of Gross Square Footage (and/or # dwelling units) multiplied by the current Reston Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid and intersection improvement projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Recommended Contribution Less Creditable Improvements

Dollar value in Step 1 less the sum of Step 2 will result in the net contribution due the Reston Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Reston Road Fund obligations.)

STEP 4: Reconciliation of the Reston Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Reston Road Projects

Upon completion of Reston Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained in Appendix B, for final reconciliation of the Reston Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvements expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

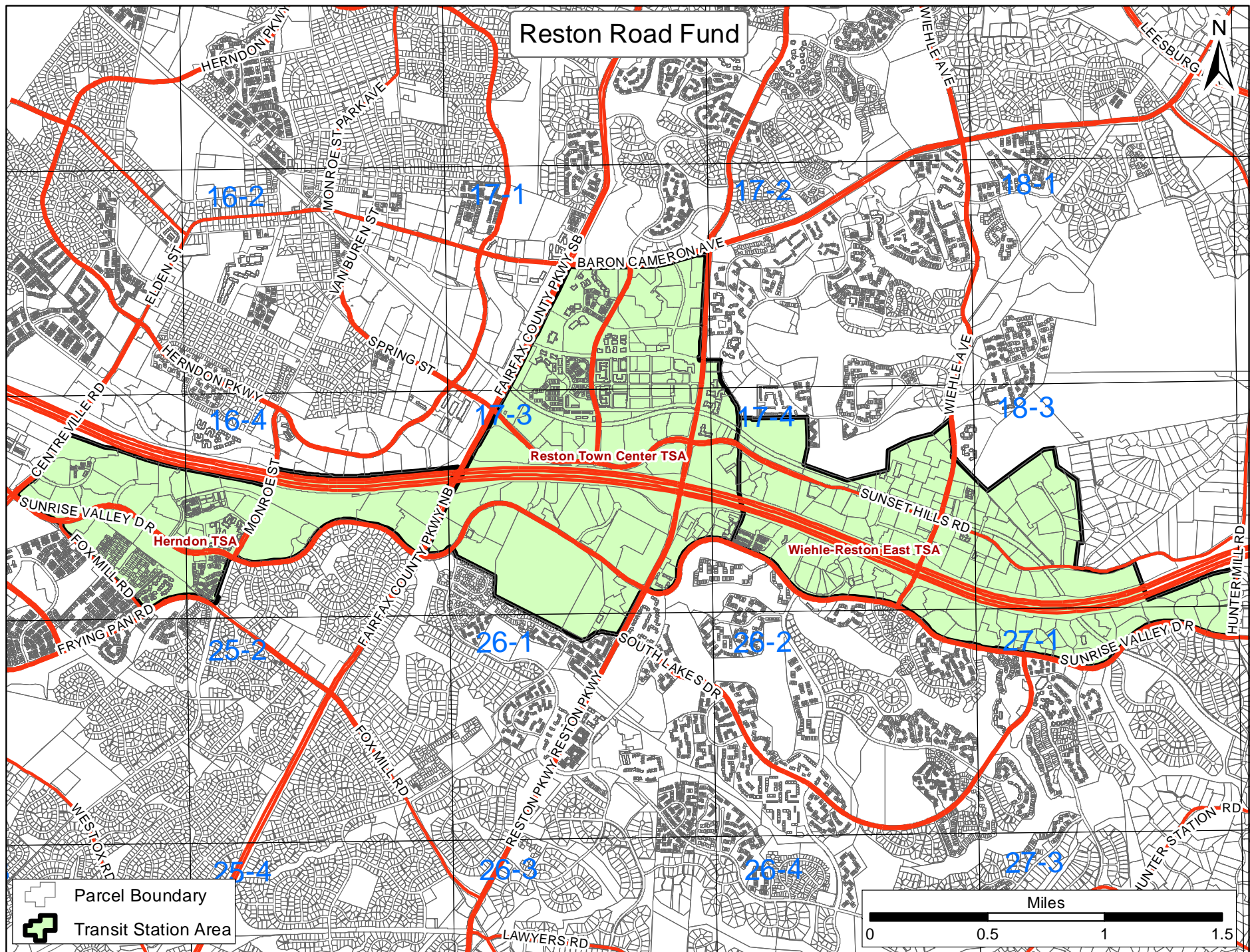
- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

Reston Road Fund Rate Adjustment History

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
March 1, 2017	Initial Rate	\$9.56	\$2,090
March 1, 2018	2.50%	\$9.80	\$2,142
April 1, 2019	1.90%	\$9.99	\$2,183



GUIDELINES FOR THE TYSONS ROAD FUND, Adopted March 19,2019

The following guidelines will be used to establish, implement, and operate the Tysons Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center Area. The boundaries of the Tysons Corner Urban Center are defined in the Fairfax County Comprehensive Plan, 2017 Edition, Area II - Tysons Corner Urban Center, as amended.

The collection of money for the fund may occur, when permitted by law, as part of any zoning application approved prior to the creation of the Planned Tysons Corner Urban District (PTC) on June 22, 2010, or any proffered condition amendment, Special Exception, or Special Permit application (collectively “Land Use Actions”) involving non-PTC zoned property that proposes an increase in density (number of dwelling units) and/or intensity (amount of building square footage).

The fund will be used to construct or implement road improvements, as described below, in the Tysons Corner Urban Center that cannot otherwise be built through private development in Tysons. These improvements are considered off-site improvements. Projects constructed under the fund are expected to be street links that will enhance transportation service within Tysons.

Road improvement projects constructed using Tysons Road Fund monies will include pedestrian, bicycle, and on-street parking facilities in their design as recommended in the Tysons Comprehensive Plan (TCP).

Illustrations of the expected cross-sections for road improvements and grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets in the Tysons Corner Urban Center, executed September 13, 2011, as amended;
- The Tysons Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were originally adopted by the Board of Supervisors on March 19, 2019.

ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The cash contribution rate for the Tysons Road Fund is reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States

Department of Labor, or Bureau of Labor Statistics. The adjusted rate is submitted to the Board of Supervisors for approval.

Changes to these guidelines, as appropriate, may be submitted with the annual adjustment.

CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes. Off-site roadway projects are defined for the purposes of this document as construction of roadway improvements that cannot otherwise be built through private development in the Tysons Corner Urban Center and include projects such as the following:

- o Those projects which include major improvements to interstate and non-interstate primary facilities.
- o Improvements to secondary roadways functioning as arterial roadways.
- o Bridges and interchanges on interstate and primary roadways.
- o Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- o Those portions of roads identified for construction in the Tysons Comprehensive Plan internal to the Tysons Corner Urban Center that are not within the boundaries of or adjacent to sites subject to development.
- o Dedication of land or right-of-way from the applicable site for road projects specifically that are not for site access or otherwise are not required to directly address the impact of site generated traffic.

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Tysons Corner Urban Center where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)¹. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- o Rail stations and facilities peripheral to their function.
- o Park-n-ride lots.
- o Bus transit transfer stations and facilities peripheral to their function.

¹ Turning lanes and traffic signals provided on major arterials are considered to be off-site improvements.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

The recommended contribution formula approved by the Board of Supervisors at the initial adoption of these guidelines was as follows²:

- o For any application requesting a level of development above the baseline, the contribution will be \$4.66 per gross square foot of building structure of the total proposed non-residential space and \$1,033 per unit of the total proposed residential uses.
- o Up to one-third of the total contribution required can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects provided no density credits have been granted for the same right-of-way.
- o The total contribution requirement can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action.

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs,

² Contribution amounts to the fund have subsequently been modified. A track of previous revisions since 2013 is provided at the end of the document.

once verified and accepted by LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payments must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of the Tysons transportation improvements prior to occupancy of the new development.

For residential development, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Tysons Road Fund has been met.

Right-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

TYSONS ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received for the Tysons Road Fund will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be used to help fund and implement roadway projects in the Tysons Corner Urban Center.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON MARCH 19, 2019, AS AMENDED

STEP 1: Total Recommended Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate = total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

sq. feet of land dedicated for off-site and/or transit-related projects multiplied by the per foot assessed value of the land at time of site plan submission or final subdivision plan submission*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-related projects consistent with bonding practices and verified and accepted by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3) will result in the net contribution due the Tysons Road Fund. (Note: if the sum of Creditable Improvements meets or exceeds the value of Step 1, then the commitment to the fund is met with dedication of right-of way and in-kind construction.)

***NOTE:** This value cannot exceed one-third of the total contribution calculated in Step 1 and cannot include land for which density credits have been granted.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenditures. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit for project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

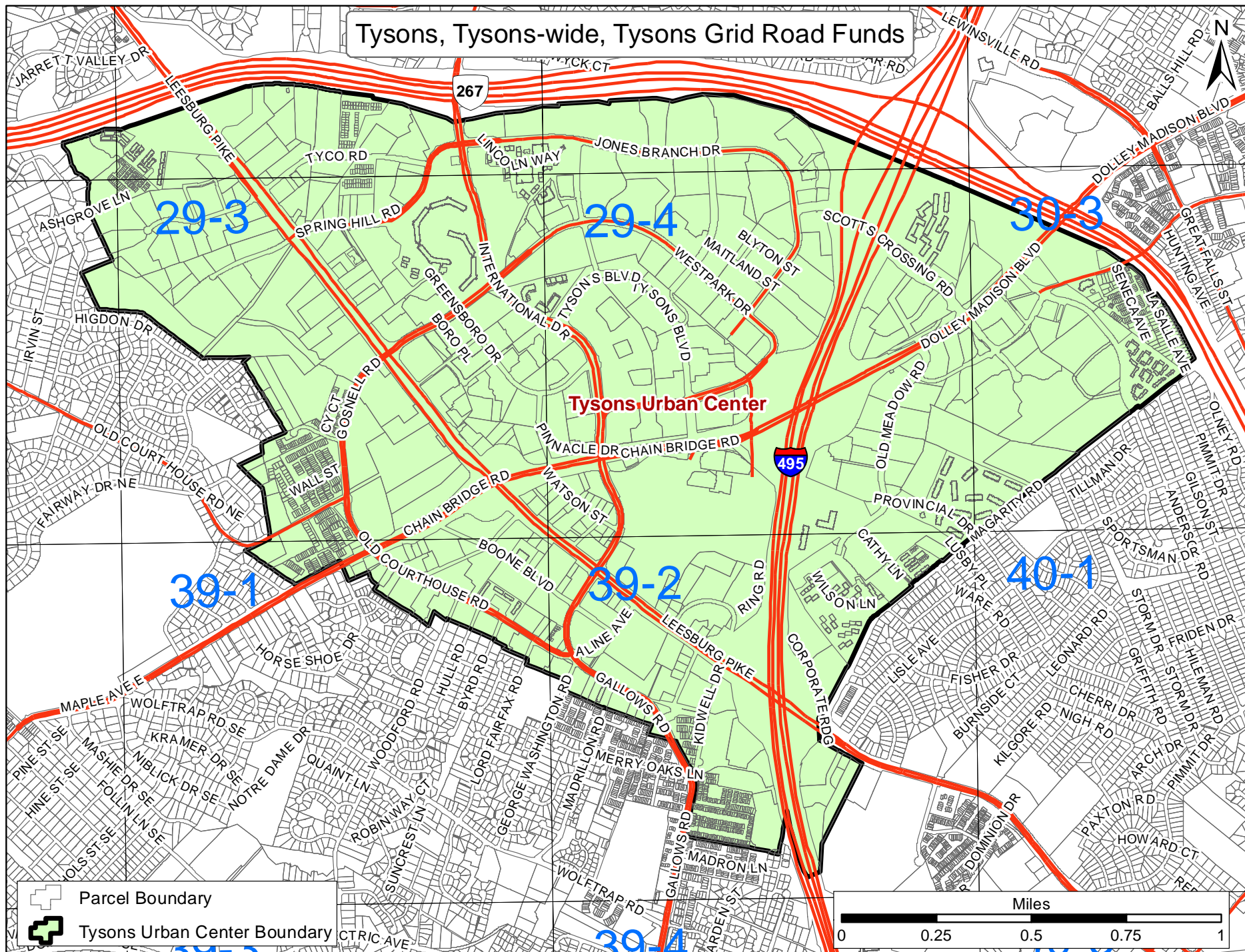
After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

TYSONS ROAD FUND RATE ADJUSTMENT HISTORY*

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 1, 2013	2.88%	\$4.19	\$929
February 1, 2014	1.98%	\$4.27	\$947
February 1, 2015	2.18%	\$4.36	\$968
February 3, 2016	0.25%	\$4.37	\$970
March 1, 2017	2.04%	\$4.46	\$989
March 1, 2018	2.50%	\$4.57	\$1,014
April 1, 2019	1.90%	\$4.66	\$1,033

*For rates effective before January 1, 2013, please contact the Department of Transportation.



**GUIDELINES FOR THE TYSONS GRID OF STREETS ROAD FUND (THE TYSONS GRID FUND),
Adopted January 8, 2013, Amended through March 29, 2019**

The following guidelines shall be used to establish, implement and operate the Tysons Grid of Streets Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Tysons Grid of Streets Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively “Land Use Actions”) that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects constructed using these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian, bicycle, and on-street facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS GRID OF STREETS ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons Grid of Streets Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the fund.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$6.44 per gross square foot (“GSF”) of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of 'complete streets'. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

The amount of the financial contribution for each application will be estimated before the Land Use Action approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid. Creditable improvements will be applicable to the entire rezoning application.

If an applicant elects at Land Use Action to construct or provide sufficient funds to construct a portion or portions of off-site Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and must be reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

For non-residential development, the applicant will contribute 25 percent of the total recommended contribution amount based on the actual GSF, minus any approved applicable credits, to be paid before or at time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The remaining 75 percent, less any further approved applicable credits, will be paid before occupancy permits are issued and will be assessed at the then current rate. This contribution approach is intended to facilitate the construction of Tysons Grid of Streets improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total recommended contribution based on the actual number of units in each building, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons Grid of Streets Road Fund under one or more specific circumstances (Creditable Improvements). Creditable improvements will apply to the entire rezoning application and include the following off-site street grid projects:

- Those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within or adjacent to the boundaries of the area subject to the proposed development.
- Construction of capacity and/or operational improvements to grid streets which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Traffic signals for grid street connections which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Advance off-site land acquisition for construction of grid streets.
- Construction of on-site grid of streets sections in advance of the development timelines negotiated and approved by FCDOT.
- Dedication of land or right-of-way for off-site Grid of Streets projects, in which density credit has not been granted for the land to be dedicated. Right-of-way will be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia State Board licensed, MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

TYSONS GRID OF STREETS ROAD FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January, 8 2013). The monies in this account will be used to help fund and implement grid roadway projects in the Tysons Urban Center.

Annual Review

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons Grid of Streets Fund, the Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. This review will also consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid of Streets Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid street projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid of Streets Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons Grid of Streets Road Fund obligations.)

STEP 4: Reconciliation of the Tysons Grid of Streets Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons Grid of Streets Projects

Upon completion of Grid of Streets Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained herein, for final reconciliation of the Tysons Grid of Streets Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

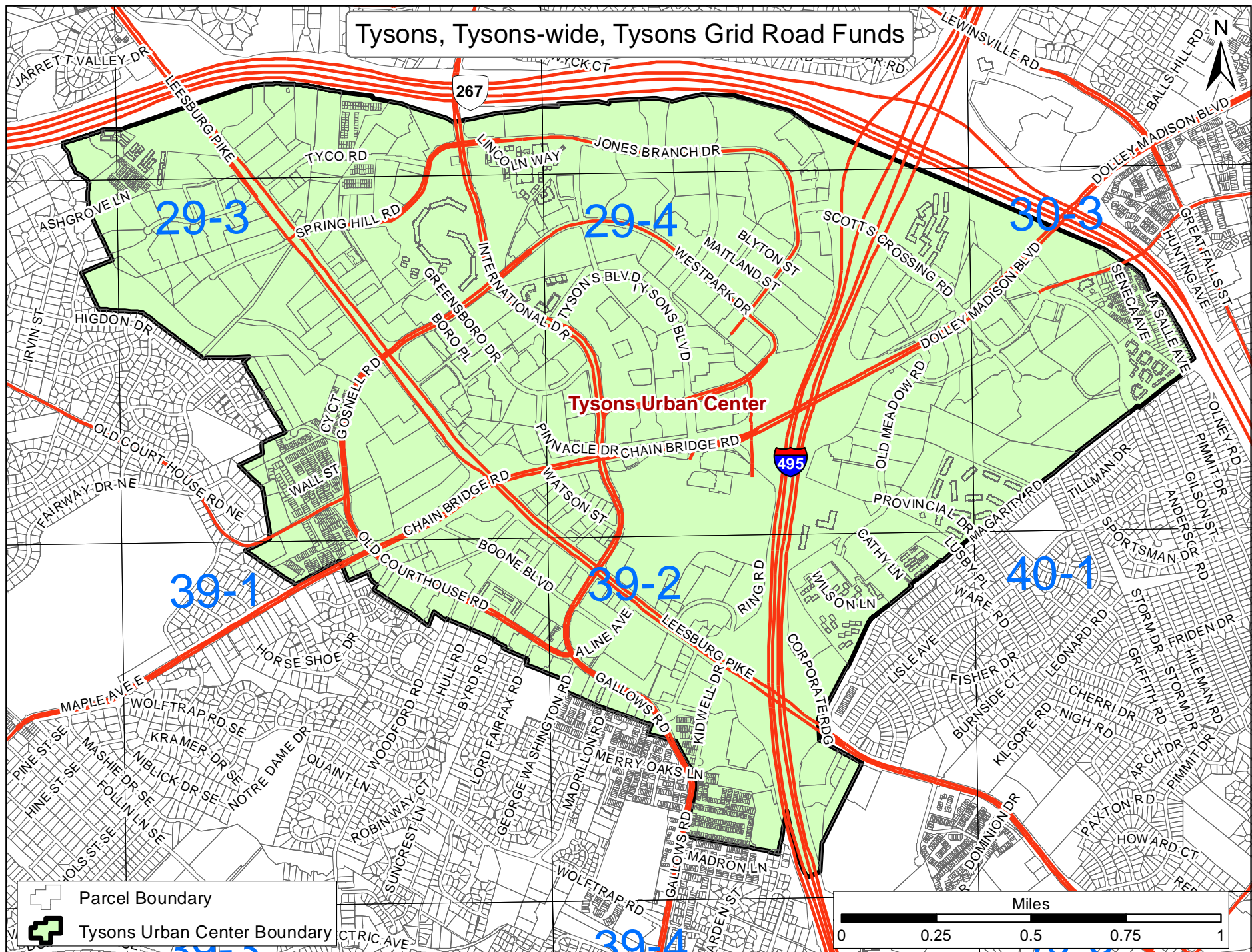
- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

Appendix C

TYSONS GRID OF STREETS ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$6.44	\$1,000
February 1, 2014	1.98%	\$6.57	\$1,020
February 1, 2015	2.18%	\$6.71	\$1,042
February 3, 2016	0.25%	\$6.73	\$1,045
March 1, 2017	2.04%	\$6.87	\$1,066
March 1, 2018	2.5%	\$7.04	\$1,093
April 1, 2019	1.9%	\$7.17	\$1,114



GUIDELINES FOR THE TYSONS-WIDE ROAD FUND (THE TYSONS-WIDE FUND), Adopted January 8, 2013, Amended through March 19, 2019

The following guidelines shall be used to establish, implement, and operate a fund for Tysons-wide road improvements listed in Table 7 of the Comprehensive Plan. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Tysons-wide Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively with rezonings, “Land Use Actions”) that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

Commitments to provide monetary contributions to the fund are anticipated from Land Use Actions for land use changes that propose construction of new building square footage. The funds will be used to construct or implement transportation projects identified as “Tysons-wide” in Table 7.

The street sections constructed using Tysons-wide Road Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for road improvements are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia, and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS-WIDE ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons-wide Road Fund improvements, provided by the private sector, has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to administer the fund.

A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as “Tysons-wide Road Improvements” in Table 7 of the Comprehensive Plan and are listed in Appendix C of these guidelines. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to interstate and arterial roads. The Tysons-wide Road Fund represents part of the private

sector's participation in the funding and implementation of road projects that serve a broader public transportation function.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$5.63 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The amount of the financial contribution anticipated from each Land Use Action application will be estimated prior to the Land Use Action approval. The contribution rate at the time of approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the design and construction of qualifying Tysons-wide road projects.

Credit for land dedicated for the described purposes will be based upon the County's assessed value in effect at the time of site plan submission, provided density credits have not been granted for the land to be dedicated. The applicant, prior to Land Use Action approval, must indicate its intent to either seek credit for a Tysons-wide dedication or density credit. Dedication of land for site access improvements (i.e., turn lanes at driveways) will not be eligible for credit toward the financial contribution.

If an applicant elects at Land Use Action approval to construct or provide sufficient funds to construct a portion or portions of Tysons-wide transportation project(s), beyond improvements identified and proffered in the zoning review as necessary to offset site-generated traffic, and is requesting credit against the contribution, a cost estimate will be provided by the applicant and will be reviewed and, if acceptable, approved by FCDOT consistent with bonding practice before site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

The applicant will contribute 100 percent of the total recommended contribution amount for each building, less applicable credits, at the time non-residential use permits (Non-RUPs) or residential use permits (RUPs) are issued, based on the actual GSF and/or number of units in each building, subject to applicable provisions in the Virginia Code, including, without limitation, Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons-wide Road Fund under specific circumstances (Creditable Improvements). Creditable improvements will apply to the entire Land Use Action application and include the following:

- Construction of road projects specifically identified in Appendix C that are not otherwise required to address the impact of site generated traffic (construction credit)
- Dedication of land or right-of-way from the applicable site for road projects specifically identified in Appendix C (dedication credit) that are not for site access or otherwise are not required to address directly the impact of site generated traffic. Right-of-way will be based on the County's assessed value at the time of site plan submission. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia state board licensed MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal
- Acquisition of off-site land for construction of road projects specifically identified in Appendix C. Land that receives acquisition credit is not eligible for dedication credit.
- Construction of road projects specifically identified in Appendix C in advance of the development timelines negotiated and approved by FCDOT.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used for determining credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

TYSONS-WIDE ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not to the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January 8, 2013). The monies in this account will be used to help fund and implement Tysons-wide projects in the Tysons Area.

Annual Review

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons-wide Road Fund, Tysons-wide projects, and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; the funding is being spent in an appropriate and efficient manner; and, that the

pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms and projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS-WIDE ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ORIGINALLY ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons-Wide Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

The cost to construct a portion or portions of off-site Tysons-wide projects, or costs associated with other Creditable Improvements, as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site approval. Plus, if applicable, the value of right-of-way to be dedicated according to the procedures in the guidelines.

STEP 3: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons-wide Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons-wide Road Fund obligations.)

STEP 4: Reconciliation of the Tysons-wide Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons-wide Road Projects

Upon completion of Tysons-wide Creditable Improvement projects, an applicant shall follow the Creditable Improvements Guide, contained herein, for final reconciliation of the Tysons-wide Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C

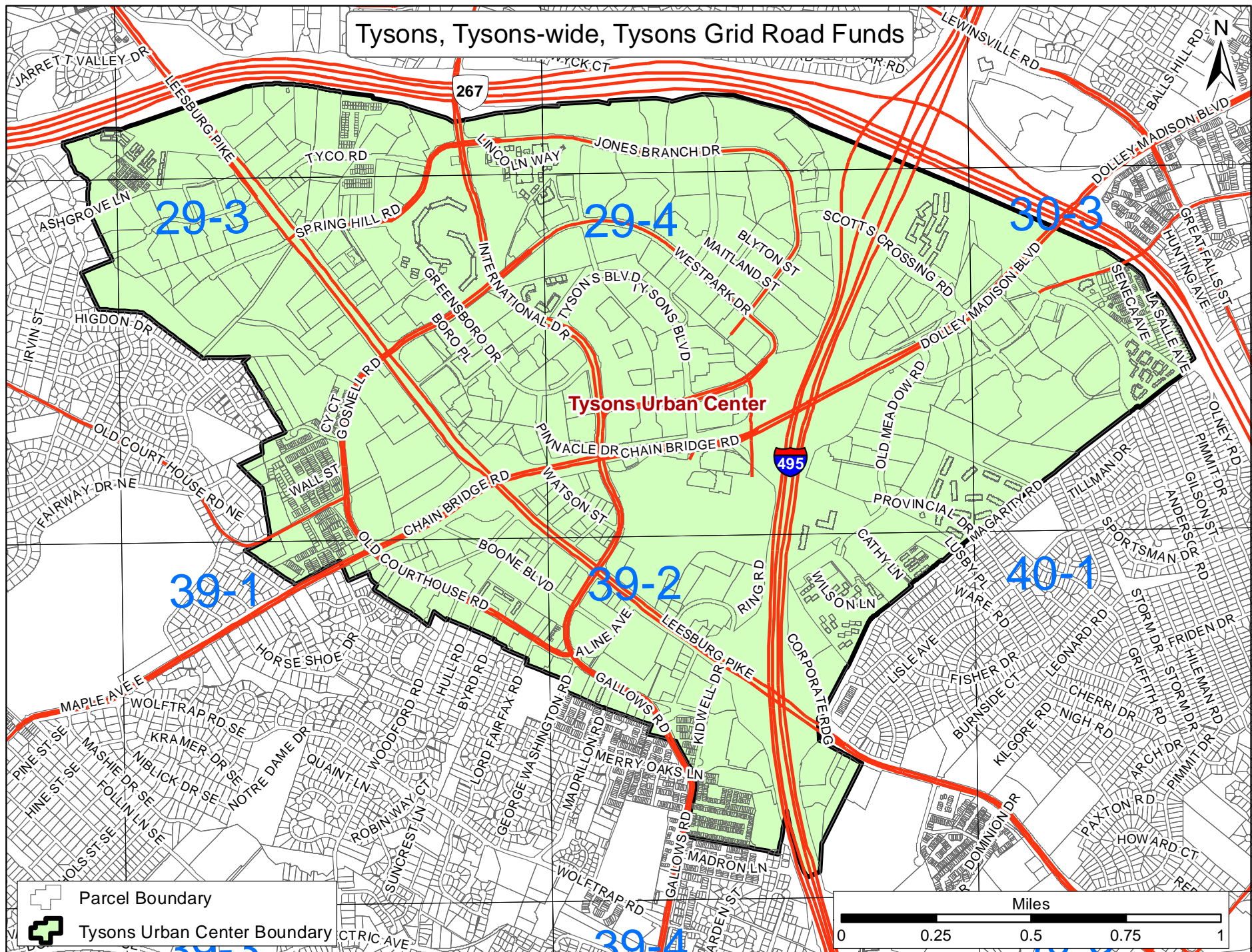
TYSONS-WIDE TRANSPORTATION COSTS: 2012-2051 (DECEMBER 4, 2012 ESTIMATE)

	Project	Estimate (2012)
1	Rt.7 Widening from Rt.123 to 1-495	\$22,000,000
2	Boone Blvd Extension west from Rt.123 to Ashgrove Lane	\$126,000,000
3	Extension of Jones Branch Connection to inside 1-495 (Jones Branch Connector to Route 123)	\$41,000,000
4	Rt.7 Widening from the Dulles Toll Road to Reston Avenue	\$300,000,000
5	Greensboro Drive Extension west from Spring Hill Road to Rt.7	\$58,000,000
6	Dulles Toll Road Ramp to Greensboro Drive Extension	\$28,000,000
7	Dulles Toll Road Westbound Collector Distributor	\$124,000,000
8	Dulles Toll Road Eastbound Collector Distributor	\$62,000,000
9	Dulles Toll Road Ramp to Boone Blvd Extension	\$79,000,000
10	Rt.123 Widening from Rt.7 to 1-495	\$20,000,000
11	Rt.123 Widening from Old Courthouse Road to Rt.7	\$8,000,000
12	Rt.7 Widening between 1-495 and 1-66	\$71,000,000
13	Widen Magarity Road from Lisle/Rt.7 to Great Falls Street	\$63,000,000
14	1-495 Overpass at Tysons Corner Center	\$18,000,000
15	Widen Gallows Road from Rt.7 to Prosperity Ave.	\$94,000,000
16	1-495 Additional Lane (Outer Loop between Rt. 7 and 1-66)	\$74,000,000
17	Ramps Connecting Dulles Toll Road to Jones Branch Drive	\$38,000,000
	Total for road projects	\$1,226,000,000

APPENDIX D

TYSONS-WIDE ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$5.63	\$1,000
February 1, 2014	1.98%	\$5.74	\$1,020
February 1, 2015	2.18%	\$5.87	\$1,042
February 3, 2016	0.25%	\$5.90	\$1,045
March 1, 2017	2.04%	\$6.02	\$1,066
March 1, 2018	2.50%	\$6.17	\$1,093
April 1, 2019	1.90%	\$6.29	\$1,114



Board Agenda Item
March 22, 2022

ACTION - 5

Authorization to Enter Into an Agreement with the Northern Virginia Transportation Commission (NVTC) to Develop a Strategic Framework for Fairfax County and NVTC to Guide Implementation of Route 7 Bus Rapid Transit (Dranesville, Providence, and Mason Districts)

ISSUE:

Board authorization for the Director of the Department of Transportation (FCDOT) to enter into a Memorandum of Agreement (MOA) with the Northern Virginia Transportation Commission (NVTC). The agreement documents the parties' understanding regarding the funding and technical support for the development of the Envision Route 7 Roadmap effort. FCDOT will coordinate with NVTC (as the lead agency) as the County continues work on the Route 7 Bus Rapid Transit (BRT) project between the West Falls Church area and Tysons.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Director of the Department of Transportation to enter into an agreement (Attachment I) with NVTC.

TIMING:

Board authorization is requested on March 22, 2022, to authorize the Director of the Department of Transportation to enter into the agreement to allow the Route 7 BRT project to continue to advance as quickly as possible.

BACKGROUND:

The Envision Route 7 Bus Rapid Transit (BRT) project is planned as a high performing BRT service that connects the Mark Center in the City of Alexandria to Tysons through Bailey's Crossroads, Seven Corners, and the City of Falls Church. The project is part of a network of BRT services being planned, designed, and implemented to better link Northern Virginia that includes the Metroway BRT in the City of Alexandria and Arlington County, the West End Transitway in the City of Alexandria, and the Embark Richmond Highway BRT in Fairfax County. The Envision Route 7 project will serve the Route 7 corridor and will operate in the West End Transitway infrastructure from Route 7 to the Mark Center.

Board Agenda Item
March 22, 2022

In 2017, NVTC completed analyses to identify feasibility, mode, and alignment for high quality transit along this 11-mile route. In concert with Fairfax County and other affected local governments, NVTC completed conceptual engineering that generated planning level drawings of the BRT alignment, right-of-way requirements, and road modifications (e.g., typical sections and critical vertical clearance) along the corridor. The development of a concept level design helped identify and allow for mitigation strategies of possible fatal flaws or locations of concerns, including issues related to right-of-way and/or structural limitations that would (or would not) accommodate the proposed BRT in exclusive lanes. Current efforts are underway for a mobility study focused on right of way in the City of Falls Church which will be followed by a mobility study for the remaining right-of-way into the City of Alexandria.

Fairfax County recently completed a refined planning study on the Route 7 BRT from the West Falls Church Metrorail Station area to the Spring Hill Metrorail Station in Tysons. FCDOT is currently working on a Comprehensive Plan amendment to include designated Bus Rapid Transit plan text along the route. The amendment is anticipated to be considered by the Board in Spring 2022. FCDOT is also preparing preliminary conceptual engineering designs of the route.

Attachment II contains the details outlined in the scope of work.

FISCAL IMPACT:

The Envision Route 7 Project Roadmap will be jointly funded by NVTC and FCDOT at a cost not to exceed \$50,000, with NVTC providing \$25,000 and FCDOT providing \$25,000. Staff has identified proffer funds for Tysons in Fund 30040 – Contributed Roadway Improvements to satisfy this obligation. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment I – Memorandum of Agreement between the Northern Virginia Transportation Commission (NVTC) and Fairfax County

Attachment II – Envision Route 7 BRT Implementation Roadmap: Detailed Scope of Work

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Jeffrey Hermann, Chief, Site Analysis and Transportation Planning Division, FCDOT

Michael Garcia, Chief, Transportation Planning Section, FCDOT

Sean Schweitzer, Planner, Transportation Planning Section, FCDOT

MEMORANDUM OF AGREEMENT

REGARDING THE DEVELOPMENT OF THE ENVISION ROUTE 7 BRT IMPLEMENTATION ROADMAP

This Memorandum of Agreement (MOA) is entered into between and among the Northern Virginia Transportation Commission (NVTC) and Fairfax County as a means of demonstrating their joint commitment to the funding of the Envision Route 7 Bus Rapid Transit (BRT) Implementation Roadmap effort, as is fully described below.

WITNESSETH:

WHEREAS, this MOA addresses an immediate need to develop a short and long-term roadmap for the planning, funding, governance, and implementation of Envision Route 7 project;

WHEREAS, this MOA sets forth the principles agreed upon by NVTC and Fairfax County regarding funding and project participation.

NOW, THEREFORE, in consideration of the foregoing recitals, each of which are incorporated in this MOA, and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, NVTC and Fairfax County agree as follows:

1.0 PURPOSE

NVTC and Fairfax County mutually desire to provide funding and technical support for the development of the Envision Route 7 BRT Project Roadmap effort.

The roadmap will identify an implementable, practicable plan, including key milestones and actions needed by NVTC, local jurisdictions, and key stakeholders with a focus on emphasis on federal coordination and funding applications.

The scope of work for this effort is provided in **Attachment II**.

2.0 BACKGROUND

Based on previous studies conducted by NVTC, the Envision Route 7 project is defined as a Bus Rapid Transit (BRT) project that will operate in a combination of dedicated lanes and mixed traffic from the Mark Center in Alexandria to Tysons, via the East Falls Church and West Falls Church Metrorail Stations. BRT is a viable transit solution that provides improved mobility, connectivity, and multimodal choices along the corridor.

NVTC Envision Route 7 Website: <https://novatransit.org/programs/route7/>

3.0 TECHNICAL SUPPORT

Execution of this MOA authorizes NVTC to enter a contract, subject to availability of funds, to provide technical support for executing the Envision Route 7 Project Roadmap scope of work. NVTC will provide management and technical support for this effort.

4.0 FUNDING

The Envision Route 7 Project Roadmap is jointly funded by NVTC and Fairfax County at a cost not to exceed \$50,000, with NVTC providing \$25,000 and Fairfax County providing \$25,000.

5.0 ADMINISTRATION

NVTC will administer the contract and invoice Fairfax County for its respective portion monthly.

6.0 AMENDMENTS

Any signatory to this MOA may propose an amendment at any time. Any such amendment shall become effective upon the approval of the amendment by all participating Entities and execution of a written amendment by each.

7.0 DURATION OF MEMORANDUM OF AGREEMENT

This MOA shall be effective upon the signature of the NVTC and each of the Entities and shall last for the duration of the Envision Route 7 BRT Project Roadmap.

8.0 ASSIGNMENTS

No Entity shall have the power to assign either their rights or obligations under this MOA, provided however, that any reorganization of an Entity shall automatically transfer the former Entity's rights and obligations to its successor.

9.0 NO PERSONAL LIABILITY

Nothing herein shall be deemed or construed to impose upon or give rise to any personal liability on behalf of any official, employee or individual who was acting in his or her authorized official capacity in the execution and/or implementation of the terms or conditions of this Agreement.

10.0 NO THIRD-PARTY BENEFICIARY RIGHTS CREATED

Nothing herein shall be deemed or construed to create or vest any rights in any party which is not a signatory to this Agreement.

11. NO WAIVER OF SOVEREIGN IMMUNITY

Nothing herein shall be deemed a waiver of the sovereign immunity of any signatory party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement by their duly authorized representative;

AGENCY: Fairfax County

By: _____
Name: Tom Biesiadny (Date) _____
Title: Director of Transportation

AGENCY: Northern Virginia Transportation Commission (NVTC)

By: _____
Name: Katherine A. Mattice (Date) _____
Title: Executive Director, NVTC

Envision Route 7 BRT Implementation Roadmap: Detailed Scope of Work

Purpose and Need

The Northern Virginia Transportation Commission (NVTC) is the lead agency for the planning and development of the [Envision Route 7 Bus Rapid Transit \(BRT\)](#) project, a high performing Bus Rapid Transit (BRT) service that will connect Tysons (via Falls Church, Seven Corners, and Bailey's Crossroads) to the Mark Center in Alexandria where a portion of the service will share infrastructure with the West End Transitway BRT in Alexandria.

This BRT project is somewhat unique in Northern Virginia as it will operate across four NVTC jurisdictions (Fairfax and Arlington Counties, Cities of Alexandria, and Falls Church), connect with multiple Metrorail stations, and terminate along another proposed BRT route. As such, it creates an additional layer of jurisdictional complexity that requires extensive, close, and ongoing coordination through every step towards implementation. Effective governance, coordination, and planning of a complicated, multi-jurisdictional project is vital to the project's success.

The purpose of the implementation roadmap is to:

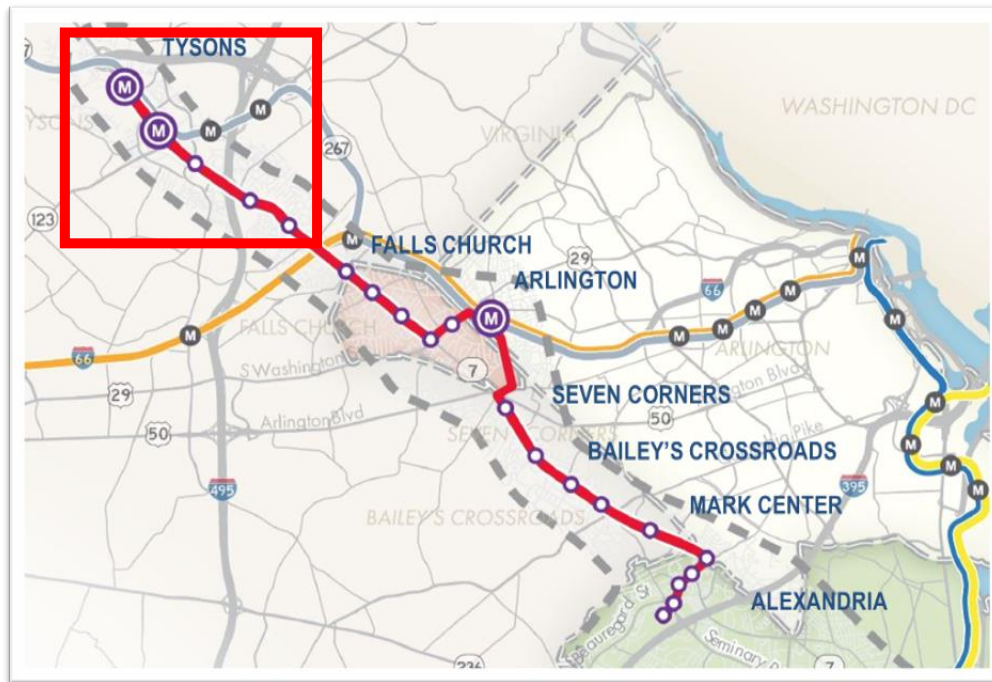
- Develop a strategic framework that will serve as a guide for NVTC staff and the Commission in the implementation of the BRT project.
- Identify and prioritize the key funding sources for each stage of the BRT project and the applicable timeline for each funding source.
- Develop an interjurisdictional governance approach to guide the planning, implementation, and operation of the BRT project.

Background

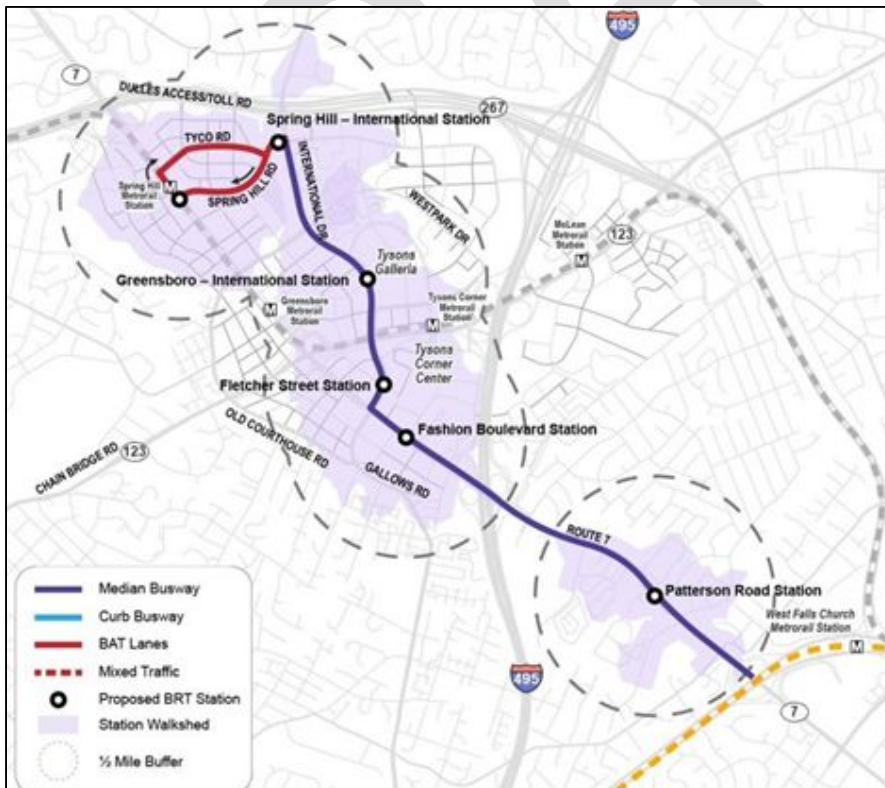
The Envision Route 7 Bus Rapid Transit (BRT) project is planned as a high performing BRT service that connects the Mark Center in Alexandria to Tysons through Bailey's Crossroads, Seven Corners, and Falls Church. The project is part of a network of BRT services being planned, designed, and implemented to better link Northern Virginia that includes the Metroway BRT in the City of Alexandria and Arlington County, the West End Transitway in the City of Alexandria, and the Embark Richmond Highway BRT in Fairfax County. The Envision Route 7 project will serve the Route 7 corridor and will operate in the West End Transitway infrastructure from Route 7 to the Mark Center.

Early phases of the Envision Route 7 project found the need for transit in the broad corridor from Alexandria to Tysons, identified BRT as the transit technology to serve the corridor and defined an alignment for the service to travel along. Detailed analysis was undertaken in these early efforts to identify potential transit ridership, suggest the location for BRT operations within the roadway, also known as runningway, and select general station locations.

Envision Route 7 BRT Proposed Alignment and Station Stops



Fairfax County Preferred Alignment and Station Stops (I-66 to Spring Hill Metrorail)



NVTC recently completed analyses to identify BRT feasibility, mode, and alignment along this 11-mile route. In concert with Fairfax County, NVTC completed conceptual engineering that generated planning level drawings of the BRT alignment, right-of-way requirements, and roadway geometry (e.g., typical sections and critical vertical clearance) along the corridor. The development of a concept level design helped identify and allow for mitigation strategies of possible fatal flaws or locations of concerns, including issues related to right-of-way and/or structural limitations that would (or would not) accommodate the proposed BRT (e.g., exclusive lane. Current efforts are underway for a mobility study focused on right of way in the City of Falls Church which will be followed by a mobility study for the remaining right of way through to Alexandria.

1. Project Management

The NVTC project manager will work closely with the consultant team project manager to monitor the project scope, schedule, and budget.

To achieve this, the consultant team project manager will meet with the NVTC project manager at least every two weeks to discuss topics including but not limited to status of project and deliverables, invoicing, areas of concern, opportunities for efficiency, project budget, and other project and/or administrative tasks.

Deliverables

The selected consultant team will develop the following deliverables within 21 business days of the kick-off meeting with the NVTC project manager:

- Detailed project schedule
- Draft report outline (based on tasks in the scope of work and information provided at the kick-off meeting)
- Schedule of deliverables (based on tasks in the scope of work and information provided at the kick-off meeting)

2. Stakeholder Engagement

To build an effective roadmap for the Envision Route 7 BRT project, engagement with key stakeholders is required. In this case, the key stakeholders include Fairfax and Arlington Counties and the Cities of Alexandria and Falls Church. Other relevant stakeholders include the Northern Virginia Transportation Authority (NVTA), the Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transportation (DRPT), and the Federal Transit Administration (FTA), as well as potential non-governmental funding partners. The primary level of engagement will be with professional staff and organizational leadership. The NVTC project manager will help identify the points of contact for this task.

This stakeholder engagement will run parallel to NVTC project manager-led engagement with local elected officials, primarily through NVTC's Program Advisory Committee (PAC) and the

Commission but also ad hoc, as necessary. Public comment will be solicited prior to acceptance by the Commission.

Deliverables

The selected consultant team will develop the following deliverables within 30 business days of the kick-off meeting with the NVTC project manager:

- Detailed stakeholder engagement plan with key transportation leaders and staff at the jurisdictions and agencies included in this effort; plan should include both one-on-one and group meetings
- Schedule of stakeholder meetings for Tasks 3, 4, and 5
- Draft and final presentation for NVTC use at Committee, Commission, and/or working group meetings

3. Existing Conditions and Planned/Programmed Investments

A significant amount of work has been completed to date on The Envision Route 7 BRT project. To develop an effective roadmap, it is necessary to document both existing conditions and planned/programmed investments.

For the existing conditions element of this task, the NVTC project manager will coordinate with the current Envision Route 7 BRT project manager to provide all relevant information.

For the planned/programmed investments element of this task, the consultant team will examine the following types of documents to identify planned/programmed investments, including but not limited to: Transit Strategic Plans, Transit Development Plans, capital improvement plans, bike-pedestrian master plans, corridor plans, etc. The NVTC project manager will help identify the points of contact for this task.

Deliverables

The selected consultant team will prepare a draft and final technical memo documenting the current state of planning for the Envision Route 7 BRT corridor and planned/programmed investments that directly or indirectly affect the implementation of the BRT project.

4. BRT Project Governance – Planning, Construction, and Operations

The Envision Route 7 BRT project will operate within four NVTC jurisdictions – the Cities of Alexandria and Falls Church and Arlington and Fairfax Counties. The planning, design, construction, and implementation of the project will impact each jurisdiction differently and will require varying levels of coordination to ensure a successful project.

Successful governance of a complicated, multi-jurisdiction project will be vital to the project's success. For this task, the consultant team will propose an elected-level project governance structure with responsibilities including but not limited to providing policy guidance to NVTC staff and leadership, serving as a liaison to the member's respective elected body, coordination with jurisdiction and NVTC project staff and/or consultants, and other necessary functions. It is assumed that NVTC will maintain its existing staff-level Technical Advisory Committee (TAC).

Deliverables

The selected consultant team will facilitate a work session with elected officials and jurisdictional staff to solicit and discuss project governance options. Based upon the input, the selected consultant will prepare a draft and final technical memo with proposed multi-jurisdictional project governance options that will reflect the complexity of the project and the diversity of the political bodies of the jurisdictions. The project governance proposal will be vetted by NVTC leadership and the Program Advisory Committee (PAC) and submitted to the Commission for approval.

5. BRT Implementation and Funding Roadmap

The Envision Route 7 BRT project is a complicated, multi-jurisdictional effort that requires extensive short and long-term planning with some level of flexibility. There are many aspects of the project to consider, including planning, public outreach, funding from a wide variety of sources, environmental approvals, coordination with local, state, and federal stakeholders, procurement, construction, and service planning to name a few. Regarding flexibility, there may be opportunities to perform concurrent work or combine efforts to expedite the timeline.

To date, planning efforts for the Envision Route 7 have been funded through grants and match by local, state, and federal government agencies. It is anticipated moving forward, that a similar combination of funding may be used to support the future phases of planning, engineering, and construction activities. In our region, the Northern Virginia Transportation Authority (NVTA), the Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transportation (DRPT), the U.S Department of Transportation (U.S DOT), and the Federal Transit Administration (FTA) all have programs that support planning efforts and capital investments in public transportation here in Northern Virginia.

In addition, there may be other entities that can provide funding to support planning and/or environmental analysis, such as foundations, non-profits and other non-governmental organization. In all instances, the success in receiving funding is based upon a combination of scope of work, timing of submission, and alignment of the project with selection criteria.

Around the United States and Canada, there are many BRT systems being implemented, many of which are leveraging a multitude of funding and financing strategies. There may be instances where these strategies may be favorable to the successful implementation and operating of Envision Route 7 BRT. This effort should present to NVTC new and innovating approaches to funding and financing each phase of implementation.

The consultant team will facilitate discussions and develop a project roadmap that identifies an implementable, practicable plan, including key milestones and actions needed by NVTC, local jurisdictions, and key stakeholders with a focus on emphasis on coordination and funding applications. The roadmap may include alternative timelines to incorporate options for concurrent or combined efforts.

Deliverables

The selected consultant team will:

- Facilitate a work session with elected officials and jurisdictional staff to solicit and discuss project governance and funding/financing options.
- Prepare a draft and technical memo that outlines specific funding and financing strategies for each step of the project implementation process. Specific examples of other successful BRT funding and/or financing strategies should be included.
- Prepare a draft and final technical memo that outlines a roadmap for full implementation of the BRT project, including a phased approach. The memo should include a detailed, Excel-based timeline that NVTC can update as the project progresses. The goal is to identify the most feasible approach to implementation while maintaining flexibility for the BRT project. The memo should also identify a detailed strategic plan for grant submissions and recommend which funding program(s) should be pursued for each phase of project planning and development, construction, implementation, etc.

6. Final Report and Project Materials

The final report and all documents will be a part of the project's and NVTC's official and historic records. The consultant team will work closely with NVTC leadership and the project manager to ensure all documents are prepared using NVTC's style guide, templates, etc. and that all documents are provided in an editable format.

This project naturally has a significant number of stakeholders, so a clear and concise overview of the project is needed as a 'leave behind' – both electronically and physical. The consultant will work with the project manager and NVTC's Communications team to develop the content and layout.

Deliverables

The selected consultant team will prepare:

- Draft and final presentation materials to support the public review and comment for the NVTC's Program Advisory Committee, Commission, and other jurisdictional governmental bodies.
- Draft and final report that documents the development of the BRT implementation roadmap and documents the results of all tasks in this scope of work and includes specific next steps and timeframes for successful implementation.
- Visually compelling two-page 'leave behind' document. The 'leave behind' document will be prepared in an editable format that NVTC can update as the BRT project evolves and as relevant information changes/is updated.
- A USB drive that includes all draft and final documents as stated in the scope of work as well as any associated materials that were created in the development of the roadmap, including but not limited to meeting notes and agendas; project contract, invoices, and tracking; research conducted; technical memos; etc.

Estimated Level of Effort per Task

The percentages for each task are for general guidance only and may be adjusted in consultant team proposals.

Task #	Estimated Level of Effort	
1	5%	\$2,500
2	5%	\$2,500
3	5%	\$2,500
4	40%	\$20,000
5	40%	\$20,000
6	5%	\$2,500
Total	100%	\$50,000

Optional Tasks Pending Funding

Grant Application Support

Pending the availability of additional funding, the selected contractor will provide analytical and technical support for the application to funding programs for planning, environmental approval, and preliminary engineering for grant programs that include but are not limited to U.S. DOT RAISE, Federal Transit Administration Capital Investment Grant program, Virginia Department of Transportation SMARTSCALE, and the Northern Virginia Transportation Authority Six-Year Program.

Innovative Financing Support

Pending the availability of additional funding, the selected contractor will provide analytical and other technical support for the development and implementation of innovative financing strategies to support financing of specific phases of the BRT project, including but not limited to capital construction and support for ongoing operational costs. Examples of innovative financing may include debt tools, credit assistance, equity sources, value capture mechanisms, or non-traditional grants that may be available through private, state or federal entities.

Board Agenda Item
March 22, 2022

CONSIDERATION - 1

Approval of Bylaws Restating the Purpose and Membership of the Cathy Hudgins Community Center Advisory Council (CHCCAC)

ISSUE:

Approval of the proposed revised Bylaws for the Cathy Hudgins Community Center Advisory Council (CHCCAC).

TIMING:

Board consideration is requested on March 22, 2022, so the Bylaws can become effective.

BACKGROUND:

The CHCCAC, formerly the Southgate Community Center Advisory Council, was established on January 23, 2003, by a Memorandum of Agreement between the Reston Association and the Fairfax County Board of Supervisors.

On February 10, 2020, the Clerk for the Board of Supervisors distributed a copy of updated Model Bylaws for use by Boards, Authorities, and Commissions to comply with all Virginia laws, County ordinances, and County policies. The CHCCAC has conducted a comprehensive review of the Model Bylaws provided by the Clerk to the Board of Supervisors. The Bylaws were discussed and approved with minor revisions at the CHCCAC meeting held on March 1, 2022. The Council's approved Bylaws are included as Attachment 1 for the Board's reference.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Cathy Hudgins Community Center Advisory Council Bylaws

STAFF:

Christopher Leonard, Deputy County Executive
Lloyd Tucker, Director, Department of Neighborhood and Community Services (NCS)

Board Agenda Item
March 22, 2022

Sarah Allen, Deputy Director, NCS
Pallas Washington, Division Director, Regional Services and Center Operations, NCS
Karen De Mijango, Region 3 Manager, NCS
Christine Hodgson, Director, Cathy Hudgins Community Center, NCS

ASSIGNED COUNSEL:

Martin Desjardins, Assistant County Attorney

**BYLAWS OF THE CATHY HUDGINS COMMUNITY CENTER
ADVISORY COUNCIL**

March 22, 2022

ARTICLE I – NAME

The name of this organization is the Cathy Hudgins Community Center Advisory Council as designated by the Board of Supervisors in Fairfax County; Virginia hereinafter referred to as CHCCAC. The official permanent address of the CHCCAC is at the Cathy Hudgins Community Center at Southgate, located at 12125 Pinecrest Drive, Reston, VA 20191.

ARTICLE II – PURPOSE

The CHCCAC has been established by the Board of Supervisors of Fairfax County, Virginia pursuant to a Memorandum of Agreement between the Board and the Reston Homeowners Association, dated May 17, 2002, and Virginia Code § 15.2-1411, for the purpose of advising the director of the Cathy Hudgins Community Center at Southgate and providing input and feedback about the social, recreational, and educational programs and activities at the Cathy Hudgins Community Center at Southgate.

These bylaws replace and supersede the CHCCAC bylaws adopted on November 5, 2010, and are effective as of March 22, 2022.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the CHCCAC shall be made by the Board of Supervisors for a total of thirteen authorized representatives. Four of the thirteen members shall be nominated by the Reston Association Board of Directors and then approved by the Board of Supervisors. All approved and voting members of the CHCCAC are appointed at the end of April and begin serving terms on May 1. All members serve regular terms of two years.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the chairperson, the clerk or the secretary, or the County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing. The vacancy shall be filled for the balance of the term of office by the party that originally made the appointment.

Holdovers. In the event a member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to another term or appointed a successor member, then that person may continue to serve until such time as the member is reappointed or a successor member is appointed.

Non-Voting Representatives. The following are non-voting representatives to the CHCCAC:

- Cathy Hudgins Community Center Director

- Cornerstones
- Fairfax County Neighborhood Patrol Officer
- Department of Neighborhood and Community Services (NCS)
- Designee of the President of the Reston Association Board of Directors
- Representative from Reston Community Center
- Designee of the Fairfax County Executive
- Other county representatives as requested or needed.

Representation. Beyond the chairperson, no member shall, under any circumstances, represent themselves on behalf of the CHCCAC or Community Center without prior authorization of the majority of the CHCCAC. With prior authorization of the majority, a member may represent the council for a specific purpose.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Elections. The CHCCAC shall be served by four officers: a Chairperson, Vice-Chairperson, Secretary, and Treasurer. The four officers shall be elected in accordance with the voting provisions of Article V by the CHCCAC members annually and such election shall be scheduled for the June meeting of each year. Two months prior to the election meeting, a slate of candidates shall be nominated during a meeting held pursuant to Article V. After nomination, each candidate shall be polled on his or her willingness and ability to serve in the respective offices of the CHCCAC. At the election meeting, the four officers shall be elected from among the willing nominees in accordance with voting provisions from Article V. Each officer shall be elected for a term of one year.

Chairperson. The Chairperson presides over meetings of the CHCCAC and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to voting CHCCAC members and to request assistance from the nonvoting members and County staff supporting the CHCCAC. The Chairperson is an ad hoc member of all committees and consults with Center director on behalf of the Council. The Chairperson develops subcommittees as necessary. The Chairperson is responsible for completing an annual report to the Board of Supervisors.

Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice-Chairperson is available, the Secretary shall act as Chairperson.

Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording and publicly reporting the minutes of meetings. Meeting minutes shall be posted publicly within 14 days of approval by the CHCCAC. The Secretary maintains, updates, and distributes contact information of CHCCAC members as necessary. The secretary shall assist the Chairperson in creating the annual report.

Treasurer. The Treasurer, or a duly appointed agent, shall be responsible for publicly reporting funds and use of funds as reported by associated financial bodies supporting CHCCAC. The treasurer shall be responsible for monitoring funds raised through donations, ensuring these

funds are kept for use of the Community Center, and ensuring requests do not exceed allocations. The Treasurers report shall be included in the annual report.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

ARTICLE V – MEETINGS

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA"). Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The CHCCAC may hold public hearings and report its findings to the Board of Supervisors on CHCCAC issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to CHCCAC. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All meetings shall be conducted in public places that are accessible to persons with disabilities.

Frequency. The CHCCAC shall meet monthly or as determined by the Chairperson, but under all circumstances at least once every 90 days. Meetings shall be held on the first Tuesday of the month, unless this day is an observed holiday or election day, in which case the meeting shall be held the second Tuesday of the month. Meetings shall be held at the Cathy Hudgins Community Center at Southgate unless otherwise specified by the Chairperson. The Chairperson and/or a simple majority of the membership of CHCCAC may call special meetings.

Voting. A quorum is necessary for a vote. A majority of the voting membership of the CHCCAC constitutes a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of CHCCAC voting members present and voting. Upon the request of any voting member, the vote of each voting member on any issue shall be recorded in the minutes. All votes of the CHCCAC shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy.

Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically

authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to CHCCAC members shall be made available for public inspection at the same time such documents are furnished to the CHCCAC members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any CHCCAC proceedings.

Records. The Secretary or an appointed representative shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the CHCCAC, and advice provided in closed session by legal counsel to the CHCCAC, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the CHCCAC to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the CHCCAC's legal counsel.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any CHCCAC member who misses three consecutive meetings or more than half of the scheduled meetings within a 12-month period, or who fails to participate in the work of the CHCCAC without good cause acceptable to a majority of the other CHCCAC members may be subject to removal from the CHCCAC.

ARTICLE VII – REMOVAL

Any CHCCAC member(s) may be recommended to the Board of Supervisors for removal from the CHCCAC for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all of the CHCCAC members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' authority to remove members from the CHCCAC as provided by law.

In the event that a member of the CHCCAC receives a two-thirds vote for removal, after the vote, the chairperson will send a certified letter of notification to the member as well as a letter sent first class mail to the Board of Supervisors and the Reston Association if nominated by RA, within 10 business days. Only until the appointing authority makes a final decision and the individual is notified via first class mail, will the person be considered formally removed from

the Council. Minutes of the meeting will act as notification for the full CHCCAC membership and will be made available within the timeframe established.

ARTICLE VIII – COMMITTEES

Standing. The Chairperson may appoint standing committees and a Chairperson for each committee with the consent of a majority of the CHCCAC members present and voting. The Chairperson may appoint non-Council members to a committee for a limited term designated by the Chairperson.

Special. The Chairperson may appoint special committees and a Chairperson for each committee with the consent of a majority of the CHCCAC members present and voting.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chairperson or at the request of two members, with notice to all members.

ARTICLE IX – ANNUAL REPORT

The CHCCAC shall prepare an annual written report that describes the actions of the CHCCAC and plans for future actions and activities. This report shall be provided to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive. The Chairperson, with support from the Secretary, is responsible for the creation and delivery of the Annual Report.

ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

The CHCCAC shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions. In case of a conflict between a provision of these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control.

All CHCCAC voting members shall file the annual financial disclosure statement that is required of certain non-salaried citizen members of local boards, commissions, and councils by the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 *et seq.*, as amended.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the CHCCAC by adopting the proposed amendment or amendments via two-thirds vote and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.

231
232 **These Bylaws were approved by the Fairfax County Board of Supervisors during a public**
233 **meeting held on 22nd day of March, 2022.**
234

235
236 **GIVEN under my hand this _____ day of _____, 2022.**
237

238
239 _____
240 **Jill G. Cooper**
241 **Clerk for the Board of Supervisors**
242 **Department of Clerk Services**
243

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
 - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
 - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
-
- 1. *Macy's Retail Holdings, Inc., et al. v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2019-0012598; *Macy's Retail Holdings, Inc., et al. v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2019-0012599 (Fx. Co. Cir. Ct.) (Springfield District)
 - 2. *Lester Ordany Corado Ipina v. Fairfax County Police Department*; Case No. CL-2021-0017756 (Fx. Co. Cir. Ct.)
 - 3. *Courtney Graves, Esq., Pro Se v. Greystar GP II, LLC, Nicole Loren Zamba Campero, and Fairfax County Police Department Animal Services Division*, Case No. CL 2021-0015385 (Fx. Co. Cir. Ct.)
 - 4. *Lisah Smith v. Tina Spurlock*, Case No. GV22-001235 (Fx. Co. Gen. Dist. Ct.)
 - 5. *Paulina Arias v. Michael Filius*, Case No. GV22-002497 (Fx. Co. Gen. Dist. Ct.)
 - 6. *ZAAKI Restaurant and Café LLC v. State Building Code Technical Review Board, County of Fairfax, Virginia, and Jay Riat, Building Official*, Record No. 0318-21-4 (Va. Ct. App.) (Mason District)
 - 7. *In re: May 1, 2019, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Nagla A. Abdelhalim v. Board of Supervisors of the County of Fairfax, Virginia*, Case No. CL-2019-0007529 (Fx. Co. Cir. Ct.) (Providence District)
 - 8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Stephen Patrick Macmanus*, Case No. GV22-001127 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 - 9. *Jay Riat, Building Official for Fairfax County, Virginia v. Phillip C. Williams, Sr., and Gaynita L. Williams*, Case No. GV22-002557 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fernando A. Ovalle*, Case No. CL-2018-0015808 (Fx. Co. Cir. Ct.) (Lee District)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. James W. Adams and Doris C. Adams*, Case No. CL-2021-0017536 (Fx. Co. Cir. Ct.) (Lee District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2022-001105 (Fx. Co. Cir. Ct.) (Lee District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Chao Qui Wu, Cui May Nie and Crespo Construction, LLC*, Case No. GV22-017982 (Fx. Co. Gen. Dist. Ct.) (Lee District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. ALR Properties, LP, and Kamayan Fiesta Filipino Asian American Cuisine, LLC*, Case No. GV22-002850 (Fx. Co. Gen. Dist. Ct.) (Lee District)
15. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kurt W. Kruger*, Case No. CL-2021-0008712 (Fx. Co. Cir. Ct.) (Mason District)
16. *Jay Riat, Building Official for Fairfax County, Virginia v. Debrekidussan Abune Aregawi and Abune Teklehaimonat Ethiopian Orthodox Tewahdo Church*, Case No. CL-2022-0002546 (Fx. Co. Cir. Ct.) (Mason District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Tewodage Mulugeta*, Case No. CL-2021-0007589 (Fx. Co. Cir. Ct.) (Mason District)
18. *Jay Riat, Building Official for Fairfax County, Virginia v. Miguel A. Giron*, Case No. GV22-000461 (Fx. Co. Gen. Dist. Ct.) (Mason District)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Osmin H. Rodriguez*, Case No. GV21-000460 (Fx. Co. Gen. Dist. Ct.) (Mason District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bill H. Waller*, Case No. CL-2020-0008130 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. N. Rose Atwood*, Case No. CL-2021-0015483 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Jay Riat, Building Official for Fairfax County, Virginia v. Carlos A. Carcamo Cabrera and Maria A. Castro*, Case No. CL-2022-0002545 (Fx. Co. Cir. Ct.) (Mount Vernon District)

23. *Jay Riat, Building Official for Fairfax County, Virginia v. Rana Parveen*, Case No. GV22-000462 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. V 3 of Virginia, LLC*, Case No. GV22-002556 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
25. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles Randall Gentry*, Case No. GV22-002475 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
26. *Jay Riat, Building Official for Fairfax County, Virginia v. Lilian G. Maldonado and Salvador Zelaya*, Case No. GV22-002476 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Nagla A. Abdelhalim*, Case No. CL-2019-0009486 (Fx. Co. Cir. Ct.) (Providence District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. JJN Realty LLC, Mayberry Street Terminal, LLC, Ransell Road Terminal, LLC, and Tysons Service Corporation of Virginia*, Case No. CL-2020-0014699 (Fx. Co. Cir. Ct.) (Providence District)
29. *Jay Riat, Building Official for Fairfax County, Virginia v. Jose Roberto Marquez, Jr.*, Case No. GV22-002473 (Fx. Co. Gen. Dist. Ct.) (Providence District)
30. *Jay Riat, Building Official for Fairfax County, Virginia v. Thomas E. Carmel and Deborah M. Carmel*, Case No. GV22-002853 (Fx. Co. Gen. Dist. Ct.) (Providence District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Danielle Gilbert*, Case No. GV22-002846 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Walney Business Center, LLC*, Case No. GV22-002373 (Fx. Co. Gen. Dist. Ct.) (Sully District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Mario Amaro*, Case No. GV22-002474 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item
March 22, 2022

3:30 p.m.

Decision Only on Proposed Plan Amendment 2021-00006, 2806 Popkins Lane, Located on Popkins Lane, West of Bryant Town Court (Mount Vernon District)

ISSUE:

Plan Amendment (PA) 2021-00006 considers adding a Comprehensive Plan (Plan) option for residential use at a density of 5-8 dwelling units per acre (du/ac) on Tax Map Parcel 93-1 ((1)) 7, located on the north side of Popkins Lane, approximately ¼-mile east of Richmond Highway, generally east of Memorial Heights Drive, and west of Bryant Town Court, in the Mount Vernon District. The adopted Plan recommends residential development at 3-4 du/ac on the subject property, if developed as part of the adjacent Memorial Heights neighborhood to the west. The Staff Report, dated June 2, 2021, recommends an alternative for residential use up to 6 du/ac with conditions. The Mount Vernon Site-specific Plan Amendment (SSPA) Task Force voted to retain the current Comprehensive Plan or, if additional conversations are had with the Northern Virginia Conservation Trust, defer the amendment into the SSPA standard track to allow for the review of a potential conservation easement on the property.

PLANNING COMMISSION RECOMMENDATION:

On June 23, 2021, the Planning Commission held a public hearing on the Plan Amendment, and the decision was deferred to July 14, 2021. On July 14, 2021, the Planning Commission voted 10-0 (Chairman Murphy and Commissioner Bennett were absent from the meeting) to recommend that the Board of Supervisors adopt the Staff Recommendation as contained in the Staff Report dated June 2, 2021.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the Planning Commission Recommendation.

TIMING:

Routine.

On July 27, 2021, the Board of Supervisors held a public hearing on the proposed Plan Amendment and deferred their decision to October 19, 2021. On October 19, 2021, the Board of Supervisors further deferred their decision to March 22, 2022.

BACKGROUND:

On January 26, 2021, the Board authorized PA 2021-00006 for the subject property, located at 2806 Popkins Lane (Tax Map Parcel 93-1 ((1)) 7) in the Mount Vernon District, to evaluate an increase in planned density, as described in the Issue section. The Board directed staff to consider workforce housing, the watershed management plan for the area, optimal points of site access, and the potential impacts to the local transportation network.

The area is planned for residential use at a density of 2-3 dwelling units per acre (du/ac) on the Plan Map and 3-4 du/ac if part of the adjacent Memorial Heights neighborhood. The site is zoned R-3, which allows for residential uses at 3 du/ac by-right and light public utility uses (telecommunication facilities) pursuant to the previous approval of a special exception. The site is developed with a Verizon switching station and associated surface parking in a 1.3-acre portion of the site fronting on Popkins Lane. The remaining 4.2 acres in the site's interior and rear are undeveloped, wooded land.

The proposed Plan amendment was reviewed by the Mount Vernon SSPA Task Force in a series of virtual public meetings held from March through May 2021. Task force deliberations centered on the tree cover present on the site and opportunities to preserve as much of the tree cover as possible through a potential conservation easement as an alternative to development of the site under either the current or proposed plan recommendation. At its meeting on May 10, 2021, the task force voted 7-1-2 to retain the existing Plan recommendations and not to recommend a plan amendment due to concerns with the impacts of the proposed amendment to traffic, the environment, and tree cover. The Task Force also voted 7-0-3 to recommend that the study be moved into the SSPA standard track (which contains a longer timeframe of review) to allow for potential discussions to take place between the property owner and the Northern Virginia Conservation Trust regarding a potential conservation easement on the property. Notwithstanding this second task force motion, the Board's authorization for the study included an expedited review, and as a result, the proposed amendment was scheduled for public hearing.

Staff recommends adding a development option for single family attached or a combination of single family detached and attached units up to a density of 6 du/ac on a 4.2 acre portion of the property with the preservation of approximately 35% of the existing tree cover on the parcel, supplemented through native plantings and management of invasive species. Stormwater management measures should avoid conflicts with the preserved trees. Primary access to the site should be provided from Popkins Lane, with potential secondary access to Preston Avenue or East Lee Avenue.

Board Agenda Item
March 22, 2022

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:

The Planning Commission verbatim excerpt from the public hearing on June 23, 2021 can be found online at:

<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2021%20verbatim/verbatim062321pa2021-00006-2806popkinslane.pdf>

The Planning Commission verbatim excerpt of their decision on July 14, 2021 can be found online at:

[https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2021%20verbatim/verbatim071421pa2021-00006-2806popkinslane\(deonly\).pdf](https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2021%20verbatim/verbatim071421pa2021-00006-2806popkinslane(deonly).pdf)

The Staff Report has been previously furnished and is available online at:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/2806-popkins-lane/2021-00006-staff-report.pdf>

The SSPA Mount Vernon Task Force Report for PA 2021-00006 is available online at:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/sspa/south/mv%20tf/2806popkinsinsignedreport.pdf>

STAFF:

Barbara Byron, Director, Department of Planning and Zoning (DPD)

Leanna O'Donnell, Director, Planning Division (PD), DPD

Meghan Van Dam, Branch Chief, Policy & Plan Development Branch (PPDB), PD, DPD

Graham Owen, Planner III, PPDB, PD, DPD

Board Agenda Item
March 22, 2022

3:30 p.m.

Decision Only to Consider Amendments to *The Code of the County of Fairfax Virginia* (County Code), Chapter 119 (Grass or Lawn Area) to Establish Regulations on Running Bamboo and to Add a New Article 4 to Establish Civil Penalties

ISSUE:

Board of Supervisors consideration of an amendment to County Code Chapter 119.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed County Code amendment.

TIMING:

On January 25, 2022, the Board authorized advertisement of this public hearing for February 22, 2022, at 3:30 p.m. On February 22, 2022, the Board deferred their decision only to March 22, 2022. If approved, this amendment will become effective at 12:01 a.m. the day following adoption.

BACKGROUND:

Running bamboo is an invasive species to Virginia that is characterized by aggressive spreading behavior. Virginia Code § 15.2-901.1 authorizes Fairfax County to adopt an ordinance to require property owners to contain running bamboo on their property and to impose civil penalties on property owners who allow running bamboo to spread to adjacent properties or any public right-of-way. Under this proposed ordinance amendment, the Department of Code Compliance (DCC) would be responsible for investigating complaints of uncontained running bamboo and seeking civil penalties against property owners who fail to contain their running bamboo within 30 days after receiving notice of the violation. The amendment would create a new Article 4 to establish a civil penalty of \$50 for the first violation or violations arising from the same set of operative facts. The amendment would also create a civil penalty of \$200 for each subsequent violation not arising from the same set of operative facts within 12 months of the first violation. Each business day in which the same violation exists would constitute a separate offense. Total penalties may not exceed \$3,000 in a 12-month period for each set of operative facts.

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This proposed ordinance amendment would be included in Chapter 119 of the County Code, which currently restricts the height of grass and associated growth. Chapter 119 would be renamed Vegetation to reflect the addition of restrictions related to uncontained running bamboo. Chapter 119 would continue to govern the height of grass and associated growth. The proposed amendment would also make other editorial revisions to Chapter 119 for clarity.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1: Proposed amendment to Chapter 119 of the County Code
Attachment 2: Proposed amendment to Chapter 119 of the County Code – Option B

STAFF:
Rachel Flynn, Deputy County Executive
Jack Weyant, Director, Department of Code Compliance (DCC)
Matthew Mertz, Code Specialist III, DCC

ASSIGNED COUNSEL:
Sara Silverman, Assistant County Attorney

PROPOSED AMENDMENT

This proposed amendment is based on the County Code in effect as of January 7, 2022. If the Board of Supervisors adopts this amendment after adopting another proposed amendment that affects some of the numbering, order, or text arrangement of the paragraphs or sections in this amendment, the Clerk will administratively incorporate those clerical changes in the printed version of this amendment following Board adoption.

1 Amend Chapter 119, Grass or Lawn Area, to read as follows:

2
3 **CHAPTER 119. - ~~Grass or Lawn Area~~ Vegetation.**

4
5 **ARTICLE 1. - General Provisions.**

6
7 **Section 119-1-1. - Applicability.**

8 This Chapter shall be applicable to property within Fairfax County, which property is not
9 within the corporate limits of any town, and which property is neither zoned for nor in active
10 farming operation.

11 (a) The regulation of running bamboo applies to all property within Fairfax County.

12 (b) The regulation of grass and lawn areas applies to all property within Fairfax County

13 that is not within the corporate limits of any town and that is neither zoned for nor in

14 active farming operation.

15 (35-91-119.)

16 **Section 119-1-2. - Administration and enforcement.**

17 The Director ~~shall be~~ is responsible for the administration and enforcement of this
18 Chapter.

19 (35-91-119.)

20 **Section 119-1-3. - Severability.**

21 If any of the articles, sections, paragraphs, sentences, clauses, or phrases part of this
22 Chapter ~~shall be~~ is declared unconstitutional or invalid by the valid judgment or decree of a court
23 of competent jurisdiction, such unconstitutionality or invalidity ~~shall~~ will not affect the validity
24 of the Chapter in its entirety; or of any of the remaining articles, sections, paragraphs, sentences,
25 clauses, and phrases part.

26 (35-91-119.)

27 **ARTICLE 2. - Definitions.**

28 **Section 119-2-1. - Definitions.**

29 (a) “Grass or lawn area”: ~~The words “grass or lawn area” shall include~~ means an area
30 of ground covered with grass and/or associated growth. Trees, shrubs, and cultivated
31 areas, including, but not limited to beds of ornamental grasses, ferns, fruits,
32 vegetables, herbs, spices, flowers, or wildflowers are specifically excluded from this
33 definition.

34 (b) “Owner”: ~~The word “owner” shall include~~ means any persons holding title to any
35 property; any lessees, tenants, and/or principal occupants ~~of such property~~, having
36 care, custody, control, or management of ~~such~~ any property; and any ~~fiduciaries~~
37 fiduciary holding title to or having the care, custody, control, or management of ~~such~~
38 any property ~~for others~~.

39 (c) “Director”: ~~The word “Director” shall~~ means the Director of the Department of Code
40 Compliance (“DCC”) or his designee.

41 (d) “Running bamboo” means any bamboo that is characterized by aggressive spreading
42 behavior, including species in the genus Phyllostachys.

(e) “Bamboo owner” means any owner who permits running bamboo to grow or remain on the owner’s property, even if the bamboo has spread from an adjoining property or was planted by someone else. An owner on whose property running bamboo has spread is not a bamboo owner if that owner, on discovering the spreading bamboo, initiates and diligently pursues its removal, including through legal remedies.

(35-91-119; 3-01-119; 22-08-119; 30-17-119.)

ARTICLE 3. - Regulations and Procedures.

Section 119-3-1. - Prohibited grass or lawn area height. _

(a) *Developed Residential Property:* It ~~shall be~~ is unlawful for any owner of any ~~occupied developed~~ residential lot or parcel which is less than one-half acre (21,780 square feet) ~~or any vacant developed residential lot or parcel which is less than one-half acre (21,780 square feet)~~ to permit the growth on any grass or lawn area to ~~reach more than~~ exceed ~~twelve (12)~~ inches in height/~~length~~.

(b) *Undeveloped Residential Property:* It ~~shall be~~ is unlawful for any owner of any undeveloped residential lot or parcel which is less than one-half acre (21,780 square feet) and which is located within a recorded subdivision where ~~ninety percent (90%)~~ of the ~~lots~~ parcels have been developed to permit the growth of any grass or lawn area to ~~reach more than~~ exceed ~~twelve (12)~~ inches in height/~~length~~.

(c) *Commercial/Industrial Property:* It ~~shall be~~ is unlawful for any owner of any vacant developed commercial/~~or~~ industrial property to permit ~~the any~~ any growth of any grass or lawn area ~~of more than~~ to exceed ~~twelve (12)~~ inches in height/~~length~~.

(d) *Exemptions:* Detention ponds; rights-of-way through residential, commercial, and industrial properties; park lands; and conservation and scenic easements approved by Fairfax County are ~~specifically exempt from the provisions of this Chapter.~~ (35-91-119.)

Section 119-3-2. - Containment of running bamboo.

(a) A bamboo owner must not allow running bamboo to spread from the bamboo owner's property to any public right-of-way or any adjoining property not owned by the bamboo owner.

(b) A bamboo owner must contain the running bamboo to keep it from spreading onto any public right-of-way or adjoining property not owned by the bamboo owner.

(c) Any barrier used as a containment measure must be:

(1) Impenetrable to running bamboo; and

(2) Installed at a sufficient depth to prevent the spread of running bamboo onto any public right-of-way or adjoining property not owned by the bamboo owner.

(d) A trench used as a containment measure must be a sufficient depth to prevent the spread of running bamboo onto any public right-of-way or adjoining property not owned by the bamboo owner.

Section ~~119-3-2~~ 119-3-3. - Reports of violations of Section ~~119-3-1.~~

~~Any person aggrieved by the presence of~~ Complaints regarding grass or lawn area growth in violation of Section 119-3-1 or the spreading of or failure to contain running bamboo in violation of Section 119-3-2 may report such growth be reported to DCC. Code Enforcement Branch of Land Development Services of the Department of Public Works and Environmental Services. (35-91-119; 3-01-119; 22-08-119.)

87 **Section ~~119-3-3~~ 119-3-4. – Inspection and notice of violation.**

88 After inspection of a site, if a violation of Section 119-3-1 or 119-3-2 exists, the DCC
89 inspector ~~shall~~ will ~~serve~~ deliver a notice of violation by posting ~~the notice of violation~~ it in a
90 conspicuous place ~~upon the land or premises~~ parcel where the violation exists and may ~~serve~~
91 deliver the notice of violation to the owner in person or by certified or registered mail. If the
92 inspector is informed or has reason to believe that that parcel is vacant or the owner of record
93 does not reside on that parcel ~~the subject property~~, or if ~~the subject property is unoccupied~~, the
94 notice of violation ~~shall~~ will be posted in a conspicuous place ~~upon the land or premises~~ and sent
95 by certified or registered mail to the owner of record's last known address as shown on the
96 Fairfax County Tax Records. The notice of violation ~~shall~~ will direct the owner to ~~cut or cause to~~
97 ~~be cut the grass or lawn area in violation~~ comply with Section 119-3-1 within 14 days of ~~service~~
98 the delivery of the notice of violation or with Section 119-3-2 within 30 days of the delivery of
99 the notice of violation. ~~After such notice of violation is served on the owner and such violation~~
100 ~~has not ceased within 14 days of service of the notice of violation, the Director may proceed to~~
101 ~~remedy the violation as provided in Section 119-3-4, unless the notice of violation has been~~
102 ~~appealed under Section 119-3-6.~~ (35-91-119; 3-01-119; 22-08-119.)

103 **Section - 119-3-5. Appeals.**

104 (a) If any owner is aggrieved by a decision of the Director that a property is in violation
105 of Section 119-3-1 or 119-3-2 and/or by a notice of violation issued under
106 Section 119-3-4, the owner may appeal to the County Executive within 10 days of
107 delivery of the notice of violation.

- (b) An appeal must be submitted to the Office of the County Executive, with a copy to the Director, and must include a written statement of the grounds for the appeal, including the grounds on which the owner is allegedly aggrieved.
- (c) The County Executive or the County Executive's designee will make a finding on the appeal based on the written statement provided by the owner and information provided by the Director.
- (d) Until the County Executive or the County Executive's designee has decided the appeal, no action may be taken under Section 119-3-6 or Article 4. (35-91-119; 22-08-119.)

Section - ~~119-3-4~~ 119-3-6. – Procedure ~~when notice to cut grass or lawn area is not complied with~~ after noncompliance with notice to cut grass or lawn area.

If the grass or lawn area is not cut within the time required by the notice of violation issued ~~pursuant to~~ under ~~Section 119-3-3~~ 119-3-4, the Director may ~~proceed to~~ have the noncomplying grass or lawn area cut. The costs and expenses for the cutting ~~shall~~ will be chargeable to ~~and paid by the owner. of such property. The cost and expenses may be collected by the County as taxes and levies are collected.~~ Unpaid costs and expenses constitute a lien against the parcel ranking on parity with liens for unpaid real estate taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Virginia Code.

If ~~an~~ a timely appeal is filed under ~~Section 119-3-6~~ 119-3-5, the noncomplying grass or lawn area ~~shall~~ will not be cut ~~until~~ before the County Executive or the County Executive's designee makes a decision on the appeal ~~has been made by the County Executive.~~ (35-91-119; 3-01-119; 22-08-119.)

~~Section 119-3-5. Civil penalty.~~

~~Any violation of Section 119-3-1 may be punishable by a civil penalty of One Hundred Dollars (\$100.00). (35-91-119.)~~

~~Section 119-3-6. Appeals.~~

~~(a) Any owner who is aggrieved by the decision of the Director that a property is in violation of Section 119-3-1 and/or the notice to cut the noncomplying grass or lawn area pursuant to under Section 119-3-4 may, within ten 10 days of service delivery of the notice of violation, appeal to the County Executive or his designee.~~

~~(b) Appeals may be filed by submitting to the Office of the County Executive or his designee and a copy to the Director a written statement setting forth stating the grounds for the appeal.~~

~~(c) The County Executive or his designee shall will make a finding on the appeal based on the written statement provided by the property owner and information provided by the Director.~~

~~(d) Until the decision is made by the County Executive, no action shall may be taken pursuant to under Section 119-3-4. (35-91-119; 22-08-119.)~~

ARTICLE 4. - Civil Penalties.

Section 119-4-1. - Civil penalty for violation of Section 119-3-1.

Any violation of Section 119-3-1 is subject to a civil penalty of \$100.00.

149 **Section 119-4-2. - Civil penalty for violation of Section 119-3-2.**

150 Any violation of Section 119-3-2 is subject to a civil penalty of \$50 for the first violation
151 or violations arising from the same set of operative facts. The civil penalty for subsequent
152 violations not arising from the same set of operative facts within 12 months of the first violation
153 may not exceed \$200. Each business day during which the same violation is found to have
154 existed will constitute a separate offense. In no event will a series of specified violations arising
155 from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a
156 12-month period.

157 **Section 119-4-3. - Summons.**

158 Any summons for a civil penalty for any violation of Section 119-3-1 or 119-3-2 will be
159 filed in the General District Court.

160 **Section 119-4-4. - Civil penalties stayed by appeal.**

161 If a timely appeal is filed under Section 119-3-5, no summons for a civil penalty
162 regarding the appealed violation may be filed until the County Executive or the County
163 Executive's designee makes a decision on the appeal.

**PROPOSED AMENDMENT
OPTION B**

This proposed amendment is based on the County Code in effect as of January 7, 2022. If the Board of Supervisors adopts this amendment after adopting another proposed amendment that affects some of the numbering, order, or text arrangement of the paragraphs or sections in this amendment, the Clerk will administratively incorporate those clerical changes in the printed version of this amendment following Board adoption.

1 **Amend Chapter 119, Grass or Lawn Area, to read as follows:**

2

3 **CHAPTER 119. - ~~Grass or Lawn Area~~ Vegetation.**

4

5 **ARTICLE 1. - General Provisions.**

6

7 **Section 119-1-1. - Applicability.**

8 ~~This Chapter shall be applicable to property within Fairfax County, which property is not~~
9 ~~within the corporate limits of any town, and which property is neither zoned for nor in active~~
10 ~~farming operation.~~

11 (a) The regulation of running bamboo applies to all property within Fairfax County.

12 (b) The regulation of grass and lawn areas applies to all property within Fairfax County

13 that is not within the corporate limits of any town and that is neither zoned for nor in

14 active farming operation.

15 (35-91-119.)

16 **Section 119-1-2. - Administration and enforcement.**

17 The Director ~~shall be~~ is responsible for the administration and enforcement of this
18 Chapter.

(35-91-119.)

Section 119-1-3. - Severability.

If any of the ~~articles, sections, paragraphs, sentences, clauses, or phrases~~ part of this Chapter ~~shall be~~ is declared unconstitutional or invalid by ~~the valid judgment or decree of~~ a court of competent jurisdiction, such unconstitutionality or invalidity ~~shall~~ will not affect the validity of the Chapter in its entirety; or ~~of any of the remaining articles, sections, paragraphs, sentences, clauses, and phrases~~ part.

(35-91-119.)

ARTICLE 2. - Definitions.

Section 119-2-1. - Definitions.

(a) ~~"Grass or lawn area": The words "grass or lawn area" shall include~~ means an area of ground covered with grass and/or associated growth. Trees, shrubs, and cultivated areas, including, but not limited to beds of ornamental grasses, ferns, fruits, vegetables, herbs, spices, flowers, or wildflowers are specifically excluded from this definition.

(b) ~~"Owner": The word "owner" shall include~~ means any persons holding title to any property; any lessees, tenants, and/or principal occupants ~~of such property~~, having care, custody, control, or management of ~~such~~ any property; ~~and any fiduciaries~~ fiduciary holding title to or having the care, custody, control, or management of ~~such~~ any property; and any person for others having an easement that grants to or imposes on that person the care, custody, control, or management of any vegetation growing on the easement property.

(c) ~~“Director”~~ The word “Director” shall mean the Director of the Department of Code Compliance (“DCC”) or his designee.

(d) “Running bamboo” means any bamboo that is characterized by aggressive spreading behavior, including species in the genus Phyllostachys.

(e) “Bamboo owner” means any owner who permits running bamboo to grow or remain on the owner’s property, even if the bamboo has spread from an adjoining property or was planted by someone else. An owner on whose property running bamboo has spread is not considered a bamboo owner as long as that owner, on discovering the spreading bamboo, initiates and diligently pursues its removal, including through private legal remedies; however, reporting bamboo to DCC does not constitute such a remedy.

(35-91-119; 3-01-119; 22-08-119; 30-17-119.)

ARTICLE 3. - Regulations and Procedures.

Section 119-3-1. - Prohibited grass or lawn area height. _

(a) *Developed Residential Property:* It ~~shall be~~ is unlawful for any owner of any ~~occupied developed~~ residential lot or parcel which is less than one-half acre (21,780 square feet) ~~or any vacant developed residential lot or parcel which is less than one-half acre (21,780 square feet)~~ to permit the growth on any grass or lawn area to ~~reach more than~~ exceed twelve (12) inches in height/length.

(b) *Undeveloped Residential Property:* It ~~shall be~~ is unlawful for any owner of any undeveloped residential lot or parcel which is less than one-half acre (21,780 square feet) and which is located within a recorded subdivision where ~~ninety percent (90%)~~

of the ~~lots~~ parcels have been developed to permit the growth of any grass or lawn area to ~~reach more than~~ exceed ~~twelve (12)~~ inches in height/length.

(c) *Commercial/Industrial Property*: It ~~shall be~~ is unlawful for any owner of any vacant developed commercial/or industrial property to permit the any growth of any grass or lawn area ~~of more than to exceed~~ twelve (12) inches in height/length.

(d) *Exemptions*: Detention ponds; rights-of-way through residential, commercial, and industrial properties; park lands; and conservation and scenic easements approved by Fairfax County are ~~specifically exempt from the provisions of this Chapter.~~ (35-91-119.)

Section 119-3-2. - Containment of running bamboo.

(a) A bamboo owner must not allow running bamboo to spread from the bamboo owner's property to any public right-of-way or any adjoining property not owned by the bamboo owner.

(b) A bamboo owner must contain the running bamboo to keep it from spreading onto any public right-of-way or adjoining property not owned by the bamboo owner.

Section ~~119-3-2~~ 119-3-3. - Reports of violations ~~of Section 119-3-1~~.

~~Any person aggrieved by the presence of~~ Complaints regarding grass or lawn area growth in violation of Section 119-3-1 or the spreading of or failure to contain running bamboo in violation of Section 119-3-2 may ~~report such growth~~ be reported to DCC. ~~Code Enforcement Branch of Land Development Services of the Department of Public Works and Environmental Services.~~ (35-91-119; 3-01-119; 22-08-119.)

84 **Section ~~119-3-3~~ 119-3-4. – Inspection and notice of violation.**

85 After inspection of a site, if a violation of Section 119-3-1 or 119-3-2 exists, the DCC
86 inspector ~~shall~~ will ~~serve~~ deliver a notice of violation by posting ~~the notice of violation~~ it in a
87 conspicuous place ~~upon the land or premises~~ parcel where the violation exists and may ~~serve~~
88 deliver the notice of violation to the owner in person or by certified or registered mail. If the
89 inspector is informed or has reason to believe that that parcel is vacant or the owner of record
90 does not reside on that parcel ~~the subject property~~, or if ~~the subject property is unoccupied~~, the
91 notice of violation ~~shall~~ will be posted in a conspicuous place ~~upon the land or premises~~ and sent
92 by certified or registered mail to the owner of record's last known address as shown on the
93 Fairfax County Tax Records. The notice of violation ~~shall~~ will direct the owner to ~~cut or cause to~~
94 ~~be cut the grass or lawn area in violation~~ comply with Section 119-3-1 within 14 days of ~~service~~
95 the delivery of the notice of violation or with Section 119-3-2 within 30 days of the delivery of
96 the notice of violation. ~~After such notice of violation is served on the owner and such violation~~
97 ~~has not ceased within 14 days of service of the notice of violation, the Director may proceed to~~
98 ~~remedy the violation as provided in Section 119-3-4, unless the notice of violation has been~~
99 ~~appealed under Section 119-3-6.~~ (35-91-119; 3-01-119; 22-08-119.)

100 **Section - 119-3-5. Appeals.**

101 (a) If any owner is aggrieved by a decision of the Director that a property is in violation
102 of Section 119-3-1 or 119-3-2 and/or by a notice of violation issued under
103 Section 119-3-4, the owner may appeal to the County Executive within 10 days of
104 delivery of the notice of violation.

- (b) An appeal must be submitted to the Office of the County Executive, with a copy to the Director, and must include a written statement of the grounds for the appeal, including the grounds on which the owner is allegedly aggrieved.
- (c) The County Executive or the County Executive's designee will make a finding on the appeal based on the written statement provided by the owner and information provided by the Director.
- (d) Until the County Executive or the County Executive's designee has decided the appeal, no action may be taken under Section 119-3-6 or Article 4. (35-91-119; 22-08-119.)

Section - ~~119-3-4~~ 119-3-6. – Procedure ~~when notice to cut grass or lawn area is not complied with~~ after noncompliance with notice to cut grass or lawn area.

If the grass or lawn area is not cut within the time required by the notice of violation issued ~~pursuant to~~ under ~~Section 119-3-3~~ 119-3-4, the Director may ~~proceed to~~ have the noncomplying grass or lawn area cut. The costs and expenses for the cutting ~~shall~~ will be chargeable to ~~and paid by~~ the owner. ~~of such property. The cost and expenses may be collected by the County as taxes and levies are collected.~~ Unpaid costs and expenses constitute a lien against the parcel ranking on parity with liens for unpaid real estate taxes and enforceable in the same manner as provided in Articles 3 and 4 of Chapter 39 of Title 58.1 of the Virginia Code.

If ~~an~~ a timely appeal is filed under ~~Section 119-3-6~~ 119-3-5, the noncomplying grass or lawn area ~~shall~~ will not be cut ~~until~~ before the County Executive or the County Executive's designee makes a decision on the appeal ~~has been made by the County Executive.~~ (35-91-119; 3-01-119; 22-08-119.)

~~Section 119-3-5. Civil penalty.~~

~~Any violation of Section 119-3-1 may be punishable by a civil penalty of One Hundred Dollars (\$100.00). (35-91-119.)~~

~~Section 119-3-6. Appeals.~~

~~(a) Any owner who is aggrieved by the decision of the Director that a property is in violation of Section 119-3-1 and/or the notice to cut the noncomplying grass or lawn area pursuant to under Section 119-3-4 may, within ten 10 days of service delivery of the notice of violation, appeal to the County Executive or his designee.~~

~~(b) Appeals may be filed by submitting to the Office of the County Executive or his designee and a copy to the Director a written statement setting forth stating the grounds for the appeal.~~

~~(c) The County Executive or his designee shall will make a finding on the appeal based on the written statement provided by the property owner and information provided by the Director.~~

~~(d) Until the decision is made by the County Executive, no action shall may be taken pursuant to under Section 119-3-4. (35-91-119; 22-08-119.)~~

ARTICLE 4. - Civil Penalties.

Section 119-4-1. - Civil penalty for violation of Section 119-3-1.

Any violation of Section 119-3-1 is subject to a civil penalty of \$100.00.

146 **Section 119-4-2. - Civil penalty for violation of Section 119-3-2.**

147 (a) Any violation of Section 119-3-2 is subject to a civil penalty of \$50 for the first violation
148 or violations arising from the same set of operative facts.

149 (b) The civil penalty for subsequent violations not arising from the same set of operative
150 facts within 12 months of the first violation may not exceed \$200.

151 (c) Each business day during which the same violation is found to have existed will
152 constitute a separate offense.

153 (d) In no event will a series of specified violations arising from the same set of operative
154 facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

155 **Section 119-4-3. - Summons.**

156 Any summons for a civil penalty for any violation of Section 119-3-1 or 119-3-2 will be
157 filed in the General District Court.

158 **Section 119-4-4. - Civil penalties stayed by appeal.**

159 If a timely appeal is filed under Section 119-3-5, no summons for a civil penalty
160 regarding the appealed violation may be filed until the County Executive or the County
161 Executive's designee makes a decision on the appeal.

Board Agenda Item
March 22, 2022

3:30 p.m.

Public Hearing to Consider Adopting an Ordinance to Establish the Marlboro Estates Community Parking District (Dranesville District)

ISSUE:

Proposed amendment to Appendix M, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Marlboro Estates Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Marlboro Estates CPD, consisting of Deer Drive and Poppy Drive.

TIMING:

On February 22, 2022, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix M of the *Fairfax County Code* to take place on March 22, 2022, at 3:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of the following vehicles on the streets in the CPD: watercraft; boat trailers; motor homes; camping trailers; and any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds, except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location, (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of

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March 22, 2022

loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the Marlboro Estates CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated to be \$800. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Marlboro Estates CPD

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Henri Stein McCartney, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX M

M-94 Marlboro Estates Community Parking District

(a) *District Designation.*

- (1) The restricted parking area is designated as the Marlboro Estates Community Parking District.
- (2) Blocks included in the Marlboro Estates Community Parking District are described below:

Deer Drive (Route 2059)

From Poppy Drive to Blue Star Drive.

Poppy Drive (Route 2662)

From Great Falls Street to Deer Drive.

(b) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Marlboro Estates Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for

the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

- (c) *Signs.* Signs delineating the Marlboro Estates Community Parking District shall indicate community specific identification and/or directional information, if applicable, in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles ≥ 3 Axles
Vehicles GVWR $\geq 12,000$ lbs.
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B

Fairfax County Department of Transportation

Marlboro Estates
Community Parking District (CPD)

Dranesville District



Tax Map: 30-4

Tax Map: 40-2

Proposed CPD Restriction

Board Agenda Item
March 22, 2022

4:00 p.m.

Public Hearing on the Draft Proposed One-Year Action Plan for FY 2023

ISSUE:

Public hearing before the Fairfax County Board of Supervisors (Board) on the draft of the Proposed One-Year Action Plan for FY 2023 (draft Annual Action Plan), as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board forward comments received on the draft Annual Action Plan to the CCFAC for its consideration before the CCFAC makes its final recommendation to the Board for action on May 10, 2022.

TIMING:

Board action on the draft Annual Action Plan is scheduled for May 10, 2022.

BACKGROUND:

Fairfax County (County) is required to prepare a five-year consolidated plan (a consolidated plan) to disclose to County residents and to the U.S. Department of Housing and Urban Development (HUD) the County's affordable housing and community development goals during the period and the intended uses of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) funds (collectively, the Federal Funds) to achieve the identified goals. The County is also required to file a one-year action plan (an annual action plan) for each year covered by the consolidated plan to disclose the County's intended use of the expected Federal Funds and the consolidated plan goals that are expected to be achieved in that year. The consolidated plan and annual action plans each identify and describe a wide range of needs, current programs and strategies, and gaps and priorities for housing, community services, homelessness, community development, neighborhood preservation and revitalization, employment and economic opportunity programs, and other services in the County. FY 2023 will be the second year covered by the Five-Year Consolidated Plan for FY 2022 – FY 2026, adopted by the Board on May 4, 2021.

Board Agenda Item
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On January 11, 2022, the CCFAC authorized the release of the draft Annual Action Plan for a public comment period. On February 8, 2022, the Board authorized advertisement and scheduling of a public hearing on the draft Annual Action Plan to be held on March 22, 2022, at which citizens may express their views on the proposed housing and community development goals, priorities, and needs, as well as the proposed use of funds. The public comment period will end at the conclusion of the Board's public hearing.

Funding estimates used in the draft Annual Action Plan are based on the grant awards received from HUD for FY 2022. The estimates are used to allow citizen participation in the preparation of the draft Annual Action Plan pending receipt of HUD notification of the actual funding awards for FY 2023. The draft Annual Action Plan also includes a HUD-mandated contingency plan (Contingency Plan) that describes how the allocations of the estimated Federal Funds are to be adjusted after HUD notice of the actual awards for FY 2023 has been received. Upon receipt of the HUD notice, HCD staff will make the adjustments to the draft Annual Action Plan based on instructions provided in the Contingency Plan.

The draft Action Plan includes a total \$8,811,973 estimated allocation of Federal Funds to the County for FY 2023, as follows:

- \$6,128,149 in CDBG
- \$2,175,471 in HOME
- \$508,353 in ESG

The draft Annual Action Plan further includes a total \$322,520 in estimated funding, as follows:

- \$74,314 in CDBG carryover
- \$248,206 in appropriated program income, which includes:
 - \$95,498 in CDBG
 - \$152,708 in HOME

After the end of the public comment period, the CCFAC will consider all comments received and will forward its Proposed Annual Action Plan to the Board for final action on May 10, 2022.

STAFF IMPACT:

None. No positions will be added as a result of this action.

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FISCAL IMPACT:

Funds identified in the draft Annual Action Plan include CDBG (\$6,128,149), HOME (\$2,175,471), and ESG (\$508,353). A total of \$74,314 in CDBG funds is recommended to be carried forward from FY 2022 for use in FY 2023, as allocated. In addition, an as-yet-undetermined amount of previously programmed funds is expected to be carried forward as previously allocated. Total estimated program income of \$248,206, including CDBG program income of \$95,498 and HOME program income of \$152,708, also will be programmed for use in FY 2023 through this action.

ENCLOSED DOCUMENTS:

Attachment 1: The Proposed One-Year Action Plan for FY 2023 is available on-line at <https://www.fairfaxcounty.gov/housing/data/consolidated-plan>

STAFF:

Christopher Leonard, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Teresa Lepe, Special Assistant to the Director, HCD
Ryan Sherriff, Director, Real Estate Finance and Grants Management, HCD
Laura O. Lazo, Associate Director, Grants Management (GM), HCD
Beverly A. Moses, Senior Program Manager, GM, HCD

Board Agenda Item
March 22, 2022

4:00 p.m.

Public Comment on Issues of Concern