| <u>AGENDA</u> | | January 27, 2015 |
|---------------|----------------------|--|
| 9:30 | Done | Presentations |
| 10:30 | Done | Presentation of the EAC Don Smith Award |
| 10:35 | Done | Presentation of the Fairfax County Board of Supervisors' Strategic Plan to Facilitate the Economic Success of Fairfax County |
| 10:40 | Report Adopted | Report on General Assembly Activities |
| 10:50 | Done | Board Appointments |
| 11:00 | Done | Items Presented by the County Executive |
| | ADMINISTRATIVE ITEMS | |
| 1 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Graham Residential Permit Parking District, District 34 (Providence District) |
| 2 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Sunset Manor Residential Permit Parking District, District 18 (Mason District) |
| 3 | Approved | Authorization to Advertise a Public Hearing to Establish the Cardinal Forest II Community Parking District (Braddock District) |
| 4 | Approved | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District) |
| 5 | Deferred | Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Ravensworth Road (Mason District) |
| 6 | Approved | Approval of Traffic Calming Measures and "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Sully District) |
| 7 | Approved | Discontinuance of a Portion of Route 4882 (Smallwood Court) from the Secondary System of State Highways (Sully District) |
| 8 | Approved | Authorization to Advertise a Public Hearing for Approval of the Update to the County's Solid Waste Management Plan |
| 9 | Approved | Streets into the Secondary System (Sully District) |

| | ADMINISTRATIVE ITEMS (Continued) | |
|-------|---|--|
| 10 | Approved | Appointment of Members to the Fairfax-Falls Church Community Policy and Management Team |
| 11 | Approved | Authorization of a Public Hearing on a Proposal to Vacate, Abandon, and Discontinue Anderson Lane (Mount Vernon District) |
| | ACTION ITEMS | |
| 1 | Approved | Renewal of the Memorandum of Understanding Between the Board of Supervisors and the Southeast Fairfax Development Corporation, Inc. (Lee and Mount Vernon Districts) |
| 2 | Deferred | Approval of a Parking Reduction for Lake Anne Village Center (Hunter Mill District) |
| | INFORMATION ITEMS | |
| 1 | Noted | Northern Virginia Transportation Authority Fiscal Year 2014 Program Update |
| 11:10 | Done | Matters Presented by Board Members |
| 12:00 | Done | Closed Session |
| 3:00 | Held | Annual Meeting of the Fairfax County Solid Waste Authority |
| | PUBLIC HEARINGS | |
| 3:30 | Decision deferred to 3/3/15 | Public Hearing on Proposed Compensation Adjustments to \$95,000 for Members of the Board of Supervisors and to \$100,000 for the Chairman, Effective January 1, 2016 |
| 3:30 | Approved | Public Hearing on SE 2014-MV-026 (Shazia Younis DBA Childrenzone Home Child Care) (Mount Vernon District) |
| 3:30 | Approved | Public Hearing on SE 2014-MV-041 (Northern Virginia Radio Control Club) (Mount Vernon District) |
| 3:30 | Public hearing deferred to 2/17/15 at 3:30 p.m. | Public Hearing on SE 2014-MV-045 (Zahida Babar DBA Azeem Day Care Home) (Mount Vernon District) |

| PUBLIC HEARINGS | | | | |
|------------------------|--|--|--|--|
| (Continued) | | | | |

| 3:30 | Public hearing deferred to 2/17/15 at 3:00 p.m. | Public Hearing on SE 2014-SU-059 (Chantilly Plaza LLC) (Sully District) |
|------|--|--|
| 4:00 | Public hearing deferred to 2/17/15 at 4:00 p.m. | Public Hearing on RZ 2014-MA-011 (Spectrum Development, LLC) (Mason District) |
| 4:00 | Public hearing deferred to 2/17/15 at 4:00 p.m. | Public Hearing on SE 2014-MA-013 (Spectrum Development, LLC) (Mason District) |
| 4:00 | Public hearing deferred to 2/17/15 at 3:00 p.m. | Public Hearing on DPA A-502-07 (Lake Anne Development Partners LLC) (Hunter Mill District) |
| 4:00 | Public hearing deferred to 2/1715 at 3:00 p.m. | Public Hearing on PRC A-502-03 (Lake Anne Development Partners LLC) (Hunter Mill District) |
| 4:00 | Public hearing deferred to 2/17/15 at 3:00 p.m. | Public Hearing on PCA A-502 (Lake Anne Development Partners LLC) (Hunter Mill District) |
| 4:00 | Approved | Public Hearing to Amend the Deed of Lease with Inova Health Care Services for 8221 Willow Oaks Corporate Drive (Providence District) |
| 4:30 | Approved | Public Hearing on SE 2014-MV-020 (Kausar S. Mirza D/B/A Funland Mini Center) (Mount Vernon District) |
| 4:30 | Approved | Public Hearing on a Proposed Amendment to the Public Facilities Manual Regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and Proposed Revisions to the Pro Rata Share Agreement Form |
| 4:30 | Deferred Decision to 3/3/15 so that record remains open for 30 days | Public Hearing Pertaining to the Conveyance of Board-Owned Property and to Consider a Proposed Comprehensive Agreement Among the Board of Supervisors, Lake Anne Development Partners, LLC, and Community Preservation and Development Corporation for the Redevelopment of the Crescent Property and Other Parcels in the Lake Anne Village Center (Hunter Mill District) |
| 4:30 | Deferred Decision to 3/3/15 so that record remains open for 30 days | Public Hearing Pertaining to the Conveyance of Board-Owned Property and to Consider a Proposed Comprehensive Agreement with Wesley-Hamel Lewinsville LLC for the Redevelopment of the Lewinsville Senior Center and Daycare Property (Dranesville District) |

PUBLIC HEARINGS (Continued)

| 4:30 | Approved | Public Hearing on SE 2014-MA-015 (Afghan Academy Inc) (Mason District) |
|------|----------|--|
| 5:00 | Approved | Public Hearing on RZ 2012-MV-015 (McShay Communities, Inc) (Mount Vernon District) |

REVISED



Fairfax County, Virginia BOARD OF SUPERVISORS AGENDA

Tuesday January 27, 2015

9:30 a.m.

PRESENTATIONS

Presentation to Fairfax County of a check from the United Way of the National Capital Area representing the amount that was contributed through the Fairfax-Falls Church Community Impact Fund in 2014.

- CERTIFICATE To recognize Tawny Hammond, director of the Fairfax County Animal Shelter, and Animal Control Officer Enna Lugo, for being selected to receive Animal Service Awards from the Washington Metropolitan Council of Governments. Requested by Chairman Bulova.
- PROCLAMATION To designate February 2015 as Teen Dating Violence Awareness Month in Fairfax County. Requested by Supervisors Gross and Cook.
- PROCLAMATION To designate February 2015 as African-American History Month in Fairfax County. Requested by Chairman Bulova.

— more —

 RESOLUTION – To recognize the staff from the Noman M. Cole Jr. Pollution Control Plant for receiving 16 consecutive Platinum Peak Performance Awards from the National Association of Clean Water Agencies. Requested by Supervisor Hyland.

STAFF:

Tony Castrilli, Director, Office of Public Affairs Bill Miller, Office of Public Affairs

10:30 a.m.

Presentation of the Don Smith Award

$\frac{ {\sf ENCLOSED\ DOCUMENTS}}{ {\sf None}.}$

PRESENTED BY:

Randy R. Creller, Chairperson, Employee Advisory Council (EAC)

10:35 a.m.

Presentation of the Fairfax County Board of Supervisors' Strategic Plan to Facilitate the Economic Success of Fairfax County

<u>ENCLOSED DOCUMENTS</u>:
Attachment 1: Draft Strategic Plan available online at: http://www.fairfaxcounty.gov/success/strategic-plan-facilitate-economic-success-2015.pdf

PRESENTED BY:

Robert A. Stalzer, Deputy County Executive

10:40 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:
None. Materials to be distributed to the Board of Supervisors on January 27, 2015

PRESENTED BY:

Supervisor Jeff McKay, Chairman, Board of Supervisors' Legislative Committee Edward L. Long Jr., County Executive



County of Fairfax, Virginia

MEMORANDUM

DATE:

January 27, 2015

TO:

Board of Supervisors

FROM:

Edward L. Long, Jr., County Executive

SUBJECT:

2015 Legislative Report No. 1—Board Legislative Committee Meeting of

January 23, 2015

The regular 2015 Session of the Virginia General Assembly convened on January 14, 2015 and is scheduled to adjourn on February 28, 2015. This is a "short" session of 45 days.

The 2015 General Assembly has been very active and the volume of legislation is comparable to years past. As of January 24, 2,270 bills and resolutions have been introduced. The majority of this legislation remains in various subcommittees and is expected to move forward in the coming weeks.

The Legislative Committee met on January 23 to consider several issues of importance to the County, and the Committee offers the following report and recommendations for action to the Board.

Legislative Committee Actions of January 23, 2015:

Members Present:

Legislative Chairman McKay

Chairman Bulova Supervisor Cook Supervisor Foust Supervisor Gross Supervisor Herrity Supervisor Hudgins Supervisor Smyth

> Office of the County Executive 12000 Government Center Parkway

> > Suite 552

Phone: (703) **324**-2531, TTY 711 Fax: (703) 324-3956

www.fairfaxcounty.gov

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Specific Issues

<u>Budget Update</u>: The Committee received a chart on budget proposals submitted in the 2015 General Assembly for FY 2015 and FY 2016. More detailed information may be found in the chart provided on handwritten pages 50-57 of the attachments to this memorandum.

Legislation on Sexual Assault on College Campuses: The Committee received a brief overview of relevant bills. Staff recommend supporting SB 981 (Favola), SB 1329 (Garrett), and HB 1508 (Sullivan) which address referring victims to supportive services. Staff also recommended supporting HB 1343 (Filler-Corn) and HB 1785 (Massie), which require the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation. More detailed information may be found in the "Bills Regarding Sexual Assault on College/University Campuses" handout provided on handwritten pages 58-61 of the attachments to this memorandum.

<u>Child Care Licensing</u>: The Committee was briefed on state child care licensing standards/process as well as the County child care permit standards/process, and discussed numerous child care licensing bills. The Committee expressed support for GA members' efforts to establish statewide standards, and emphasized the importance of maintaining the County's current standards for child care which differ from state standards. More detailed information may be found in the "Child and Family Day Care Bills" handout provided on handwritten pages 62-65 of the attachments to this memorandum.

<u>Transportation Funding:</u> The Committee was briefed on HB 1887 and discussed how the bill's proposed funding allocation differs from current and past allocations. More detailed information may be found in the "HB 1887- Omnibus Transportation Bill Summary" handout provided on handwritten pages 66-73 of the attachments to this memorandum.

<u>Ethics Reform:</u> The Committee received two handouts on bills pertaining to ethics and conflicts of interest (see handwritten pages 74-85).

Priority Principles for Reviewing Legislation

- 1. Adequately fund K-12 education.
- 2. The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.
- 3. Restore the funding partnership between the state and localities with adequate state funding.
- 4. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.

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Specific Legislation

Historical Positions of the Board

SUPPORT

HB 1865 (Kilgore, T.G.) (HRUL)/ **SB 1140** (Garrett, T.S.) (SRUL) requires local fiscal impact bills to be introduced no later than the first day of the session. <u>Support.</u> (15102723D, 15102531D)

HJ 495 (Surovell, S.) (HPE)/ **SJ 216** (Ebbin, A.) (SPE) ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Support. (15100137D, 15100396D)

SB 785 (McEachin, A.D.) (SGL) prohibits discrimination in public employment based on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a special disabled veteran or other veteran. Support. (15103001D)

SB 821 (Miller, J.) (SEH) repeals the Opportunity Educational Institution. <u>Support.</u> (15101219D)

Elections

SB 708 (Edwards, J.) (SPE)/ **SB 719** (McWaters, J.) (SPE)/ **SB 758** (Barker, G.) (SPE)/ **SB 822** (Miller, J.) (SPE)/ **SB 910** (Wexton, J.) (SPE)/ **HB 1922** (Murphy, K.) (HPE)/ **HB 2252** (Preston, J.) (HPE) entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. <u>Support.</u> (15100901D, 15100753D, 15101639D 15101175D 15100480D 15101429D, 15102278D)

HB 1394 (Herring, C.) (HPE) /**HB 1992** (Morrissey, J.) (HPE) allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail. Support. (15102576D, 15102436D)

Human Services

SB 1054 (Hanger, Jr., E.) (SRSS) provides that the Comprehensive Services for At-Risk Youth and Families (CSA) shall promulgate regulations necessary to carry out its powers and duties. The bill contains technical amendments. Places CSA under the Administrative Process Act. Support. (15100962D)

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Net Metering

SB 764 (Edwards, J.) (SCL) increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act. Support. (15101229D)

SB 833 (Edwards, J.) (SCL) increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act. Support. (15103022D)

HB 1622 (Sullivan, R.) (HLC) increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's residential customer that may be eligible for participation in the utility's net energy metering program from 20 kilowatts to 40 kilowatts. The measure also increases the maximum generating capacity of such a facility owned or operated by a nonresidential customer that may be eligible for participation in such a program from 500 kilowatts to one megawatt. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act. Support. (15102542D)

HB 1636 (Minchew, J.R.) (HLC) directs the State Corporation Commission to establish by regulation a program that affords community subscribers and community subscriber organizations the opportunity to participate in net energy metering. A community subscriber is a retail customer of an electric utility who owns a subscription in a community generation facility and receives on-bill credits for each kilowatt hour of energy produced by their portion of the community generation facility. The subscriber's premises is required to be located in the service territory of the utility in which the community generation facility is located or a neighboring county. A community generation facility is an electrical generating facility that uses as its total source of fuel renewable energy and has a capacity of not more than two megawatts. The measure also increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer, or a customer that operates a generation facility as part of an agricultural operation, that may be eligible for participation in the utility's net energy metering program from 500 kilowatts to two megawatts. Support. (15102497D)

Payday Lenders

HB 1973 (Preston, J.) (HLC) provides that a locality may by ordinance reasonably limit the number of motor vehicle title loan businesses, payday lenders, check cashers, and precious

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metals dealers that may be operated at any one time within its territorial limits. The ordinance may limit the number of such establishments based on a specific number of businesses per magisterial or election district or by limiting the number of such businesses within an established radius. Support. (15102274D)

SB 890 (Petersen, C.) (SLG) allows a local zoning ordinance to include reasonable limits on the number of motor vehicle title loan businesses and payday lenders that may be operated at any one time within a zoning district. <u>Support.</u> (15102009D)

Taxation

HJ 520 (Hope, P.) (HPE) exempts from taxation property owned by nonprofit medical clinics organized to provide health care services without charge to the indigent. <u>Amend to provide state funding for this initiative</u>; <u>historical position of the Board</u>. (15100093D)

HB 1762 (Watts, V.) (HFIN)/ SB 1210 (Ebbin) (SFIN) provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. Support. (15102146D, 15103399D)

Transportation

HB 1644 (Villanueva, R.) (HTRAN) provides that the nonlegislative citizen members of the Commonwealth Transportation Board shall be chosen from Virginia's congressional districts instead of from the highway construction districts and retains the five at-large members. As a result, the overall membership of the Board would increase by two. Support. (15102665D)

SB 1279 (Wexton, J.) (STRAN) provides that, subject to certain exceptions, using a handheld personal communications device while operating a moving vehicle, unless such device is used in voice-operated or hands-free mode, is a traffic infraction punishable by a fine of \$125 for a first offense and \$250 for a second or subsequent offense. If a person is using such a device at the same time he (i) violates any traffic offense punishable as a misdemeanor or a felony or (ii) causes an accident as the proximate result of his use of the device, he is guilty of reckless driving, a Class 1 misdemeanor. Currently, only texting while driving is a traffic infraction, subject to the same \$125 and \$250 fines. The bill also eliminates the additional mandatory minimum fine imposed upon a person convicted of reckless driving who was texting while driving at the time of the offense. Support. (15102249D)

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OPPOSE

HB 1293 (Morris, R.) (HACNR) requires the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations. Oppose. (15100024D)

HB 1359 (Campbell, J.) (HMP)/**SB 689** (Black, R.) (SCT) provides for the issuance of concealed handgun permits for Virginia residents that do not expire. Currently, such permits must be renewed every five years. Oppose. (15101524D, 15100379D)

HB 1416 (Taylor, S.) (HCT) provides that neither the taxpayer nor the locality shall have the burden of proof in an appeal of a real property assessment to the circuit court. Oppose. (15101546D)

HB 1744 (Hugo, T.) (HED) requires that the final step in an employee grievance procedure adopted by a local governing body, providing for a hearing before an administrative hearing officer or an impartial panel hearing, be selected by the aggreeved employee. Currently, the selection of this final step requires the agreement of both parties. The bill also permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. The bill contains technical amendments. Oppose. (15103369D)

HB 2163 (Cline, B.) (HMPP) repeals the authority for localities to operate a photo-monitoring system for traffic light enforcement, colloquially known as a "photo red" program. Oppose. (15102674D)

Proffers

SB 1257 (Smith, R.) (SLG) repeals the July 1, 2017, expiration of a 2010 Act of Assembly that delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy. Oppose. (15102679D)

SB 1065 (Obenshain, M.) (SLG) removes the July 1, 2017, expiration of a current law that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions protecting a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance. In addition, the bill repeals the July 1, 2017, expiration of a 2009 act of assembly that lowered the cap on the administrative costs a locality could charge a developer for the dedication of a public right-of-way from 25 percent to 10 percent of the estimated construction cost. Oppose. (15101705D)

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SB 726 (Cosgrove, J.) (SLG) removes the July 1, 2017, expiration of a Code section that delays the payment of certain per-dwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions barring the assertion of a cause of action to enforce a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance. Oppose. (15100983D)

New Bills-2015 General Assembly

HB 1352 (Ramadan, D.) (HFIN) allows a deduction from gross receipts for amounts paid by the licensee to persons who are not employees pursuant to a subcontract between the licensee and such other persons. The deduction would become effective beginning with the 2016 license year. Oppose. (15100249D)

HB 2066 (Keam, M.) (HGL) provides that it is the policy of the Commonwealth that public libraries are deemed to provide an essential service to the communities of the Commonwealth. <u>Monitor</u>. (15101262D)

HB 2097 (Keam, M.) (HCT) provides that when the court refers the parties in a condemnation proceeding to a dispute resolution orientation session, the court shall also provide the name of a single independent appraiser to determine the fair market value of the property in question. Oppose. (15101473D)

SB 761 (Edwards, J.) (Senate Floor) requires an insurance company to disclose the address of an alleged tortfeasor upon request of an injured person, personal representative, or attorney in a cause of action for personal injury or wrongful death due to a motor vehicle accident, if such address has not previously been disclosed. The bill also changes the requirement that an insurance company disclose the limits of liability at the time of the accident for any insurance policy that may be applicable to the claim such that the total of "available" rather than "all" medical bills and wage losses equals or exceeds \$12,500. Amend to clarify that the business address is acceptable for County employees acting in their official capacity. (15100871D)

SB 1017 (Dance, R.) (SGL) prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that bears a rational relationship to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted bears a rational relationship to the duties and responsibilities of the position. The prohibition

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does not apply to applications for employment with law-enforcement agencies, fire departments, and emergency medical services agencies. The bill also authorizes localities to prohibit such inquiries. <u>Support.</u> (15100207D)

SB 1026 (Garrett, T.S.) (SRUL) requires political subdivisions composed of, or managed or controlled by, one or more counties, cities, towns, or other local or regional political subdivisions to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account. Oppose. (15102649D)

Asset Forfeiture

HB 1287 (Cole, M.) (HCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals. Support referring bill to Crime Commission, similar to companion SB 684. (15100438D)

SB 684 (Carrico, Sr., C.) (SCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals. Support referring bill to Crime Commission for study. (15100578D)

Licensing of Child and Family Day Care

HB 2023 (BaCote, M.) (HHWI) / SB 1123 (Barker, G.) (SRSS) requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Fund. Support with amendment to grandfather locally permitted programs. (15102479D, 15102477D)

HB 1552 (Filler-Corn, E.) (HHWI) Establishes a national criminal history record check requirement for licensure as a child welfare agency, for approval as a family day home by a family day system, for approval as a foster or adoptive parent; for employment or to volunteer at a child welfare agency or family day home; and for all adults residing in a home in which a family day home is operated. The bill requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted. Support with amendment to grandfather locally permitted programs. (15101077D)

SB 818 (Favola, B.) (SRSS) requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only

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family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted. Support with amendment to grandfather locally permitted programs. (5100846D)

HB 2046 (Filler-Corn, E.) (HHWI) requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted. Support with amendment to grandfather locally permitted programs. (15101349D)

SB 780 (Favola, B.) (SRSS)/ SB 1124 (Barker, G.) (SRSS)/ HB 1929 (Anderson, R.) (HHWI) provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure. Monitor. 15100664D, 15102490D, 15102492D

Courts

HB 1388 (Albo, D.) (HCT)/ SB 736 (Howell, J.) (SCT) increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse security. Support. (15100425D, 15102438D)

HB 1560 (Rust, T.) (HCT)/ SB 888 (Petersen, C.) (SCT) allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court, to be used for the implementation and maintenance of an electronic summons system. Support. (15101955D, 15102002D)

HB 1630 (Lingamfelter, L.S.) (HCT)/ SB 903 (Puller, T.) (SFIN) establishes the Problem-Solving Court Act (the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal re-entry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). Support. (15102024D, 15103948D-S1)

SB 731 (Marsden, D.) (SCT) allows entities who have a contract with a juvenile and domestic relations district court to provide restorative justice services to inspect the police records of juveniles who are participating in the program or who have been identified by law-enforcement as possible participants. <u>Support.</u> (15100292D)

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Drones

HB 2017 (Surovell, S.) (HCT) provides that a locality may by ordinance regulate the use of privately owned, unmanned, autonomous aircraft within its boundaries. Such ordinance may place reasonable restrictions on the time, place, and manner of use of such aircraft. <u>Monitor.</u> (15100618D) (Substitute being drafted.)

Education

HB 1514 (Minchew, J.R.) (HED) requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" (LCI) utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestral production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a localland-use plan or local ordinance for such valuation and taxation. Oppose. (15102516D)

SB 1091 (Vogel, J.) (SEH) directs the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation. Oppose. (15102756D)

HJ 514 (Webert, M.) (HRUL)/ SJ 288 (Vogel, J.) (SRUL) requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values. Monitor. Broader study of LCI is needed, to include factors such as cost of living, rather than individual components. (15100853D, 15103715D)

HB 2004 (Torian, L.) (HED) requires local school boards to employ at least one school nurse per 750 students in average daily membership in grades kindergarten through 12. <u>Oppose</u>. <u>Potential fiscal impact is \$17 million to Fairfax County</u>. (15102507D)

HJ 536 (Lingamfelter, L.S.) (HPE) allows lottery proceeds to be appropriated from the Lottery Proceeds Fund to public institutions of higher education for purposes of providing education and employment training for veterans who have been honorably discharged from an active or reserve component of the United States armed forces or the Virginia National Guard and who

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are domiciled in the Commonwealth. <u>Oppose</u>; concern about diversion of funding from K-12. (15100006D)

Elections

HB 1497 (Sullivan, Jr., R.) (HPE) allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. This bill removes the current list of statutory reasons a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section. It repeals several sections, including one section made obsolete by the expansion of federal write-in absentee ballots to all elections. Support. (15101185D)

SB 1061 (Obenshain, M.) (SPE) requires electronic pollbooks to contain a photograph and identifying information received by the State Board of Elections from the Department of Motor Vehicles for each registered voter for whom the Department of Motor Vehicles has such a photograph and identifying information. The bill requires the officer of election to access the photograph and identifying information when the voter presents himself to vote and to challenge the voter's vote if the voter does not appear to be the same person depicted in the photograph in the pollbook. The bill has a delayed effective date of July 1, 2016. Oppose. (15100744D)

SB 742 (Carrico, Sr., C.) (SPE) require that when no candidate for an office receives more than 50 percent of the total votes cast at the general election for that office, a run-off election between the candidates receiving the highest and next-highest number of votes for that office shall be held. Monitor. (15101178D)

SB 935 (Wexton, J.) (SLG) moves the date of election of the mayor and members of the Herndon town council from May to November beginning with the election of November 2016 and extends the terms of those in office as of July 2016 until December 31, 2016. The bill also provides for the election of a vice mayor at the first regular town council meeting in January following a municipal election. Support. (15102253D)

Health and Human Services

HB 2033 (Byron, K.) (HLC) makes several changes to coordinate the delivery of workforce development and training programs and activities at the state, regional, and local levels. Changes include (i) creating the Workforce Development Consortium to administer the coordinated implementation of programs and activities under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014, (ii) requiring a regional convener of workforce development partners, (iii) establishing minimum levels of fiscal support for workforce credential attainment, and (iv) utilizing WIOA reserve funds for incentive programs to increase workforce credential attainment. Oppose unless amended to provide for flexibility in requirement to spend 40 percent of state funds on training. (15103265D)

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SB 1148 (Stuart, R.) (SCT) adds travel to and from a scheduled job interview or the office of the Virginia Employment Commission for the purpose of seeking employment to the list of purposes for which a court may issue a restricted driver's license. Support and amend to include travel to and from training for employment. (15102004D)

Northern Virginia Veterans Care Center

HB 1276 (Cox, M.K.) (HAPP) provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$59.9 million in federal funds to the project. Monitor. (15100105D)

SB 675 (Puller, T.) (SFIN) provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$59.9 million in federal funds to the project. Monitor. (15100218D)

Land Use

HB 1708 (Marshall, R.) (HCL) requires that a zoning ordinance shall provide that any proposed data center that will require utilization of a 230 kilovolt electrical transmission line shall be located only in an area zoned for industrial use. However, if a zoning ordinance authorizes a data center, or similar land use, that will require utilization of a 230 kilovolt or greater electrical transmission line outside of an area zoned for industrial use, any electrical transmission lines that support such a land use and that are located at a distance greater than 300 feet from an existing electrical transmission line shall be placed underground at the expense of the owner of the data center. Oppose. (15103531D)

HB 1849 (Marshall, D.W.) (HCCT) changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements. Oppose. (15101133D)

HB 2262 (Morris, R.) (HCCT) provides that upon request of the applicant, the local planning commission shall designate an officer or employee who shall (i) advise the applicant of the feasibility of the applicant's rezoning request and (ii) provide a list of all required or anticipated materials, assessments, surveys, or reports that will be required of the applicant before

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consideration of the rezoning request. The bill provides that such information, while not constituting early approval of the applicant's rezoning plan, shall be deemed a preliminary approval of the plan pending fulfillment of any preapproval requirements. Oppose. (15103259D)

SB 1011 (Stuart, R.) (SLG) allows a locality to use a cash payment voluntarily proffered by a landowner to purchase development rights within the locality in accordance with the comprehensive plan and local ordinances allowing for the transfer of development rights. The bill provides that the locality seeking to purchase such rights must first notify the proffering landowner and conduct a public hearing. Following the hearing, the locality is required to find that the purchase is in accordance with the local ordinance allowing the transfer of development rights, the rights to be purchased are within the areas identified in the comprehensive plan for land conservation, and the purchase is in the public interest. The bill contains technical amendments. Support. (15101258D)

SB 1272 (Deeds, C.) (SRSS) creates a limited distiller's license for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) grow agricultural products on the farm that are used in the manufacture of its alcoholic beverages. The bill also establishes local and state taxes for limited distillers' licenses and prevents local regulation of certain activities by such licensees. Oppose. (15102005D)

Legislation on Sexual Assault on College Campuses

SB 981 (Favola, B.) (SEH)/ SB 1329 (Garrett, T.) (SEH) requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status. Support. (15101757D, 15103641D)

HB 1508 (Sullivan, R.) (HCT) requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that mandate the referral of a sexual assault victim to the sexual assault crisis center, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who are concerned that an official report might jeopardize their academic status. Support. (15102669D)

HB 1343 (Filler-Corn, E.) (HCT)/ HB 1785 (Massie, J.) (HCT) requires that mutual aid agreements between campus police force and law-enforcement agencies contain provisions

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requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation. <u>Support.</u> (15101213D, 15101919D)

Public Safety

HB 1670 (Berg, M.) (HAPP) provides that sheriffs shall always serve as the chief law-enforcement officer of a locality and receive funding in an amount as provided in the general appropriation act to perform in that capacity. The bill also provides that a locality may still establish a police department. Oppose. (15102780D)

SB 925 (Edwards, J.) (SLG) allows a locality having its own school district or school system to provide by ordinance for the establishment of a school zone speed limit photo-enforcement system imposing monetary liability on the operator of a motor vehicle for failure to comply with the speed limit in a school zone or school crossing in such locality. Proof of a violation of this section shall be evidenced by information obtained from a school zone speed limit photoenforcement system. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs. Support with amendment to remove strict liability civil penalty. (15102657D)

Taxation

HB 1410 (Marshall, R.G.) (HAPP) reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass a law permitting the Commonwealth to require out-of-state sellers to collect and remit sales and use tax. Oppose. (15102019D)

HB 1576 (Pogge, B.) (HFIN) permits the taxpayer to submit the valuation of an owner-occupied dwelling to binding arbitration in lieu of an appeal to court. Oppose. (15101153D)

HJ 597 (Hugo, T.D.) (HPE) provides that the General Assembly may provide a real property tax exemption for the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel

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killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried. Amend to provide for state funding for this initiative. (15101096D)

HB 1294 (Morris, R.) (HFIN) exempts churches, religious associations, and religious denominations from all state and local taxes, fees, and other charges. Oppose. (15100044D)

HB 1721 (Ramadan, D.) (SFIN) exempts from taxation the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action regardless of the value of the residence. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly enacted legislation exempting from taxation the principal residence of such surviving spouse, provided that the assessed value of the residence was not in excess of the averaged assessed value of dwellings in the county or city situated on property zoned as single family residential. The bill exempts the principal residence of any such surviving spouse regardless of assessed value. Subdivision (b) of Section 6-A of Article X provides that the exemption will cease if the surviving spouse remarries. Amend to support as a state tax credit. (15101172D)

SB 796 (Lucas, L.) (SLG) removes the requirement that a county food and beverage tax be approved by a referendum before the county may pass an ordinance. <u>Support. Consistent with County principles for revenue diversification.</u> (15101941D)

HB 1310 (Krupicka, K.R.) (HFIN) creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.40 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited. Support. (15100391D)

SB 1004 (Ebbin, A.) (SFIN) creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.18 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited. Support. (15102363D)

Transportation

HB 1317 (Campbell, J.) (HCT) raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. Oppose. (15100416D)

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HB 2095 (Keam, M.) (HFIN) requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise. Oppose. (15101728D)

SB 1023 (Stuart, R.) (STRAN) includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process. The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the Commonwealth Transportation Board and to make necessary recommendations regarding the process to the General Assembly. Oppose. (15103232D)

HB 1886 (Jones, C.) (HTRAN) establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Steering Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected. Support with amendment to clarify high/medium/low risk levels. (15103395D)

SB 781 (Alexander, K.) (Senate Floor) allows drivers to pass pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely. The bill also relocates a definition from the end of the section to the beginning for clarity. <u>Monitor.</u> (15104053D-S1)

Hampton Roads Transportation Accountability Commission (HRTAC)

HB 1510 (Ward, J.) (HTRAN) provides that population estimates used by the Hampton Roads Transportation Accountability Commission in making its decisions shall be those projections made by the Weldon Cooper Center for Public Service of the University of Virginia. Current law provides for use of the most recent decennial census in determining such population estimates until the fifth year following each census and then using adjusted projections made by the Center. Monitor. (15101718D)

HB 1760 (James, M.) (HTRAN)/ **SB 743** (Lucas, L.) (SRUL) allows the chief elected officer of each locality within Planning District 23 to have a representative from the same governing body serve on the Hampton Roads Transportation Accountability Commission. <u>Monitor.</u> (15102902D, 15101573D)

Northern Virginia Transportation Authority

HB 1470 (LaRock, D.) (HTRAN) requires that 70 percent of the revenues received by the Authority under § 33.2-2510 be used by the Authority solely to fund transportation projects

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selected by the Authority that are contained in the regional transportation plan in accordance with § 33.2-2500 and that have been rated in accordance with § 33.2-257. Oppose. (15100978D)

- HB 1525 (Minchew, J.R.) (HFIN) requires the Department of Taxation to provide to the Northern Virginia Transportation Authority (NVTA) the methodology it uses in calculating, and an itemized accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax revenue otherwise due to the NVTA. <u>Support.</u> (15102761D)
- HB 1529 (Berg, M.) (HAPP) provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015. Monitor. (15102351D)
- HB 1915 (LeMunyon, J.) (HTRAN)/ SB 1314 (Marsden, D.) (STRAN) requires the Northern Virginia Transportation Authority to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan. Oppose. (15103478D, 15103670D)
- HB 2170 (Minchew, J.R.) (HTRAN) transfers the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority. Oppose. (15102863D)
- **SB 921** (Wexton, J.) (STRAN) adds towns to the list of localities whose transportation projects can benefit from revenues from the Northern Virginia Transportation Authority. The bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive revenues from NVTA. Oppose. (15102245D)
- **SB 1033** (Wexton, J.) (STRAN) increases the membership of the NVTA by one nonlegislative member to represent towns that receive funds for urban highway systems. Oppose. (15102244D)

Utilities

HB 1424 (Marshall, D.W.) (HCCT)/ SB 868 (Chafin, B.) (SLG) repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The provision being repealed also prohibits a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the

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delinquency as long as the landlord has paid the charges for which he is liable. Oppose. (15101131D)

Water

SB 1154 (Wexton, J.) (SACNR) requires any person who unlawfully discharges any deleterious substance into state waters to notify the Department of Environmental Quality (the Department) and the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice and gives the person a choice between notifying the State Water Control Board (the Board), the Director of the Department, or the local emergency services coordinator. The bill also requires the Board or the Department to provide each report of a discharge to local newspapers, television stations, and radio stations within 24 hours of receiving it. Oppose. (15102514D)

SB 1201 (Wagner, F.) (SACNR) directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay Watershed by a locality that is a municipal separate storm sewer system (MS4) permittee as a method by which the permittee may meet its pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal under the Chesapeake Bay Watershed Model. The bill also requires that any dredging take place in a navigable waterway within the boundaries of the locality and comply with all applicable laws. Support with amendment to strike "navigable waterway." (15100954D)

Workers' Compensation

HB 1486 (Habeeb, G) (HLC) provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions. Oppose. (15101541D)

SB 770 (McEachin, A.D.) (SCT) provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions. Oppose. (15100341D)

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Studies

HJ 619 (Lingamfelter, L.S.) (HRUL) requests the Department of Rail and Public Transportation to study the efficacy and desirability of extending the Metrorail in Virginia and to report on its findings no later than the first day of the 2016 Regular Session of the General Assembly. Monitor. (15103536D)

HJ 635 (LaRock, D.) (HRUL) requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax. <u>Monitor</u>. (15102420D)

HJ 590 (Ramadan, D.) (HRUL) requests the Department of Taxation to conduct a study of reimbursement payments to localities providing tangible personal property tax relief. Oppose. (15101763D)

Legislation Provided for Discussion

HB 2186 (Kory, K.) (HED) requires the Board of Education's minimum standards for the erection of or addition to public school buildings to include the following recommendations for minimum usable site sizes: (i) one acre per 100 students in enrollment and (ii) an additional four acres for elementary schools, 10 acres for middle schools, and 10 acres for high schools. Such standards shall require local school boards to provide the Board with justifications for deviations from such recommendations. Oppose. (15102521D)

License Plate Readers/Privacy

HB 1274 (Farrell, P.) (HCT) provides that no officer of the law or any other person shall search any cellular telephone, tablet computer, portable computer, desktop computer, or other electronic device containing or designed to contain electronic data or digital information except by virtue of and under a warrant issued by a proper officer. Monitor. Board has historically advocated amending bill to apply only to personally-owned devices. (15100087D)

HB 1528 (Berg, M.) (HCT) limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader provided that any information collected shall only be retained for 24 hours and shall only be used for the investigation of a crime or a report of a missing person. The bill provides that any person who sells or uses information collected from a license plate reader by a law-enforcement agency in any unauthorized manner is guilty of a Class 6 felony. Monitor. Retention period in bill may be insufficient. (15101692D)

HB 1673 (Anderson, R.) (HCT) limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and

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organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader, provided that any information collected shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person. Monitor. Retention period in bill may be insufficient. (15102702D)

SB 965 (Petersen, C) (SGL) limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided such information (i) is held for no more than seven days and (ii) is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days such collected information must be purged from the system. Monitor. Retention period in bill may be insufficient. (15103452D)

HJ 578 (Anderson, R.) (HPE) clarifies that the right of the people to be secure against unreasonable searches and seizures of their persons, houses, businesses, lands, papers, and effects applies also to communications and stored personal information and data. Furthermore, the requirement that a warrant particularly describe the place to be searched or the persons or things to be seized is extended to communications, personal information, and data to be accessed. The amendment provides that a person's disclosure to another person of his papers, effects, or electronic communications, personal information, or data is not alone a waiver of this right. The amendment also provides that the people shall have remedies of exclusion and actions for damages and other remedies and that defendants shall not enjoy greater immunity than other citizens of the Commonwealth. Amend to remove immunity clause to preserve existing legislative and judicial authority. (15102466D)

Transportation

Transportation Funding

HB 1887 (Jones, C.) (HTRAN) The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants.

The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements.

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The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB.

The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB.

The bill provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act. Support with amendments to: provide/retain local governments' ability to determine where funds will be allocated within their respective jurisdictions; retain the ability of the Transportation Partnership Opportunity Fund to be used for public-private partnerships or tax districts; and clarify that there will not be a negative impact on the Virginia Railway Express. (15103429D)

SB 1274 (Barker, G.) (STRAN) allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995. Monitor. (15102817D)

Transportation Network Companies (TNCs) (Committee will discuss positions on TNC bills at the next Legislative Committee meeting on January 30, 2015. See handout on handwritten pages 86-87 for more information on TNC bills.)

HB 1662 (Rust, T.) (HTRAN) establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including criminal background, driving history, and status on the sex offender registry.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers, and specifies the nature and limits of the insurance coverage.

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The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an annual fee of \$50 per TNC partner vehicle, an initial TNC license fee of \$70,000, and an annual license renewal fee of \$3,000. The bill requires DMV to review the fee structure and report by December 1, 2016. (15102707D)

HB 1981 (Hugo, T.) (HTRAN) establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including criminal background, driving history, and status on the sex offender registry.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; and have a maximum seating capacity of no more than seven persons, excluding the driver. The bill further requires that TNC drivers be covered by a specific liability insurance policy. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers, and specifies the nature and limits of the insurance coverage.

The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an initial TNC license fee of \$70,000 and an annual TNC license renewal fee of \$3,000. The bill requires DMV to review the fee structure and report by December 1, 2016. (15103076D)

HB 1933 (Anderson, R.) (HTRAN) provides for the regulation of transportation network companies by the Department of Motor Vehicles. (15103075D)

SB 1025 (Watkins, J.) (STRAN) establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including criminal background, driving history, and status on the sex offender registry.

The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers, and specifies the nature and limits of the insurance coverage.

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The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an annual fee of \$50 per TNC partner vehicle, an initial TNC license fee of \$70,000, and an annual license renewal fee of \$3,000. The bill requires DMV to review the fee structure and report by December 1, 2016. (15103910D-S1)

Legislation Requiring Further Review

HB 1383 (Morris, R.) (HCCT) provides that any appointee of a local governing body to a local board, commission, or committee, whether appointed pursuant to § 15.2-1411 or any other provision of the Code, shall serve at the pleasure of the local governing body and may be removed at any time. (15100849D)

SB 991 (Dance, R.) (SFIN) establishes the Virginia Tourism Growth Incentive Fund to attract new tourism and hospitality projects and expand existing tourism and hospitality projects in the Commonwealth. (15101462D)

HB 1590 (Krupicka, K.R) (HFIN) increases the state (i) cigarette tax rate from \$0.30 per pack to \$2.00 per pack,(ii) the cigarette excise tax on roll-your-own tobacco from 10 percent of the manufacturer's sales price to 60 percent, and tax rate on certain other tobacco products by the same percentage. The additional revenue attributable to the increase in taxes is dedicated to public education. (15102462D)

HB 1828 (Ware, Jr., R.L.) (HACNR) makes several changes to the credit by (i) reducing the maximum amount of tax credits that may be issued in each calendar year from \$100 million to \$85 million beginning in 2015; (ii) reducing the maximum amount of the land preservation tax credit that may be claimed in any year from \$100,000 in taxable year 2014 to \$20,000 in taxable years 2015 and 2016 and \$50,000 for each taxable year thereafter; (iii) requiring that a complete application for tax credit with regard to a conveyance be filed with the Department of Taxation by December 31 of year following the calendar year of the conveyance; and (iv) prohibiting the Department of Taxation from issuing any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed. (15103287D)

HB 1414 (Marshall, R.G.) (HGL) provides that a person shall not be required to perform, assist, consent to, or participate in any action or refrain from performing, assisting, consenting to, or participating in any action as a condition of obtaining or renewing a government-issued license, registration, or certificate where such condition would violate the religious or moral convictions of such person with respect to same-sex marriage or homosexual behavior. (15101161D)

HB 2204 (Jones, C.) (HAPP) revises the Line of Duty Act(the Act) by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System, transferring administration of health insurance benefits under the Act to

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the Department of Human Resource Management, and providing for an administrative appeal process. The bill becomes effective July 1, 2016. (15103624D)

SB 823 (Miller, J.) (SEH) requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2017-2018 school year. (15101177D)

Elections

HB 1312 (Anderson, R.) (HPE)/ SB 691 (Deeds, C.) (SPE) /SB 1077 (Vogel, J.) (SPE) authorizes the State Board of Elections to conduct a pilot program under which one or more localities unanimously approved by the State Board would establish vote centers for use in primary elections instead of operating a polling place for every precinct in the locality. The bill defines "vote center" as a location established by local ordinance where qualified voters from two or more designated precincts are directed to vote. The bill requires the governing body of a locality applying to participate in the pilot program to have the unanimous consent of its local electoral board. The bill also requires the State Board to publish a report on the program by August 15 of any year in which a vote center is used. The provisions of the bill would expire on December 31, 2019. (15100334D, 15100415D, 15101327D)

SB 711 (Edwards, J.) (SPE) requires general registrars to conduct and complete within 30 days of the receipt of precinct lists from the State Board a cross-check of precinct list voters with voter registration data supplied by other states in the interstate cross-check system developed under current law by the State Board. The bill requires the State Board to grant an extension of up to 30 days to complete the cross-check if so requested by a general registrar within 48 hours of initial receipt of the precinct list. The bill requires the general registrars to, at a minimum, compare the Virginia Voter Registration System registration history and Virginia voting history of precinct list voters with the out-of-state registration data provided in the interstate cross-check system and prohibits the cancellation of a voter's registration within 90 days prior to a primary or general election solely on the basis of the interstate cross-check. The provisions of the bill are contingent on funding in a general appropriation act passed in 2015 by the General Assembly that becomes law. (15100897D)

SB 1092 (Vogel, J.) (SPE) reassigns duties of the electoral board related to absentee voting and campaign finance to the general registrars. The bill also requires that the governing bodies of the localities be reimbursed in full for the compensation and expenses of electoral board members and general registrars. (15102713D)

HB 1318 (Campbell, J.) (HPE) requires that any voter submitting his application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device shall submit with his application a copy of one of the forms of identification acceptable under current law. Currently, only a voter who completes his application for an absentee ballot in person is required to show a form of identification. (15100844D)

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HB 1574 (Pogge, B.) (HPE) requires that a person registering to vote provide proof of United States citizenship in a form specified by the State Board of Elections. (15102008D)

HB 2158 (Sickles, M.) (HPE) provides for a quarterly schedule for special elections. Every special election is required to be held on the first Tuesday following the first Monday in February, May, August, or November. The bill requires that (i) a vacancy occurring more than 55 days prior to the date of the next quarterly special election be filled at that next quarterly special election and (ii) a vacancy occurring within the 55 days prior to the date of the next quarterly special election be filled at the second quarterly special election following such vacancy. The bill also amends the deadlines for the quarterly special election dates that do not fall on the date of a May or November general election, by which independent candidates are required to file declarations of candidacy and petitions and political parties are required to nominate candidates. The bill exempts from the quarterly special election schedule and the deadlines for filing by candidates or for nominating candidates, those vacancies in the General Assembly that occur after the date of the November quarterly special election but before the second Wednesday in January and permits such vacancies to be filled at a special election held on any date, provided the date is a Tuesday and the writ otherwise complies with current law. (15101785D)

Environment/Energy

SB 880 (Lewis, Jr., L.) (SLG) allows any locality by ordinance to prohibit retailers from providing disposable plastic bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness and garbage bags that are sold in multiples. (15100695D)

SB 1103 (McWaters, J.) (SLG) allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples. (15101066D)

HB 1446 (Marshall, D.W.) (HCCT) expands the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. The bill also details the priority, enforceability, and other characteristics of the lien, now called a voluntary special assessment lien, that a locality is permitted to place against the property where the clean energy systems are installed. Finally, the bill directs the Department of Mines, Minerals and Energy (DMME) to develop underwriting guidelines for local loans made to finance clean energy improvements. The bill requires DMME to finalize the guidelines by December 1, 2015, incorporating input from certain groups representing real estate, energy efficiency, banking, and other interests or industries and evaluating certain specific criteria. This bill is a recommendation of the Virginia Housing Commission. (15101999D)

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HB 1846 (Marshall, D.W.) (HACNR) Requires owners or operators of electric generating facilities and landfills that manage coal combustion residuals (CCRs) to test private wells and springs located within a radius specified by the Department of Environmental Quality (DEQ) to determine the levels of heavy metals. If the facility or landfill has a liner, leachate controls, and groundwater monitoring, it is exempt from the testing requirement. The tests are to occur in the fourth quarter of each year, unless the owner of the well or spring waives the testing or DEQ determines no further testing is necessary. If the test indicates the presence of heavy metal at a level that exceeds drinking water or water quality standards, the owner or operator of an electric generating facility or landfill is required to report the exceedance within 24 hours of receiving the test results to (i) DEQ; (ii) the Virginia Department of Health (VDH); and (iii) the chief administrative officer of every locality, every private well and spring owner, and every water well systems provider, as well as local media, within the affected area. The owners or operators are also required to develop a response plan to remediate the exceedance and protect human health and the environment, and the plan is to be submitted to DEQ and VDH.

With respect to the reporting of the release of CCRs, the owners or operators are required to report the release to DEQ, VDH, and the local coordinators of emergency services within one hour of learning of the release. Within four hours of the release, the owner or operator also is required to contact the local media in the affected area. Within five days of the release, the owner or operator is required to submit (a) a report describing details of the release and (b) a plan for remediation of the release. The State Water Control Board may require that certain strategies be included in the remediation plan. (15103143D)

Freedom of Information Act (FOIA)

HB 1646 (Pogge, B.) (HCT) provides that in an enforcement action, if the court finds the public body violated certain meeting notice requirements, the court may invalidate any action of the public body taken at such meeting. (15101696D)

HB 2223 (Morris, R.) (HCT) provides that in addition to the civil enforcement provisions of FOIA, any officer, employee, or member of a public body convicted of a willful and knowing violation of certain FOIA provisions is guilty of a Class 1 misdemeanor. (15103258D)

Health and Human Services

SB 773 (McWaters, J.) (SCT) amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. Finally, the bill provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary of the procedures for requesting continued treatment of the minor. (15100950D)

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SB 779 (McWaters, J.) (SCT) increases from 96 to 120 hours the length of time a minor 14 years of age or older who objects to admission for inpatient treatment or who is incapable of making an informed decision may be admitted to a willing mental health facility. The bill also amends the criteria for admitting an objecting minor 14 years of age or older for psychiatric treatment to match the criteria for determining whether a nonobjecting minor or a minor younger than 14 years of age should be admitted. Finally, the bill provides that if a minor 14 years of age or older who did not initially object to treatment objects to further treatment, the mental health facility where the minor is being treated shall immediately notify the parent who consented to the minor's treatment and provide to such parent a summary of the procedures for requesting continued treatment of the minor. (15101087D)

HB 2084 (Peace, C.) (HHWI) extends eligibility for auxiliary grants to include individuals residing in supportive housing, provided the supportive housing provider has entered into an agreement for the provision of supportive housing with the Department of Behavioral Health and Developmental Services. The bill also establishes requirements for providers of supportive housing that enter into agreements with the Department. (15101578D)

HB 2258 (Head, C.) (HHWI) eliminates a requirement that physicians serving as members of screening teams for community-based long-term care services as defined in the state plan for medical assistance be an employee of the Department of Health or the local department of social services; eliminates the requirement that the Department of Medical Assistance Services (the Department) contract with an acute care hospital for institutional screenings for long-term care services as defined in the state plan for medical assistance, so that the Department may but is not required to contract with acute care hospitals for such screenings; and allows the Department to contract with one or more vendors to receive, conduct, track, and monitor requests for all community-based and institutional long-term care screenings. The bill also requires the Board of Medical Assistance Services to promulgate regulations to implement the bill's provisions within 280 days and allows the Board to implement changes necessary to implement the bill's provisions upon its passage and prior to the promulgation of regulations. (15103266D)

Procurement

HB 1835 (Gilbert, C. T.) (HGL) clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of procuring professional architectural or engineering services, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity, public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005, any state agency utilizing job order contracting, and

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the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing on behalf of local public bodies working cooperatively report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting in general, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments and is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. (15101672D)

HB 1540 (Albo, D.) (HGL) clarifies that small purchase procedures include the procurement of construction and that any such procedures shall not waive compliance with the Uniform State Building Code. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order solely for the purpose of providing professional architectural or engineering services that constitute the practice of architecture or the practice of engineering; however, professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job and (b) no more than 25 percent of the construction cost, not to exceed \$60,000, and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The bill removes the provision that allows a public body to discuss nonbinding estimates of total project costs, lifecycle costing, and, where appropriate, nonbinding estimates of price for services. The bill provides that negotiations may be held on proposed terms and conditions set out in the Request for Proposal. The bill also clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, the Department of Small Business and Supplier Diversity; public institutions of higher education having level 2 or 3 authority under the Restructured Higher Education Financial and Administrative Operations Act of 2005; any state agency utilizing job order contracting; and the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies working cooperatively, report their respective experiences and findings relating to (1) the appropriateness and effectiveness of job order contracting in general, (2) the project cost limitations set forth in subsections B and D of §2.2-4303.1 as added by this bill, and (3) the architectural and professional engineering term contract limits set forth in § 2.2-4303.1 to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. The bill contains numerous technical amendments. (15102721D)

HB 1703 (Morefield, J.W.) (HGL)/ **SB 863** (Chafin) (SGL) clarifies that small purchase procedures for purchases not expected to exceed \$100,000 may be used to procure

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construction. Under the bill, where small purchase procedures are adopted for construction, the procedures may not waive compliance with the Uniform Statewide Building Code. (15102851D, 15102336D)

SB 885 (Petersen, C.) (SGL) changes the definition of small business to require the business, together with affiliates, to have 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years. Currently, a small business is required to meet one or the other of these conditions. This bill is a recommendation of the General Laws Special Joint Subcommittee Studying the Virginia Public Procurement Act. (15100878D)

Public Safety

HB 1559 (Rust, T.) (HCT) provides that any responsible person who abuses or neglects an incapacitated adult in a manner so gross, wanton, and culpable as to show a reckless disregard for human life, but whose abuse or neglect does not result in serious bodily injury or disease to the incapacitated adult, is guilty of a Class 6 felony. (15102299D)

HB 1808 (Herring, C.) (HCT) provides that no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report, and requires a local law-enforcement agency that receives such a report to initiate an investigation of the case within two hours of receipt. The bill defines a critically missing adult as any missing adult 21 years of age or older whose disappearance indicates a credible threat to the health and safety of the adult as determined by a law-enforcement agency and under such other circumstances as deemed appropriate after consideration of all known circumstances. The bill requires the Department of Criminal Justice Services to establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol. The bill also requires the Department of Emergency Management to establish a Coordinator of Search and Rescue. This bill is a recommendation of the Virginia State Crime Commission. (15102632D)

HB 1403 (Hope, P.) (HMPP) provides that inmate phone services commissions paid to the Commonwealth shall not exceed 10 percent of the overall net revenue realized by the provider. All commissions or revenues received by the Commonwealth on prisoner telephone calls shall be paid into the state treasury and credited to the Prisoner Reentry Fund to be used for independent pre-release and post-release reentry and transition services programs. (15102732D)

HB 1521 (Lindsey, J.) (HMPP) provides that any sheriff who is the chief law-enforcement officer of his locality and employs 100 or more deputies, any police force that employs 100 or more officers, and the Superintendent of State Police shall, no later than January 1, 2018, implement and operate a body-worn camera system, which is defined in the bill as an electronic system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings, including cameras or other devices capable of creating such recordings, that may be worn about the person of a law-enforcement officer. Such a system

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must comply with the model policy or guideline that will be established by the Department of Criminal Justice Services. (15102428D)

HB 1534 (Berg, M.) (HMPP) requires the Superintendent of State Police to implement and operate a body-worn camera system, which is defined by the bill as an electronic system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings, including cameras or other devices capable of creating such recordings that may be worn about the person of a law-enforcement officer, and require all officers be equipped with a body-worn camera. The bill provides that the Department of State Police shall, on a daily basis, transmit all recordings made by the system during the previous 24-hour period to a database maintained by the Attorney General. Recordings shall be retained in the database for 30 days but may be retained longer if relevant for the investigation of a crime. The bill also provides that recordings in the database shall not be disclosed except pursuant to a court order or when an allegation that a law-enforcement officer has engaged in unlawful conduct has been made. The bill provides further that any other law-enforcement agency in the Commonwealth may implement and operate a body-worn camera system subject to the same requirements as the system operated by the State Police. Finally, the bill provides that any person who knowingly disseminates any audiovisual recording created through the operation of a body-worn camera system in violation of the limitations on such dissemination is guilty of a Class 6 felony. (15101742D)

HB 1553 (Marshall, D.W.) (HCCT) provides that any locality may by ordinance establish a system to deliver emergency notifications to residents by email or text message. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision. (15102564D)

HB 1833 (Gilbert, C.T.) (HCT) allows law-enforcement officers to possess naloxone and administer naloxone to a person who is believed to be experiencing or about to experience an opiate overdose. The bill provides law-enforcement officers immunity from civil liability for any personal injury that results from the good-faith administration of naloxone. (15101645D)

SB 721 (Marsden, D.) (Passed Senate Floor) requires the agency seizing property to issue contemporaneously with the seizure, a receipt itemizing the property seized. (15103694D-S1)

SB 828 (Black, R.) (SCT) eliminates the crimes of possession on the property of a private or religious elementary, middle, or high school; a school bus owned or operated by such school; or any property being used for functions or extracurricular activities sponsored by such school of a stun weapon, knife, or other weapon (currently a Class 1 misdemeanor) or a firearm (currently a Class 6 felony). The bill does not affect the criminal penalties for the possession of such weapons on public school property. (15100380D)

Firearms

HB 1467 (Marshall, R.G.) (HED) permits a school board or an administrator of a private school to designate one or more qualified person for every school who may carry a concealed

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handgun on school property. Such qualified persons include certain school division employees, certain school volunteers who carry valid concealed handgun permits, and certain retired law-enforcement officers. Any person designated to carry a concealed handgun must be certified and trained by the Virginia Center for School and Campus Safety or the National Rifle Association in the storage, use, and handling of a concealed handgun. The bill also outlines the training requirements for designated persons to be established by the Department of Criminal Justice Services. (15102750D)

HB 2009 (LaRock, D.) (HMPP) requires that when certification of a chief law-enforcement officer is required by federal law for transfer of a firearm as defined in the National Firearms Act, such certification must be provided within 60 days if the applicant is not prohibited by law from receiving the firearm. If the applicant is prohibited by law from receiving the firearm, the chief law-enforcement officer or his designee shall notify the applicant in writing of the reason for the prohibition. For the purposes of this measure, the definition of "firearm" is limited to machine guns, rifles and shotguns of a certain length, weapons made from certain rifles or shotguns, and silencers. If the chief law-enforcement officer fails to provide certification within 60 days, the applicant has a right to an ore tenus hearing in circuit court and, unless the evidence shows that the applicant is prohibited by law from receiving the firearm, the court shall order the chief law-enforcement officer to issue the certification within five business days. (15103495D)

SB 936 (Marsden, D.) (SCT) permits localities, the Capitol Police, and the State Police to donate unclaimed firearms to the Department of Forensic Science. (15101854D)

Stormwater Management

HB 2227 (Webert, M.) (HACNR) expands the stormwater management exemptions available to single-family detached residential structures to also include agriculture structures occupying a footprint of less than 2,500 square feet. The bill also directs the State Water Control Board to adopt a regulatory definition of "impervious cover" that excludes unpaved farm roads that are closed to public travel. (15102695D)

HB 1827 (Scott, E.) (HACNR) exempts routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program. (15101372D)

Transportation

HB 1531 (Minchew, J.R) (HTRAN) allows counties to increase or decrease the speed limits in school zones; current law allows cities and towns to do so. The bill also removes the authority for VDOT to change the speed limit in school zones. (15102736D)

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HB 1593 (Cole, M.) (HCCT) provides that localities may by ordinance permit the parking of vehicles within residential areas in a public right-of-way that constitutes a part of the state highway system so long as the vehicle does not obstruct the right-of-way. (15100490D)

HB 1751 (Ransone, M.) (HGL) provides that in the event the economic impact analysis completed by the Department of Planning and Budget reveals that a proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period allowed for preparation of the economic impact analysis. The bill requires the Joint Commission on Administrative Rules to review such rule or regulation and report quarterly to the Governor and the General Assembly on any such regulation, including in its report a statement of any position taken by the Commission on any such regulation. (15100535D)

HB 1769 (Loupassi, G.M.) (HCJ) eliminates the element that the underlying consumption of alcohol by a person under the age of 21 must have been illegal in order to be guilty of the offense of a person under the age of 21 operating a motor vehicle after consuming alcohol. The bill provides, instead, that such person shall have an affirmative defense to the offense if such person's consumption of alcohol was lawful. (15100014D)

SB 1146 (Stuart, R.) (SACNR) directs the Department of Environmental Quality to establish the Virginia Vegetation Program, organizing volunteer labor to plant native vegetation on unimproved lands that is managed by the Virginia Department of Transportation or in stormwater management basins that are located on public lands. The bill requires the Department to establish planting criteria, develop an information packet, arrange planting in coordination with volunteers and local officials, and create a list of appropriate planting sites. The bill also addresses potential liability for any injury or damages caused or sustained by program volunteers. (15103497D)

SB 1159 (Edwards, J.) (STRAN) requires the Commonwealth Transportation Board to develop a life-cycle cost analysis for all primary highway projects approved by the Board for which the total cost of initial construction exceeds \$500,000. The bill requires the analysis to include the total initial cost of the project and projected future maintenance costs and requires the Board to make project decisions accordingly. (15102779D)

SB 1299 (McEachin, A.D.) (SGL) requires public contracts for the construction, reconstruction, alteration, repair, improvement, or maintenance of a public building or public works to contain a provision that the iron, steel, and manufactured goods used or supplied in the performance of the public contract or any subcontract shall be manufactured in the United States. This requirement does not apply if the requirement is inconsistent with the public interest, the products are not manufactured within the United States in sufficient and reasonably available quantities or with satisfactory quality, or using the products will increase the cost of the public contract by 25 percent or more. A person intentionally mislabeling or

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misrepresenting the origin of products will be ineligible to receive any other public contracts. (15102482D)

SB 1312 (Lewis, Jr., L.) (SCT) prohibits enforcement of a provision in a recorded deed or plat that prohibits the owner of a private road from dedicating the road for public use or reaching an agreement with the locality or the Department of Transportation for the improvement or maintenance of the road. The bill requires that the private road serve a subdivision of 50 or fewer lots in total and that all lot owners consent to the dedication or agreement. (15101770D)

SJ 234 (Wexton, J.) (SRUL) directs the Joint Legislative Audit and Review Commission to study the feasibility of purchasing the Dulles Greenway. (15102251D)

Utilities

HB 1475 (Ware, Jr., R.L.) (HCL) establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider shall allocate and charge costs in accordance with cost causation principles in order to avoid any undue crosssubsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under this measure shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The authorization and encouragement of the expansion of natural gas infrastructure and the promotion of the use of natural gas are declared to be in the public interest. Allowing Virginia's natural gas utilities to approach expansion of intrastate infrastructure into unserved and underserved areas on a more proactive basis by expanding, improving, and increasing the reliability of Virginia's energy infrastructure is also declared to be in the public interest. (15101914D)

SB 1163 (Saslaw, D.) (SCL) establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. A system expansion plan and system expansion rider shall allocate and charge costs in accordance with cost causation principles in order to avoid any undue cross-subsidization between rate classes. The SCC is barred from examining other revenue requirement or ratemaking issues in its consideration of the natural gas utility's application. Costs recovered under this measure shall be in addition to all other costs that the natural gas utility is permitted to recover, shall not be considered an offset to other approved costs of service or revenue requirements, and shall not be included in any computation relative to a performance-based regulation plan revenue-sharing mechanism. The authorization and encouragement of the expansion of natural gas infrastructure and the promotion of the use of

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natural gas are declared to be in the public interest. Allowing Virginia's natural gas utilities to approach expansion of intrastate infrastructure into unserved and underserved areas on a more proactive basis by expanding, improving, and increasing the reliability of Virginia's energy infrastructure is also declared to be in the public interest. (15103029D)

SB 1169 (Hanger, Jr., E.) (SCL) conditions a natural gas utility's exercise of its authority to enter upon the property of a landowner without his permission upon the adoption by the local governing body of the city or county in which the property is located expressing support for the gas line or works. The governing body may only adopt such a resolution if it finds that locating the line or works within the locality is consistent with its comprehensive plan and that there exists a demonstrated public need for the line or works. (15102840D)

Legislation to be Monitored by Staff; State Revenue/Policy Implications

SB 755 (Saslaw, D.) (S. Floor) replaces a detailed metes and bounds description of the Falls Church city boundary with references to the relevant legislative acts and a court order. (15103342D-S1)

HB 1804 (Knight, B.) (HHWI) provides that an owner of real property who (i) obtained a waiver to repair a failing onsite sewage system on or between July 1, 2004, and July 1, 2011, (ii) completed such repair, and (iii) desires to upgrade the system to meet the minimum regulatory requirements of the Board of Health that were in place on the date such waiver was obtained may request a waiver from all requirements established by the Board of Health after the date the initial waiver was obtained. The bill requires the Commissioner of Health to grant any request for such waiver. (15101747D)

HB 1931 (Anderson, R.) (HCT) establishes a national criminal history record check requirement for licensure as a child welfare agency, for approval as a family day home by a family day system, for approval as a foster or adoptive parent; for employment or to volunteer at a child welfare agency or family day home; and for all adults residing in a home in which a family day home is operated. This bill includes a delayed effective date. (15103485D)

HB 1866 (Stolle, C.) (HACNR) allows the Director of the Department of Conservation and Recreation to make loans from the Dam Safety, Flood Prevention, and Protection Assistance Fund of up to \$300,000 to be used to elevate or flood-proof primary and secondary single-family homes, owner-occupied rental housing of not more than four units, and businesses. To be eligible, homeowners' and business owners' structures must be subject to coastal flooding and located in either Zone VE or Coastal Zone AE, as defined by the Federal Emergency Management Agency and the National Flood Insurance Program. (15102655D)

HB 2028 (Wilt, T.) (HACNR) clarifies that the role of the Scenic River Advisory Committees is to make observations to the Director of the Department of Conservation and Recreation and the local governing bodies affected by the designation. The bill prohibits the Department, the Director, and the advisory committees from taking any action that prohibits, impedes, or restricts a project that may potentially alter the scenic river assets. In making their observations

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and recommendations to the local governing bodies, the Director and advisory committees are to consider the inherent rights of property owners. (15102563D)

HB 2052 (Sickles, M.) (HACNR) repeals the Pest Control Compact, which codified Virginia's participation in the Interstate Pest Control Compact (IPCC). The IPCC governing board voted to dissolve the compact in 2012. (15101375D)

HB 2016 (Surovell, S.) (HCT) provides that when a fiduciary qualifies for the sole purpose of defending a personal injury or wrongful death action, the court in which the fiduciary qualifies or the commissioner of accounts for such court may exempt the fiduciary from filing further accounts where the fiduciary is not administering any funds and has no power of sale over any real estate the decedent owned. (15101355D)

SB 797 (Locke, M.) (SLG) establishes a procedure by which the operator of a traffic light signal violation monitoring system will mail a "notice of violation" to the alleged violator. If the matter is not resolved within 45 days from the mailing of the notice of violation, a summons may be executed and the matter may be enforced in court. Existing provisions for contesting the matter by filing an affidavit stating that the person was not the operator of the vehicle or by so testifying in court are retained. (15100747D)

HB 2024 (BaCote, M.) (HMPP) allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components, or a combination thereof, in libraries owned or operated by the locality. (15103360D)

HB 1983 (Sullivan, R.) (HCT) prohibits a circuit court clerk or an outside vendor contracted by the clerk, or both, from including their indemnification as a requirement in an agreement with a state agency to provide subscribers remote access to land records. (15101374D)

HB 1993 (Morrissey, J.) (HCCT) simplifies the process by which a locality may petition to be appointed as a receiver for a blighted property. (15102449D)

SB 794 (Carrico, Sr., C.) (Passed Senate Floor) provides that a magistrate may not issue an arrest warrant for any criminal offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization from the attorney for the Commonwealth or a law-enforcement agency in his jurisdiction. This procedure already applies to felonies; this bill will add misdemeanors to the existing provision. The bill provides that a person who has the power to issue warrants is competent to testify in a criminal proceeding on a crime committed in his presence in the course of his official duties. (15103782D-S1)

HB 1488 (Pogge, B.) (HACNR) prohibits the owner of a fee interest in land that is subject to a conservation easement accepted on or after July 1, 2016, from receiving certain tax benefits or tax credits if the easement is co-held, contains a third-party right of enforcement, or omits notice of the holder's enforcement guidelines. The bill also requires the holder's enforcement guidelines, if the fee owner is to receive the tax benefits, to define "agriculture" to include

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small-scale family farming practices. The bill removes from the list of parties that have legal standing to bring an action affecting a conservation easement the Virginia Historic Landmarks Board, a person with a third-party right of enforcement, the local government, and any other agency or person with standing under other laws. The bill authorizes the Virginia Outdoors Foundation (VOF) to issue decisions on disputes over the interpretation of easement instruments where those disputes are not already in litigation. The bill requires the Foundation, in deciding such cases, to follow the Administrative Process Act, except that it is required to construe ambiguous easement terms in favor of the landowner and to construe "agriculture" to include small-scale family farming practices. The bill also requires the Department of Conservation and Recreation to report, without identifying them, individual easement donations and requires the Joint Legislative Audit and Review Commission to conduct an annual public hearing to assess whether private holders of conservation easements comply with best practices. (15102502D)

HB 1652 (Simon, M.) (HACNR) authorizes any locality by ordinance to require the owners of residential property consisting of one-half acre or less to provide 48-hour advance notice of the application of pesticides by a commercial applicator to adjoining property owners. The bill provides that the ordinance may specify the method of the required notice. (15100096D)

SB 841 (Lucas, L.) (SLG) removes the requirement that counties, except as otherwise required by law, publish notice of an intention to propose an ordinance for two weeks in a newspaper having a general circulation. The bill contains technical amendments. (15101932D)

SB 994 (Stuart, R.) (SLG) requires that where a locality sets standards for the clustering of single-family dwellings and the preservation of open space, the standards may prohibit the division of a development's open space into discontiguous areas, require certain open space to be accessible to all dwellings in the development, and require certain open space to be usable by residents. The bill contains technical amendments. (15101256D)

SB 1047 (Hanger, Jr., E.) (SLG) clarifies the requirement that a local stormwater utility waive charges to property that is covered by a permit to discharge stormwater from a municipal separate storm sewer system (MS4) and owned by a government or public entity, regardless of whether the property is titled in the name of the permit holder. (15100925D)

HB 1511 (Ware, Jr., R.L.) (HACNR) requires the owner of land upon which industrial waste or sewage sludge has been stored or to which industrial waste or sewage sludge has been applied pursuant to a permit issued by the Department of Environmental Quality (DEQ) to disclose such storage or application to a prospective purchaser or lessee of the land. If the owner of the subject land fails to make the disclosure in writing, on a form developed by the Real Estate Board in consultation with DEQ, prior to acceptance of a contract for the sale or lease of the subject land, the prospective purchaser or lessee may institute an action to recover actual damages. The disclosure and remedy provisions of the bill are similar to those in the Virginia Residential Property Disclosure Act. (15100662D)

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SB 1256 (Smith, R.) (SLG) allows localities required to advertise legal notices by publication in a newspaper of general circulation in the locality or posting on the locality's website to advertise such notices on radio or television in lieu of or in addition to such publication or posting. (15102370D)

SB 686 (Ebbin, A.) (SCT) decriminalizes marijuana possession and changes the current \$500 criminal fine for simple marijuana possession to a maximum \$100 civil penalty payable to the Literary Fund and eliminates the 30-day jail sentence. The bill reduces the criminal penalties for distribution and possession with intent to distribute etc. of marijuana. The bill creates a rebuttable presumption that a person who grows no more than six marijuana plants grows marijuana for personal use and not for distribution and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. Marijuana is removed from a statute making it a Class 1 misdemeanor to distribute or display advertisements, etc., for instruments used for marijuana and from the common nuisance statute. The distribution of paraphernalia statute will apply only to an adult who distributes to a minor at least three years his junior. The bill also limits forfeiture of property from sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount. The penalty for possession of marijuana by a prisoner is reduced from a Class 5 felony to a Class 6 felony. (15100820D)

SB 865 (Chafin, B.) (Passed Senate Floor) provides that the clerk of court shall not, in addition to current categories of prohibition, grant administration of an estate to a person convicted of (i) any fraud or misrepresentation in any connection or (ii) robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering, regardless of whether his civil rights have been restored. (15103703D-S1)

SB 1166 (Hanger, Jr., E.) (SCL) Makes a public service corporation subject to the public records provisions of the Virginia Freedom of Information Act with respect to any project or activity for which it may exercise the power of eminent domain and has filed or prefiled for a certificate or other permitting document. (15103252D)

HB 1696 (Bell, Richard P.) (HCL) makes a public service corporation subject to the public records provisions of the Virginia Freedom of Information Act with respect to any project or activity for which it may exercise the power of eminent domain and has filed or prefiled for a certificate or other permitting document. (15103106D)

Animals

SB 693 (Martin, S.) (SACNR) permits a person or organization, such as an animal shelter or humane society, to trap and sterilize a feral cat before returning it to the site where it was trapped, or to a suitable alternative site. The bill excludes a participant in such an activity from the definition of "owner" regarding custody of the subject cat; under current law, abandonment of an animal by an owner is a misdemeanor. The bill also exempts a participant from liability to the owner of a feral cat for capturing, sterilizing, releasing, or providing medical care to the cat. (15100927D)

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SB 699 (Stanley, Jr., W.) (SACNR) allows localities to authorize the operation of community cat programs. In a community cat program, a caregiver who has an outdoor, free-roaming cat sterilized and returns it to the area where it was captured is not considered the legal owner or custodian of the cat. The bill exempts a community cat caregiver from criminal and civil liability for any decisions made or services rendered as part of a community cat program, except for willful and wanton misconduct. (15100729D)

HB 1586 (Kory, K.) (HACNR) allows localities to authorize the operation of community cat programs. In a community cat program, a caregiver who has an outdoor, free-roaming cat sterilized and returns it to the area where it was captured is not considered the legal owner or custodian of the cat. The bill exempts a community cat caregiver from criminal and civil liability for any decisions made or services rendered as part of a community cat program, except for willful and wanton misconduct. (15102922D)

Food Labeling

HB 1290 (Bell, R. B.) (HAG) exempts food products and food made from milk processed or prepared in private homes or farms from Board of Agriculture and Consumer Services regulations, so long as (i) the sale is made directly to end consumers and (ii) the product is labeled with the producer's name and address, the product's ingredients, and a disclosure statement indicating the product is not for resale and is processed and prepared without state inspection. The bill also exempts private homes or farms that meet the same conditions from examinations conducted by the State Health Commissioner of establishments in which crustacea, finfish, and shellfish are handled. (15100264D)

HB 1461 (Morris, R.) (HAG) exempts persons who own three or fewer milking cows from the oversight of the Milk Commission and the Board of Agriculture and Consumer Services' requirements governing the quality, grading, and sanitary standards for milk so long as the milk their cows produce is sold directly to consumers and contains a label stating that the product has not been inspected by the state. (15100735D)

Transportation 'Lockbox' Constitutional Amendments

HJ 502 (Fowler, Jr., H.) (HPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within three years. No moneys designated for deposit into funds other than Transportation

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Funds shall be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes. (15100388D)

HJ 576 (LeMunyon, J.) (HPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly shall not borrow from the Funds for any other purpose. (15101642D)

SJ 217 (Black, R.) (Senate Floor) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years. (15104050D-S1)

Legislation Provided for Information

HB 1283 (Landes, R.S.) (HRUL) creates the Commission on Federal Oversight, consisting of eight legislative members representing the House of Delegates and the Senate, to meet no less than four times a year, two of which meetings shall be with the members of the Virginia Congressional Delegation. The Commission shall address economic and public policy issues for which both the federal and state governments have responsibility with members of the Virginia Congressional Delegation. An executive summary detailing the activity and work of the Commission must be submitted to the General Assembly and the Governor annually. The Commission shall not become effective unless an appropriation effectuating the purposes of the act is included in the appropriation act passed during the 2015 Regular Session of the General Assembly that becomes law. The Commission shall expire on July 1, 2018. (15100320D)

HB 1848 (Marshall, D.W.) (HCCT) provides that a locality that owns an interest in a cooperative utility shall have authority to sell that interest to another company that will own, manage, and control the provision of such utility to the residents within such locality. (15101290D)

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SB 945 (Miller, J.) (SCL) removes provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to interest at a maximum annual rate of 36 percent. (15101188D)

Constitutional Amendments

HJ 508 (Cole, M.) (HPE) clarifies that the right to keep and bear arms conferred by Article I, Section 13 of the Constitution of Virginia is an individual right and guarantees the right of an individual to keep and bear arms for defense of self, others, or property or for any other lawful purpose. (15100994D)

HJ 577 (Bell, R. B.) (HPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (15101631D)

HJ 620 (Preston, J.) (HPE) provides for the election of judges by the voters. Justices of the Supreme Court and judges of the Courts of Appeals shall be elected by the qualified voters of the Commonwealth, while judges of all other courts of record and judges of courts not of record shall be elected by the qualified voters of the several circuits. The amendments do not change the terms for which the judges serve. (15102269D)

Education

Miscellaneous

HB 2216 (Greason, T.) (HED) requires the Board of Education to adopt regulations for the possession and administration of epinephrine in private schools for students with disabilities. The bill authorizes employees of licensed private schools for students with disabilities and accredited private schools to possess, provide, and administer epinephrine to a student believed in good faith to be having an anaphylactic reaction and provides liability protection for such employees. (15102913D)

SB 905 (Howell, J.) (SFIN) requires that any national norm-referenced achievement test used by a nonpublic school that is not accredited by the Virginia Council for Private Education be approved by the Board of Education in order to receive funds derived from the Education Improvement Scholarships Tax Credit. Current law does not require such norm-referenced tests to be Board approved. (15100515D)

HB 1309 (Cole, M.) (HED) permits local school boards to arm school security officers with batons, stun weapons, or any spray device designed to incapacitate a person and to allow school security officers to use such devices under the appropriate circumstances. (15100434D)

HB 1328 (Cole, M.) (HED) requires public school principals to determine the citizenship and immigration status of each enrolled student. The bill requires the Department of Education to report school-level data on the number of enrolled students who are United States citizens,

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lawfully present aliens, or aliens unlawfully present in the United States and request reimbursement from the U.S. Department of Education for the average per pupil cost to educate students who are aliens unlawfully present in the United States. (15100532D)

HB 1334 (Landes, R.S.) (HED) requires the Department of Education to develop and make publicly available on its website policies to ensure state and local compliance with the federal Family Educational Rights and Privacy Act (FERPA) and state law applicable to students' personally identifiable information, including policies for (i) access to students' personally identifiable information and (ii) the approval of requests for student data from public and private entities and individuals for the purpose of research. The bill requires the Department and each local school division to notify the parent of any student whose personally identifiable information could reasonably be assumed to have been disclosed in violation of FERPA or state law applicable to such information. Such notification shall include the (a) date, estimated date, or date range of the disclosure; (b) type of information that was or is reasonably believed to have been disclosed; and (c) remedial measures taken or planned in response to the disclosure. (15100468D)

HB 1550 (Greason, T.) (HED) makes local school boards responsible for setting the school calendar and determining the opening date of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. (15102565D)

HB 1361 (Bell, R. P.) (HED) establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government, under the authority of the Secretary of Education, for the purpose of governing the online educational programs and services offered to students enrolled in the Virginia Virtual School (the School). The bill gives the 13-member Board operational control of the School and assigns the Board's powers and duties. The bill requires the School to be open to any school-age person in the Commonwealth and provide an educational program meeting the Standards of Quality for grades kindergarten through 12. The bill has a delayed effective date of July 1, 2016. (15100998D)

SB 1327 (Reeves, B.) (SEH) requires a public institution of higher education to grant a student in-state tuition if participation in a federal educational assistance program is conditioned on such student receiving in-state tuition. (15103349D)

Opportunity Educational Institution

HB 1299 (Bell, Richard P.) (HED) abolishes the Opportunity Educational Institution and requires each school division that contains a school that has been denied accreditation to enter into a memorandum of understanding with the Board of Education that permits the Board to make any changes that it deems necessary to improve the school's accreditation rating, including changes to the school's budget and personnel and the instructional practices of teachers. (15100230D)

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HB 1557 (Kory, K.) (HED) abolishes the Opportunity Educational Institution and permits the Board of Education to intervene in persistently non-accredited schools or the school divisions in which such schools are located to help ensure that an educational program of high quality is provided for students at such schools by providing guidance and recommendations on matters that affect instruction in such schools. The bill prohibits the Board of Education from providing guidance or recommendations to such schools on matters that do not affect instruction, including facilities, budget, athletic programs, and transportation. (15101053D)

School Grading System

HB 1313 (Davis, G.) (HED) eliminates the A-F school grading system created in the 2013 Session and amended in the 2014 Session and permits the Board of Education to rank schools and school divisions based on the information contained in each School Performance Report Card. The bill requires any such designations of rank to be in a form different from the letter grades used by such schools and school divisions to grade student performance. (15100197D)

HB 1368 (Miller, J.) (HED) repeals the A-F school grading system created in the 2013 Session and amended in the 2014 Session. (15101442D)

SB 727 (Black, R.) (SEH) repeals the A-F school grading system created in the 2013 Session and amended in the 2014 Session. (15102949D)

HB 1566 (Orrock, Sr., R.) (HED) requires the Board of Education to develop an individual school performance grading system and assign a grade or a series of grades to each public elementary and secondary school using a five-star to one-star scale, five-star being the highest grade. Current law requires individual school performance to be reported by October 1, 2016, using five letter grades from A to F. (15100641D)

HB 1672 (Greason, T.) (HED) repeals the A-F school grading system created in the 2013 Session and amended in the 2014 Session and requires the Board of Education, in consultation with the Standards of Learning Innovation Committee and no later than July 1, 2016, to redesign the School Performance Report Card so that it is more effective in communicating to parents and the public the status and achievements of the public schools and local school divisions in the Commonwealth and submit such design to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health for final approval. (15102596D)

HB 2180 (Webert, M.) (HED) delays full implementation of the A-F school grading system by one year, from October 1, 2016, to October 1, 2017. (15102229D)

Standards of Learning

SB 757 (Barker, G.) (SEH) directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to each student regardless of grade level or course. (15101638D)

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- **SB 874** (Cosgrove, J.) (SEH) directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning assessment in reading or mathematics to each student regardless of grade level. (15100985D)
- **SB 897** (Miller, J.) (SEH) directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course. The bill contains an emergency clause. (15101387D)
- SB 984 (Garrett, T.S.) (SEH) requires the Board of Education to adopt regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to all students regardless of grade level or course, permits local school boards to adopt such uniform criteria, and requires the locality in which the school division is located to bear the cost of implementation. (15101292D)
- SB 995 (Stuart, R.) (SEH) requires the Board of Education to adopt regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to all students regardless of grade level or course, permits local school boards to adopt such uniform criteria, and requires the locality in which the school division is located to bear the cost of implementation. (15101257D)
- **SB 900** (Barker, G.) (SEH) requires the Board of Education to promulgate regulations authorizing local school divisions to determine the date for administering Standards of Learning assessments. (15101637D)
- HB 1302 (Farrell, P.) (HED) requires the Board of Education to adopt regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to all students regardless of grade level or course, permits local school boards to adopt such uniform criteria, and requires the locality in which the school division is located to bear the cost of implementation. (15100232D)
- HB 1303 (Farrell, P.) (HED) requires the Board of Education to make Standards of Learning assessments available to each local school board in advance of each school year and requires the school board to administer such assessments on the date during the school year that the board deems most appropriate to evaluate each student's knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. (15100234D)
- HB 1419 (Head, C.) (HED) requires all revisions of any Standards of Learning assessment to be finalized by December 31 of the school year prior to the school year in which the revised assessment is to be administered. (15101274D)
- **HB 1490** (Habeeb, G.) (HAPP) directs the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test to each student regardless of grade level or course. (15103990D-H1)

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HB 1592 (Krupicka, K.R) (HED) requires the Board of Education to establish guidelines for the award of verified units of credit to students who take and achieve satisfactory scores on certain alternative assessments in lieu of the corresponding Standards of Learning assessment. (15101070D)

HB 1615 (Greason, T.) (HED) permits the end-of-course and end-of-grade Standards of Learning assessments prescribed by the Board of Education to be integrated to include multiple subject areas. (15102645D)

HB 1684 (Surovell, S.) (HED) requires the Board of Education (Board) to waive the Standards of Learning assessment requirements for high school students who have taken an Advanced Placement or International Baccalaureate examination in the same subject area, except in the case of Standards of Learning assessments that are required for the purpose of state or federal accountability. The bill also requires the Board to provide for the award of verified units of credit to high school students who have achieved a satisfactory score on an Advanced Placement or International Baccalaureate examination in lieu of a Standards of Learning assessment in the same subject area. (15100619D)

HB 1714 (LeMunyon, J.) (HED) permits the Board of Education to require each student to take a Standards of Learning assessment in science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight. Current law permits the Board to require each student to take this Standards of Learning assessment in grade eight. (15101906D)

HB 1752 (LaRock, D.) (HED) Board of Education; Standards of Learning. (15103581D)

Elections

Voter Identification

HB 1375 (Lindsey, J.) (HPE) provides that the expiration date on a form of identification offered for voting identification purposes shall not be considered when determining the validity of that form of identification. (15100973D)

SB 922 (Wexton, J.) (SPE) adds to the list of accepted forms of identification for purposes of voting a valid identification card that contains a photograph of the voter and is issued by any private entity that is licensed or certified, in whole or in part, by the State Department of Health, the Department of Social Services, the Department of Medical Assistance Services, or the Department of Behavioral Health and Developmental Services. An employee of any such private entity is currently permitted to use his employee identification card, provided the card contains a photograph of the voter, for purposes of voting. The bill allows a resident or other person who receives services from such private entity to use a valid identification card, provided the card contains a photograph of the voter, issued by the private entity. (15102254D)

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HB 1429 (Herring, C.) (HPE)/ SB 688 (Ebbin, A.) (SPE) adds to the list of accepted forms of identification for purposes of voting valid student photo identification cards issued by any private school located in the Commonwealth or by any public or private school or institution of higher education located in any other state or territory of the United States. Students of public high schools in Virginia are currently permitted to use their student photo identification cards for purposes of voting because current law allows the use of photo identification issued by the Commonwealth or one of its political subdivisions. Current law also allows students from public or private institutions of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (15100993D, 15100596D)

HB 1495 (Sullivan, R.) (HPE) adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (15101191D)

HB 1653 (Bulova, D.) (HPE) adds to the list of accepted forms of identification for purposes of voting valid student photo identification cards issued by any private school located in the Commonwealth. Students of public high schools are currently permitted to use their student photo identification cards for purposes of voting because current law allows the use of photo identification issued by the Commonwealth or one of its political subdivisions. Current law also allows students from both public and private institutions of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (15101011D)

SB 820 (Barker, G.) (SPE) adds to the list of accepted forms of identification for purposes of voting valid student photo identification cards issued by any private school located in the Commonwealth. Students of public high schools are currently permitted to use their student photo identification cards for purposes of voting because current law allows the use of photo identification issued by the Commonwealth or one of its political subdivisions. Current law also allows students from both public and private institutions of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (15100418D)

Voter Registration by Party

HB 1518 (Landes, R.S.) (HPE) adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2016, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the rules adopted by the duly constituted authorities of the state political party governing who may participate in

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the party's primaries held from April 1 of that year through March 31 of the following year. (15101069D)

HB 1599 (O'Bannon, J.) (HPE) provides that a voter who votes in a primary election held by a political party shall be designated on his registration record as affiliated with that political party. The bill requires the State Board to use the list of persons voting in a primary election submitted by the electoral boards to designate a political party affiliation on the registration record for each voter, but prohibits the State Board from designating a political party affiliation for a voter until the voter has voted in a primary election held on or after January 1, 2016. Voters may change their party affiliation or designate themselves as independents by providing written notice to the general registrar for the locality in which they are registered. The bill does not change Virginia's present primary laws, and all registered voters remain eligible to participate in the primary of a political party that chooses to nominate by primary. The bill has a delayed effective date of January 1, 2016. (15101890D)

SB 1060 (Obenshain, M.) (SPE) adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. The bill requires the State Board of Elections, in September 2015, to notify all registered voters of the new party registration law and send them a return card to indicate their party affiliation or independent status. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed in advance of an election. The bill (i) requires the state party chairman to notify the State Board by January 31 of each year whether the party will close or open its primaries, (ii) requires that primary candidate petitions be signed and witnessed by voters registered as affiliated with the party conducting the primary, (iii) sets the required number of petition signatures at one percent of the number of voters registered as affiliated with the party in the election district where the primary is being held, and (iv) allows an official political party to retain that status as long as at least 15 percent of the Commonwealth's registered voters are registered as affiliated with that party. (15100743D)

Election Scheduling

HB 1280 (Fowler, Jr., H.) (HPE)/ **SB 1076** (Vogel, J.) (SPE) changes the date of primary elections held in the month of June from the second Tuesday in June to the third Tuesday in June and changes candidate filing deadlines to reflect that change of date. (15100036D, 15101326D)

HJ 547 (Simon, M.) (HPE) establishes a uniform schedule for general elections of state and local officers to coincide with federal elections held in November of even-numbered years beginning in 2030. The amendment directs the General Assembly to provide by law for the transition to all general elections being held in November of even-numbered years. For the purpose of transitioning to the uniform schedule, the terms of office for state elected officers may be extended, but not shortened, and the terms of office for local elected officers may be shortened, but by no more than one year. (15100130D)

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Miscellaneous

HB 2230 (Farris, C.M.) (HPE) revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors. The bill provides that a voter will vote for two electors for the Commonwealth at large and one elector for the congressional district in which he is qualified to vote. The candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the two electoral votes for the Commonwealth at large, and the candidates for President and Vice President receiving the highest number of votes cast in each congressional district are allocated the one electoral vote for that congressional district. Currently, the candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the total number of the Commonwealth's electoral votes. (15102212D)

SB 786 (Carrico, Sr., C.) (SPE) revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors from a winner-take-all basis to a proportional allocation basis. The two electoral votes to which Virginia is entitled by virtue of its representation in the United States Senate shall be allocated to the slate of presidential electors that receives the highest number of votes cast statewide. The total number of electoral votes to which Virginia is entitled by virtue of its representation in the United States House of Representatives shall be allocated among the slates of presidential electors according to the proportional share each slate receives of the total number of votes cast statewide for President as follows: The total number of votes cast for each slate of presidential electors shall be divided by the total number of votes cast for all slates of electors and the resulting proportion shall be multiplied by the number of electoral votes to which Virginia is entitled to determine the number of electoral votes for each slate, rounded to the nearest whole number. (15100271D)

HB 1292 (Cole, M.) (HPE) requires that appointments to the electoral board in a county or city be made by the senior judge of the judicial circuit for that county or city. Currently, such appointments are made by the senior judge only if a majority of the circuit judges of the judicial circuit cannot agree on an appointment. (15100564D)

SB 853 (Favola, B.) (SPE)/ **SB 1073** (McDougle, R.) (SPE) allows any qualified voter who is 75 years of age or older or a person with a disability to request to go to the front of the line and to vote at the next available voting booth or voting system. The bill requires the chief officer of election or other designated election official to grant any such request made between the hours of 9:30 a.m. and 4:30 p.m. This provision applies also to central absentee voting precincts and locations in the county or city approved by the electoral board for the purpose of casting absentee ballots. A qualified voter who is 65 years of age or older or a person with a disability is still permitted to vote outside the polling place pursuant to § 24.2-649. (15103133D, 15100741D)

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Health and Human Services

HB 1558 (Rust, T.) (HHWI) allows for the creation of local or regional adult fatality review teams upon the initiative of any local or regional law-enforcement agency, department of social services, emergency medical services agency, attorney for the Commonwealth's office, or community services board. The bill provides that such teams may be established for the purpose of conducting contemporaneous reviews of local adult deaths in order to develop interventions and strategies for prevention specific to the locality or region. (15102298D)

SB 911 (Wexton, J.) (SRSS) requires annual background checks for employees and volunteers of child welfare agencies. Under current law, background checks are required only at the time of initial employment. The bill provides that such background checks must include, among other existing requirements, a sworn statement or affirmation disclosing whether the person is currently the subject of a complaint of child abuse or neglect. (15100550D)

SB 1291 (Barker, G.) (SRSS) requires community policy and management teams to establish a process for parents and caregivers to directly refer children in their care to family assessment and planning teams. (15102149D)

SB 1041 (Hanger, Jr., E.) (SRSS)/ **HB 2083** (Peace, C.) (HHWI) directs community policy and management teams to establish as part of their policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the State Executive Council for Comprehensive Services for At-Risk Youth and Families to include a process for parents and persons who have primary physical custody of a child to directly refer children in their care to the teams. (15102259D, 15103233D)

Public Safety/Criminal Justice

Miscellaneous

HB 1354 (Ramadan, D.) (HCT)/ SB 700 (Stanley, Jr.) (SFIN) requires the Superintendent of State Police to establish and maintain an Animal Cruelty Conviction List available to the public on the website of the Department of State Police by 2017. The list shall include the names of persons convicted of certain felony animal cruelty offenses on or after July 1, 2015. Persons so convicted will be required to pay a fee of \$50 per conviction to fund the maintenance of the list. The bill requires the State Police to remove a person from the list after 15 years if he has no additional felony conviction of a relevant animal cruelty offense. (15100455D, 15100730D)

HB 1605 (Plum, K.) (HCT) allows a person to possess marijuana or tetrahydrocannabinol pursuant to a recommendation of a prescriber acting in the course of his professional practice and allows a medical doctor or pharmacist to distribute such substances in the course of his professional practice without being subject to prosecution and eliminates the requirement that marijuana or tetrahydrocannabinol be recommended and dispensed solely for the treatment of

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cancer or glaucoma. The bill also clarifies that the penalties for forging or altering a recommendation for medical marijuana or for making or uttering a false or forged recommendation are the same as the penalties for committing the same acts with regard to prescriptions. (15101924D)

HB 2215 (Rush, N.) (HMPP) requires the Board of Corrections to promulgate regulations for state and local correctional facilities requiring that notification be made to a prisoner's family or stated emergency contact person whenever a prisoner is moved within or without his assigned facility for the purposes of tertiary care. (15103085D)

SB 730 (Marsden, D.) (Senate Floor) provides a mechanism for a person convicted of a nonhomicide offense committed on or after January 1, 1995, while the person was a juvenile, and who is sentenced to life or a term of confinement that would be completed after his 60th birthday, to petition for a modification of sentence at age 35 or after serving 20 years of the sentence, whichever occurs later. (15100383D)

SB 908 (Stanley, Jr., W.) (Passed Senate) provides that within 21 days after being served with a petition requesting expungement of police and court records, the attorney for the Commonwealth may give written notice to the court that he does not object to the petition. If such notice is given, the court may enter an order of expungement without conducting a hearing. This bill is a recommendation of the Virginia Criminal Justice Conference. (15100519D)

Criminal Offenses

SB 709 (Edwards, J.) (SFIN) provides that it is a Class 6 felony for a person to publish on the Internet a videographic or still image made in violation of the current law prohibiting filming, videotaping, or photographing a nonconsenting person in certain situations where there is an expectation of privacy. The bill also provides that venue for prosecution is the same as venue for computer crimes. (15100896D)

SB 1035 (Wexton, J.) (SCT) provides that the killing of one accidentally, contrary to the intention of the parties, from the use of a controlled substance in violation of a felony drug offense involving the manufacture, sale, gift, distribution, or possession with the intent to manufacture, sell, give, or distribute a controlled substance, regardless of any lapse in time between the felony drug offense and the use of the controlled substance, is murder of the second degree and is punishable by confinement in a state correctional facility for not less than five years nor more than 40 years. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the felony violation of § 18.2-248 occurred, where the use of the controlled substance occurred, or where the death occurred. This bill overrules the Court of Appeals of Virginia decision in Woodard v. Commonwealth, 61 Va. App. 567, 739 S.E.2d 220 (2013), aff'd, 287 Va. 276, 754 S.E.2d 309 (2014). (15102899D)

Private Police Departments

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HB 1809 (Herring, C.) (HMPP) defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department provided it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. This bill is a recommendation of the Virginia State Crime Commission. (15102662D)

HB 1606 (Garrett, T.S.) (HMPP) defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department provided it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. (15101562D)

HB 1685 (Fariss, C.M.) (HMPP) defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and

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comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department provided it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. (15102068D)

SB 1217 (Norment, Jr., T.) (Senate Floor. Incorporates SB 939) defines "private police department" as any police department that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. The bill provides that the authority of a private police department is limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property. The bill also provides that private police departments and private police officers shall be subject to and comply with the relevant laws and regulations governing municipal police departments and shall meet the minimum compulsory training requirements for law-enforcement officers. The bill provides further that any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department of Criminal Justice Services at that time may continue to operate as a private police department provided it complies with the necessary requirements. The private police departments so recognized by the Department are the Aquia Harbor Police Department, the Babcock and Wilcox Police Department, the Bridgewater Airpark Police Department, the Carilion Police and Security Services Department, the Kings Dominion Park Police Department, the Kingsmill Police Department, the Lake Monticello Police Department, the Massanutten Police Department, and the Wintergreen Police Department. The bill contains an emergency clause. This bill is a recommendation of the Virginia State Crime Commission. (15104082D-S1)

Firearms

HB 1702 (DeSteph, Jr., B.) (HMPP) provides that a licensed firearms dealer may perform a criminal history record information check before selling, renting, trading, or transferring any firearm owned by the dealer that is not in his inventory. Current law requires that a dealer perform such a check only if the firearm is from the dealer's inventory. (15100323D)

HB 1548 (Hope, P.) (HMPP) provides for the revocation of an individual's concealed handgun permit if such individual (i) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings or (ii) is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more. If the obligor remedies the delinquency, reaches an agreement with the obligee or Department of Social Services to

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remedy the delinquency, or complies with the subpoena, summons, or warrant, he may reapply for a concealed weapons permit. (15101396D)

HB 1702 (DeSteph, Jr., B.) (HMPP) provides that a licensed firearms dealer may perform a criminal history record information check before selling, renting, trading, or transferring any firearm owned by the dealer that is not in his inventory. Current law requires that a dealer perform such a check only if the firearm is from the dealer's inventory. (15100323D)

SB 768 (McEachin) (SCT) creates a Class 2 misdemeanor for a person who is not a licensed dealer to sell, rent, trade, or transfer a firearm to any other person who is not a licensed dealer. The bill also creates a Class 2 misdemeanor for a person who is not a licensed dealer to buy, rent, trade, or transfer a firearm from any other person who is not a licensed dealer. The bill exempts certain transfers, such as between immediate family members, by operation of law, and when the transfer is temporary and is necessary to prevent imminent death or great bodily harm or occurs while in the continuous presence of the owner of the firearm. (15100203D)

SB 943 (Favola) (SCT) prohibits a person who has been convicted of stalking, assault and battery of a family or household member, or sexual battery from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crimes may petition the circuit court for a reinstatement of his rights to possess or transport a firearm. (15102696D)

SB 1108 (Puller) (SCT) provides for the revocation of an individual's concealed handgun permit if such individual (i) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings or (ii) is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more. If the obligor remedies the delinquency, reaches an agreement with the obligee or Department of Social Services to remedy the delinquency, or complies with the subpoena, summons, or warrant, he may reapply for a concealed weapons permit. (15101397D)

Same-Sex Marriage

HB 1288 (Simon) (HCT) Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. The bill does not affect the prohibition on these relationships contained in Article I, Section 15-A of the Constitution of Virginia. (15100170D)

HB 1289 (Surovell) (HCT) repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. The bill does not affect the prohibition on these relationships contained in Article I, Section 15-A of the Constitution of Virginia. (15100152D)

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Studies

HJ 625 (Surovell) (HRUL) requests the Department of Education and each school division in the Commonwealth to analyze the allocation of educational resources, including (i) courses, academic programs, and extracurricular activities; (ii) strong teaching, leadership, and support; (iii) school facilities; and (iv) technology and instructional materials, to ensure that students are receiving educational resources without regard to their race, color, or national origin in compliance with Title VI of the Civil Rights Act of 1964. (15100759D)

SJ 236 (Favola) (SRUL) directs the Joint Commission on Health Care (JCHC) to study the auxiliary grant program. In conducting its study, JCHC is directed to (i) evaluate current funding for the auxiliary grant program and recommend strategies to increase funding, (ii) examine the extent of goods and services currently covered and paid for by the auxiliary grant program and recommend strategies to expand allowable costs, and (iii) evaluate the extent of allowable family and third-party contributions for services provided to auxiliary grant recipients that are not considered for purposes of eligibility or calculating the amount of an auxiliary grant and recommend strategies to expand the list of such allowable contributions. (15100946D)

Taxation

SB 701 (Barker) (SFIN) requires the Tax Commissioner and State Comptroller to implement procedures to allow an individual to elect to have his income tax refund paid by check mailed to his address. If the individual makes no election on his income tax return as to the method of payment of his refund, the refund would be paid by check mailed to the address provided on his return. The bill applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter. (Incorporates SB 1005 (Ebbin)) (15103989D-S1)

SB 949 (Stuart, R.) (SFIN) creates a \$64 tax credit for the 2015 tax year for hybrid vehicle owners who paid the \$64 annual license tax between July 1, 2013, and July 1, 2014. The bill has a July 1, 2018, expiration date. (15102386D)

HB 1286 (Ware, Jr., R.L.) (HFIN) requires the Tax Commissioner and State Comptroller to implement procedures to allow an individual to elect to have his income tax refund paid by check mailed to his address. The bill applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter. (15100427D)

HB 1346 (Carr, B.) (HFIN) requires the Tax Commissioner and State Comptroller to implement procedures to allow an individual to elect to have his income tax refund paid by check mailed to his address. If the individual makes no election on his income tax return as to the method of payment of his refund, the refund would be paid by check mailed to the address provided on his return. The bill applies to individual income tax returns relating to taxable year 2015 and taxable years thereafter. (15100698D)

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Transportation

HB 1398 (LeMunyon, J.) (HTRAN) corrects typographical errors and other mistakes from the revision and recodification of Title 33. The bill also implements clarifying changes and other changes made in the revision and recodification of Title 33.2.

The bill also repeals the Woodrow Wilson Bridge and Tunnel Compact, which is not in effect, and reinserts language that was omitted from Chapter 805 of the Acts of Assembly of 2014 and provides that the reinsertion is effective retroactively to October 1, 2014.

The bill also relocates the Williamsburg Area Transit Authority from Title 15.2 to Title 33.2 and includes necessary savings clauses for this renumbering and relocation.

This bill is a recommendation of the Virginia Code Commission. (15100605D)

HB 1781 (Leftwich) (HTRAN) requires VDOT to develop and implement uniform statewide standards for broadband and television service cables installed or to be installed along all roadways and bridges controlled by VDOT. (15101004D)

SB 847 (Stanley) (STRAN) creates the Interstate Transportation Compact to develop and plan interstate transportation projects, advocate for federal and other funding resources for such projects, and facilitate plans and programs for such projects between the signatory states. The bill establishes the Interstate Transportation Compact Commission, which shall include a five-member delegation from Virginia, meet at least twice annually, and annually report on its activities to the Governor and the legislature of each signatory state.

Such compact shall not become effective until enacted by at least one other signatory state. (15101343D)

Highways

HB 1402 (Loupassi, G.M.) (HTRAN) provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to two-way bicycle travel lanes. (15101537D)

SB 792 (Carrico, Sr., C.) (STRAN) expands the number of streets eligible to be taken into the secondary state highway system by changing the definition of "street" from including streets that were opened to public use and used by motor vehicles prior to July 1, 1992, to streets that have been open to public use and used by motor vehicles for at least 20 years. (15100616D)

Northern Virginia Transportation Authority

HB 2099 (Keam, M.) (HTRAN) allows new sidewalk projects to be funded by the Northern Virginia Transportation Authority. (15101469D)

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SB 932 (Petersen, C.) (STRAN) allows new sidewalk projects to be funded by the Northern Virginia Transportation Authority. (15102006D)

Vehicles

HB 1342 (DeSteph, Jr., B.) (HTRAN) includes non-motor vehicles (bicycles, electric assistive mobility devices, electric power-assisted bicycles, and mopeds) among vehicles that the driver of any motor vehicle shall not follow more closely than is reasonable. (15100590D)

HB 1344 (Rasoul, S.) (HTRAN) specifies that vehicles of VDOT's Safety Service Patrol may be equipped with flashing, blinking, or alternating amber warning lights as allowed for other vehicles used for towing or servicing disabled vehicles. Virginia's "move over" law applies to such vehicles. (15100286D)

SB 956 (Lewis, Jr., L.) (STRAN) requires that the owner of any vehicle exceeding the prescribed maximum height be fined and held financially responsible for any damage caused to overhead bridges or structures. This bill shifts the financial penalties from the driver to the owner of the vehicle. (15102317D)

Attachments: Supplementary documents dated January 23, 2015

cc: Susan Datta, Chief Financial Officer
Patricia Harrison, Deputy County Executive
David J. Molchany, Deputy County Executive
Dave Rohrer, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
David P. Bobzien, County Attorney
Catherine A. Chianese, Assistant County Executive and Clerk to the Board Richmond Team
Tom Biesiadny, Director, Department of Transportation
Gail Langham, Deputy County Attorney

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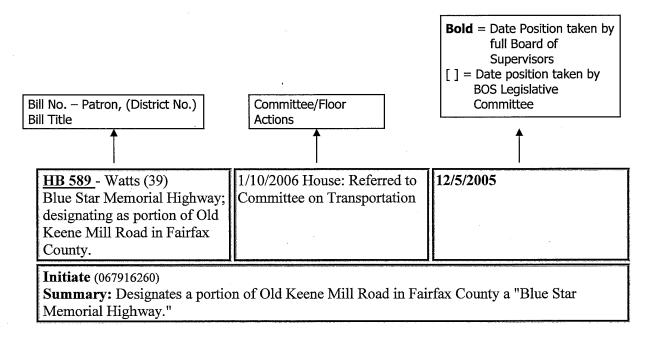
FAIRFAX COUNTY LEGISLATIVE SUMMARY

2015 GENERAL ASSEMBLY

January 24, 2015

Fairfax County Legislative Summary 2015 General Assembly

Board of Supervisors Report Key



Bold = Board Position, [] = BOS Legislative Committee Position (LD No. is version of bill on which position was taken)

Summary -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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| Morris, R | of preapproval requirements. |
| HJ 520 | Constitutional amendment; property tax exemption |
| Hope, P | for nonprofit medical clinics serving the indigent. |
| <u>HJ 536</u> | Constitutional amendment; Lottery Proceeds Fund. |
| Lingamfelter, L | |
| <u>HJ 578</u> | Constitutional amendment; general warrants of |
| Anderson, R | search or seizure prohibited (first resolution). |
| <u>HJ 590</u> | Tangible personal property tax relief; |
| Ramadan, D | reimbursement payments to localities. |
| <u>HJ 597</u> | Constitutional amendment (first resolution); real |
| Hugo, T | property tax exemption. |
| SB 689 Black, R | Concealed handgun permits; lifetime permits. |
| SB 726 | Cash proffer for residential construction; sunset |
| Cosgrove, J | date. |
| SB 761 Edwards, J | Personal injury and wrongful death actions; disclosure of address of insured person. |
| SB 770 McEachin, A | Workers' compensation; exclusivity of remedy. |
| SB 868 | Water or sewer systems; delinquent payment of |
| Chafin, A | rates and charges. |
| SB 921 | Northern Virginia Transportation Authority; use of |
| Wexton, J | revenues by towns. |
| SB 1023 | Mass transit; transit funding in statewide |
| Stuart, R | prioritization. |
| <u>SB 1026</u> | Lobbyist disclosure; reporting by certain political |
| Garrett, T | subdivisions. |
| <u>SB 1033</u> | Northern Virginia Transportation Authority; |
| Wexton, J | increases membership. |
| SB 1061 Obenshain, M | Electronic pollbooks; photographs and identifying information for each voter. |

| SB 1065 Obenshain, M | Cash proffer for residential construction; sunset date. | |
|----------------------------------|---|--|
| <u>SB 1091</u> Vogel, J | Public schools; adjustment of calculation of local composite index for funding. | |
| <u>SB 1154</u> Wexton, J | Discharge of deleterious substance into state waters; notice. | |
| <u>SB 1257</u> Smith, R | Cash proffers; acceptance by localities. | |
| <u>SB 1272</u> Deeds, R | Alcoholic beverage control; limited distiller's license created for distilleries. | |
| SB 1314 Marsden, D | Northern Virginia Transportation Authority; regional plan. | |
| Fairfax County Positions | | |
| (Support): | Pages 24-41 | |
| HB 1287 Cole, M | Forfeiture of property used in connection with commission of crimes; conviction required. | |
| HB 1310 Krupicka, K | Taxes on electronic cigarettes and other vapor products. | |
| HB 1343 Filler-Corn, E | Campus police departments; sexual assault reporting. | |
| <u>HB 1388</u> Albo, D | Courthouse and courtroom security; increase of certain fee. | |
| HB 1394 Herring, C | Elections; absentee voting; no-excuse, in-person. | |
| HB 1497 Sullivan, Jr., R | Absentee voting; registered voter using absentee ballot. | |
| HB 1508 Sullivan, Jr., R | Higher educational institutions; memorandum of understanding and policies. | |
| HB 1525 Minchew, J | NVTA; Department of Taxation's costs in administering certain taxes. | |
| <u>HB 1552</u> Filler-Corn, E | Child welfare agencies; regulation, national criminal history record check requirement. | |
| <u>HB 1560</u> Rust, T | Electronic summons systems; fees assessed by towns. | |

Watts, V rentals, lodgings, etc.

HB 1622

HB 1630 Lingamfelter, L

HB 1636

HB 1644

HB 1762

Minchew, J

Villanueva, R

Sullivan, Jr., R

Electric utilities; net energy metering.

Problem-Solving Courts; established.

Commonwealth Transportation Board;

Net energy metering; program for community

membership chosen from congressional districts.

Retail sales and transient occupancy taxes; room

subscriber organizations.

| HB 1785 Massie, III, J | Campus police departments; sexual assault reporting. |
|---------------------------|--|
| HB 1865 Kilgore, T | Local fiscal impact bills; first day introduction. |
| HB 1886 Jones, S | Public-Private Transportation Act; establishes requirement for finding of public interest. |
| HB 1887 Jones, S | Transportation; funding, formula, update annual reporting, and allocations. |
| HB 1922 Murphy, K | Elections; absentee voting by persons age 65 or older. |
| HB 1973 Preston, J | Businesses, certain; local limitations on number. |
| HB 1992 Morrissey, J | Elections; absentee voting; no-excuse, in-person. |
| HB 2023 BaCote, M | Child care subsidy; license required. |
| HB 2046 Filler-Corn, E | Licensure of family day homes. |
| HB 2252 Preston, J | Elections; absentee voting by persons age 65 or older. |
| HJ 495 Surovell, S | United States Constitution; Equal Rights Amendment. |
| SB 684 Carrico, Sr., C | Forfeiture of property used in connection with the commission of crimes; conviction required. |
| SB 708 Edwards, J | Elections; absentee voting by persons age 65 or older. |
| SB 719 McWaters, J | Elections; absentee voting by persons age 65 or older. |
| SB 731 Marsden, D | Juvenile law-enforcement records; restorative justice. |
| SB 736 Howell, J | Courthouse and courtroom security; increases assessment. |
| SB 758 Barker, G | Elections; absentee voting by persons age 65 or older. |
| SB 764 Edwards, J | Electric utilities; net energy metering programs. |
| SB 785 McEachin, A | Public employment; prohibits discrimination based on basis of sexual orientation or gender identity. |
| SB 796 Lucas, L | County food and beverage tax; referendum requirement. |
| SB 818 Favola, B | Family day homes; licensure by Department of Social Services. |
| SB 821 Miller, J | Opportunity Educational Institution; repeals Institution. |
| SB 822 Miller, J | Elections; absentee voting by persons age 65 or older. |

| SB 833 Edwards, J | Electric utilities; net energy metering. |
|-----------------------------|---|
| SB 888 | Electronic summons systems; fees assessed by |
| Petersen, J | towns. |
| SB 890 | Zoning ordinance; vehicle title loan businesses and |
| Petersen, J | payday lenders. |
| SB 903 | Problem-Solving Courts; established report. |
| Puller, L | |
| SB 910 | Elections; absentee voting by persons age 65 or |
| Wexton, J | older. |
| SB 925 | School zone; speed limit photo-enforcement |
| Edwards, J | System. |
| SB 935 Wexton, J | Herndon, Town of; amending charter, moves election date of mayor and council. |
| SB 981 | Higher educational institutions; memorandum of |
| Favola, B | understanding and policies. |
| SB 1004 | Electronic cigarettes and other vapor products; |
| Ebbin, A | state tax created, localities authorized to impose. |
| <u>SB 1011</u> | Cash proffers; purchase of development rights by |
| Stuart, R | locality. |
| <u>SB 1017</u> | Employment applications; inquiries regarding |
| Dance, R | criminal arrests, charges, or convictions. |
| SB 1054 | Comprehensive Services for At-Risk Youth and |
| Hanger, Jr., E | Families, State Executive Council for; regulations. |
| <u>SB 1123</u> Barker, G | Child care subsidy; license required. |
| SB 1140 | Local fiscal impact bills; first day introduction. |
| Garrett, T | Local inseal impact onis, first day introduction. |
| SB 1148 | Restricted driver's license; activities related to |
| Stuart, R | seeking employment. |
| <u>SB 1201</u> | Stormwater; dredging by municipal separate storm |
| Wagner, F | sewer system permittees. |
| SB 1210 | Retail sales and transient occupancy taxes on room |
| Ebbin, A | rentals. |
| <u>SB 1279</u> Wexton, J | Handheld personal communications devices; use while driving, penalty. |
| • | Higher educational institutions; memorandum of |
| SB 1329 Garrett, T | understanding and policies for sexual assaults. |
| SJ 216 | United States Constitution; Equal Rights |
| Ebbin, A | Amendment. |
| Fairfax County | Positions |
| (Monitor): | Pages 42-49 |
| HB 1274 | Electronic devices; search without a warrant |
| Farrell, P | prohibited. |
| <u>HB 1276</u> | Northern Virginia Veterans Care Center; funding |
| Cox, M | of project. |
| | |

| <u>HB 1510</u> | Hampton Roads Transportation Accountability |
|-----------------|--|
| Ward, J | Commission; population projections. |
| <u>HB 1528</u> | Government Data Collection and Dissemination |
| Berg, M | Practices Act; limitation on collection. |
| <u>HB 1529</u> | General appropriation act; expiration date of |
| Berg, M | second enactment Chapter 2, 2014 Sp. I Act. |
| <u>HB 1673</u> | Government Data Collection and Dissemination |
| Anderson, R | Practices Act; limitation on collection. |
| <u>HB 1760</u> | Hampton Roads Transportation Accountability |
| James, M | Commission; local representation. |
| <u>HB 1929</u> | Family day homes; licensure. |
| Anderson, R | |
| <u>HB 2017</u> | Aircraft, certain; local regulation. |
| Surovell, S | |
| <u>HB 2066</u> | Public libraries; policy of the Commonwealth |
| Keam, M | concerning service to the communities. |
| <u>HJ 514</u> | Composite Index of Local Ability to Pay; DOE to |
| Webert, M | study effect of local use value assessment. |
| <u>HJ 619</u> | Study; Department of Rail and Public |
| Lingamfelter, L | Transportation; Metrorail extension; report. |
| <u>HJ 635</u> | Study; performance of the communications sales |
| LaRock, D | and use tax; report. |
| <u>SB 675</u> | Northern Virginia Veterans Care Center; funding |
| Puller, L | of project. |
| <u>SB 742</u> | Elections; run-off elections. |
| Carrico, Sr., C | |
| <u>SB 743</u> | Hampton Roads Transportation Accountability |
| Lucas, L | Commission; local representation. |
| <u>SB 780</u> | Family day homes; licensure. |
| Favola, B | |
| <u>SB 781</u> | Passing with a double yellow line; drivers allowed |
| Alexander, K | to pass a pedestrian, stopped vehicle, etc. |
| SB 965 | Government Data Collection and Dissemination |
| Petersen, J | Practices Act; use of personal information. |
| <u>SB 1124</u> | Licensure of family day homes. |
| Barker, G | |
| <u>SB 1274</u> | State highways; allocation of funds. |
| Barker, G | |
| <u>SJ 288</u> | Study; Department of Education; effect of local |
| Vogel, J | use value assessment of certain real estate. |
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Fairfax County Positions (Oppose or Amend)

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| Bills General Assembly Actions | Position |
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| Bills | General Assembly Actions | Date of BOS Position |
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| HB 1293 - Morris (64) Stormwater fees; exemptions for religious groups. | 10/30/2014 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources | [1/23/2015] |

[Oppose] (15100024D) - Board has historically opposed.

Summary: Requires the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations.

| HB 1294 - Morris (64) Churches and other |
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| Churches and other |
| religious bodies. |

10/31/2014 House: Referred to Committee on Finance

[1/23/2015]

[Oppose] (15100044D)

Summary: Exempts churches, religious associations, and religious denominations from all state and local taxes, fees, and other charges.

| <u>HB 1317</u> - Campbell (6) |
|-------------------------------|
| Speeding; reckless |
| driving |

11/18/2014 House: Referred to Committee on Transportation 1/20/2015 House: Reported from Transportation (15-Y 7-N)

[1/23/2015]

[Oppose] (15100416D)

Summary: Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged.

| <u>HB 1352</u> - Ramadan | 12/2/2014 House: Referred to Committee on Finance | |
|--------------------------|---|-------------|
| (87) | | [1/23/2015] |
| BPOL tax; deduction for | | |
| amounts paid under | | |
| subcontracts. | | |

[Oppose] (15100249D)

Summary: Allows a deduction from gross receipts for amounts paid by the licensee to persons who are not employees pursuant to a subcontract between the licensee and such other persons. The deduction would become effective beginning with the 2016 license year.

Bills General Assembly Actions Date of BOS Position

HB 1359 - Campbell (6) Concealed handgun permits; lifetime permits. 12/2/2014 House: Referred to Committee on Militia, Police and Public Safety

[1/23/2015]

[Oppose] (15101524D) - Board has historically opposed. See also SB 689 (Black, R.)

Summary: Provides for the issuance of concealed handgun permits for Virginia residents that do not expire. Currently, such permits must be renewed every five years.

<u>HB 1410</u> - Marshall (13) Motor fuels; reduces tax rate on gasoline and gasohol.

12/18/2014 House: Referred to Committee on Appropriations

[1/23/2015]

[Oppose] (15102019D)

Summary: Motor fuels tax rate. Reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass a law permitting the Commonwealth to require out-of-state sellers to collect and remit sales and use tax.

HB 1416 - Taylor (85) Real property tax assessment; appeal to circuit court. 12/22/2014 House: Referred to Committee for Courts of Justice 1/19/2015 House: Subcommittee recommends laying on the table by voice vote

[1/23/2015]

[Oppose] (15101546D) - Board has historically opposed.

Summary: Provides that neither the taxpayer nor the locality shall have the burden of proof in an appeal of a real property assessment to the circuit court.

HB 1424 - Marshall, III (14) Virginia Water and

Virginia Water and Waste Authorities Act; delinquent payment.

12/23/2014 House: Referred to Committee on Counties, Cities and Towns

[1/23/2015]

[Oppose] (15101131D) See also SB 868 (Chafin, B.).

Summary: Repeals the provisions of the Act that make the non-occupant owner of a property liable for up to 90 days of delinquent payments under certain circumstances.

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Date of BOS Position 12

Bills General Assembly Actions

<u>HB 1470</u> - LaRock (33) Northern Virginia Transportation Authority; use of revenues. 12/31/2014 House: Referred to Committee on Transportation 1/22/2015 Subcommittee recommends reporting (5-Y 2-N)

[1/23/2015]

[Oppose] (15100978D)

Summary: Use of revenues by the Northern Virginia Transportation Authority. Requires that 70 percent of the revenues received by the Authority under \hat{A}_{ξ} 33.2-2510 be used by the Authority solely to fund transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with \hat{A}_{ξ} 33.2-2500 and that have been rated in accordance with \hat{A}_{ξ} 33.2-257.

HB 1486 - Habeeb (8) Workers' compensation; exclusivity of remedy.

1/5/2015 House: Referred to Committee on Commerce and

Labor

1/15/2015 House: Referred from Commerce and Labor by voice

ole .

1/15/2015 House: Referred to Committee for Courts of Justice

[1/23/2015]

[Oppose] (15101541D)

Summary: Provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicata between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicata and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions.

HB 1514 - Minchew (10) Composite index of local ability-to-pay; use value of real estate in certain localities. 1/5/2015 House: Referred to Committee on Education 1/21/2015 Subcommittee recommends reporting (4-Y 3-N)

[1/23/2015]

[Oppose] (15102516D)

Summary: Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" (LCI) utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestral production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

| Bills General Assembly Actions | | Position | |
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| HB 1576 - Pogge (96) Real property tax assessments; arbitration. | 1/7/2015 House: Referred to Committee on Finance | [1/23/2015] | |

[Oppose] (15101153D)

Summary: Permits the taxpayer to submit the valuation of an owner-occupied dwelling to binding arbitration in lieu of an appeal to court.

HB 1670 - Berg (29) Sheriffs; always serving as chief lawenforcement officer of locality. 1/9/2015 House: Referred to Committee on Appropriations

[1/23/2015]

Date of BOS

[Oppose] (15102780D)

Summary: Sheriffs; chief law-enforcement officer of locality. Provides that sheriffs shall always serve as the chief law-enforcement officer of a locality and receive funding in an amount as provided in the general appropriation act to perform in that capacity. The bill also provides that a locality may still establish a police department.

HB 1708 - Marshall (13) Certain industrial uses; transmission lines. 1/12/2015 House: Referred to Committee on Commerce and Labor

[1/23/2015]

[Oppose] (15103531D)

Summary: Requires that a zoning ordinance shall provide that any proposed data center that will require utilization of a 230 kilovolt electrical transmission line shall be located only in an area zoned for industrial use. However, if a zoning ordinance authorizes a data center, or similar land use, that will require utilization of a 230 kilovolt or greater electrical transmission line outside of an area zoned for industrial use, any electrical transmission lines that support such a land use and that are located at a distance greater than 300 feet from an existing electrical transmission line shall be placed underground at the expense of the owner of the data center.

| HB 1721 - Ramadan | 1/12/2015 House: Referred to Committee on Finance | [1/23/2015] |
|----------------------------|---|-------------|
| (87) Real property tax; | | [1/23/2013] |
| exemption for surviving | | |
| spouses of members of | | |
| armed forces killed in | | |
| action. | | |

[Amend] (15101172D) - Amend to support as a state tax credit.

Summary: Real property tax exemption; surviving spouses of members of armed forces killed in action. Exempts from taxation the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action regardless of the value of the residence. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly enacted legislation exempting from taxation the principal residence of such surviving spouse, provided that the

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Bills General Assembly Actions Date of BOS
Position

assessed value of the residence was not in excess of the averaged assessed value of dwellings in the county or city situated on property zoned as single family residential. The bill exempts the principal residence of any such surviving spouse regardless of assessed value. Subdivision (b) of Section 6-A of Article X provides that the exemption will cease if the surviving spouse remarries.

HB 1744 - Hugo (40) Local employee grievance procedure; final step in procedure adopted by local government. 1/12/2015 House: Referred to Committee on Education

[1/23/2015]

[Oppose] (15103369D) - Board has historically opposed.

Summary: Local employee grievance procedure. Requires that the final step in an employee grievance procedure adopted by a local governing body, providing for a hearing before an administrative hearing officer or an impartial panel hearing, be selected by the aggrieved employee. Currently, the selection of this final step requires the agreement of both parties. The bill also permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. The bill contains technical amendments.

<u>HB 1849</u> - Marshall, III (14)

Zoning appeals, board of; applications for variances.

1/13/2015 House: Referred to Committee on Counties, Cities and Towns

[1/23/2015]

[Oppose] (15101133D)

Summary: Variances. Changes the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements.

<u>HB 1915</u> - LeMunyon (67)

Northern Virginia Transportation Authority; regional plan. 1/13/2015 House: Referred to Committee on Transportation

[1/23/2015]

[Oppose] (15103478D) See also SB 1314 (Marsden, D.)

Summary: Requires the Northern Virginia Transportation Authority to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.

Bills General Assembly Actions Date of BOS
Position

HB 2004 - Torian (52) School nurses; divisionwide ratio students in average daily membership. 1/14/2015 House: Referred to Committee on Education

[1/23/2015]

[Oppose] (15102507D) - Potential fiscal impact is \$17 million to Fairfax County.

Summary: Divisionwide ratio of school nurses to students in average daily membership. Requires local school boards to employ at least one school nurse per 750 students in average daily membership in grades kindergarten through 12.

HB 2033 - Byron (22)
Workforce development;
coordination of
statewide delivery of
training programs &
activities, report.

1/14/2015 House: Referred to Committee on Commerce and

[1/23/2015]

[Oppose Unless Amended] (15103265D) - Amend to provide for flexibility in requirement to spend 40 percent of state funds on training.

Summary: Workforce development; coordination of statewide delivery of workforce development and training programs and activities. Makes several changes to coordinate the delivery of workforce development and training programs and activities at the state, regional, and local levels. Changes include (i) creating the Workforce Development Consortium to administer the coordinated implementation of programs and activities under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014, (ii) requiring a regional convener of workforce development partners, (iii) establishing minimum levels of fiscal support for workforce credential attainment, and (iv) utilizing WIOA reserve funds for incentive programs to increase workforce credential attainment.

HB 2095 - Keam (35) Real property tax on commercial and industrial property. 1/14/2015 House: Referred to Committee on Finance

[1/23/2015]

[Oppose] (15101728D)

Summary: Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.

| 1/2 4 /2013 DIIIS | Tantax County Opposes of Seeks Amendments to Bin | 10 | |
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| Bills | General Assembly Actions | Date of BOS Position | |
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| HB 2097 - Keam (35) Condemnation proceedings; mandatory dispute resolution orientation session. | 1/14/2015 House: Referred to Committee for Courts of Justice | [1/23/2015] | |
| parties in a condemnation | n proceedings; dispute resolution session. Provides that when the coproceeding to a dispute resolution orientation session, the court shallent appraiser to determine the fair market value of the property in orientation. | all also provide the | |
| HB 2163 - Cline (24) Photo-monitoring systems; for traffic light enforcement. | 1/14/2015 House: Referred to Committee on Militia, Police and Public Safety 1/22/2015 House: Subcommittee recommends laying on the table by voice vote | [1/23/2015] | |
| Summary: Use of photo- | pard has historically opposed. monitoring systems for traffic lights; repeal. Repeals the authority is good system for traffic light enforcement, colloquially known as a "ph | | |
| HB 2170 - Minchew (10) Northern Virginia Transportation Commission; transfer of powers and duties. | 1/14/2015 House: Referred to Committee on Transportation | [1/23/2015] | |
| [Oppose] (15102863D) Summary: Northern Virginia Transportation Commission; Northern Virginia Transportation Authority. Transfers the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority. | | | |
| HB 2186 - Kory (38) Public school buildings; minimum standards, recommendations for minimum usable school site size. | 1/14/2015 House: Referred to Committee on Education | [1/23/2015] | |

[Oppose] (15102521D)

Summary: Minimum standards for public school buildings; recommendations for minimum usable school site size. Requires the Board of Education's minimum standards for the erection of or addition to public school buildings to include the following recommendations for minimum usable site sizes: (i) one acre per 100 students in enrollment and (ii) an additional four acres for elementary schools, 10 acres for middle schools, and 10 acres for high schools. Such standards shall require local school boards to provide the Board with justifications for deviations from such recommendations.

| Bills | General Assembly Actions | Date of BOS Position |
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| HB 2262 - Morris (64) Planning commissions, local; notice to applicants of preapproval requirements. | 1/19/2015 House: Referred to Committee on Counties, Cities and Towns | [1/23/2015] |

[Oppose] (15103259D)

Summary: Planning commissions; notice to applicants of preapproval requirements. Provides that upon request of the applicant, the local planning commission shall designate an officer or employee who shall (i) advise the applicant of the feasibility of the applicant's rezoning request and (ii) provide a list of all required or anticipated materials, assessments, surveys, or reports that will be required of the applicant before consideration of the rezoning request. The bill provides that such information, while not constituting early approval of the applicant's rezoning plan, shall be deemed a preliminary approval of the plan pending fulfillment of any preapproval requirements.

| HJ 520 - Hope (47) Constitutional | 12/12/2014 House: Referred to Committee on Privileges and Elections | [1/23/2015] |
|---|---|-------------|
| amendment; property tax exemption for nonprofit medical clinics serving | | |
| the indigent. | | |

[Amend] (15100093D) - Amend to provide state funding for this initiative; historical position of the Board. **Summary:** Constitutional amendment (first resolution); property tax exemption for nonprofit medical clinics serving the indigent. Exempts from taxation property owned by nonprofit medical clinics organized to provide health care services without charge to the indigent.

| | 12/29/2014 House: Referred to Committee on Privileges and | F1 /02 /001 F1 |
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| (31) | Elections | [1/23/2015] |
| Constitutional | · | |
| amendment; Lottery | | |
| Proceeds Fund. | | |

[Oppose] (15100006D) - Concern about diversion of funding from K-12.

Summary: Constitutional amendment (first resolution); Lottery Proceeds Fund. Allows lottery proceeds to be appropriated from the Lottery Proceeds Fund to public institutions of higher education for purposes of providing education and employment training for veterans who have been honorably discharged from an active or reserve component of the United States armed forces or the Virginia National Guard and who are domiciled in the Commonwealth.

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| Bills | General Assembly Actions | Date of BOS Position |
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HJ 578 - Anderson (51) Constitutional amendment; general warrants of search or seizure prohibited (first resolution).

1/9/2015 House: Referred to Committee on Privileges and Elections

[1/23/2015]

[Amend] (15102466D) - Amend to remove immunity clause to preserve existing legislative and judicial authority. **Summary:** Constitutional amendment (first resolution); general warrants of search or seizure prohibited. Clarifies that the right of the people to be secure against unreasonable searches and seizures of their persons, houses, businesses, lands, papers, and effects applies also to communications and stored personal information and data. Furthermore, the requirement that a warrant particularly describe the place to be searched or the persons or things to be seized is extended to communications, personal information, and data to be accessed. The amendment provides that a person's disclosure to another person of his papers, effects, or electronic communications, personal information, or data is not alone a waiver of this right. The amendment also provides that the people shall have remedies of exclusion and actions for damages and other remedies and that defendants shall not enjoy greater immunity than other citizens of the Commonwealth.

HJ 590 - Ramadan (87)
Tangible personal
property tax relief;
reimbursement
payments to localities.

1/12/2015 House: Referred to Committee on Rules

[1/23/2015]

[Oppose] (15101763D)

Summary: Study; reimbursement payments to localities providing tangible personal property tax relief; report. Requests the Department of Taxation to conduct a study of reimbursement payments to localities providing tangible personal property tax relief.

HJ 597 - Hugo (40) Constitutional amendment (first resolution); real property tax exemption. 1/12/2015 House: Referred to Committee on Privileges and Elections

[1/23/2015]

[Amend] (15101096D) - Amend to provide state funding for this initiative.

Summary: Provides that the General Assembly may provide a real property tax exemption for the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.

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| Bills | General Assembly Actions | Position |

SB 689 - Black (13) Concealed handgun permits; lifetime permits. 11/21/2014 Senate: Referred to Committee for Courts of Justice

[1/23/2015]

[Oppose] (15100379D) - Board has historically opposed. See also HB 1359 (Campbell, J.).

Summary: Provides for the issuance of concealed handgun permits for Virginia residents that do not expire. Currently, such permits must be renewed every five years.

SB 726 - Cosgrove (14) Cash proffer for residential construction; sunset date. 12/11/2014 Senate: Referred to Committee on Local Government

[1/23/2015]

[Oppose] (15100983D) - Board has historically opposed.

Summary: Removes the July 1, 2017, expiration of a Code section that delays the payment of certain perdwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions barring the assertion of a cause of action to enforce a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance.

SB 761 - Edwards (21) Personal injury and wrongful death actions; disclosure of address of insured person. 12/23/2014 Senate: Referred to Committee for Courts of Justice 1/21/2015 Senate: Reported from Courts of Justice (14-Y 0-N)

[1/23/2015]

[Amend] (15100871D) - Amend to clarify that the business address is acceptable for County employees acting in their official capacity.

Summary: Requires an insurance company to disclose the address of an alleged tortfeasor upon request of an injured person, personal representative, or attorney in a cause of action for personal injury or wrongful death due to a motor vehicle accident, if such address has not previously been disclosed. The bill also changes the requirement that an insurance company disclose the limits of liability at the time of the accident for any insurance policy that may be applicable to the claim such that the total of "available" rather than "all" medical bills and wage losses equals or exceeds \$12,500.

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| Bills | General Assembly Actions | Position |

<u>SB 770</u> - McEachin (9) Workers' compensation; exclusivity of remedy. 12/23/2014 Senate: Referred to Committee on Commerce and

Labor

1/19/2015 Senate: Rereferred to Courts of Justice

[1/23/2015]

[Oppose] (15100341D)

Summary: Provides that if a court determines that an accident, disease, injury, or death is barred by the exclusivity provisions of the Workers' Compensation Act, then that finding shall be res judicate between the parties and estop them from arguing before the Workers' Compensation Commission that the accident, injury, or death did not arise out of and in the course and scope of the employee's employment. The measure also provides that if the Commission or a court determines that the accident, injury, or death does not arise out of or in the course and scope of such employee's employment, then that finding shall be res judicate and estop those same parties from arguing before a court that the accident is barred by the Act's exclusivity provisions.

SB 868 - Chafin (38)
Water or sewer systems;
delinquent payment of
rates and charges.

1/7/2015 Senate: Referred to Committee on Local Government

[1/23/2015]

[Oppose] (15102480D) See also HB 1424 (Marshall, D.W.)

Summary: Repeals a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. The provision being repealed also prohibits a water or sewer authority from refusing service to the affected premises, or other premises of the landlord, on account of the delinquency as long as the landlord has paid the charges for which he is liable.

SB 921 - Wexton (33)
Northern Virginia
Transportation
Authority; use of
revenues by towns.

1/8/2015 Senate: Referred to Committee on Transportation 1/21/2015 Senate: Reported from Transportation (14-Y 0-N)

[1/23/2015]

[Oppose] (15102245D)

Summary: Use of revenues by Northern Virginia Transportation Authority. Adds towns to the list of localities whose transportation projects can benefit from revenues from the Northern Virginia Transportation Authority. The bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive revenues from NVTA.

| Bills | General Assembly Actions | Date of BOS Position |
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SB 1023 - Stuart (28) Mass transit; transit funding in statewide prioritization.

1/12/2015 Senate: Referred to Committee on Transportation

[1/23/2015]

[Oppose] (15103232D)

Summary: Transit funding in statewide prioritization; review of project prioritization. Includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process. The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the Commonwealth Transportation Board and to make necessary recommendations regarding the process to the General Assembly.

SB 1026 - Garrett (22) Lobbyist disclosure; reporting by certain political subdivisions. 1/12/2015 Senate: Referred to Committee on Rules

[1/23/2015]

[Oppose] (15102649D)

Summary: Requires political subdivisions composed of, or managed or controlled by, one or more counties, cities, towns, or other local or regional political subdivisions to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account.

| SB 1033 - Wexton (33) |
|-----------------------|
| Northern Virginia |
| Transportation |
| Authority; increases |
| membershin |

1/12/2015 Senate: Referred to Committee on Rules

[1/23/2015]

[Oppose] (15102244D)

Summary: Northern Virginia Transportation Authority; membership composition. Increases the membership of the NVTA by one nonlegislative member to represent towns that receive funds for urban highway systems.

| Bills | General Assembly Actions | Date of BOS Position | |
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| SB 1061 - Obenshain (26) Electronic pollbooks; photographs and identifying information for each voter. | 1/13/2015 Senate: Referred to Committee on Privileges and Elections | [1/23/2015] | |
| and identifying information for each registered voter for information. The bill required the voter presents himself | ctronic pollbooks; photographs. Requires electronic pollbooks to come received by the State Board of Elections from the Department of For whom the Department of Motor Vehicles has such a photograph tires the officer of election to access the photograph and identifying to vote and to challenge the voter's vote if the voter does not appear to tograph in the pollbook. The bill has a delayed effective date of Ju | Motor Vehicles and identifying ginformation when ar to be the same | |
| SB 1065 - Obenshain (26) Cash proffer for residential construction; sunset date. | 1/13/2015 Senate: Referred to Committee on Local Government | [1/23/2015] | |
| [Oppose] (15101705D) - Board has historically opposed. Summary: Removes the July 1, 2017, expiration of a current law that delays the payment of certain perdwelling-unit cash proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. The removal of the sunset date also extends existing provisions protecting a right to delayed payment of cash proffers and allowing a court to award fees and costs to a party that prevails in a legal challenge to a conflicting ordinance. In addition, the bill repeals the July 1, 2017, expiration of a 2009 act of assembly that lowered the cap on the administrative costs a locality could charge a developer for the dedication of a public right-of-way from 25 percent to 10 percent of the estimated construction cost. | | | |
| SB 1091 - Vogel (27) | 1/13/2015 Senate: Referred to Committee on Education and | | |

adjustment of calculation of local composite index for funding.

Public schools;

1/13/2015 Senate: Referred to Committee on Education and Health

[1/23/2015]

[Oppose] (15102756D)

Summary: Adjustment of the calculation of the local composite index for public school funding. Directs the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation.

| <u>SB 1154</u> - Wexton (33) |
|------------------------------|
| Discharge of deleterious |
| substance into state |
| waters; notice. |

1/13/2015 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

[1/23/2015]

Bills General Assembly Actions Date of BOS Position

[Oppose] (15102514D)

Summary: Requires any person who unlawfully discharges any deleterious substance into state waters to notify the Department of Environmental Quality (the Department) and the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice and gives the person a choice between notifying the State Water Control Board (the Board), the Director of the Department, or the local emergency services coordinator. The bill also requires the Board or the Department to provide each report of a discharge to local newspapers, television stations, and radio stations within 24 hours of receiving it.

SB 1257 - Smith (22) Cash proffers; acceptance by localities. 1/14/2015 Senate: Referred to Committee on Local Government

[1/23/2015]

[Oppose] (15102679D) - Board has historically opposed.

Summary: Repeals the July 1, 2017, expiration of a 2010 Act of Assembly that delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy.

SB 1272 - Deeds (25)
Alcoholic beverage
control; limited
distiller's license created
for distilleries.

1/14/2015 Senate: Referred to Committee on Rehabilitation and Social Services
1/23/2015 Senate: Reported from Rehabilitation and Social

1/23/2015 Senate: Reported from Rehabilitation and Social Services with substitute (14-Y 1-N)

[1/23/2015]

[Oppose] (15102005D)

Summary: Alcoholic beverage control; limited distiller's license. Creates a limited distiller's license for distilleries that (i) manufacture no more than 36,000 gallons of spirits per calendar year, (ii) are located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner, and (iii) grow agricultural products on the farm that are used in the manufacture of its alcoholic beverages. The bill also establishes local and state taxes for limited distillers' licenses and prevents local regulation of certain activities by such licensees.

SB 1314 - Marsden (37) Northern Virginia Transportation Authority; regional plan. 1/14/2015 Senate: Referred to Committee on Transportation

[1/23/2015]

[Oppose] (15103670D) See also HB 1915 (LeMunyon, J.)

Summary: Requires the Northern Virginia Transportation Authority to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan.

Fairfax County Positions (Support)

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| Bills | General Assembly Actions | Date of BOS Position |
|---|---|----------------------|
| HB 1287 - Cole (88) Forfeiture of property used in connection with commission of crimes; conviction required. | 9/23/2014 House: Referred to Committee for Courts of Justice 1/21/2015 Subcommittee recommends reporting with amendment(s) (10-Y 1-N) | [1/23/2015] |

[Support Study] (15100438D) - Support referring bill to Crime Commission for study, similar to SB 684. **Summary:** Forfeiture of property used in connection with the commission of crimes; conviction required. Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals.

| HB 1310 - Krupicka (45 |
|------------------------|
| Taxes on electronic |
| cigarettes and other |
| vapor products. |

11/11/2014 House: Referred to Committee on Finance

[1/23/2015]

[Support] (15100391D)

Summary: Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.40 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited.

| HB 1343 - Filler-Corn (41) Campus police | 12/1/2014 House: Referred to Committee for Courts of Justice | [1/23/2015] |
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| departments; sexual assault reporting. | | |

[Support] (15101213D)

Summary: Requires that mutual aid agreements between campus police force and law-enforcement agencies contain provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation.

| HB 1388 - Albo (42) | 12/15/2014 House: Referred to Committee for Courts of Justice | [1/23/2015] |
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| courtroom security; | · | - |
| increase of certain fee. | | |

[Support] (15100425D) See also SB 736 (Howell, J.)

Summary: Courthouse and courtroom security fee. Increases the maximum local fee on criminal and traffic cases from \$10 to \$20.

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Bills Fairfax County Supports

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| Bills | General Assembly Actions | Date of BOS Position | |
|--|---|-------------------------|--|
| HB 1394 - Herring (46) Elections; absentee voting; no-excuse, in- person. | 12/16/2014 House: Referred to Committee on Privileges and Elections | [1/23/2015] | |

[Support] (15102576D) - Board has historically supported. See also HB 1992 (Morrissey, J.).

Summary: Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.

| <u>HB 1497</u> - Sullivan, Jr. | 1/5/2015 House: Referred to Committee on Privileges and | |
|--------------------------------|---|-------------|
| (48) | Elections | [1/23/2015] |
| Absentee voting; | | |
| registered voter using | | |
| absentee ballot. | | |

[Support] (15101185D)

Summary: Absentee voting; no-excuse. Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. This bill removes the current list of statutory reasons a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section. It repeals several sections, including one section made obsolete by the expansion of federal write-in absentee ballots to all elections.

| HB 1508 - Sullivan, Jr. | 1/5/2015 House: Referred to Committee for Courts of Justice | |
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| (48) | | [1/23/2015] |
| Higher educational | | |
| institutions; | | |
| memorandum of | | |
| understanding and | | |
| policies. | | |

[Support] (15102669D)

Summary: Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that mandate the referral of a sexual assault victim to the sexual assault crisis center, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who are concerned that an official report might jeopardize their academic status.

taxes.

| Bills | General As | sembly Actions | | Date of BOS Position | |
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| HD 1525 Mine | hovy (10) 1/6/2015 H | ouse: Referred to Committee on Finance | ce l | | Ī |
| NVTA; Departm | ent of | puse. Referred to Committee on Finance | : | [1/23/2015] | and the second second |
| Taxation's costs administering ce | F1. | | | | |

[Support] (15102761D)

Summary: Department of Taxation's costs in administering certain taxes; Northern Virginia Transportation Authority. Requires the Department of Taxation to provide to the Northern Virginia Transportation Authority (NVTA) the methodology it uses in calculating, and an itemized accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax revenue otherwise due to the NVTA.

| HB 1552 - Filler-Corn (41) Child welfare agencies; regulation, national | 1/7/2015 House: Referred to Committee on Health, Welfare and Institutions | [1/23/2015] |
|---|---|-------------|
| criminal history record check requirement. | | |

[Support w/ Amend.] (15101077D) - Amend to grandfather locally permitted programs.

Summary: Regulation of child welfare agencies; national criminal history record checks. Establishes a national criminal history record check requirement for licensure as a child welfare agency, for approval as a family day home by a family day system, for approval as a foster or adoptive parent; for employment or to volunteer at a child welfare agency or family day home; and for all adults residing in a home in which a family day home is operated. The bill requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted.

| | 1/1 1/2015 Bubbonninttee 10001111111111111111111111111111111 | [1/23/2015] |
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| towns. | | |

[Support] (15101955D) See also SB 888 (Petersen, C.).

Summary: Electronic summons systems; fees; towns. Allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court, to be used for the implementation and maintenance of an electronic summons system.

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Bills Fairfax County Supports

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Bills General Assembly Actions Date of BOS Position

HB 1622 - Sullivan, Jr. (48)
Electric utilities; net

energy metering.

1/8/2015 House: Referred to Committee on Commerce and Labor

[1/23/2015]

[Support] (15102542D) - Board has historically supported.

Summary: Increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's residential customer that may be eligible for participation in the utility's net energy metering program from 20 kilowatts to 40 kilowatts. The measure also increases the maximum generating capacity of such a facility owned or operated by a nonresidential customer that may be eligible for participation in such a program from 500 kilowatts to one megawatt. This change to the definition of an "eligible customergenerator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act.

HB 1630 - Lingamfelter (31)

Problem-Solving Courts; established.

1/8/2015 House: Referred to Committee for Courts of Justice

[1/23/2015]

[Support] (15102024D) See also SB 903 (Puller, T.).

Summary: Establishes the Problem-Solving Court Act(the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal re-entry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§18.2-254.1).

HB 1636 - Minchew (10) Net energy metering; program for community subscriber organizations.

1/8/2015 House: Referred to Committee on Commerce and Labor

[1/23/2015]

[Support] (15102497D) - Board has historically supported.

Summary: Electric utilities; net energy metering; community subscriber organizations. Directs the State Corporation Commission to establish by regulation a program that affords community subscribers and community subscriber organizations the opportunity to participate in net energy metering. A community subscriber is a retail customer of an electric utility who owns a subscription in a community generation facility and receives on-bill credits for each kilowatt hour of energy produced by their portion of the community generation facility. The subscriber's premises is required to be located in the service territory of the utility in which the community generation facility is located and in the county in which the community generation facility is located or a neighboring county. A community generation facility is an electrical generating facility that uses as its total source of fuel renewable energy and has a capacity of not more than two megawatts. The measure also increases the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer, or a customer that operates a generation facility as part of an

Bills

General Assembly Actions

Date of BOS Position

agricultural operation, that may be eligible for participation in the utility's net energy metering program from 500 kilowatts to two megawatts.

<u>HB 1644</u> - Villanueva (21)

Commonwealth Transportation Board; membership chosen from congressional districts. 1/9/2015 House: Referred to Committee on Transportation

[1/23/2015]

[Support] (15102665D) - Board has historically supported.

Summary: Commonwealth Transportation Board membership; align with congressional districts. Provides that the nonlegislative citizen members of the Commonwealth Transportation Board shall be chosen from Virginia's congressional districts instead of from the highway construction districts and retains the five at-large members. As a result, the overall membership of the Board would increase by two.

<u>HB 1762</u> - Watts (39) Retail sales and transient occupancy taxes; room

rentals, lodgings, etc.

1/12/2015 House: Referred to Committee on Finance 1/21/2015 House: Subcommittee recommends laying on the table

by voice vote

[1/23/2015]

[Support] (15102146D) - Board has historically supported. See also SB 1210 (Ebbin, A.).

Summary: Retail sales and transient occupancy taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room an such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

<u>HB 1785</u> - Massie, III (72)

Campus police departments; sexual assault reporting.

1/13/2015 House: Referred to Committee for Courts of Justice

[1/23/2015]

[Support] (15101919D)

Summary: Requires that mutual aid agreements between a campus police force and a law-enforcement agency contain provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation.

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Bills Fairfax County Supports

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Bills General Assembly Actions Date of BOS Position

<u>HB 1865</u> - Kilgore (1) Local fiscal impact bills; first day introduction. 1/13/2015 House: Referred to Committee on Rules

[1/23/2015]

[Support] (15102723D) - Board has historically supported. See also SB 1140 (Garrett, T.S.). **Summary:** Requires local fiscal impact bills to be introduced no later than the first day of the session.

HB 1886 - Jones (76)
Public-Private
Transportation Act;
establishes requirement
for finding of public
interest.

1/13/2015 House: Referred to Committee on Transportation

[1/23/2015]

[Support w/ Amend.] (15103395D) - Amend to clarify high/medium/low risk levels.

Summary: Public-Private Transportation Act; finding of public interest. Establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Steering Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected.

HB 1887 - Jones (76)
Transportation; funding, formula, update annual reporting, and allocations.

1/13/2015 House: Referred to Committee on Transportation

[1/23/2015]

[Support with Amendment] (15103429D) Support with amendments to: provide/retain local governments' ability to determine where funds will be allocated within their respective jurisdictions; retain the ability of the Transportation Partnership Opportunity Fund to be used for public-private partnerships or tax districts; and clarify that there will not be a negative impact on the Virginia Railway Express.

Summary: The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants.

The bill adds to transportation funding considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements.

Bills General Assembly Actions Date of BOS Position

The bill updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB.

The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB.

The bill provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act.

HB 1922 - Murphy (34) Elections; absentee voting by persons age 65 or older.

1/13/2015 House: Referred to Committee on Privileges and Elections

[1/23/2015]

[Support] (15101429D) - Board has historically supported. SB 708 (Edwards, J.), SB 719 (McWaters, J.), SB 758 (Barker, G.), SB 822 (Miller, J.), SB 910 (Wexton, J.), and HB 2252 (Preston, J.).

Summary: Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.

HB 1973 - Preston (63) Businesses, certain; local limitations on number. 1/13/2015 House: Referred to Committee on Commerce and Labor

[1/23/2015]

[Support] (15102274D) - Board has historically supported.

Summary: Local limitations on number of certain businesses. Provides that a locality may by ordinance reasonably limit the number of motor vehicle title loan businesses, payday lenders, check cashers, and precious metals dealers that may be operated at any one time within its territorial limits. The ordinance may limit the number of such establishments based on a specific number of businesses per magisterial or election district or by limiting the number of such businesses within an established radius.

HB 1992 - Morrissey (74)
Elections; absentee voting; no-excuse, inperson.

1/14/2015 House: Referred to Committee on Privileges and Elections

[1/23/2015]

[Support] (15102436D) - Board has historically supported. See also HB 1394 (Herring, C.).

Summary: Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.

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Bills Fairfax County Supports

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| | Bills | reneral Assembly Actions | Date of BOS Position |
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HB 2023 - BaCote (95) Child care subsidy; license required. 1/14/2015 House: Referred to Committee on Health, Welfare and Institutions

[1/23/2015]

[Support w/ Amend.] (15102479D) - Amend to grandfather locally permitted programs.

Summary: Requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Fund.

<u>HB 2046</u> - Filler-Corn (41) Licensure of family day

homes.

1/14/2015 House: Referred to Committee on Health, Welfare and Institutions

[1/23/2015]

[Support w/ Amend.] (15101349D) - Amend to grandfather locally permitted programs.

Summary: Requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted.

HB 2252 - Preston (63) Elections; absentee voting by persons age 65 or older.

1/19/2015 House: Referred to Committee on Privileges and Elections

[1/23/2015]

[Support] (15102278D) - Board has historically supported.

Summary: Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.

HJ 495 - Surovell (44) United States Constitution; Equal Rights Amendment. 8/16/2014 House: Referred to Committee on Privileges and Elections

[1/23/2015]

[Support] (15100137D) - Board has historically supported. See also SJ 216 (Ebbin, A.).

Summary: Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

| | Bills | General Assembly Actions | Date of BOS Position |
|---|---------|--------------------------|-------------------------|
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SB 684 - Carrico, Sr. (40)
Forfeiture of property used in connection with the commission of crimes; conviction required.

10/21/2014 Senate: Referred to Committee for Courts of Justice 1/21/2015 Senate: Passed by indefinitely in Courts of Justice with letter (12-Y 0-N)

[1/23/2015]

[Support Study] (15100578D) - Support referring bill to Crime Commission for study.

Summary: Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been convicted of the crime and has exhausted all appeals.

SB 708 - Edwards (21) Elections; absentee voting by persons age 65 or older. 12/2/2014 Senate: Referred to Committee on Privileges and Elections

[1/23/2015]

[Support] (15100901D) - Board has historically supported. See also SB 719 (McWaters, J.), SB 758 (Barker, G.), SB 822 (Miller, J.), SB 910 (Wexton, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.).

Summary: Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.

SB 719 - McWaters (8) Elections; absentee voting by persons age 65 or older.

12/8/2014 Senate: Referred to Committee on Privileges and Elections

[1/23/2015]

[Support] (15100753D) - Board has historically supported. See also SB 708 (Edwards, J.), SB 758 (Barker, G.), SB 822 (Miller, J.), SB 910 (Wexton, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.).

Summary: Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.

SB 731 - Marsden (37) Juvenile lawenforcement records; restorative justice. 12/12/2014 Senate: Referred to Committee for Courts of Justice 1/21/2015 Senate: Reported from Courts of Justice with substitute (12-Y 0-N 1-A)

[1/23/2015]

[Support] (15100292D)

Summary: Allows entities who have a contract with a juvenile and domestic relations district court to provide restorative justice services to inspect the police records of juveniles who are participating in the program or who have been identified by law-enforcement as possible participants.

| Bills | General Assembly Actions | Date of BOS Position | | | |
|---|---|-------------------------|--|--|--|
| SB 736 - Howell (32) Courthouse and courtroom security; increases assessment. | 12/16/2014 Senate: Referred to Committee for Courts of Justice 1/14/2015 Senate: Rereferred to Finance | [1/23/2015] | | | |
| Summary: Courthouse se body may assess against a | [Support] (15102438D) See also HB 1388 (Albo, D.). Summary: Courthouse security; assessment. Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse security. | | | | |
| SB 758 - Barker (39) Elections; absentee voting by persons age 65 or older. | 12/22/2014 Senate: Referred to Committee on Privileges and Elections | [1/23/2015] | | | |
| [Support] (15101639D) - Board has historically supported. See also SB 708 (Edwards, J.), SB 719 (McWaters, J SB 822 (Miller, J.), SB 910 (Wexton, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.). Summary: Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. | | | | | |
| SB 764 - Edwards (21) Electric utilities; net energy metering programs. | 12/23/2014 Senate: Referred to Committee on Commerce and Labor | [1/23/2015] | | | |
| [Support] (15101229D) - Board has historically supported. Summary: Electric utilities; net energy metering. Increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customer-generator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business Financing Act. | | | | | |
| SB 785 - McEachin (9) Public employment; prohibits discrimination | 12/31/2014 Senate: Referred to Committee on General Laws and Technology | [1/23/2015] | | | |

[Support] (15103001D) - Board has historically supported.

based on basis of sexual orientation or gender

identity.

Summary: Nondiscrimination in public employment. Prohibits discrimination in public employment based on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a special disabled veteran or other veteran.

Bills Fairfax County Supports

| Bills | General Assembly Actions | Date of BOS Position | | |
|--|---|-------------------------|--|--|
| SB 796 - Lucas (18) County food and beverage tax; referendum requirement. | 1/1/2015 Senate: Referred to Committee on Local Government | [1/23/2015] | | |
| Summary: Removes the | [Support] (15101941D) - Consistent with County principles for revenue diversification. Summary: Removes the requirement that a county food and beverage tax be approved by a referendum before the county may pass an ordinance. | | | |
| SB 818 - Favola (31) Family day homes; licensure by Department of Social Services. | 1/2/2015 Senate: Referred to Committee on Rehabilitation and Social Services | [1/23/2015] | | |
| Summary: Licensure of fichildren for compensation homes providing care for | [Support w/ Amend.] (15100846D) - Amend to grandfather locally permitted programs. Summary: Licensure of family day homes. Requires all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted. | | | |
| SB 821 - Miller (1) Opportunity Educational Institution; repeals Institution. | 1/5/2015 Senate: Referred to Committee on Education and Health 1/22/2015 Senate: Reported from Education and Health (15-Y 0-N) | [1/23/2015] | | |
| [Support] (15101219D) - Bo Summary: Opportunity I | oard has historically supported. Educational Institution repealed. Repeals the Opportunity Educationa | l Institution. | | |
| SB 822 - Miller (1) Elections; absentee voting by persons age 65 or older. | 1/5/2015 Senate: Referred to Committee on Privileges and Elections | [1/23/2015] | | |
| [Support] (15101175D) - Board has historically supported. See also SB 708 (Edwards, J.), SB 719 (McWaters, J.), SB 910 (Wexton, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.). Summary: Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee. | | | | |
| SB 833 - Edwards (21) Electric utilities; net energy metering. | 1/5/2015 Senate: Referred to Committee on Commerce and Labor | [1/23/2015] | | |

[Support] (15103022D) - Board has historically supported.

Summary: Increases, from 500 kilowatts to two megawatts, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. This change to the definition of an "eligible customergenerator" also affects the definition of a "qualified energy project" as used in the Virginia Small Business

| Bills | General Assembly Actions | Date of BOS Position |
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Financing Act.

SB 888 - Petersen (34) Electronic summons systems; fees assessed by towns.

1/7/2015 Senate: Referred to Committee for Courts of Justice 1/19/2015 Senate: Reported from Courts of Justice (12-Y 1-N) 1/19/2015 Senate: Rereferred to Finance

[1/23/2015]

[Support] (15102002D) See also HB 1560 (Rust, T.).

Summary: Electronic summons systems; fees; towns. Allows towns to assess a fee not to exceed \$5, as part of the costs in each criminal or traffic case in district or circuit court, to be used for the implementation and maintenance of an electronic summons system.

SB 890 - Petersen (34) Zoning ordinance; vehicle title loan businesses and payday lenders.

1/7/2015 Senate: Referred to Committee on Local Government

[1/23/2015]

[Support] (15102009D) - Board has historically supported.

Summary: Zoning; vehicle title loan businesses and payday lenders. Allows a local zoning ordinance to include reasonable limits on the number of motor vehicle title loan businesses and payday lenders that may be operated at any one time within a zoning district.

SB 903 - Puller (36) Problem-Solving Courts; established report.

1/7/2015 Senate: Referred to Committee for Courts of Justice 1/19/2015 Senate: Reported from Courts of Justice with substitute (14-Y 0-N) 1/19/2015 Senate: Rereferred to Finance

[1/23/2015]

[Support] (15103948D-S1) See also HB 1630 (Lingamfelter, L.S.).

Summary: Problem-Solving Courts; established. Establishes the Problem-Solving Court Act (the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal re-entry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1).

SB 910 - Wexton (33) Elections; absentee voting by persons age 65 or older.

1/8/2015 Senate: Referred to Committee on Privileges and Elections

[1/23/2015]

[Support] (15100480D) - Board has historically supported. See also SB 708 (Edwards, J.), SB 719 (McWaters, J.), SB 822 (Miller, J.), HB 1922 (Murphy, K.), and HB 2252 (Preston, J.).

Summary: Entitles persons age 65 or older on the day of an election for which an absentee ballot is requested to vote absentee.

| Bills | General Assembly Actions | Date of BOS Position |
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| SB 925 - Edwards (21) School zone; speed limit photo-enforcement system. | 1/8/2015 Senate: Referred to Committee on Local Government | [1/23/2015] |

[Support w/ Amend.] (15102657D) - Amend to remove strict liability civil penalty.

Summary: School zone speed limit photo-enforcement system. Allows a locality having its own school district or school system to provide by ordinance for the establishment of a school zone speed limit photo-enforcement system imposing monetary liability on the operator of a motor vehicle for failure to comply with the speed limit in a school zone or school crossing in such locality. Proof of a violation of this section shall be evidenced by information obtained from a school zone speed limit photo-enforcement system. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs.

SB 935 - Wexton (33) Herndon, Town of; amending charter, moves election date of mayor and council.

1/8/2015 Senate: Referred to Committee on Local Government 1/20/2015 Senate: Reported from Local Government (15-Y 0-N)

[1/23/2015]

[Support] (15102253D)

Summary: Charter; Town of Herndon; elections. Moves the date of election of the mayor and members of the Herndon town council from May to November beginning with the election of November 2016 and extends the terms of those in office as of July 2016 until December 31, 2016. The bill also provides for the election of a vice mayor at the first regular town council meeting in January following a municipal election.

SB 981 - Favola (31) Higher educational institutions; memorandum of understanding and policies.

1/11/2015 Senate: Referred to Committee on Education and Health

[1/23/2015]

[Support] (15101757D)

Summary: Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make

| Bills | General Assembly Actions | Date of BOS |
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an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status.

SB 1004 - Ebbin (30) Electronic cigarettes and other vapor products; state tax created, localities authorized to impose. 1/12/2015 Senate: Referred to Committee on Finance 1/21/2015 Senate: Passed by indefinitely in Finance (15-Y 0-N)

[1/23/2015]

[Support] (15102363D)

Summary: Taxes on electronic cigarettes and other vapor products. Creates a state tax on electronic cigarettes, electronic cigars, electronic cigarillos, and similar products and devices (vapor products) and authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate \$0.18 per milliliter of nicotine liquid solution or other material containing nicotine that is depleted as the vapor product is used. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited.

SB 1011 - Stuart (28) Cash proffers; purchase of development rights by locality. 1/12/2015 Senate: Referred to Committee on Local Government

[1/23/2015]

[Support] (15101258D)

Summary: Allows a locality to use a cash payment voluntarily proffered by a landowner to purchase development rights within the locality in accordance with the comprehensive plan and local ordinances allowing for the transfer of development rights. The bill provides that the locality seeking to purchase such rights must first notify the proffering landowner and conduct a public hearing. Following the hearing, the locality is required to find that the purchase is in accordance with the local ordinance allowing the transfer of development rights, the rights to be purchased are within the areas identified in the comprehensive plan for land conservation, and the purchase is in the public interest. The bill contains technical amendments.

SB 1017 - Dance (16) Employment applications; inquiries regarding criminal arrests, charges, or convictions. 1/12/2015 Senate: Referred to Committee on General Laws and Technology

[1/23/2015]

[Support] (15100207D)

Summary: Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that bears a rational relationship to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a

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conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted bears a rational relationship to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies, fire departments, and emergency medical services agencies. The bill also authorizes localities to prohibit such inquiries.

| <u>SB 1054</u> - Hanger, Jr. (24) | 1/12/2015 Senate: Referred to Committee on Rehabilitation and Social Services | [1/23/2015] |
|-----------------------------------|---|-------------|
| Comprehensive Services | | |
| for At-Risk Youth and | | |
| Families, State Executive | | |
| Council for; regulations. | | |

[Support] (15100962D) - Board has historically supported.

Summary: State Executive Council for Comprehensive Services for At-Risk Youth and Families; regulations. Provides that the State Executive Council for Comprehensive Services for At-Risk Youth and Families shall promulgate regulations necessary to carry out its powers and duties. The bill contains technical amendments. Places the CSA under the Administrative Process Act.

| SB 1123 - Barker (39) |
|-----------------------|
| Child care subsidy; |
| license required. |

1/13/2015 Senate: Referred to Committee on Rehabilitation and Social Services

[1/23/2015]

[Support w/ Amend.] (15102477D) - Amend to grandfather locally permitted programs.

Summary: Requires licensure for any child day center or family day home, other than those located on federal property and operated or certified by the U.S. Department of Defense, that contracts with the State Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Fund.

| SB 1140 - Garrett (22) |
|----------------------------|
| Local fiscal impact bills; |
| first day introduction. |

1/13/2015 Senate: Referred to Committee on Rules

[1/23/2015]

[Support] (15102531D) - Board has historically supported. See also HB 1865 (Kilgore, T.G.)

Summary: Requires local fiscal impact bills to be introduced no later than the first day of the regular session of the General Assembly.

SB 1148 - Stuart (28) Restricted driver's license: activities related to seeking employment.

1/13/2015 Senate: Referred to Committee for Courts of Justice

[1/23/2015]

[Support w/ Amend.] (15102004D) - Amend to include travel to and from training for employment. Summary: Adds travel to and from a scheduled job interview or the office of the Virginia Employment Commission for the purpose of seeking employment to the list of purposes for which a court may issue a restricted driver's license.

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Bills Fairfax County Supports

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| Bills | General Assembly Actions | Date of BOS Position |
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Stormwater; dredging by municipal separate storm sewer system permittees.

1/13/2015 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources

[1/23/2015]

[Support w/ Amend.] (15100954D) - Amend to strike "navigable waterway."

Summary: Stormwater; municipal separate storm sewer system permittees; dredging. Directs the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay Watershed by a locality that is a municipal separate storm sewer system (MS4) permittee as a method by which the permittee may meet its pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal under the Chesapeake Bay Watershed Model. The bill also requires that any dredging take place in a navigable waterway within the boundaries of the locality and comply with all applicable laws.

<u>SB 1210</u> - Ebbin (30) Retail sales and transient occupancy taxes on room rentals. 1/13/2015 Senate: Referred to Committee on Finance

[1/23/2015]

[Support] (15103399D) - Board has historically supported. See also HB 1762 (Watts, V.).

Summary: Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

SB 1279 - Wexton (33) Handheld personal communications devices; use while driving, penalty. 1/14/2015 Senate: Referred to Committee on Transportation

[1/23/2015]

[Support] (15102249D) - Board has historically supported.

Summary: Use of handheld personal communications devices while driving; penalty. Provides that, subject to certain exceptions, using a handheld personal communications device while operating a moving vehicle, unless such device is used in voice-operated or hands-free mode, is a traffic infraction punishable by a fine of \$125 for a first offense and \$250 for a second or subsequent offense. If a person is using such a device at the same time he (i) violates any traffic offense punishable as a misdemeanor or a felony or (ii) causes an accident as the proximate result of his use of the device, he is guilty of reckless driving, a Class 1 misdemeanor. Currently, only texting while driving is a traffic infraction, subject to the same \$125 and \$250 fines. The bill also eliminates the additional mandatory minimum fine imposed upon a person convicted of reckless driving who was texting while driving at the time of the offense.

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SB 1329 - Garrett (22) Higher educational institutions; memorandum of understanding and policies for sexual assaults. 1/15/2015 Senate: Referred to Committee on Education and Health

[1/23/2015]

[Support] (15103641D)

Summary: Institutions of higher education; sexual assault; memorandum of understanding and policies. Requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims who do not want to make an official report to make an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status.

| United States | 11/7/2014 Senate: Referred to Committee on Privileges and Elections | [1/23/2015] |
|---------------------|---|-------------|
| Constitution; Equal | | |
| Rights Amendment. | | |

[Support] (15100396D) - Board has historically supported. See also HJ 495 (Surovell, S.).

Summary: Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

Fairfax County Positions (Monitor)

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|---|---|--------------------------|-------------|--|
| | Bills | General Assembly Actions | Position | |
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<u>HB 1274</u> - Farrell (56) Electronic devices; search without a warrant prohibited. 7/21/2014 House: Referred to Committee for Courts of Justice

[1/23/2015]

[Monitor] (15100087D) - Board has historically advocated amending bill to apply only to personally-owned devices.

Summary: Search of electronic device without warrant prohibited. Provides that no officer of the law or any other person shall search any cellular telephone, tablet computer, portable computer, desktop computer, or other electronic device containing or designed to contain electronic data or digital information except by virtue of and under a warrant issued by a proper officer.

HB 1276 - Cox (66) Northern Virginia Veterans Care Center; funding of project. 7/21/2014 House: Referred to Committee on Appropriations 1/21/2015 House: Reported from Appropriations with amendments (22-Y 0-N)

[1/23/2015]

[Monitor] (15100105D)

Summary: Northern Virginia Veterans Care Center project. Provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$59.9 million in federal funds to the project.

HB 1510 - Ward (92)
Hampton Roads
Transportation
Accountability
Commission; population
projections.

1/5/2015 House: Referred to Committee on Transportation 1/21/2015 Subcommittee recommends reporting with amendment(s) (5-Y 1-N)

[1/23/2015]

[Monitor] (15101718D)

Summary: Hampton Roads Transportation Accountability Commission. Provides that population estimates used by the Hampton Roads Transportation Accountability Commission in making its decisions shall be those projections made by the Weldon Cooper Center for Public Service of the University of Virginia. Current law provides for use of the most recent decennial census in determining such population estimates until the fifth year following each census and then using adjusted projections made by the Center.

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Bills General Assembly Actions Date of BOS Position

HB 1528 - Berg (29)
Government Data
Collection and
Dissemination Practices
Act; limitation on
collection.

1/6/2015 House: Referred to Committee for Courts of Justice

[1/23/2015]

[Monitor] (15101692D) - Retention period in bill may be insufficient.

Summary: Government Data Collection and Dissemination Practices Act; limitation on collection and use of personal information by law enforcement; penalty. Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader provided that any information collected shall only be retained for 24 hours and shall only be used for the investigation of a crime or a report of a missing person. The bill provides that any person who sells or uses information collected from a license plate reader by a law-enforcement agency in any unauthorized manner is guilty of a Class 6 felony.

HB 1529 - Berg (29) General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. I Act. 1/6/2015 House: Referred to Committee on Appropriations

[1/23/2015]

[Monitor] (15102351D)

Summary: General appropriation act. Provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015.

HB 1673 - Anderson (51)
Government Data
Collection and
Dissemination Practices
Act; limitation on
collection.

1/9/2015 House: Referred to Committee for Courts of Justice 1/21/2015 House: Referred from Courts of Justice by voice vote 1/21/2015 House: Referred to Committee on Militia, Police and Public Safety

[1/23/2015]

[Monitor] (15102702D) - Retention period in bill may be insufficient.

Summary: Government Data Collection and Dissemination Practices Act; limitation on collection and use of personal information by law enforcement. Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act. The bill also allows a law-enforcement agency to collect information from a license plate reader.

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Bills General Assembly Actions Date of BOS Position

provided that any information collected shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person.

HB 1760 - James (80)
Hampton Roads
Transportation
Accountability
Commission; local
representation.

1/12/2015 House: Referred to Committee on Transportation

[1/23/2015]

[Monitor] (15102902D) See also SB 743 (Lucas, L.).

Summary: Allows the chief elected officer of each locality within Planning District 23 to have a representative from the same governing body serve on the Hampton Roads Transportation Accountability Commission.

<u>HB 1929</u> - Anderson (51) Family day homes; licensure.

1/13/2015 House: Referred to Committee on Health, Welfare and Institutions

[1/23/2015]

[Monitor] (15102492D)

Summary: Licensure of family day homes. Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure.

<u>HB 2017</u> - Surovell (44) Aircraft, certain; local regulation.

1/14/2015 House: Referred to Committee for Courts of Justice

[1/23/2015]

[Monitor] (15100618D) Substitute being drafted.

Summary: Local regulation of certain aircraft. Provides that a locality may by ordinance regulate the use of privately owned, unmanned, autonomous aircraft within its boundaries. Such ordinance may place reasonable restrictions on the time, place, and manner of use of such aircraft.

HB 2066 - Keam (35) Public libraries; policy of the Commonwealth concerning service to the communities. 1/14/2015 House: Referred to Committee on General Laws

[1/23/2015]

[Monitor] (15101262D)

Summary: Public libraries. Provides that it is the policy of the Commonwealth that public libraries are deemed to provide an essential service to the communities of the Commonwealth.

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| Bills | H General Assembly Actions | Date of BOS Position |
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HJ 514 - Webert (18)
Composite Index of
Local Ability to Pay;
DOE to study effect of
local use value
assessment.

12/8/2014 House: Referred to Committee on Rules

[1/23/2015]

[Monitor] (15100853D) - Broader study of LCI is needed, to include factors such as cost of living, rather than individual components. See also SJ 288 (Vogel, J.)

Summary: Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report. Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.

HJ 619 - Lingamfelter
(31)
Study; Department of
Rail and Public
Transportation; Metrorail
extension; report.

1/13/2015 House: Referred to Committee on Rules

[1/23/2015]

[Monitor] (15103536D)

Summary: Study; Department of Rail and Public Transportation to study Metrorail extension; report. Requests the Department of Rail and Public Transportation to study the efficacy and desirability of extending the Metrorail in Virginia and to report on its findings no later than the first day of the 2016 Regular Session of the General Assembly.

HJ 635 - LaRock (33) Study; performance of the communications sales and use tax; report. 1/14/2015 House: Referred to Committee on Rules

[1/23/2015]

[Monitor] (15102420D)

Summary: Requests the Department of Taxation to conduct a study of the performance of the communications sales and use tax.

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| Veterans Care Center; funding of project. | Northern Virginia Veterans Care Center; | 8/4/2014 Senate: Referred to Committee on Finance | [1/23/2015] |
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[Monitor] (15100218D)

Summary: Northern Virginia Veterans Care Center project. Provides for funding of the Northern Virginia Veterans Care Center project through an allocation of the proceeds of \$300 million of Virginia Public Building Authority bonds, which were authorized pursuant to Chapter 1 of the Acts of Assembly of 2014, Special Session I. The bill provides that none of the proceeds of the \$300 million of authorized bonds may be used for any purpose until the state share of the funding requirements of the Northern Virginia Veterans Care Center project and the Hampton Roads Veterans Care Center project have been met in full through an allocation of the proceeds of such bonds. The bill also appropriates \$59.9 million in federal funds to the project.

| 1 | 12/16/2014 Senate: Referred to Committee on Privileges and Elections | [1/23/2015] |
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| elections. | | |

[Monitor] (15101178D)

Summary: Provides that no candidate shall be deemed to have been elected at a general election to any statewide office unless such candidate receives more than 50 percent of the total votes cast for that office. The bill requires that when no candidate for an office receives more than 50 percent of the total votes cast at the general election for that office, a run-off election between the candidates receiving the highest and next-highest number of votes for that office shall be held. However, no run-off election shall be held if the total number of write-in votes cast for an office and the total number of votes cast for the candidate receiving the highest number of votes for an office together equal more than 50 percent of the total votes cast for that office. The bill requires run-off elections to be held on the fourth Tuesday following the date of the certification of the results of the general election or, if a recount is conducted after the general election, on the fourth Tuesday following the date of the certification of the results of the recount, unless the fourth Tuesday falls on a legal holiday, in which the case the run-off election will be held on the sixth Tuesday. The bill provides that all other elections, including a general election of electors for the President and Vice-President of the United States, the person having the highest number of votes for an office shall be deemed to have been elected to such office and shall receive the certificate of election. Under current law, except in the case of a recount, the person having the most votes cast at any election shall be deemed to have been elected to that office.

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| Bills | General Assembly Actions | Date of BOS Position |
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SB 743 - Lucas (18)
Hampton Roads
Transportation
Accountability
Commission; local
representation.

12/17/2014 Senate: Referred to Committee on Rules

[1/23/2015]

[Monitor] (15101573D) See also HB 1760 (James, M.).

Summary: Allows the chief elected officer of each locality within Planning District 23 to have a representative from the same governing body serve on the Hampton Roads Transportation Accountability Commission.

SB 780 - Favola (31) Family day homes; licensure.

12/30/2014 Senate: Referred to Committee on Rehabilitation and Social Services

[1/23/2015]

[Monitor] (15100664D)

Summary: Licensure of family day homes. Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure.

SB 781 - Alexander (5) Passing with a double yellow line; drivers allowed to pass a pedestrian, stopped vehicle, etc. 12/30/2014 Senate: Referred to Committee on Transportation 1/21/2015 Senate: Reported from Transportation with substitute (13-Y 2-N)

[1/23/2015]

[Monitor] (15101281D)

Summary: Passing with a double yellow line. Allows drivers to pass pedestrian or a device moved by human power, including a bicycle, skateboard, or foot-scooter, provided such movement can be made safely. The bill also relocates a definition from the end of the section to the beginning for clarity.

SB 965 - Petersen (34)
Government Data
Collection and
Dissemination Practices
Act; use of personal
information.

1/9/2015 Senate: Referred to Committee on General Laws and Technology

[1/23/2015]

[Monitor] (15103452D) - Retention period in bill may be insufficient.

Summary: Government Data Collection and Dissemination Practices Act; passive collection and use of personal information by law-enforcement agencies. Limits the ability of law-enforcement and regulatory agencies to use technology to collect and maintain personal information on individuals and organizations where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided such information (i) is held for no more than seven days and (ii) is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days such

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| Bills | General Assembly Actions | Position |

collected information must be purged from the system.

<u>SB 1124</u> - Barker (39) Licensure of family day homes. 1/13/2015 Senate: Referred to Committee on Rehabilitation and Social Services

[1/23/2015]

[Monitor] (15102490D)

Summary: Provides that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure.

<u>SB 1274</u> - Barker (39) State highways; allocation of funds. 1/14/2015 Senate: Referred to Committee on Transportation

[1/23/2015]

[Monitor] (15102817D)

Summary: Allocation of funds for state highways. Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995.

SJ 288 - Vogel (27) Study; Department of Education; effect of local use value assessment of certain real estate. 1/14/2015 Senate: Referred to Committee on Rules

[1/23/2015]

[Monitor] (15103715D) - Broader study of LCI is needed, to include factors such as cost of living, rather than individual components. See also HJ (Webert, M.).

Summary: Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report. Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.

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Estimated Impact to Fairfax County - Increase Over Prior Fiscal Year

| · | Gove | ernor |
|--|-------------|---------|
| Direct County Impact | FY 2015 | FY 2016 |
| Decrease Funding to Local Health Departments | \$0 | (\$0.6) |
| Allow Localities to Increase Restaurant Fees | \$0 | \$0.6 |
| Decrease in Aid to Localities | (\$2.3) | (\$2.3) |
| Increased Salary Reimbursement - Entry Level Sheriffs | | \$0.1 |
| Partial Reimbursement for Voting Machines over 3 years | \$ 0 | Unknown |
| TOTAL DIRECT COUNTY IMPACT | (\$2.3) | (\$2.2) |
| TOTAL OVER THE BIENNIUM | (\$4 | l.5) |

Impact to the Fairfax County Public School's (FCPS) Proposed Budget

Governor McAuliffe's Budget: The proposed lower VRS contribution ratewould generate savings of \$2.8 million for FCPS (already reflected in the Superintendent's Proposed Budget).

| irfax County Impact | | | |
|---|--|--|--|
| Revenue | | | |
| | | | |
| F support for Fairfax County's artment by \$673,000. It increased restaurant fee igned to allow the County to be of the reduced state increasing restaurant fees. | | | |
| | | | |
| | | | |
| nty's share of the reduction is million in each year. | | | |
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| dditional salary ent of approximately \$0.1 airfax County in FY 2016. | | | |
| | | | |
| ocalities will be based on te population. | | | |
| | | | |
| | | | |
| ng at the FY 2014 level. No FY 2015 or FY 2016 despite y policy of growing payments of GF revenue growth. | | | |
| Other Items of Interest | | | |
| purchased voting machines 114 and can expect to receive tial reimbursement for those the next 3 years | | | |
| memorandum of ing with the Commonwealth ne use of these funds. | | | |
| the next 3 year memorandur ing with the 0 | | | |



| • | | Fairfay County Import |
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| ŀ | Issue Human Services | Fairfax County Impact |
| ŀ | Housing | |
| | | TBD |
| | Virginia Preschool Initiative | |
| | divisions that have used 100 percent of their slots and have a waiting list. | As the County often does not use its full allocation of VPI slots due to budgetary constraints, this provision may allow those slots to be redirected to other jurisdictions – it will be important to better understand how this provision will be implemented, in the event the County seeks to utilize more of its designated slots in the future. |
| l | Medicaid Expansion | |
| | eligible individuals under the Affordable Care Act by January 1, 2015, or as soon | Support for the expansion of Medicaid as envisioned by the Affordable Care Act is included in the County's Legislative Program. |
| ı | Medicaid Waivers | |
| | that time, the Day Support waiver will be renamed the Building Independence waiver, and will be available to individuals with intellectual and developmental disabilities. DMAS is directed to provide a report detailing the changes and estimated costs of the new waiver to the Governor and the money committee chairs 30 days prior to seeking federal approval for amendments to the Day Support waiver. | TBD; any consolidation must include funding that allows an appropriate level of services to continue for individuals who are presently receiving those services in the community. Additionally, utilization of a new waiver model must ensure that the management structure and reimbursement rates account for service model and regional cost differences unique to the Northern Virginia area. |
| | Governor McAuliffe's Budget : Provides \$675,000 for rental subsidies for up to 250 people who will transition to the Building Independence waiver. | See note above. |
| | Governor McAuliffe's Budget: Provides \$453,888 GF and \$453,888 NGF to create a new and consolidated system for managing the Intellectual Disability (ID) and Developmental Disability (DD) waivers, to include wait list and waiver enrollment management, among other services. Behavioral Health | See note above. |
| | | TBD |
| | Governor McAuliffe's Budget: Directs the DBHDS Commissioner to establish licensing fees for adult behavioral health and developmental services licensed by the department, including day support and residential treatment. The Commissioner shall charge a \$750 fee per service for the initial application and a license renewal fee of \$500 per service. (Funds received are to be paid into the General Fund.) | |
|) | Governor McAuliffe's Budget: Allows \$4.7 million in remaining bond proceeds authorized by the 2009 General Assembly to be used to subsidize costs associated with the construction, rehabilitation, and/or acquisition of single-family or multi-family rental housing that is dedicated to individuals with an intellectual or developmental disability. | |

| 1 | Issue | Fairfax County Impact |
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| ľ | Human Services | |
| ľ | Northern Virginia Training Center (NVTC) | |
| | Governor McAuliffe's Budget : Provides \$1.3 million in FY 2016 to keep the facility operational for an additional six months. | As of November 5, 2014, 73 individu from Fairfax County reside in training centers, primarily at NVTC. |
| I | Governor McAuliffe's Budget: Increases funding for quality service reviews required by the settlement agreement with the U.S. Department of Justice (\$91,000 GF and \$273,000 NGF in FY 2016). | TBD |
| | Governor McAuliffe's Budget: Provides \$31,450 GF in FY 2015 and \$125,801 GF in FY 2016 to address the needs of individuals not covered by Medicaid who are currently residing in state-operated training centers and to assist them in transitioning to the community. | TBD |
| Ì | Mental Health | |
| ı | Governor McAuliffe's Budget: Provides \$950,000 in additional GF support for Local Inpatient Purchase of Services (LIPOS) in FY 2016 and \$1.2 million GF to contract for additional inpatient psychiatric beds for children and adolescents in FY 2016. | TBD . |
| I | Governor McAuliffe's Budget: Provides \$3.1 million GF in FY 205 and \$1.5 million GF in FY 2016 for the costs of hospital and physician services for persons subject to an involuntary mental commitment. | TBD |
| I | Foster Care/Adoption Assistance | |
| I | Governor McAuliffe's Budget: Provides additional funding in FY 2016 (\$5.7 GF and \$1.7 NGF) to implement federal legislation that would extend foster care and adoption payments to age 21. | Likely positive; extending adoption payments until age 21 is included in County's Human Services Issues Pa |
| I | Local Eligibility Workers | |
| | Governor McAuliffe's Budget: Provides \$2.1 million GF and \$3.9 million NGF in FY 2015, and \$1.9 million GF and \$3.6 million NGF in FY 2016 to increase support for local eligibility staff by three percent (the equivalent of 93 local eligibility workers). | Likely positive. |
| I | Northern Virginia Family Services | |
| | Governor McAuliffe's Budget : Removes \$200,000 appropriation for NVFS in FY 2015 and FY 2016. Funding was to be provided for supportive services to address the basic needs of families in crisis. | TBD |
| | Child Care | |
| | Governor McAuliffe's Budget: Provides \$2.6 million in FY 2016 to fund 28 additional staff positions to address increased workload; funding is provided to accompany proposed legislation that will require licensure of all child care providers receiving subsidies. | Monitor proposed new requirements licensure of child care providers. |

| Public Education | Fairfax County Impact |
|---|---|
| Direct Aid to Public Education | |
| Governor McAuliffe's Budget: No policy reductions to public education. | |
| Virginia Retirement System (VRS) Contributions Governor McAuliffe's Budget: Deposits \$150 million directly into the VRS Teacher Retirement Fund. Lowers FY 2016 VRS employer contribution rate from the current 14.5% to 14.15%. | The lower VRS contribution rate would generate savings of \$2.8 million for FCPS (already reflected in the Superintendent's Proposed Budget). |
| School Construction Governor McAuliffe's Budget: Proposes to use the Literary Fund for school construction (\$75 million in FY 2016, with \$50 million reserved for loans and \$25 million for interest rate subsidies). | Likely minimal; historically the County has not used either of these financing options, as interest rates on Literary Fund loans are based on a wealth factor, so the County is typically able to obtain more favorable lending terms directly. |
| Elimination of Cost-of-Competing (COCA) Governor McAuliffe's Budget: Maintains the elimination of the cost-of-competing funding for support positions in Northern Virginia. | A loss of \$3.4 million in FY 2016 to FCPS from what would have been received if the partial restoration of cost-of-competing included in the FY 2014 budget had not been eliminated for FY 2015 and FY 2016 (reduction already reflected in the Superintendent's Proposed Budget). Full restoration of COCA would result in approximately \$12 million per year to FCPS. |
| Elimination of Non-personal Inflation Factor Governor McAuliffe's Budget: Maintains the elimination of the non-personal inflation factor. | This results in a \$4.0 million loss in FY 2016 to FCPS from what would have been received if the non-personal inflation factor was not eliminated (already reflected in the Superintendent's Proposed Budget). |

| et # | Transportation | Fairfax County Impact |
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| | Transportation Accountability (JCTA) to regularly review, and provide oversight of the usage of funding generated pursuant to the provisions of House Bill 2313 (2013). To this end, the Secretary of Transportation, NVTA, and the Hampton Roads Transportation Accountability Commission must each prepare a report on the uses of | Based on how "oversight" is interpreted, there are concerns regarding the authority this may provide JCTA to direct how the region can allocate the regional funds. NVTA did submit its FY 2014 report prior to the November 15 deadline. |
| | | Funds retained by Taxation could be used, instead, on regional projects. As Fairfax County is expected to benefit from approximately half of the Northern Virginia regional funds, approximately half of the NVTA funds retained by Taxation could be allocated to projects within the County. As such Taxation should ensure that its expenses are reasonable. Through December 2014, \$919,000 has been retained by Taxation over a period of 18 months. |
| | Governor McAuliffe's Budget: includes the regional funds provided for in HB 2313, including \$596.4 million for distribution of Northern Virginia Transportation Authority Fund Revenues over the biennium, which is \$13.3 million less than projected in the last budget. | Over the biennium, Fairfax County should receive approximately \$89 million to allocate on local projects approved by the Board of Supervisors, minus the respective shares provided to Vienna and Herndon (30% funding returned to localities). NVTA will allocate approximately \$417 million, of which approximately \$208 million should benefit the County (70% funding retained by NVTA). Lower budget projects are due to economic fluctuations. Fairfax County's share of the \$13.3 million reduction is approximately \$6.7 million. |
| | HB 2 Implementation Governor McAuliffe's Budget: notes that the HB 2 (2014) Prioritization Process will not apply to the federal Surface Transportation Program funds required to be allocated for public transportation purposes | This corresponds to the current policy for other transit funds, which are allocated through their own process developed through SB 1140 (2013). These are state-controlled federal surface transportation funds. HB 2 already exempts CMAC and RSTP funds from the prioritization process. |
| | Local Project Funding Governor McAuliffe 's Budget: retains language directing the Secretary of Transportation to report to the General Assembly by December 1, 2014, on methods to provide assistance for local transportation projects. The recommendations must consider geographic equity, as well as the needs of local governments, transit agencies and metropolitan planning organizations. | Due to revenue projections, the secondary formula is not expected to receive new funds until after 2020. This report has not yet been released. |

| t | Transportation | Fairfax County Impact |
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| | Mass Transit Funding | |
| | Governor McAuliffe's Budget: increases funding for Financial Assistance for Public Transportation for FY 2016 by \$25 million. Estimated funding levels for Operating Assistance and Capital Assistance have not changed. | Fairfax County will receive approximately the same amount of funds received in years past, for funds allocated through the old formula. Any new funds, allocated through the formula created by SB 1140 (2013), will be based on performance metrics and the proposed capital programs for the County and its transit systems. As a result, it is unclear what portion of the \$25 million will be ultimately allocated to Fairfax County. |
| | I-95 Transit/Transportation Demand Management (TDM) | |
| | Governor McAuliffe's Budget: retains language directing the allocation of funding | Fairfax County may be able to receive funds for transit and TDM service associated with this project and has applied for \$479,000 in funding for FY 2015. |
| | Air Quality Monitoring - 95 HOT Lane NB Terminus | |
| | Governor McAuliffe's Budget: retains language dedicating \$243,160 NGF from VDOT's environmental monitoring program funding for air quality monitoring, to be conducted by the Department of Environmental Quality, at the I-395 express lanes terminus. | There is no fiscal impact to the County. These funds may be associated with the air quality monitoring requested by the Overlook neighborhood in Fairfax County. |
| | Highway Maintenance and Construction | |
| | Governor' McAuliffe's Budget: reduces overall funding for Highway System Acquisition and Construction by \$83.7 million for the biennium. Within that account, dedicated and statewide construction increases by \$401.2 million; while interstate construction decreases by \$264.9 million, primary construction decreases by \$193.2 million, secondary construction decreases by \$14.8 million, and urban construction decreases by \$11.9 million. | Many of these funds are expected to be subject to the new HB 2 prioritization process, so the impact to Fairfax County is currently unclear. |
| | Governor McAuliffe's Budget: increases funding for Highway System Maintenance and Operations by \$66.8 million for the biennium; with \$145.3 million less for Interstates, \$84.4 million less for primaries, and \$43.7 million less for Transportation Operations Services, with a \$356.7 million increase for secondaries. | Using historical estimates, an estimated additional \$10 million may be available for maintenance within Northern Virginia. |
| | Item 3-1.01: transfers \$31 million from the GF to the HMOF. Previous budget transferred \$30 million from the HMOF to the GF. | Does not make any changes over the biennium. Returns funds temporarily transferred in previous year. |

Bills Regarding Sexual Assaults on College/University Campuses (as of 1/22/15)

Bills for Potential County Positions

Linkage with Local Victim Support Services

SB 981 (Favola)/SB 1329 (Garrett) requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies that require the institution to offer to refer the sexual assault victim to the sexual assault crisis center, encourage victims to take steps to preserve physical evidence, provide clear guidance on linking victims to other community resources, provide options for victims to make an anonymous report, and provide amnesty for victims who fear their conduct may also be questioned or who are concerned that an official report might jeopardize their academic status. Recommend support.

HB 1508 (Sullivan) – similar to SB 981, but requires that the institution's policy must <u>mandate</u> the referral of victims to the local sexual assault crisis center. <u>Recommend support.</u>

Reporting

HB 1343 (Filler-Corn)/HB 1785 (Massie) requires that mutual aid agreements between campus police force and law enforcement agencies contain provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any investigation involving felony criminal sexual assault occurring on property owned or controlled by the institution of higher education within 48 hours of beginning such investigation. Recommend support.

Study

HJ 603 (Knight) establishes a joint subcommittee to study the prevention of sexual violence on college campuses in Virginia. In conducting its study, the joint subcommittee must (i) ascertain the breadth of the problem of sexual violence on public and private college campuses in the Commonwealth; (ii) review all relevant state and federal laws, regulations, and policies to identify appropriate ways in which sexual violence may be abated; (iii) assess the policies, process, and procedures for reporting crimes of sexual violence used by colleges and universities in the Commonwealth; (iv) determine whether any institutions of higher education in the Commonwealth have pending U.S. Department of Education Office for Civil Rights investigations for the manner in which allegations and reports of sexual violence have been managed; (v) collaborate with other local, state, federal, college, and community advocates and police departments and entities to address the problem throughout the Commonwealth's higher education and criminal justice systems and among parents and students; (vi) make recommendations to ensure safe college and university campuses throughout the Commonwealth; and (vii) carry out any other duties the joint subcommittee deems proper to facilitate the study. The joint subcommittee must submit its report to the Governor and the 2016 Session of the General Assembly. Recommend support.

Omnibus Bills

HB 1930 (Bell, R.B.) requires the protocols and policies for sexual assault response teams to include the campus and community response to criminal sexual assaults and violent felonies committed on the campus of any institution of higher education in the locality. The bill requires any faculty member or administrator of a public institution of higher education who through the course of his employment obtains information alleging that a violent felony has been committed to report such information to the attorney for the Commonwealth or the law enforcement agency serving the locality in which the alleged violation occurred, with certain exceptions. The bill provides that a person in violation of the reporting

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requirement is subject to a civil penalty of \$500 for the first violation and not more than \$1,000 for each subsequent violation. The bill requires the governing board of each public or private institution of higher education to (i) establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service and (ii) adopt policies to provide victims with information on contacting such center or service. The bill requires all persons appointed and employed as campus police officers or as members of auxiliary forces at an institution of higher education to receive training in trauma-informed response, interviewing, and investigation of alleged criminal sexual assaults committed on campus. The bill also requires that mutual aid agreements between a campus police force and law enforcement agencies contain provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth of any complaint or investigation involving a violent felony. Recommend monitor.

HB 2139 (Toscano) requires (i) any administrator employed by an institution of higher education, except in the case of administrators employed by the University of Virginia at the University of Virginia Medical Center, who through the course of his employment obtains information alleging that a felony criminal sexual assault has been committed by or against an enrolled student to report within 24 hours such information to the local law enforcement agency and (ii) any campus police officer employed by an institution of higher education who through the course of his employment obtains information alleging that a felony criminal sexual assault has been committed by or against an enrolled student to report within 24 hours such information to the local attorney for the Commonwealth. The bill requires the State Council of Higher Education for Virginia, in conjunction with the Office of the Attorney General, to develop guidelines that delineate the extent to which state and federal privacy laws limit the reporting requirements of the bill. The bill also requires that the registrar of each institution of higher education or the other employee, office, or department of the institution that is responsible for maintaining student academic records shall place a hold on the academic transcript of each student who is alleged to have committed a felony criminal sexual assault until such time as the institution deems it appropriate to release such hold. Recommend monitor.

Other Related Bills

General Higher Education Policies

HB 1683 (Herring) requires each institution of higher education to designate one employee to serve as the institution's liaison to the local department of social services and local law enforcement agency to coordinate (i) a response to any crime resulting in serious bodily injury to a student or any criminal sexual assault committed against a student and (ii) access to programs for the victims of such crimes.

SB 1192 (Norment) requires the governing boards of public and private institutions of higher education to adopt a sexual misconduct policy that addresses incidents of sexual misconduct involving any person or student organization associated with the institution whether occurring on or off campus. The policies must include requirements for the institution to report certain sexual misconduct incidents to local law enforcement. Institutions that fail to comply with the policy requirements (i) in the case of public institutions, are subject to a 10 percent reduction in general funds and (ii) in the case of private institutions, are ineligible to receive Tuition Assistance Grants.

SB 1379 (Saslaw) requires the governing board of each public institution of higher education shall certify to the State Council of Higher Education for Virginia that it has reviewed its sexual misconduct policy and updated it as appropriate. The bill requires the State Council and the Department of Criminal Justice Services to establish criteria for the certification process and to report to the Secretary of Education and the Secretary of Public Safety and Homeland Security on the certification status of institutions.

Mandatory Reporting

HB 1786 (Massie) requires any administrator or professor employed by a public institution of higher education, except the institution's Title IX coordinator, who through the course of his employment obtains information alleging that a criminal sexual assault has occurred to report within 24 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor.

HB 1988 (Morrissey) requires each campus police department that obtains information alleging that a felony criminal sexual assault has occurred to report such information no later than 48 hours after commencing an investigation into such allegation to the law enforcement agency and the attorney for the Commonwealth serving the locality in which the institution is located or serving the locality in which the alleged violation occurred unless such report would be a violation of applicable state or federal law.

SB 712 (Black) requires any faculty member, administrator, or full-time staff member employed by a public institution of higher education who through the course of his employment obtains information alleging that a criminal sexual assault has occurred to report within 48 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor.

SB 734 (Saslaw) requires any administrator or professor employed by a public institution of higher education who through the course of his employment obtains information alleging that a criminal sexual assault has occurred to report within 24 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor.

SB 1252 (Deeds) requires any employee of a public institution of higher education who through the course of his employment obtains information alleging a criminal sexual assault has occurred to report within 24 hours such information to law enforcement. The bill provides that a person in violation of the reporting requirement is guilty of a Class 1 misdemeanor. The bill also requires the State Council of Higher Education for Virginia, in conjunction with the Office of the Attorney General, to develop guidelines that delineate the extent to which state and federal privacy laws limit the reporting requirements of the bill.

SB 1275 (Barker) requires each public or private institution of higher education that has obtained any information alleging that a felony sexual assault involving a student has occurred to report such information to the Department of Criminal Justice Services.

Due Process for Students

HB 1321 (Morris) provides that any student enrolled at a public institution of higher education who is alleged to have committed an offense punishable by a suspension of more than 10 days or by expulsion pursuant to the institution's policies for the conduct of students has the right to be represented, in his discretion and at his expense, by a licensed attorney or a nonattorney advocate for the duration of any disciplinary proceeding or other institutional proceeding regarding the alleged offense. (Bill's provisions do not apply to VMI.)

HB 1322 (Morris) provides that any student organization that is officially recognized by a public institution of higher education and that is alleged to have violated the institution's policies for the conduct of students has the right to be represented, in its discretion and at its expense, by a licensed attorney or a nonattorney advocate for the duration of any disciplinary proceeding or other institutional proceeding regarding the alleged violation. (Bill's provisions do not apply to VMI.)

HB 1323 (Morris) provides that any (i) student who, as a result of any disciplinary proceeding or other institutional proceeding, is suspended for more than 10 days or expelled from a public institution of higher education for violating the institution's policies for the conduct of students or (ii) student organization that is (a) officially recognized by a public institution of higher education and (b) found to be in violation of the institution's policies for the conduct of students as a result of any disciplinary proceeding or other institutional proceeding has the right to petition for review of the institution's final decision in the circuit court for the locality in which the relevant institution is located. The bill requires the circuit court to determine whether the final decision was arbitrary, capricious, or otherwise contrary to the law and award successful petitioners certain damages and other forms of relief. (Bill's provisions do not apply to VMI.)

Documentation on Transcripts

HB 1888 (Jones) requires the registrar of each public institution of higher education and certain private institutions of education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, to include a prominent notation on the transcript of each student who has been suspended or permanently dismissed from the institution for a violation of the institution's code, rules, or set of standards governing the conduct of students.

HB 2201 (Toscano) requires public institutions of higher education to document the dismissal of any student who has been dismissed for violation of the institution's sexual misconduct policy, student code of conduct, or institution's honor code on such student's academic transcript.

SB 1326 (Deeds) requires public institutions of higher education to document the dismissal of any student who has been dismissed for violation of the institution's sexual misconduct policy, student code of conduct, or institution's honor code on such student's academic transcript.

SB 1193 (Norment) requires the registrar of each public institution of higher education and certain private institutions of education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, to include a prominent notation on the transcript of each student who has been suspended or permanently dismissed from the institution for a violation of the institution's code, rules, or set of standards governing the conduct of students.

Child and Family Day Care Bills

Background

- Two high profile cases occurred in past year in which children in child care homes died (Chesterfield, Lynchburg).
- Fairfax County, the City of Alexandria, and Arlington County are the only jurisdictions authorized to have local ordinances to regulate family child care homes NOT licensed by the state. These three local ordinances are not the same.
- There are a total of 1985 regulated family child care homes in Fairfax County. Of those:
 - o 425 family day homes are state licensed;
 - 1560 are County permitted under Fairfax County's Home Child Care Facilities' Permitting Standards.
- There are approximately 751 vendors in the County's Child Care Subsidy Program. Of those:
 - o 450 are County permitted family child care providers;
 - o 110 are state licensed family child care providers;
 - o 180 are state licensed centers or preschools;
 - o 11 are centers or preschools that are exempt from licensing under state law.

The chart below highlights differences and similarities between state standards for licensing and Fairfax County ordinance requirements (the chart is not all-inclusive).

| Virginia Standards for Licensed Family Day Homes (Law & Regulation) | Fairfax County Home Child Care Facilities Permitting Standards (Ordinance) |
|--|---|
| * 6-12 non-resident children; and * Does not exceed 16 points, determined as follows: ■ Birth – 15 months = 4 points ■ 16 months – 23 months = 3 points ■ 2 – 4 years = 2 points ■ 5 – 9 years = 1 point ■ 10 years & older = 0 points * Resident children under 8 years of age count in the point maximums. | * 1-5 non-resident children for which the caregiver is compensated; and * Limited to 4 children under age 2 (both non-resident & resident); and * Limited to 6 school-aged children (both non-resident & resident); and * Limited to 8 total children under age 10 (both non-resident & resident). |
| No fire department inspection required | Annual inspection by the Fire Department |
| Requires working landline phone | Requires working phone |
| Requires providers to speak English | Supports second language learners to operate child care businesses |
| Documentation that provider has completed high school or an equivalent | Documentation of a level of schooling not required |

Legislation Introduced

| Bill | A Patron | Purpose series as | |
|--------------------|---------------------------------|---|--|
| | Bills for Discussion | | |
| HB 2023 SB 1123 | Del. BaCote Sen. Barker | Requires that any family day home participating in child care subsidy program to be licensed by state. County implications — children receiving state child care subsidy could only be served in family day homes licensed by the state (which includes additional requirements that some | |
| | | providers may have difficulty meeting); children could receive care in County licensed family day homes if they receive a child care subsidy funded solely through local dollars, or no child care subsidy at all. | |
| HB 1552 SB 818 | Del. Filler-Corn Sen. Favola | Lowers state licensing threshold from the current 6 to one non-resident child; Favola bill also adds resident children | |
| | | County implications — all family home based child care would be required to pursue state license (eliminates County's ability to license such family day homes). State licensing includes additional requirements that some providers may have difficulty meeting. | |
| HB 2046 | Del. Filler-Corn | Lowers licensure requirement to 1 child in family day homes; eliminates current voluntary registration when | |
| | · | caring for less than 6; impacts family day home system. County implications – all family home based child care would be required to pursue state license (eliminates County's ability to license such family day homes). State licensing includes additional requirements that some providers may have difficulty meeting. | |
| SB 780 | Sen. Favola | Includes resident children when counting children in care | |
| SB 1124 HB 1929 | Sen. Barker Del. Anderson | for licensure; current law does not include resident children. | |
| | | County implications – it is unknown how many family home based care providers will be affected by such a change (it is possible this will affect the number of available child care placements). | |

| | Related Bills | | |
|---------|---------------|---|--|
| SB 1055 | Sen. Hanger | Expands prohibited barrier crimes among employees & volunteers | |
| SB 1168 | Sen. Hanger | Requires national background check for family day homes and other licensed child welfare agencies; includes fingerprinting; includes resident children in count for family day home licensing | |
| SB 911 | Sen. Wexton | Requires annual background checks | |
| SB 1069 | Sen. Wexton | Day Care Providers serving fewer than 6 children must declare intent to DSS; random visits from DSS | |
| HB 1570 | Del. Orrock | Unlicensed or exempt facilities must provide notice of intent to operate an unlicensed facility; parents to be notified of same | |
| SB 898 | Sen. Favola | Mandates registration of unlicensed family day homes; adds certain other requirements | |
| SB 1029 | Sen. Marsden | Requires Commissioner of Revenue to report to DSS if business license sought for day care facility | |
| HB 2069 | Del. Keam | Requires licensed or registered day care programs to notify the parent of any emergency situation that occurs and requires the child receive care. | |

HB 1887 – Omnibus Transportation Bill Summary

Transportation Construction Allocation Formula (see attachment)

HB 1887 replaces the 40-30-30 roadway funding formula, which provides that, after funds are provided for interstates: 40 percent are allocated to the state's primary system, 30 percent are allocated to urban highways, and 30 percent are allocated to secondary highways. Localities set the priorities for their urban and secondary roadway funds.

In 2012, legislation was passed that allows the Commonwealth Transportation Board (CTB) to allocate up to \$500 million on projects before funds go through the 40-30-30 formula.

- These funds are distributed as follows (the CTB has discretion to adjust the percentages if needed):
 - o 25% for bridge reconstruction and rehabilitation;
 - o 25% for advancing high priority projects statewide;
 - o 25% for reconstructing deteriorated interstate and primary system pavements;
 - o 15% for Public-Private Transportation Act projects;
 - o 5% for paving unpaved roads; and
 - o 5% for smart roadway technology.
- After those allocations are made, the CTB may allocate up to 10% of the remaining funds each year for highway purposes. Such funds must be used for undertaking and financing rail projects that, in the CTB's determination, will result in mitigation of highway congestion.
- This allocation formula expires in 2020.

HB 1887 proposes changing the 40-30-30 formula to the following, beginning in FY 2021:

- 40% for state of good repair purposes for the rehabilitation of structurally deficient bridges and deteriorating pavement;
- 30% for high-priority projects, pursuant to the HB 2 (2014) processes;
- 30% for new highway construction district grant program (localities will be able to compete within their district for these funds using the HB 2 process).

HB 1887 eliminates the secondary road program. Though localities could apply for funds for secondary projects (through either the 30% for statewide high-priority projects program or the 30% highway construction district grant program or both), the CTB (rather than the locality) would select which projects are funded. Projects would be selected for funding based on HB 2 criteria. Bridges in the secondary road system would also be eligible for state of good repair funding, but this funding would be allocated by the CTB based on a priority ranking system.

The state of good repair program (40%) is focused on reconstruction and replacement of structurally deficient state and locally owned bridges, and reconstruction and rehabilitation of pavement on the interstate and primary road systems (including municipality-maintained primary extensions). The focus of this funding is not on construction projects that increase capacity.

HB 1887 also provides that of the un-programmed funds in FY 2016-2020 in the Six-Year Improvement Program (SYIP), 50% will be allocated for high-priority projects pursuant to HB 2, and 50% will be allocated to highway construction district grant programs.

Other Significant Provisions of HB 1887

Transit Funding

HB 1887 provides an additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will expire if the federal government enacts the Marketplace Fairness Act.

Highway Maintenance Practices

VDOT is currently required to develop asset management practices in the operation and maintenance of the state highway system. HB 1887 requires these practices to include a transparent methodology for the allocation of funds from the Highway Maintenance and Operations Fund, including the allocations among the highway construction districts and among the interstate, primary and secondary systems.

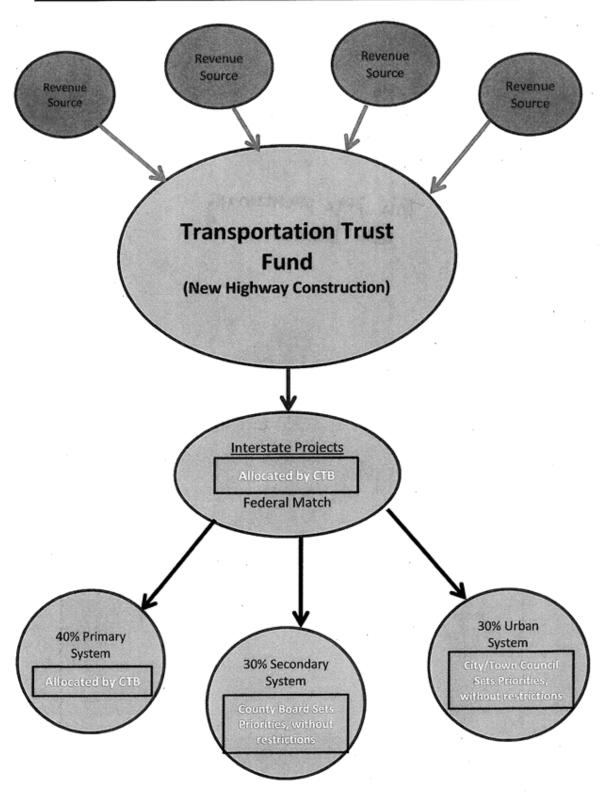
Revenue Sharing

Currently, the Revenue Sharing Program gives first priority to allocations that will accelerate projects in the SYIP or a locality's capital plan, and second priority to pavement resurfacing and bridge rehabilitation projects. HB 1887 modifies this program, by adding a new tier: first priority under the bill would be given to projects that previously received Revenue Sharing funds; second priority would be given to projects that meet transportation needs identified in the Statewide Transportation Plan or that accelerate a project in a locality's capital plan; third priority would be given to projects that address pavement resurfacing and bridge rehabilitation.

Additional Provisions

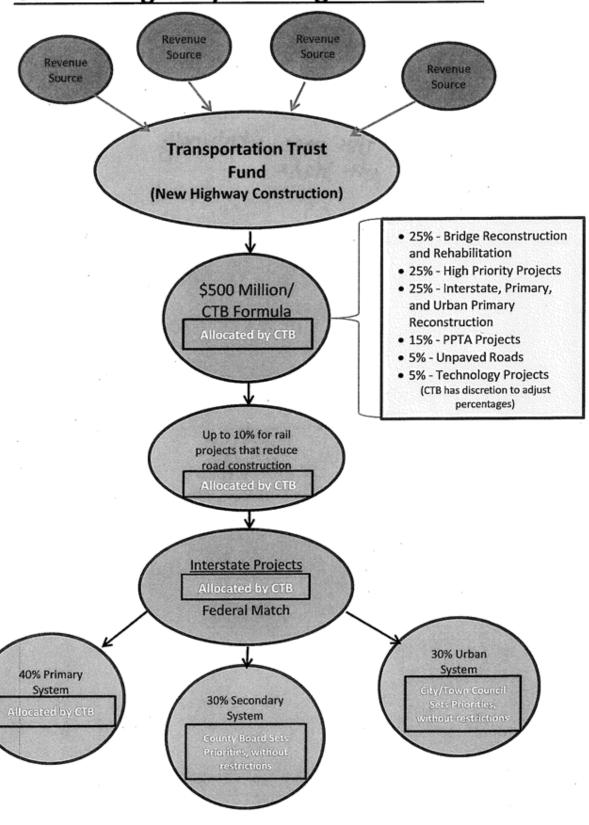
- Transportation Partnership Opportunity Fund (TPOF) Redirects funds from the Toll Facilities Revolving Account to TPOF, to provide an ongoing revenue stream. Also, removes language allowing for funds to go to public-private partnerships.
 - The Route 28 Transportation Improvement District has received funds through this program in the past because it is a Public-Private Partnership.
- *Unpaved Roads* provides that from the funds allocated to the highway construction district grant program, up to \$25 million each year could be allocated for unpaved roads. These amounts would be deducted from the respective district's grant program on a proportional basis, relative to the amount of eligible roads within the district.
 - o In Northern Virginia, most of this funding would go to one jurisdiction.
- *Commonwealth Transportation Board* provides that CTB Members can be removed only for cause, rather than at the pleasure of the Governor.
- Virginia Transportation Infrastructure Bank (VTIB) redirects funds from the Toll Facilities Revolving Account to VTIB to provide an ongoing revenue stream. Also, limits the VTIB to loans, instead of allowing grants.

Historic Highway Funding Distribution



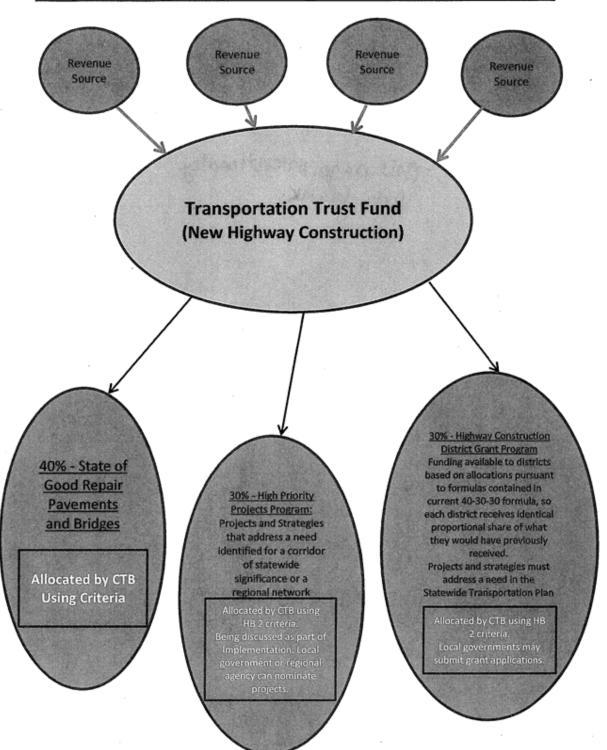
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Current Highway Funding Distribution



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Proposed Highway Funding Distribution - HB 1887



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Bills Relating to Ethics/Conflicts of Interest

(as of January 22, 2015)

Omnibus

HB 1947 (McClellan)/SB 1345 (McEachin) establishes the Virginia Independent Ethics Review Commission, a seven-member independent commission authorized to (i) prescribe, receive, and review all disclosure forms required by the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; (ii) conduct annual audits of those disclosure forms; (iii) issue advisory opinions; (iv) grant waivers for certain travel and gifts; (v) investigate alleged violations of the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; and (vi) refer certain violations to the appropriate authority for prosecution. The Commission replaces the current legislative Virginia Conflict of Interest and Ethics Advisory Council and the House of Delegates and Senate Ethics Advisory Panels. The bill prohibits any single gift or any combination of gifts with a value exceeding \$100 to those persons subject to the Conflicts of Interests Acts and members of their immediate family from any single source in a calendar year, but exempts meals accepted as part of a widely attended event and travel-related gifts for which the Commission has granted a waiver. The bill removes the required disclosure forms from the Code, outlines the required information to be reported on the disclosure forms, and authorizes the Commission to prescribe the forms. The bill requires all disclosure forms be filed electronically with the Commission and permits the clerks of governing bodies to submit the disclosure forms on behalf of any local official. The bill also extends the current prohibition on political fundraising during regular sessions of the General Assembly to special sessions as well.

HB 2070 (Gilbert) removes the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving a single gift with a value exceeding \$100 from certain persons. The bill provides an exception for gifts received at widely attended events, which are those events in which there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals from throughout a particular industry or profession or who represent persons interested in a particular issue. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill also requires persons subject to the Conflict of Interest Acts to request a waiver from the Virginia Conflict of Interest and Ethics Advisory Council and receive the approval of the Council prior to accepting or receiving any transportation, lodging, meal, hospitality, or other travel-related thing of value provided by a third party that has a value exceeding \$100. A waiver is not required for travel paid for by certain government entities.

SB 1289 (Ebbin) establishes the Virginia Independent Commission on Ethics (the Commission), an independent ethics commission authorized to (i) prescribe, receive, and review all disclosure forms required by the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the lobbying laws; (ii) conduct annual audits of those disclosure forms and work with the State Board of Elections and local electoral boards to conduct random audits of campaign finance reports; (iii) issue advisory opinions; (iv) grant waivers for certain gifts; (v) investigate alleged violations of the State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests

Act, and the lobbying laws; and (vi) refer certain violations to the appropriate authority for prosecution. The Commission replaces the current legislative Virginia Conflict of Interest and Ethics Advisory Council and the House of Delegates and Senate Ethics Advisory Panels. The bill also prohibits persons subject to the Conflicts of Interests Acts from receiving any single or combination of tangible gifts with a value in excess of \$100 and any single or combination of intangible gifts with a value in excess of \$250, but exempts gifts received at a widely attended event or gifts for which a waiver has been granted by the Commission.

"Revolving door" bills

HB 1305 (Farrell) prohibits any legislator, during the one year following his termination of service as a legislator, from accepting an appointment to or employment with a governmental agency. The bill exempts appointments by the Governor to serve as a Governor's Secretary from this one-year prohibition.

HB 1316 (Toscano) For VRS calculation of average final compensation, provides that if an employee receives increases in compensation related to a promotion or new position in the last four years of service that exceed 400 percent of the employee's average annual compensation during the preceding three years, then the employee's service retirement allowance shall be based upon average annual compensation during the employee's final ten years of service. The provision would not apply to an employee who returns to service after at least a one year gap in service, who receives a judicial appointment, or who is elected Governor or Attorney General.

HB 1358 (Farrell) provides that each year of service in the General Assembly shall be deemed to equal six months of creditable service in the Virginia Retirement System for (i) anyone who becomes a member of the General Assembly on or after July 1, 2015, and (ii) each member and former member of the General Assembly who has less than five years of creditable service as of July 1, 2015.

HB 1479 (Kory) – Same as HB 1305 (Farrell), but adds additional exemption for serving as court-appointed counsel.

HB 1480 (Rush) – Similar to HB 1358 (Farrell), but rate is eight months per year of service.

SB 752 (Watkins) amends section dealing with prohibition on state officers/employees representing clients before their former agencies for one year after termination of service. Clarifies that for purposes of prohibiting certain conduct of a Governor's Secretary in the year following termination of public service, the definition of "agency" includes all agencies assigned to the Secretary by law or by executive order.

Gifts

HB 1598 (Watts) provides that, for purposes of the prohibition against acceptance of certain items that reasonably tend to influence official duties, any money, loan, gift, favor, service, or business or professional opportunity that is accepted by a member of the immediate family of an officer or employee of a state or local governmental or advisory agency or a member of the General Assembly shall be considered to have been accepted by the officer, employee, or member of the General Assembly if (i) such money, loan, gift, favor, service, or business or professional opportunity was accepted or retained with his knowledge and acquiescence, and (ii) he knows or has reason to know that such money, loan,

gift, favor, service, or business or professional opportunity was given to the member of his immediate family because of his official position. First violations of this provision are subject to the existing penalties of § 2.2-3124 and § 30-126, while a second or subsequent violation within a calendar year is subject to a civil penalty of no less than \$2,500.

HB 1667 (Bulova) prohibits state and local government officers and employees and legislators and candidates for the General Assembly required to file the disclosure form prescribed in § 2.2-3117 or 30-111 from soliciting, accepting, or receiving any single tangible or intangible gift, or any combination of tangible or intangible gifts, with a value exceeding \$100 from any person. For purposes of the prohibition and the disclosure requirements, such gift or gifts given to a member of the immediate family of an officer, employee, legislator, or candidate shall be considered a gift or gifts to the officer, employee, legislator, or candidate if (i) the gift was given with his knowledge and acquiescence and (ii) he knows or has reason to know that the gift was given to the member of his immediate family because of his official position. However, an intangible gift or a combination of intangible gifts with a value exceeding \$100 may be accepted if the gift or gifts were received while in attendance at an event sponsored by a not-forprofit or government entity that is open to the public or to which the public is invited to purchase tickets for admission, or if a written request has been submitted to and has received the written approval of the Virginia Conflict of Interest and Ethics Advisory Council. The Council may approve those requests that provide a public benefit and do not raise the appearance of impropriety. The bill further prohibits any officer, employee, legislator, or candidate, or any member of his immediate family, from soliciting, accepting, or receiving any tangible or intangible gift of any value when he knows or has reason to know that such gift was offered or given with the intent to induce any conduct or action by him related to the performance of his official duties. A knowing violation of this prohibition is punishable by a civil penalty in an amount equal to \$250, and any officer, employee, legislator, or candidate who knowingly commits a second or subsequent violation within four years of a previous violation is guilty of a Class 1 misdemeanor. For purposes of this limitation, the bill defines "tangible gift" as a thing of value that can be sold at retail, including currency, securities, and other financial instruments and defines "intangible gift" as those services, transportation, lodgings, meals, and other things of value that may be enjoyed but cannot be resold. The prohibition does not apply to gifts given by relatives or personal friends. The bill amends the five-year dollar adjustment to the limitation on annual gifts, requiring the adjustment be rounded to the nearest \$50.

HB 1689 (Minchew) prohibits state government officers and employees, constitutional officers, legislators, and candidates required to file the disclosure form prescribed in § 2.2-3117 or 30-111 from soliciting, accepting, or receiving within any calendar year any single gift or any combination of gifts with a value exceeding \$100 from any person, reduced from the current \$250 limit. Such gift given to a member of the immediate family of an officer, employee, legislator, or candidate shall be considered a gift to the officer, employee, legislator, or candidate for purposes of the prohibition and the disclosure requirements if (i) the gift was given with his knowledge and acquiescence and (ii) he knows or has reason to know that the gift was given to the member of his immediate family because of his official position. The prohibition does not apply to gifts given by relatives, personal friends, or business associates who are acting without the intent to gain access to or influence the officer, employee, legislator, or candidate in his official duties. The bill permits the acceptance of a gift or a combination of gifts with a value exceeding \$100 if the gifts are accepted while in attendance at a widely attended event, which is defined as a nonpartisan event to which at least 25 persons have been invited and are anticipated

to attend, and does not include overnight accommodations and more than one meal. The bill also permits the acceptance of a travel-related thing of value that exceeds \$100 in value and is provided by a third party if a written request for a waiver has been submitted to and has been approved by the Virginia Conflict of Interest and Ethics Advisory Council. Waivers are not required for travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or a political subdivision of such other state. Such gifts must still be disclosed on the prescribed form. The bill further prohibits any officer, employee, legislator, or candidate, or member of his immediate family, from soliciting, accepting, or receiving any gift of any value when he knows or has reason to know that such gift was offered or given with the intent to induce any conduct or action by him related to the performance of his official duties. A knowing violation of this prohibition is punishable by a civil penalty in an amount equal to \$250, and any officer, employee, legislator, or candidate who knowingly commits a second or subsequent violation within four years of a previous violation is guilty of a Class 1 misdemeanor. The bill removes the distinction between tangible and intangible gifts and the five-year dollar adjustment to the limitation on annual gifts.

SB 696 (Petersen) prohibits state and local government officers and employees and legislators and candidates for the General Assembly required to file the disclosure form prescribed in § 2.2-3117 or 30-111 from soliciting, accepting, or receiving any single tangible or intangible gift with a value exceeding \$100 from any person. For purposes of the prohibition and the disclosure requirements, such gift given to a member of the immediate family of an officer, employee, legislator, or candidate shall be considered a gift to the officer, employee, legislator, or candidate if (i) the gift was given with his knowledge and acquiescence, and (ii) he knows or has reason to know that the gift was given to the member of his immediate family because of his official position. However, an intangible gift with a value exceeding \$100 may be accepted if a written request has been submitted to and has received the written approval of the Virginia Conflict of Interest and Ethics Advisory Council. The Council may approve those requests that provide a public benefit and do not raise the appearance of impropriety. The bill further prohibits any officer, employee, legislator, or candidate, or member of his immediate family, from soliciting, accepting, or receiving any tangible or intangible gift of any value when he knows or has reason to know that such gift was offered or given with the intent to induce any conduct or action by him related to the performance of his official duties. A knowing violation of this prohibition is punishable by a civil penalty in an amount equal to \$250, and any officer, employee, legislator, or candidate who knowingly commits a second or subsequent violation within four years of a previous violation is guilty of a Class 1 misdemeanor. For purposes of this limitation, the bill defines "tangible gift" as a thing of value that can be sold at retail, including currency, securities, and other financial instruments, and defines "intangible gift" as those services, transportation, lodgings, meals, and other things of value that may be enjoyed but cannot be resold. The prohibition does not apply to gifts given by relatives, personal friends, or business associates who are acting without the intent to gain access to or influence the officer, employee, legislator, or candidate in his official duties. The bill removes the five-year dollar adjustment to the limitation on annual gifts. (Similar to HB 1667)

SB 777 (Newman) provides that a member of the General Assembly may identify himself as a gift-free legislator by selecting such an option on the Statement of Economic Interests, thereby indicating that he will not accept a gift of any value offered or given to him for the six-month period immediately following the submission deadline of the Statement of Economic Interests he is filing. The bill permits a legislator who identifies himself as a gift-free legislator to decide at a later date to accept a gift, so long as it is not

prohibited by law and he complies with the applicable disclosure requirements. However, he shall not be permitted to select such option on the Statement next filed. The bill requires the Virginia Conflict of Interest and Ethics Advisory Council to prepare a list of those who identify themselves as gift-free legislators and provide that list to the Secretary of the Commonwealth for distribution to lobbyists and to the Clerks of the House of Delegates and the Senate.

SB 1267 (Edwards) prohibits state and local government officers and employees and members of the General Assembly from accepting any gift or any combination of gifts with a value exceeding the current limit of \$250 from a third party prior to submitting to the Virginia Conflict of Interest and Ethics Advisory Council a request for a waiver to accept such gift and receiving such a waiver. The bill requires the Council to receive and review requests for waivers, and, within seven days of receiving a request, approve or deny the request for waiver. In reviewing the request for a waiver, the Council shall consider the nature of the gift, the relationship between the requester and the third party providing the gift, and whether the gift relates to the official duties of the requester. When reviewing a request for a waiver for a travel-related gift, the Council is also required to consider the purpose of the travel as it relates to the official duties of the requester. Waivers are not required for travel paid for or provided by the government of the United States, any of its territories, or another state in the United States or the political subdivision of such other state. The bill also removes the distinction between tangible and intangible gifts and prohibits any single gift, or any combination of gifts in a calendar year, with a value exceeding \$250 given from any third party to those persons subject to the Conflicts of Interests Acts. For purposes of the prohibition and the waiver exception, "third party" is defined as any person who the officer, employee, or legislator knows or has reason to know is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; a lobbyist's principal as defined in § 2.2-419; a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth or one of its political subdivisions; or a person whose interests may be substantially affected by the performance of the official duties of the officer, employee, or legislator.

SB 1278 (Wexton) prohibits state and local government officers and employees and legislators and candidates for the General Assembly required to file the disclosure form prescribed in § 2.2-3117 or 30-111 from soliciting, accepting, or receiving any single tangible or intangible gift, or any combination of tangible or intangible gifts, with a value exceeding \$100 from any person, organization, or business within any calendar year. For purposes of the prohibition and the disclosure requirements, such gift given to a member of the immediate family of an officer, employee, legislator, or candidate shall be considered a gift to the officer, employee, legislator, or candidate if (i) the gift was given with his knowledge and acquiescence and (ii) he knows or has reason to know that the gift was given to the member of his immediate family because of his official position. However, an intangible gift with a value exceeding \$100 may be accepted if a written request has been submitted to and has received the written approval of the Virginia Conflict of Interest and Ethics Advisory Council (the Council). The Council may approve those requests that provide a public benefit and do not raise the appearance of impropriety. The bill further prohibits any officer, employee, legislator, or candidate, or a member of his immediate family, from soliciting, accepting, or receiving any tangible or intangible gift of any value when he knows or has reason to know that such gift was offered or given with the intent to induce any conduct or action by him related to the performance of his official duties. A knowing violation of this prohibition is punishable by a civil penalty of \$250, and any officer, employee, legislator, or candidate who knowingly commits a second or subsequent violation within four years of a previous violation is guilty of a Class 1

misdemeanor. For purposes of this limitation, the bill defines "tangible gift" as a thing of value that can be sold at retail, including currency, securities, and other financial instruments, and defines "intangible gift" as those services, transportation, lodgings, meals, and other things of value that may be enjoyed but cannot be resold. The prohibition does not apply to gifts given by relatives, personal friends, or business associates who are acting without the intent to gain access to or influence the officer, employee, legislator, or candidate in his official duties. The bill removes the five-year dollar adjustment to the limitation on annual gifts.

Travel

HB 2060 (Sickles) requires members of the General Assembly, prior to incurring travel expenses, to submit requests for travel expense reimbursement to the Virginia Conflict of Interest and Ethics Advisory Council for the Council's review, if the travel expenses exceed or are expected to exceed \$500 and are incurred on official travel. Expenses that are related to the performance of legislative duties during any regular or special session of the General Assembly or are incurred in furtherance of carrying out duties imposed by statute or the work of any standing committee of the General Assembly or legislative interim study commission or committee are not required to be submitted to the Council for approval in order to be reimbursed. The bill requires the Council to approve such a request where at least 90 percent of the travel is dedicated to the purpose of economic development, diplomacy, trade relations, or education. The bill directs the Council to prescribe the standards and procedures for receiving, reviewing, and approving or denying such requests. Until approved by the Council, reimbursement by the Commonwealth is prohibited.

SB 735 (Marsden) prohibits members of the General Assembly from accepting any lodging, transportation, hospitality, or other travel-related thing of value with an aggregate value in excess of \$250 from any lobbyist, lobbyist's principal, or person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth, prior to submitting to the Virginia Conflict of Interest and Ethics Advisory Council a request to accept such thing of value and receiving approval of the request. The bill requires the Council to approve such a request where at least 90 percent of the travel is dedicated to the purpose of economic development, diplomacy, trade relations, or education or is in furtherance of carrying out duties imposed by statute or the work of any standing committee of the General Assembly or legislative interim study commission or committee.

Lobbying

SB 812 (Watkins) includes procurement transactions under the definition of "executive action." "Procurement transaction" is defined as all functions that pertain to obtaining goods, services, or construction on behalf of an executive agency, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration. – defines "executive action" to include procurement transactions. Attempting to influence legislator or executive action is part of the existing definition of lobbying.

SB 1026 (Garrett) requires political subdivisions composed of, or managed or controlled by, one or more counties, cities, towns, or other local or regional political subdivisions to file a separate registration statement on behalf of their officers and employees who will be engaged in lobbying. The bill also

prohibits such political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account.

SB 1250 (Smith) amends the portion of the lobbyist disclosure form on which gifts are disclosed. The amended Schedule B requires disclosure of any gift to an executive or legislative official with a value of more than \$50 of which the principal contributed all or part, even if the principal's share of the gift was less than \$50.

SB 1251 (Smith) amends the lobbyist disclosure form to require the listing of the matters of general concern for which the lobbyist works on behalf of the principal and each (i) legislative action, (ii) executive action, and (iii) procurement action for which the lobbyist sought to influence the outcome. The bill defines procurement transaction and sought to influence.

Miscellaneous

HB 1282 (Spruill) restricts the General Assembly from electing a person to a judgeship if the person is an immediate family member (spouse, parent, child, brother, or sister) of a (i) member of the General Assembly or (ii) former member of the General Assembly for at least 24 months after such member has ceased to be a member of the General Assembly.

HB 1919 (LeMunyon) requires any person or entity submitting an application for a grant or loan from the Governor's Development Opportunity Fund to certify that it shall not provide a contribution, gift, or other item with a value greater than \$100 to the Governor or to his campaign committee or a political action committee established on his behalf during (i) the period in which the person or entity's application for such award is pending and (ii) the one-year period immediately after any such award is made. Any award received by a person or entity who so certifies and subsequently makes such a contribution or gift during these periods must be repaid by the recipient of the award within 90 days of receipt of written notice of the violation from the Virginia Economic Development Partnership. The bill also provides that any person or entity that knowingly provided or provides such a contribution or gift during these periods is subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

HB 2064 (Keam) creates in the Department of Law a Division of Anti-Corruption to investigate claims of fraud and corruption in state matters.

SB 876 (Cosgrove) clarifies that officers and employees of hospital authorities are included under the prohibited contract provisions for local officers and employees under the State and Local Government Conflict of Interests Act. The bill also lists exclusions from the general contract prohibitions that are specific to officers and employees of hospital authorities.

Conflict of Interests: Key Provisions of HB 1947(McClellan)/SB 1345 (McEachin) and HB 2070 (Gilbert)

| State and Local | HB 1947(McClellan)/SB 1345 (McEachin) | HB 2070 (Gilbert) |
|------------------------------|---|---|
| \$ 2.2-3103 \$ 2.2-3103.1 | Eliminates the provisions added in 2014 that required special treatment of gifts from lobbyists/their principals and current or potential contractors and that distinguished between tangible and intangible gifts. | Eliminates the distinction between tangible and intangible gifts, but retains concept of special treatment of gifts given by lobbyists/their principals and current or prospective contractors. |
| | Prohibits officers/employees and their immediate families from accepting gifts (either single or a combination of gifts) with a value greater than \$100 from <i>any person</i> other than a relative or personal friend. Exception for "widely attended events" related to official duties. Prohibits officers/employees from soliciting or accepting "travel-related things of value" with a value greater than \$100 from "a third party" unless the Commission grants a waiver. Waivers are not required for acceptance of "travel paid for or provided by a government of the United States, any of its territories, or another state of the United States or the political subdivision of such other state." (§ 2.2-2541.) | Prohibits officers/employees from soliciting or accepting any single gift with a value greater than \$100 from <i>lobbyists/their principals and current or prospective contractors</i> . Exceptions for "widely attended events" and for travel-related gifts if the Council grants a waiver. Prohibits officers/employees from soliciting or accepting any gift of travel with a value exceeding \$100 from <i>a third party</i> unless the Council grants a waiver. "Third party" does not include the Commonwealth or one of its political subdivisions; the government of the United States or any of its territories; or another state in the United States or a political subdivision of such other state. (§ 30-356.1) |
| § 2.2-3117 | Eliminates disclosure form from the statute and directs Commission to prepare forms that include prescribed information. Requires disclosure of gifts valued at more than \$25 (vs. \$50/\$100 in current law). | Retains disclosure forms in the statute. No change to \$50 reporting threshold for single gifts, decreases reporting threshold for combination of gifts from \$100 to \$50. |
| | Requires disclosure of salaries, wages, and other remuneration that officers/employees and members of their immediate families receive from paid employment. (Current | |

| | | · |
|------------|---|--|
| | law only requires identification of an employer who pays salary or wages in excess of \$5,000 annually.) | |
| | Requires disclosure of information about "travel not paid for by a governmental entity of the United States or another state of the United States." Requires disclosure of information about payments or | No change to requirements to disclose payments for meetings or travel. |
| | reimbursements an officer/employee received for attending or participating in meetings, conferences, or events in his/her official capacity. | |
| | Knowingly making a material misstatement on the form is a Class 5 felony. | £ |
| § 2.2-3101 | Expands definition of "immediate family" of state and local officers/employees to include "any other person" residing in the official's household who is a "dependent." Current definition includes "any child" residing in the official's household. Definition of "dependent" is also expanded. | No changes to definitions. |
| § 2.2-3124 | Imposes \$250 civil penalty for failure to file (no such penalty in current law). | No changes to penalties. |

| Council/ | HB 1947(McClellan)/SB 1345 (McEachin) | HB 2070 (Gilbert) |
|---------------------|--|--|
| Commission | | |
| § 2.2-2537 | Establishes an Independent Ethics Review Commission in | Leaves the Conflict of Interest and Ethics Advisory |
| Through | the executive branch. Abolishes the Conflict of Interest and | Council intact. |
| § 2.2 - 2546 | Ethics Advisory Council established in the 2014 law and the | |
| · | Senate and House Ethics Advisory Panels, both of which | |
| | reside in the legislative branch. | |
| § 2.2-2541 | Authorizes the Commission to grant waivers to allow | Authorizes the Council to grant waivers allowing |
| and | persons subject to the Conflict of Interests Acts to accept | officers/employees to accept transportation, lodging, |
| § 30-355 | noncommercial loans of more than \$5,000, or "to accept any | meals, hospitality, or other travel-related thing of value |
| J | transportation, lodging, meal, hospitality, or other travel- | provided by a third party that has a value exceeding |
| | related thing of value" that exceeds the monetary thresholds | \$100. |
| | imposed in the law. | |

| Lobbyist | HB 1947(McClellan)/SB 1345 (McEachin) | HB 2070 (Gilbert) |
|--------------|--|--|
| Registration | | |
| § 2.2-426 | Eliminates disclosure form from the statute and directs Commission to prepare forms that include prescribed information. | SB 2070 does not propose amendments to the lobbyist registration laws. |
| | Requires lobbyists to disclose gifts valued at more than \$25 (vs. \$50 in current law) given to legislative and executive officials and their immediate families. | |
| | Requires lobbyists to disclose entertainment expenses | |
| | valued at more than \$25 per event (vs. \$50 in current law). | |
| § 2.2-419 | Expands definition of "immediate family" of legislative | |
| | and executive officials to correspond to definition | |
| | proposed in § 2.2-3101. | |
| § 2.2-431 | Civil penalty for failure to file increased to \$250 (from | |
| | \$50 in current law). | |

SB 1025 - Transportation Network Companies

As of 1/23/2015

SB 1025 establishes a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. Items in the legislation include:

Administration of Provisions and Associated Fees

• The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an initial TNC license fee of \$100,000, and an annual license renewal fee of \$60,000. These fees may be revisited if they do not adequately cover costs.

Vehicle Identification

For each TNC partner vehicle it authorizes, a TNC shall issue trade dress to the TNC partner associated
with that vehicle. The trade dress shall be sufficient to identify the transportation network company or
digital platform with which the vehicle is affiliated and shall be displayed in a manner that complies with
Virginia law. The trade dress shall be readily identifiable during daylight hours from a distance of 50 feet
while the vehicle is not in motion and shall be reflective, illuminated, or otherwise patently visible in
darkness.

Background Checks

- TNC screens drivers The background check must include a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) and (ii) a search of the U.S. Department of Justice's National Sex Offender Public Website. The person conducting the background check shall be accredited by the National Association of Professional Background Screeners or a comparable entity approved by the Department.
- A driver license record check must be done initially and every year thereafter.
- A National criminal history and sex offender check must occur initially and every 2 years thereafter
- Various barrier offenses include lifetime, 7-year, 3-year bans.

Insurance

Until January 1, 2016:

- From the moment the TNC partner accepts a prearranged ride request on the digital platform until the TNC Partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:
 - o \$1 million in primary liability coverage
 - o \$1 million in Uninsured Motorist/Underinsured Motorist coverage
- From the moment a TNC partner logs on to a TNC's digital platform until the TNC partner accepts a request to transport a passenger and (ii) from the moment the TNC partner completes the transaction on the digital platform or the prearranged ride is complete, whichever is later, until the TNC partner either accepts another prearranged ride request on the digital platform or logs off the digital platform:
 - o TNC insurance shall provide motor vehicle liability coverage. Such coverage shall be secondary and shall provide liability coverage of at least \$125,000 per person and \$250,000 per incident for death and bodily injury and at least \$50,000 for property damage.
 - When not on the digital platform, the driver's personal insurance (if any) applies

After January 1, 2016

- From the moment the TNC partner accepts a prearranged ride request on the digital platform until the TNC Partner completes the transaction on the digital platform or until the prearranged ride is complete, whichever is later:
 - o \$1 million in primary liability coverage
 - o \$1 million in Uninsured Motorist/Underinsured Motorist coverage

- All other times while logged on to TNC platform:
 - o Primary liability coverage of at least \$50,000 per person/\$100,000 per incident for death and bodily injury, and at least \$25,000 per incident for property damage.
- When not on the platform, the driver's personal insurance (if any) applies

TNCs have discretion to determine how insurance will be provided

Recordkeeping and Reporting

- TNCs must maintain records for 3 years
- DMV authorized to conduct periodic reviews, but no more than an annual basis, of TNCs.
- TNCs are required to cooperate with law enforcement officials in the performance of their official duties.
- Local government access to records is not available except in certain narrow situations.

Wheelchair-accessible services

- The TNC must provide passengers an opportunity to indicate whether they require a wheelchair-accessible
 vehicle. If a TNC cannot arrange wheelchair-accessible service in a TNC partner vehicle in any instance, it
 shall direct the passenger to an alternate provider of wheelchair-accessible service, if available. A TNC
 shall not impose additional charges for providing services to persons with disabilities because of those
 disabilities.
- The bill requires that the Department of Motor Vehicles periodically consult with local government officials to determine whether TNCs have had an effect on the availability of wheelchair-accessible transportation services. If evidence suggests an effect, the Department shall work collaboratively with appropriate stakeholders to develop recommendations to be submitted to the Chairmen of the House and Senate Committees on Transportation.

Local Regulation of Taxicabs

SB 1025 does not impact any local regulation of taxicabs.

| Bills | Patron | Description | Committee | Status | Summary | | | |
|---------------------------|--------------|--|--------------------------------|--|--|--|--|--|
| 21113 | i acton | Description | Committee | | tation Funding Bills | | | |
| House | | | | i i unsper | tation funding bins | | | |
| Designation of the second | Garrett, T. | Motor vehicle sales and use tax; expands certain exemption | H Finance, Sub #2 | Assigned to Sub #2 | Expands the exemption from payment of the motor vehicle sales and use tax for gifts of vehicles to certain family members to include gifts to a parent. | | | |
| | Scott, T. | Tangible personal property tax relief; autocycles. | H Finance, Sub #1 | Sub #1 Recommends Reporting 10-0 | | | | |
| HB 1410 | Marshall, R. | Motor fuels; reduces tax rate on gasoline and gasohol. | H Appropriations | Referred to Committee | Reduces the motor fuels tax on gasoline and gasohol from 5.1% to 3.5% of the statewide average wholesale priof a gallon of unleaded regular gasoline. The rate increased from 3.5% to 5.1% on January 1, 2015, as required Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass the Marketplace Fairness Act. | | | |
| HB 1529 | Berg, M. | General appropriation act; expiration date of second enactment Chapter 2, 2014 Sp. I Act. | H Appropriations | Referred to Committee | Provides that the enactment of the current general appropriation act that states that "no provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 (HB 3202) pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 (HB 2313) pursuant to the 14th enactment of that chapter" shall expire on June 30, 2015. | | | |
| | Cole, M. | Vehicle registrations; expiration and renewal on or after July 1, 2015. | H Transportation, Sub #1 | Sub #1 Recommends Laying on the Table 6-0 | Provides that vehicle registrations issued on and after July 1, 2015, will be permanent, unless vehicle ownership or the address where the vehicle is principally garaged changes. | | | |
| НВ 2095 | Keam, M. | Real property tax on commercial and industrial property. | H Finance, Sub #1 | Assigned to Sub #1 | Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property(C& I) attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise. | | | |
| HJ 581 | Surovell, S. | Highways; JLARC to study alternative taxes and fees for funding in the Commonwealth. | H Rules, Studies Sub. | Studies Sub Recommends Laying on the Table by Voice Vote | Directs JLARC to study the adequacy of taxes and fees currently dedicated to highway funding and the feasibility of alternative revenue sources, including but not limited to road usage charges based on vehicle miles traveled, other flat fees, increased use of tolls, and charges on motor vehicle parts and fluids that must be replaced as vehicle miles traveled increase, such as tires and motor oil. | | | |
| 6 | | | | | | | | |
| Senate SB 716 | Lucan, L | Virginia Casino Gaming Commission; regulation of casino gaming, penalties. | General Laws and Technology | Assigned to Committee | Creates the Virginia Casino Gaming Commission as the licensing body for casino gaming. The bill specifies the licensing requirements for casino gaming and imposes penalties for violations of the casino gaming law. Under the bill, casino gambling shall be limited to localities in which at least 40 percent of the land area is exempt from local real property taxation pursuant to federal law or subdivisions (a) (1) through (a) 5 and (a) 7 of Section 6 of Article X of the Constitution of Virginia. The bill requires proceeds of the gross receipts tax and admission tax imposed on casino gaming operators to be paid as follows: (i) 10 percent to the locality in which the casino gaming operation is located and (ii) 90 percent into the Toll Mitigation Fund, which shall be used to mitigate the tolls established to support construction and maintenance of the Dominion Boulevard Bridge and Roadway Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project. | | | |
| SB 754 | Carrico, C | Vehicle registration; increases fees, allocates funds for Department of State Police. | S Finance | Referred from S Transportation | Raises the vehicle registration fee an additional \$1.25 per year on each July 1 from 2015 through 2024 and allocates the funds to the Department of State Police. | | | |

2/21/2014

| Bills | Patron | Description | Committee | Status | Summary |
|---------|---------------|--|-------------------|-------------------------|--|
| SB 949 | Stuart, R. | Hybrid vehicle registration; tax | S Finance | Referred to | Creates a \$64 tax credit for the 2015 tax year for hybrid vehicle owners who paid the \$64 annual license tax |
| | | credit for certain vehicle owners. | | Committee | between July 1, 2013, and July 1, 2014. The bill has a July 1, 2018, expiration date. |
| | | | | | |
| | | | | Transportation | n Allocation Formula Bills |
| House | 10 | A company of the comp | | | Company of the Compan |
| HB 1402 | Loupassi, G. | Highway maintenance; payments | H Transportation, | Sub #4 | Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on |
| | | to certain cities and towns. | Sub \$4 | Recommends | moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are |
| | | | | Reporting 6-1 | converted to two-way bicycle travel lanes. |
| HB 1407 | Lingamfelter, | State secondary highways; | H Transportation, | 1 | Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing |
| | L. | allocation of 10 per cent of funds. | Sub \$4 | #4 | deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to advancing high priority projects statewide and reduces from 15 to 10 percent the |
| | | | • | | share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation |
| | | | | | Act of 1995. |
| HB 1501 | Carr, B | Highway maintenance; bases | H Transportation, | Assigned to Sub | Bases highway maintenance payments to cities and towns on lane-miles of highways. Under current law, such |
| | | payments to cities and towns on | Sub \$4 | #4 | payments are based on moving-lane-miles available to peak-hour traffic. |
| | | lane-miles of highways. | | | · |
| HB 1502 | Carr, B | Highway maintenance; payments | H Transportation, | Sub #4 | Provides for highway maintenance payments to cities for paved trails that accommodate all modes of |
| | | to certain cities. | Sub \$4 | Recommends | nonmotorized transportation, at a rate of 50 percent of the per-miles rate established for highway maintenance |
| | | | | Laying on the Table 7-0 | payments for collector roads and local streets. |
| HB 1887 | Jones, C | Transportation; funding, formula, | H Transportation, | | The bill establishes the high-priority projects program and the highway construction district grant program and |
| | | update annual reporting, and | Sub \$4 | #4 | replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, |
| • | | allocations. | | | secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high- |
| | | | • | | priority projects, and highway construction district grants. The bill adds to transportation funding considerations |
| | | | | | the state of good repair purposes along with asset management practices and maintenance and requires the CTB |
| | | | | | to develop a priority ranking system for structurally deficient bridges and deteriorated pavements. The bill |
| | | • • | : | | updates the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The |
| | | | | | bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust |
| | | | | | Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia |
| | | | | | Transportation Infrastructure Bank (VTIB) and one-third of such accruals to the Transportation Partnership |
| | | | | | Opportunity Fund. The bill also removes the ability of a governmental entity to apply for a VTIB grant. The bill also |
| | | | | | allows the CTB to make transfers from the Toll Facilities Revolving Account to the VTIB. The bill provides an |
| | | | | | additional \$40 million annually for transit projects, beginning in FY 2017. Funding will be shifted from the Port |
| | | | | | and Aviation shares of the Transportation Trust Fund and several highway funding sources. These provisions will |
| | | | | | expire if the federal government enacts the Marketplace Fairness Act. |
| | | | | | |
| HJ 599 | Watts, V. | Study; JLARC; highway | H Rules, Studies | Studies Sub | Directs the Joint Legislative Audit and Review Commission to study the reasonableness, appropriateness, and |
| | | construction allocations; report. | Sub | Recommends | equity of highway construction allocations in the Commonwealth. |
| | | | | Laying on Table | |
| | | | | by Voice Vote | |

| Bills | Patron | Description | Committee | Status | Summary |
|------------------|----------------|--|--|---|--|
| HJ 601 | Villanueva, R. | | H Rules, Studies Sub | Studies Sub Recommends Laying on Table by Voice Vote | Directs the Joint Legislative Audit and Review Commission to study the adequacy and equity of funding for transportation programs in the Commonwealth. |
| Connto | | İ | | | |
| Senate SB 952 | Dance, R. | Highway maintenance payments to cities and towns. | S Transportation | Referred to Committee | Bases highway maintenance payments to cities and towns on lane-miles of highways. Under current law, such payments are based on moving-lane-miles available to peak-hour traffic. |
| SB 953 | Dance, R. | Highway maintenance payments to certain cities. | S Transportation | Referred to Committee | Provides for highway maintenance payments to cities for paved trails that accommodate all modes of nonmotorized transportation, at a rate of 50 percent of the per-miles rate established for highway maintenance payments for collector roads and local streets. |
| SB 1023 | Stuart, R. | Mass transit; transit funding in statewide prioritization. | S Transportation | Referred to Committee | Includes moneys from the Commonwealth Mass Transit Fund and highway aid to mass transit in the list of funds subject to the statewide prioritization process (HB 2). The bill also requires the Joint Commission on Transportation Accountability to review the prioritization of projects by the CTB and to make necessary recommendations regarding the process to the General Assembly. |
| | Edwards, J. | Highway projects; Commonwealth Transportation Board to develop a life-cycle cost analysis. | S Transportation | Rereferred from S Finance | Requires the Commonwealth Transportation Board to develop a life-cycle cost analysis for all primary highway projects approved by the Board for which the total cost of initial construction exceeds \$500,000. The bill requires the analysis to include the total initial cost of the project and projected future maintenance costs and requires the Board to make project decisions accordingly. |
| SB 1274 | Barker, G. | State highways; allocation of funds. | S Transportation | Referred to Committee | Allocates 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995. |
| | | | | Transport | ation Trust Fund Bills |
| House | | | | Trunsport | ution Trust Fund Dills |
| нл 502 | Fowler, H. | Constitutional amendment; Transportation Funds. | H Privileges and Elections, Constitutional Amendments Sub | Assigned to Sub | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund (TTF), Highway Maintenance and Operating Fund (HMOF), Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly by general law, other than a general appropriation law, may alter the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within three years. No moneys designated for deposit into funds other than Transportation Funds shall be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes. |

2/21/2014

| Bills | Patron | Description | Committee | Status | Summary | |
|------------------|--------------|----------------------------------|--------------------------|--------------------------|--|--|
| HJ 576 | LeMunyon, J. | Constitutional amendment; | H Privileges and | Assigned to Sub | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the | |
| | | Transportation Funds. | Elections, | | Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. | |
| | | | Constitutional | | All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general | |
| | | | Amendments Sub | | appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, | |
| | | | | | other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the | |
| | | | | | use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly | |
| | | | | | shall not borrow from the Funds for any other purpose. | |
| | | | | | | |
| Senate | | | | | | |
| SJ 217 | Black, R. | Constitutional amendment; | S Floor | S Privileges and | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the | |
| | | Transportation Funds. | | Elections | Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. | |
| | | · | | Reported 8-7 | All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general | |
| | | | | | appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, | |
| | | | | | other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the | |
| | - | | | | use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly | |
| - | | | | | may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in | |
| | | | ٠ | | each house and that the loan must be repaid with reasonable interest within four years. | |
| | | | | | | |
| | | | | | | |
| . 10-2 | | | | NVTA | Allocation Bills | |
| House HB 1470 | LaPock D | Northern Virginia Transportation | H Transportation, | Cub | Doguiyas that the 700/ of the angious large way and the 111 ADTA large that the first large way and the 112 ADTA large way and the 12 ADTA large way | |
| 1110 1470 | Lander, D | Authority; use of revenues. | Sub #4 | Recommends | Requires that the 70% of the regional revenues allocated by NVTA be used by NVTA solely to fund transportation | |
| | | Additioney, use of revenues. | 3ub #4 | Reporting 5-2 | projects that are contained in the regional transportation plan and that have evaluated by VDOT in accordance with HB 599 (2012). | |
| HB 1525 | Minchew, J. | NVTA; Department of Taxation's | H Finance, Sub #1 | Assigned to | Requires the Department of Taxation to provide to NVTA the methodology it uses in calculating, and an itemized | |
| | , | costs in administering certain | | Subcommittee | accounting of, the amount of revenue it retains in costs incurred for administering the collection of sales tax | |
| | | taxes. | | · | revenue otherwise due to the NVTA. | |
| HB 1915 | LeMunyon, J | Northern Virginia Transportation | H Transportation, | Assigned to | Requires NVTA to include in its regional transportation plan as its primary objective reducing congestion in | |
| | | Authority; regional plan. | Sub #4 | Subcommittee | Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority | |
| | | | | | shall document in quantitative terms the reduction in congestion and improvement in regional mobility in | |
| | | • | · | | Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall | |
| | | | | | annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional | |
| UP 2000 | Keam, M. | Use of certain revenues by the | 11 Tuesses substitut | A: | transportation plan. | |
| 1710 2099 | icalli, ivi. | Northern Virginia Transportation | H Transportation, Sub #4 | Assigned to Subcommittee | Allows new sidewalk projects to be funded by NVTA. | |
| 1 | | Authority. | July 174 | Sancommittee | , | |
| | | 7. | | | | |
| Senate | | L | | l | | |
| SB 921 | Wexton, J. | Northern Virginia Transportation | S Transportation | Reported from S | Adds towns to the list of localities whose transportation projects can benefit from revenues from the NVTA. The | |
| 1 | I | Authority; use of revenues by | I | Transportation | bill also requires that such cities and towns receive funds for street maintenance to be eligible to receive | |
| 1 . | | Authority, use of revenues by | | Transportation | low also requires that such cities and towns receive runds for street maintenance to be eligible to receive | |
| | - | towns. | | 14-0 | revenues from NVTA. | |

| D:U- | D-4 | D! | C | C+ | |
|------------------|--------------|--|------------------|--|--|
| Bills | Patron | Description | Committee | Status | Summary |
| SB 932 | Petersen, J. | Northern Virginia Transportation Authority; use of certain revenues for new sidewalk projects. | S Transportation | Referred to Committee | Allows new sidewalk projects to be funded by NVTA. |
| SB 1314 | Marsden, D. | Northern Virginia Transportation Authority; regional plan. | S Transportation | Committee | Requires NVTA to include in its regional transportation plan as its primary objective reducing congestion in Planning District 8 to the greatest extent possible and in the most rapid and cost-effective manner. The Authority shall document in quantitative terms the reduction in congestion and improvement in regional mobility in Planning District 8 expected by implementing the plan. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan. |
| | | | - | | |
| | | | | | Other Bills |
| House | | | | | |
| HB 1886 | Jones, S. | Public-Private Transportation Act; establishes requirement for finding of public interest. | _ · | Assigned to Subcommittee | For Public-Private Transportation Act projects, establishes the requirements for a finding of public interest, requires such a finding prior to an initiation of procurement, and establishes the Transportation Public-Private Partnership Steering Committee to determine whether a proposal for the operation and development of a transportation facility serves a public purpose. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected. |
| | | | | | |
| Legisla House | tion No Long | ger Under Consideration | Γ | Transpor | rtation Funding Bills |
| Senate | | | | | |
| | Petersen, J. | Real property; tax on commercial and industrial property in certain localities. | S Finance | S Finance Passed by indefinitely 15- 0 | Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise. |
| | | | | Transportation | n Allocation Formula Bills |
| House | l | | | | |
| Sanata | | | | | |
| Senate | | | | Į | |
| House | | | I | Transport | cation Trust Fund Bills |
| Senate | | | | | |

2/21/2014

| Bills | Patron | Description | Committee | Status | Summary |
|--------|---------------|--|-------------------------------|----------------------------|---|
| SJ 219 | Cosgrove, J. | Constitutional amendment; Transportation Funds. | S Privileges and Elections | | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years. |
| SJ 255 | Obenshain, M. | Constitutional amendment (first resolution); Transportation Funds. | S Privileges and Elections | Incorporated into SJ217 | Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2016, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years. |
| House | | | | NVTA | A Allocation Bills |



Board Agenda Item January 27, 2015

10:50 a.m.

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

ENCLOSED DOCUMENTS:
Attachment 1: Appointments to be heard January 27, 2015 (An updated list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors

FINAL COPY

APPOINTMENTS TO BE HEARD JANUARY 27, 2015 (ENCOMPASSING VACANCIES PROJECTED THROUGH JANUARY 31, 2015)

(Unless otherwise noted, members are eligible for reappointment)

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

| Incumbent History | Requirement | Nominee | Supervisor | <u>District</u> |
|---|--|--------------------|------------|------------------------|
| Clifford L. Fields (Appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly, 2/09- 2/14 by Bulova) Term exp. 1/15 | At-Large Chairman's Representative | Clifford L. Fields | Bulova | At Large Chairman's |
| Jane W. Gwinn (Appointed 2/04-1/09 by Bulova; 1/10-1/14 by Cook) Term exp. 1/15 | Braddock District Representative | Jane W. Gwinn | Cook | Braddock |
| Kerrie Wilson Appointed 1/10- 1/14by Foust) Term exp. 1/15 | Dranesville District Representative | Kerrie Wilson | Foust | Dranesville |
| Ronald Copeland (Appointed 1/05-1/14 by Hudgins) Term exp. 1/15 | Hunter Mill District Representative | Ronald Copeland | Hudgins | Hunter Mill |

Continued on next page

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

Continued

| Incumbent History | Requirement | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|---|--|------------------------|-------------------|-----------------|
| Joseph Blackwell (Appointed 1/06-1/08 by Kauffman, 1/09- 1/14 by McKay) Term exp. 1/15 | Lee District Representative | Joseph Blackwell | McKay | Lee |
| Eileen J. Garnett (Appointed 1/03-1/14 by Gross) Term exp. 1/15 | Mason District Representative | Eileen J. Garnett | Gross | Mason |
| VACANT (Formerly held by Charles T. Coyle; appointed 2/13-6/14 by Hyland) Term exp. 1/15 Resigned | Mount Vernon District Representative | | Hyland | Mount Vernon |
| Ernestine Heastie (Appointed 2/04-1/14 by Smyth) Term exp. 1/15 | Providence District Representative | Ernestine Heastie | Smyth | Providence |
| Philip E. Rosenthal (Appointed 1/92-2/08 by McConnell, 1/09- 1/14 by Herrity) Term exp. 1/15 | Springfield District Representative | Philip E. Rosenthal | Herrity | Springfield |

Appointments to Boards, Authorities, and Commissions Page 3

ADVISORY SOCIAL SERVICES BOARD (4 years – limited to 2 full consecutive terms)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | District |
|--|--|----------------|-------------------|-----------------|
| VACANT (Formerly held by Sydney Stakley; appointed 6/07-9/13 by Smyth) Term exp. 9/17 Resigned | Providence District Representative | | Smyth | Providence |
| VACANT (Formerly held by Robert Kyle McDaniel; appointed 10/08-9/12 by Herrity) Term exp. 9/16 Resigned | Springfield District Representative | | Herrity | Springfield |

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

| Incumbent History | Requirement | Nominee | Supervisor | <u>District</u> |
|---|--|----------------|----------------------|-----------------|
| VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 Resigned | Builder (Single Family) 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 Resigned | Lending Institution Representative | | By Any Supervisor | At-Large |

Appointments to Boards, Authorities, and Commissions Page 4

AIRPORTS ADVISORY COMMITTEE (3 years)

| | D 1 | N | <u> </u> | D |
|---|---|----------------|-------------------|------------------------|
| Incumbent History | Requirement | Nominee | Supervisor | District |
| Carol Hawn (Appointed 1/97-1/03 by Hanley; 1/06 by Connolly; 2/09-2/12 by Bulova) Term exp. 1/15 | At-Large Chairman's Representative | | Bulova | At-Large Chairman's |
| VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 Resigned | Mason District Representative | | Gross | Mason |
| Sherri Jordan (Appointed 10/08- 2/12 by Hyland) Term exp. 1/15 | Mount Vernon District Representative | Sherri Jordan | Hyland | Mount Vernon |
| Brian Elson (Appointed 7/13 by Hyland) Term exp. 1/15 | Mount Vernon District Business Representative | Brian Elson | Hyland | Mount Vernon |
| Mark Searle (Appointed 9/98-2/12 by Frey) Term exp. 1/15 | Sully District Representative | | Frey | Sully |

ATHLETIC COUNCIL (2 years)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|--|--------------------------------|----------------|-------------------|-----------------|
| James Pendergast (Appointed 7/12 by | Braddock District Alternate | Rachel Huhn | Cook | Braddock |
| Cook)Term exp. 6/13 | Representative | | | |

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)

| Incumbent History | Requirement | <u>Nominee</u> | <u>Supervisor</u> | District |
|--|-------------------------------------|----------------|-------------------|-----------------|
| VACANT (Formerly held by William Hanks; appointed 2/10-5/14 by Cook; Term exp. 6/15 Deceased | Braddock District Representative | Andrew Miller | Cook | Braddock |
| Glenda DeVinney (Appointed 5/12-6/13 by McKay) Term exp. 6/14 | Lee District Representative | | McKay | Lee |

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)

(No official, technical assistant, inspector or other employee of the DPWES, DPZ, or FR shall serve as a member of the board.)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|--|--------------------------------|----------------|----------------------|-----------------|
| VACANT (Formerly held by Wayne Bryan; appointed 1/10-2/13 by Bulova) Term exp. 2/17 Resigned | Alternate #2 Representative | | By Any Supervisor | At-Large |
| VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 Term exp. 2/15 Resigned | Alternate #4 Representative | | By Any Supervisor | At-Large |

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE) (2 years)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|--|-----------------------------------|----------------------------|----------------------|-----------------|
| Thomas Parr (Appointed 12/04- 12/04 by Connolly; 12/12 by Bulova) Term exp. 12/14 | At-Large #1 Representative | Thomas Parr (Bulova) | By Any Supervisor | At-Large |
| VACANT (Formerly held by Robert Mansker; appointed 9/06-11/13 by Gross) Term exp. 12/15 Resigned | At-Large #3 Representative | | By Any Supervisor | At-Large |
| VACANT (Formerly held by Patricia Flavin; appointed 12/10-3/13 by Hyland) Term exp. 12/14 Resigned | Professional #6 Representative | Sandy Pompelli (Bulova) | By Any Supervisor | At-Large |

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE (4 years)

| Incumbent History | Requirement | <u>Nominee</u> | <u>Supervisor</u> | District |
|--|----------------------------------|----------------|-------------------|-----------------|
| VACANT (Formerly held by Kanthan Siva; appointed 1/13 by Frey) Term exp. 9/15 Resigned | Sully District Representative | | Frey | Sully |

Appointments to Boards, Authorities, and Commissions Page 7

CHILD CARE ADVISORY COUNCIL (2 years)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|---|--|----------------|------------|-----------------|
| VACANT (Formerly held by Pamela Nilsen; appointed 6/13-9/13 by McKay) Term exp. 9/15 Resigned | Lee District Representative | | McKay | Lee |
| VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 Resigned | Mount Vernon District Representative | | Hyland | Mount Vernon |
| VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 Resigned | Providence District Representative | | Smyth | Providence |

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|---|--|----------------|-------------------|-----------------|
| VACANT (Formerly held by Adeel Mufti; appointed 7/06-5/12 by Hudgins) Term exp. 5/14 Resigned | Hunter Mill District Representative | | Hudgins | Hunter Mill |

Appointments to Boards, Authorities, and Commissions Page 8

COMMISSION FOR WOMEN (3 years)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | District |
|---|-------------------------------------|----------------|------------|-----------------|
| VACANT (Formerly held by Nancy Krakover; appointed 11/09- 10/12 by Cook) Term exp. 10/15 Resigned | Braddock District Representative | Robin Brown | Cook | Braddock |

COMMISSION ON AGING (2 years)

| Incumbent History | Requirement | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|---|--|----------------|-------------------|------------------------|
| VACANT (Formerly held by Tena Bluhm; appointed 5/09-5/13 by Bulova) Term exp. 5/15 Resigned | At-Large Chairman's Representative | | Bulova | At-Large Chairman's |

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION (4 years)

| Incumbent History | Requirement | Nominee | Supervisor | District |
|---|----------------------------|----------------|----------------------|-----------------|
| VACANT (Formerly held by Howard Leroy Kelley; Appointed 8/01-1/13 by Hudgins) Term exp. 1/17 Resigned | At-Large Representative | | By Any Supervisor | At-Large |

Continued on next page

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION (4 years) continued

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|---|--|----------------|------------|-----------------|
| VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 Resigned | Lee District Representative | | McKay | Lee |
| VACANT (Formerly held by Carmen A. Cintron; appointed 2/13 by Hyland) Term exp. 1/15 Resigned | Mount Vernon District Representative | | Hyland | Mount Vernon |
| William Stephens (Appointed 9/02-1/03 by McConnell; 1/07- 1/11 by Herrity) Term exp. 1/15 | Springfield District Representative | | Herrity | Springfield |

COMMUNITY ACTION ADVISORY BOARD (CAAB) (3 years)

CONFIRMATION NEEDED:

• Ms. Ann G. Macpherson as the AARP Representative

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | District |
|--|--------------------------------|----------------|------------|-----------------|
| VACANT (Formerly held by Suzette Kern; appointed 1/09-12/11 by McKay) Term exp. 12/14 Resigned | Lee District Representative | | McKay | Lee |

CONFIRMATION NEEDED:

• Hon. Grace H. Wolf as Herndon Town Council Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)

| Incumbent History | Requirement | Nominee | Supervisor | District |
|---|----------------------------------|----------------|-------------------|-----------------|
| Glen White (Appointed 3/09-1/12 by Gross) | Mason District Representative | | Gross | Mason |
| Term exp. 1/15 | | | | |

FAIRFAX AREA DISABILITY SERVICES BOARD

(3 years-limited to 2 full consecutive terms per MOU, after initial term)

[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | District |
|--|----------------------------------|----------------|------------|-----------------|
| VACANT (Formerly held by Richard Nilsen; appointed 6/13 by McKay) Term exp. 11/15 Resigned | Lee District Representative | | McKay | Lee |
| Jacqueline Browne (Appointed 9/08- 12/11 by Gross) Term exp. 11/14 Not eligible for reappointment | Mason District Representative | | Gross | Mason |
| VACANT (Formerly held by Ann Pimley; appointed 9/03-11/6 by Frey) Term exp. 11/09 Resigned | Sully District Representative | | Frey | Sully |

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL (2 years)

CONFIRMATIONS NEEDED:

- Ms. Sonia Gow as a Long Term Care Providers Representative
- Mr. Michael Toobin as a Long Term Care Providers Representative
- Ms. Tena Bluhm as the COA Representative
- Mr. Paul Wexler as a Long Term Care Providers Representative

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS (3 years)

| Incumbent History | Requirement | Nominee | Supervisor | <u>District</u> |
|---|--|----------------|-------------------|-----------------|
| David Eisenman (Appointed 8/04-6/11 by Hudgins) Term exp. 6/14 Not eligible for reappointment (need 1 year lapse) | Hunter Mill District Representative | | Hudgins | Hunter Mill |

HEALTH CARE ADVISORY BOARD (4 years)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|---|----------------------------------|----------------|------------|-----------------|
| VACANT (Formerly held by Judith Beattie; appointed 6/96-9/12 by Frey) Term exp. 6/16 Resigned | Sully District Representative | | Frey | Sully |

HEALTH SYSTEMS AGENCY BOARD (3 years - limited to 2 full terms, may be reappointed after 1 year lapse)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | District |
|--|-------------------------------|----------------|----------------------|-----------------|
| VACANT (Formerly held by Andrew A. Painter; appointed 2/11 by Smyth) Term exp. 6/13 Resigned | Consumer #4 Representative | | By Any Supervisor | At-Large |

Continued on next page

HEALTH SYSTEMS AGENCY BOARD

(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)

Continued

| Incumbent History | Requirement | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|--|-------------------------------|----------------|----------------------|-----------------|
| VACANT (Formerly held by Carol Ann Coryell; appointed 6/05-6/08 by Frey) Term exp. 6/11 Resigned | Consumer #6 Representative | | By Any Supervisor | At-Large |
| VACANT (Formerly held by Samuel Jones; appointed 12/09 by Gross) Term exp. 6/12 Resigned | Provider #1 Representative | | By Any Supervisor | At-Large |

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3 Lee - 2 Providence - 1
Dranesville - 2 Mason - 2 Springfield - 2
Hunter Mill - 3 Mt. Vernon - 3 Sully - 2

| Incumbent History | Requirement | Nominee | Supervisor | District |
|--|-------------------------------|----------------------------------|----------------------|-----------------|
| VACANT (Formerly held by Irma Clifton; appointed 3/01-11/13 by Hyland) Term exp. 12/16 (Mt. Vernon District Resident) Resigned | At-Large #2 Representative | Carrie Ann Alford (Hyland) | By Any Supervisor | At-Large |
| Esther McCullough (Appointed 3/00- 11/02 by Hanley; 12/08-12/11 by Connolly) Term exp. 12/14 (Sully District Resident) | Citizen #10 Representative | | By Any Supervisor | At-Large |

| HUMAN SERVICES COUNCIL (4 years) | | | | | | |
|--|-----------------------------------|----------------|-------------------|-----------------|--|--|
| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | District | | |
| Richard Gonzalez (Appointed 7/97-7/05 by Kauffman; 8/09 by McKay) Term exp. 7/13 | Lee District #1 Representative | | McKay | Lee | | |

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC) (3 years)

| <u>Incumbent</u> | <u>Requirement</u> | <u>Nominee</u> | <u>Supervisor</u> | <u>District</u> |
|-------------------|----------------------|----------------|-------------------|-----------------|
| <u>History</u> | | | | |
| Walter Williams | Springfield District | | Herrity | Springfield |
| (Appointed 5/09- | Representative | | | |
| 12/11 by Herrity) | • | | | |
| Term exp. 12/14 | | | | |

CONFIRMATION NEEDED:

• Mr. Robert F. Lehman as the Chamber of Commerce Representative

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL (2 years)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | District |
|---|--|--------------------------|------------|------------------------|
| John Herold (Appointed 11/13 by Bulova) Term exp. 1/15 | At-Large Chairman's Representative | John Herold | Bulova | At-Large Chairman's |
| VACANT (Formerly held by Paul Langley; appointed 4/10-1/12 by Cook) Term exp. 1/14 Resigned | Braddock District Representative | | Cook | Braddock |
| Patricia Smith-Solan (Appointed 1/08-2/13 by Hudgins) Term exp. 1/15 | Hunter Mill District Representative | Patricia Smith- Solan | Hudgins | Hunter Mill |
| Joleane Dutzman (Appointed 1/10-3/13 by Hyland) Term exp. 1/15 | Mount Vernon District Representative | Joleane Dutzman | Hyland | Mount Vernon |
| Caroline Kerns (Appointed 2/02-1/13 by Frey) Term exp. 1/15 | Sully District Representative | Caroline Kerns | Frey | Sully |

Appointments to Boards, Authorities, and Commissions Page 16

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)

| Incumbent History | Requirement | Nominee | Supervisor | <u>District</u> |
|---|--|---------|------------|------------------------|
| VACANT (Formerly held by Eileen Nelson; appointed 3/04-6/07 by Connolly; 6/10 by Bulova) Term exp. 6/13 Resigned | At-Large Chairman's Representative | | Bulova | At-Large Chairman's |
| VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 Resigned | Dranesville District Representative | | Foust | Dranesville |
| VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 Resigned | Hunter Mill District Representative | | Hudgins | Hunter Mill |
| VACANT (Formerly held by Richard Nilsen; appointed 3/10-6/10 by McKay) Term exp. 6/13 Resigned | Lee District Representative | | McKay | Lee |
| Tina Montgomery (Appointed 9/10-6/11 by Smyth) Term exp. 6/14 | Providence District Representative | | Smyth | Providence |

Appointments to Boards, Authorities, and Commissions Page 17

| Incumbent History | Requirement | Nominee | <u>Supervisor</u> | District |
|---|-------------------------------|-------------------------|----------------------|-----------------|
| VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08- 11/13 by Herrity) Term exp. 12/14 Resigned | At-Large #1 Representative | | By Any Supervisor | At-Large |
| VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 Resigned | At-Large #4 Representative | | By Any Supervisor | At-Large |
| Micah D. Himmel (Appointed 12/11- 12/13 by Smyth) Term exp. 12/14 | At-Large #5 Representative | Micah D. Himmel (Smyth) | By Any Supervisor | At-Large |

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)

| Incumbent History | Requirement | Nominee | Supervisor | <u>District</u> |
|---|--|-----------------------|----------------------|-----------------|
| VACANT (Formerly held by Suchada Langley; appointed 11/11- 12/11 by Hudgins) Term exp. 12/14 Resigned | At-Large #2 Representative | | By Any Supervisor | At-Large |
| Michael Doherty (Appointed 12/11 by Bulova) Term exp. 12/14 | Braddock District Representative | | Cook | Braddock |
| Koorosh C. Sobhani (Appointed 10/08- 12/11 by Foust) Term exp. 12/14 | Dranesville District Representative | Koorosh C. Sobhani | Foust | Dranesville |

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|--|--|---------------------------|----------------------|-----------------|
| VACANT (Formerly held by Robert Dim; appointed 3/05-3/12 by Hudgins) Term exp. 3/14 Resigned | Fairfax County #5 Representative | | By Any Supervisor | At-Large |
| VACANT (Formerly held by Cleveland Williams; appointed 12/11-3/13 by Hudgins) Term exp. 3/15 Resigned | Fairfax County #7 Representative | | By Any Supervisor | At-Large |
| VACANT (Formerly held by Medelyn Ortiz Lopez; appointed 11/10-4/14 by Hudgins) Term exp. 3/16 Resigned | Fairfax County #9 (Youth) Representative | Morsel Osman (Hudgins) | By Any Supervisor | At-Large |

CONFIRMATION OF:

• Ms. Carol Ann Bradley as the Reston Association #4 Representative

Appointments to Boards, Authorities, and Commissions Page 19

TENANT LANDLORD COMMISSION (3 years)

| Incumbent History | Requirement | Nominee | Supervisor | <u>District</u> |
|---|-------------------------------------|-----------------------------------|----------------------|-----------------|
| VACANT (Formerly held by Michael Schwarz; appointed 1/14 by Herrity) Term exp. 12/15 Resigned | Citizen Member #3 Representative | | By Any Supervisor | At-Large |
| VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 Deceased | Condo Owner Representative | | By Any Supervisor | At-Large |
| Angelina Panettieri (Appointed 6/11-1/12 by Smyth) Term exp. 1/15 | Tenant Member #1 Representative | Angelina Panettieri (Smyth) | By Any Supervisor | At-Large |
| VACANT (Formerly held by Evelyn McRae; appointed 6/98-8/01 by Hanley; 12/04-1/08 by Connolly; 4/11 by Bulova) Term exp. 1/14 Resigned | Tenant Member #2 Representative | | By Any Supervisor | At-Large |
| VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 Resigned | Tenant Member #3 Representative | | By Any Supervisor | At-Large |

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | District |
|--|----------------------------------|----------------|------------|-----------------|
| Jan Reitman (Appointed 3/08-1/12 by Gross) Term exp. 1/14 | Mason District Representative | | Gross | Mason |

TRANSPORTATION ADVISORY COMMISSION (2 years)

| | | | (= 3 = ==) | |
|---|---------------------------------------|-----------------|-------------------|-----------------|
| Incumbent History | Requirement | Nominee | Supervisor | District |
| Micah D. Himmel; appointed 6/13 by Smyth) Term exp. 6/14 | Providence District Representative | Micah D. Himmel | Smyth | Providence |

| | WETLAN | DS BOARD (5 years) | | |
|--|-------------------------------|--------------------|----------------------|-----------------|
| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
| Elizabeth Martin (Appointed 11/09 by Gross) Term exp. 12/13 | At-Large #1 Representative | | By Any Supervisor | At-Large |

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)

| Incumbent History | Requirement | Nominee | Supervisor | <u>District</u> |
|--|--|----------------|------------|-----------------|
| Laurie DiRocco (Appointed 5/14 by Bulova) Term exp. 2/15 | Adjacent Community Member Representative #1 | | Bulova | At-Large |
| Sally Horn (Appointed 2/13 by Bulova) Term exp. 2/15 | Adjacent Community Member Representative #2 | Sally Horn | Bulova | At-Large |
| Jim Policaro (Appointed 2/13 by Bulova) Term exp. 2/15 | Commercial or Retail Ownership Representative #1 | Jim Policaro | Bulova | At-Large |
| Tim Stephan (Appointed 2/13 by Bulova) Term exp. 2/15 | Commercial or Retail Ownership Representative #2 | | Bulova | At-Large |
| Kip Killmon (Appointed 2/13 by Bulova) Term exp. 2/15 | Commercial or Retail Ownership Representative #3 | | Bulova | At-Large |
| Mark Zetts (Appointed 2/13 by Foust) Term exp. 2/15 | Dranesville District Representative | Mark Zetts | Foust | Dranesville |
| Jay Klug (Appointed 2/13 by Hudgins) Term exp. 2/15 | Hunter Mill District Representative #1 | Jay Klug | Hudgins | Hunter Mill |
| Raymond Baxter (Appointed 2/13 by Hudgins) Term exp. 2/15 | Hunter Mill District Representative #2 | Raymond Baxter | Hudgins | Hunter Mill |

Continued on next page

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS) continued

| Incumbent History | Requirement | <u>Nominee</u> | Supervisor | <u>District</u> |
|---|---|-----------------|------------|-----------------|
| Maria Hawthorne (Appointed 2/13 by Smyth) Term exp. 2/15 | Providence District Representative #1 | | Smyth | Providence |
| Molly Peacock (Appointed 2/13 by Smyth) Term exp. 2/15 | Providence District Representative #2 | Molly Peacock | Smyth | Providence |
| Michael Bogasky (Appointed 2/13 by Smyth) Term exp. 2/15 | Residential Owners and HOA/Civic Association Representative #1 | | Smyth | Providence |
| Ron Parson (Appointed 2/13 by Smyth) Term exp. 2/15 | Residential Owners and HOA/Civic Association Representative #2 | Ron Parson | Smyth | Providence |
| Claudia Diamond (Appointed 2/13 by Hudgins) Term exp. 2/15 | Residential Owners and HOA/Civic Association Representative #3 | Claudia Diamond | Hudgins | Hunter Mill |

CONFIRMATIONS NEEDED:

- Mr. Terrence Miller as the Tysons Partnership #1 Representative
- Mr. Aaron Georgelas as the Tysons Partnership #2 Representative
- <u>Honorable Stuart Mendelsohn</u> as the Chamber of Commerce Lessees of Non-Residential Space Representative

11:00 a.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

<u>Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Graham Residential Permit Parking District, District 34 (Providence District)</u>

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Graham Residential Permit Parking District (RPPD), District 34.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:

The Board should take action on January 27, 2015, to advertise a public hearing for February 17, 2015, at 4:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of The Code of the County of Fairfax, Virginia, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

A peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$500 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to The Code of the County of Fairfax, Virginia

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

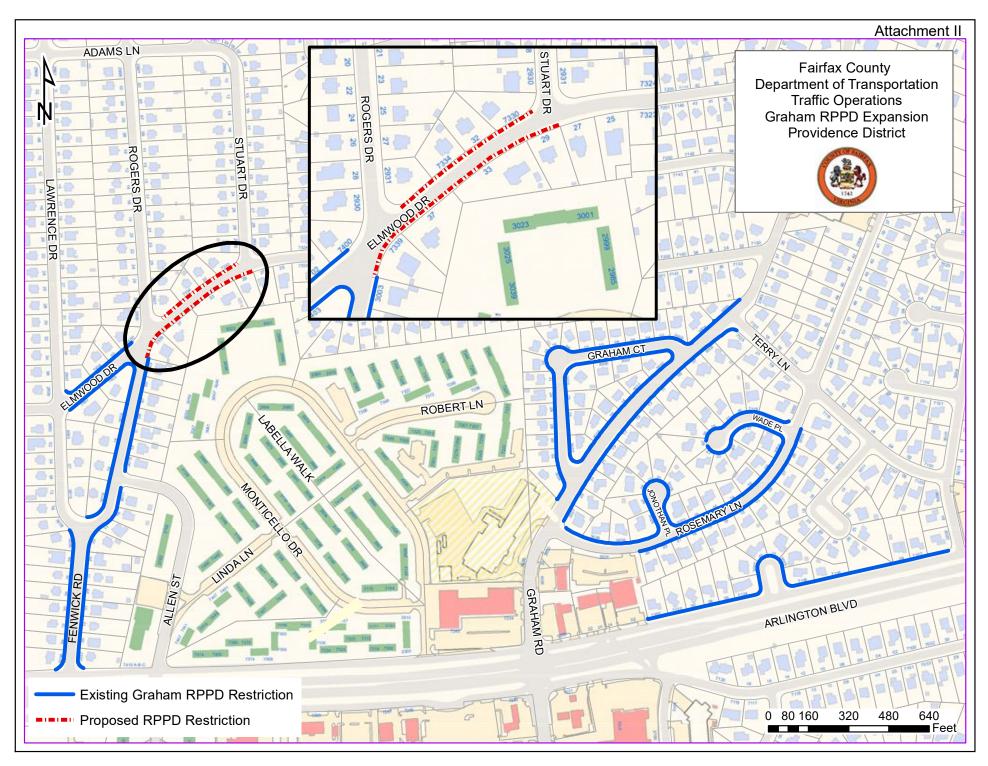
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by modifying the following streets in Appendix G-34, Section (b), (2), Graham Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Elmwood Drive (Route 1780):

From Lawrence Drive to Rogers Drive Stuart Drive.



ADMINISTRATIVE - 2

<u>Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance</u>

<u>Expanding the Sunset Manor Residential Permit Parking District, District 18 (Mason District)</u>

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Sunset Manor Residential Permit Parking District (RPPD), District 18.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:

The Board should take action on January 27, 2015, to advertise a public hearing for February 17, 2015, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of The Code of the County of Fairfax, Virginia, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

A peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$925 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to The Code of the County of Fairfax, Virginia

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Attachment I

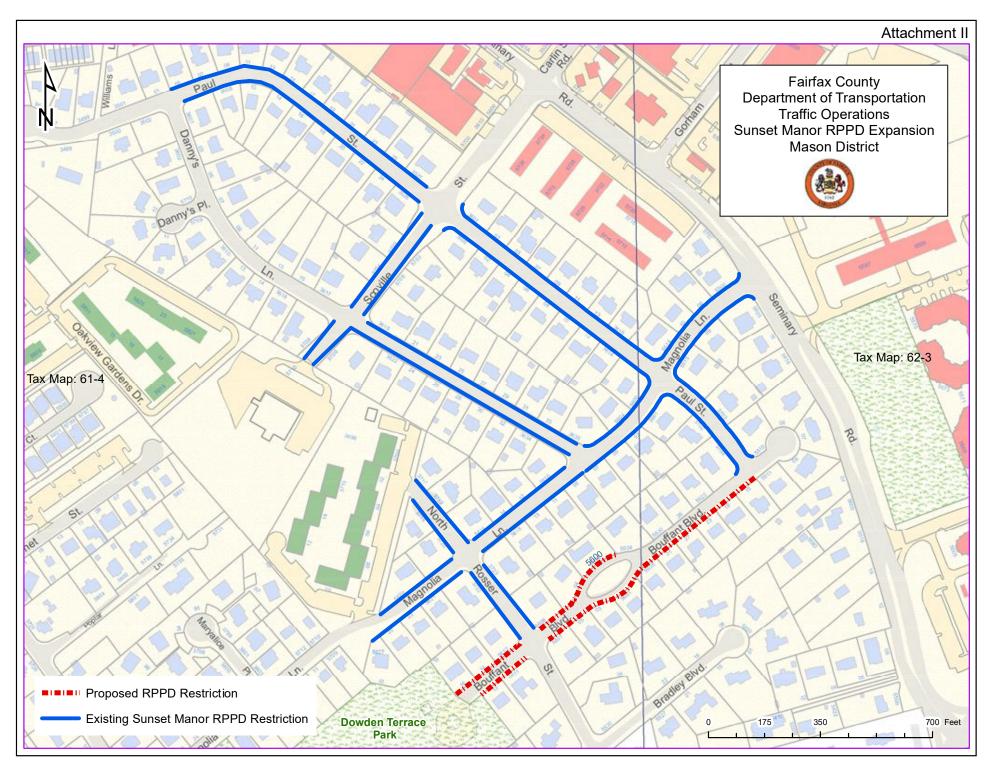
Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by adding the following street to Appendix G-18, Section (b), (2), Sunset Manor Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Bouffant Boulevard (Route 3436):

From Dowden Terrace Park boundary to the eastern property boundary of 5600 Bouffant Boulevard; north side only

From Dowden Terrace Park boundary to Paul Street; south side only



ADMINISTRATIVE - 3

<u>Authorization to Advertise a Public Hearing to Establish the Cardinal Forest II</u>
<u>Community Parking District (Braddock District)</u>

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Cardinal Forest II Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:

The Board of Supervisors should take action on January 27, 2015, to provide sufficient time for advertisement of the public hearing on February 17, 2015, at 4:30 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 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 on the streets in the CPD.

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 loading, unloading, or preparing for a trip, (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 such an 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 CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,250 to be paid out of 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 Cardinal Forest II CPD

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Division Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Section Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA APPENDIX M

M-84 Cardinal Forest II Community Parking District

- (a) District Designation.
 - (1) The restricted parking area is designated as the Cardinal Forest II Community Parking District.
 - (2) Blocks included in the Cardinal Forest II Community Parking District are described below:

Dominican Drive (Route 4139)
From Sherborn Lane to Roxbury Avenue.

Grigsby Drive (Route 4179)
From Sherborn Lane to Roxbury Avenue.

Roxbury Avenue (Route 4136)
From Sherborn Lane to Winslow Avenue.

Sherborn Lane (Route 4137)

From Forrester Boulevard to Roxbury Avenue

(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 Cardinal Forest II 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 Cardinal Forest II Community Parking District shall indicate community specific identification and/or directional information in addition to the following:

NO PARKING
Watercraft
Trailers, Motor Homes
Vehicles ≥ 3 Axles
Vehicles GVWR ≥ 12,000 lbs.
Vehicles ≥ 16 Passengers

FAIRFAX COUNTY CODE §82-5B



ADMINISTRATIVE - 4

<u>Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)</u>

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Springdale Residential Permit Parking District (RPPD), District 33.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:

The Board should take action on January 27, 2015, to advertise a public hearing for February 17, 2015, at 4:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of the Fairfax County Code, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

On September 18, 2014, the Fairfax County Department of Transportation (FCDOT) conducted a peak parking demand survey for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1,250 to be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by amending the following street descriptions in Appendix G-33, Section (b), (2), Springdale Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Arnet Street (Route 1845):

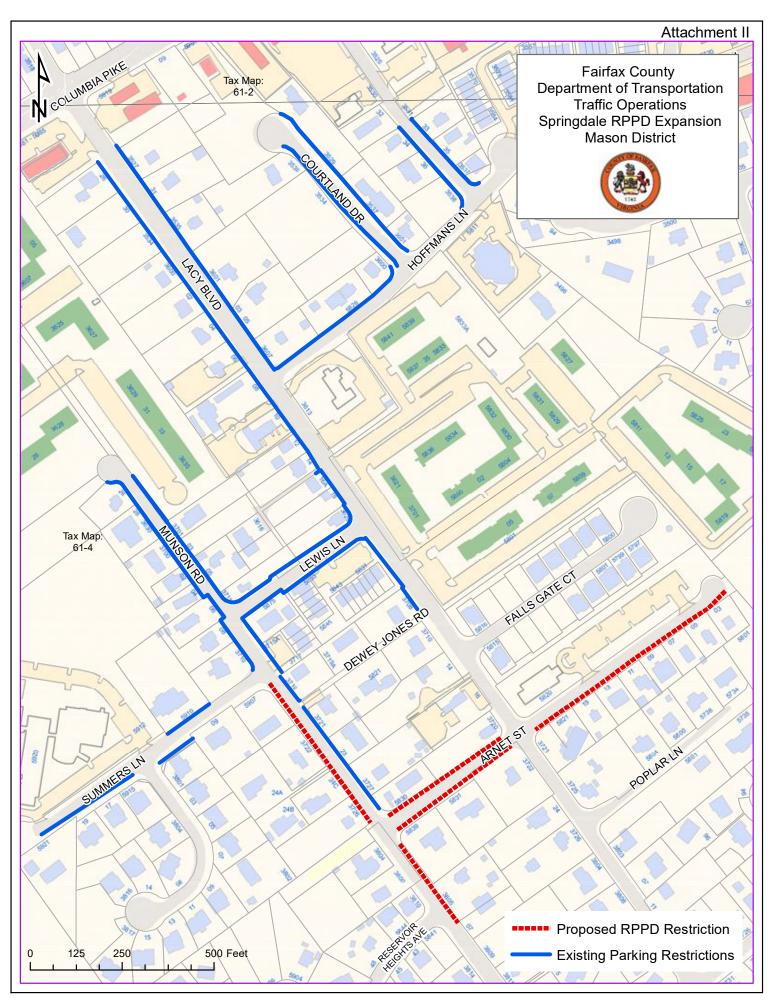
From Munson Road to Lacy Boulevard

From Lacy Boulevard to eastern cul-de-sac end; south side only

Munson Road (Route 795):

From Arnet Street to Summers Lane east side only

From Arnet Street to Reservoir Heights Avenue, east side only



ADMINISTRATIVE - 5

<u>Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck</u>
<u>Traffic on Ravensworth Road (Mason District)</u>

ISSUE:

Board authorization to advertise a public hearing to be held on Tuesday, February 17, 2015, 4:30 p.m., for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction.

• Ravensworth Road between Little River Turnpike and Braddock Road.

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Ravensworth Road between Little River Turnpike and Braddock Road to be included in the RTAP for a through truck traffic restriction.

TIMING:

The Board should take action on January 27, 2015, to provide sufficient time for advertisement of the proposed public hearing scheduled for February 17, 2015, 4:30 p.m. (Attachment I).

BACKGROUND:

In a memorandum dated September 18, 2014, Supervisor Gross requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Ravensworth Road, due to continuing safety concerns of residents regarding through trucks utilizing this road as a shortcut between Little River Turnpike and Braddock Road. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Little River Turnpike to Interstate 495 to Braddock Road (Attachment III).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on a portion of this road (Attachment II) has been prepared for adoption and transmittal to VDOT which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Ravensworth

Road

Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive
Thomas P. Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Steven K. Knudsen, Transportation Planner, FCDOT

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) THROUGH TRUCK TRAFFIC RESTRICTION RAVENSWORTH ROAD MASON DISTRICT

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, February 17, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents who live along Ravensworth Road have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

WHEREAS, a reasonable alternate route has been identified for Ravensworth Road starting at Ravensworth Road and Little River Turnpike to the intersection of Little River Turnpike and Interstate 495, and from the intersection of Little River Turnpike and Interstate 495 to the intersection of Interstate 495 and Braddock Road and then on to the intersection of Ravensworth Road and Braddock Road; and

WHEREAS, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction be enforced by the Fairfax County Police Department; and

WHEREAS, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia'*,

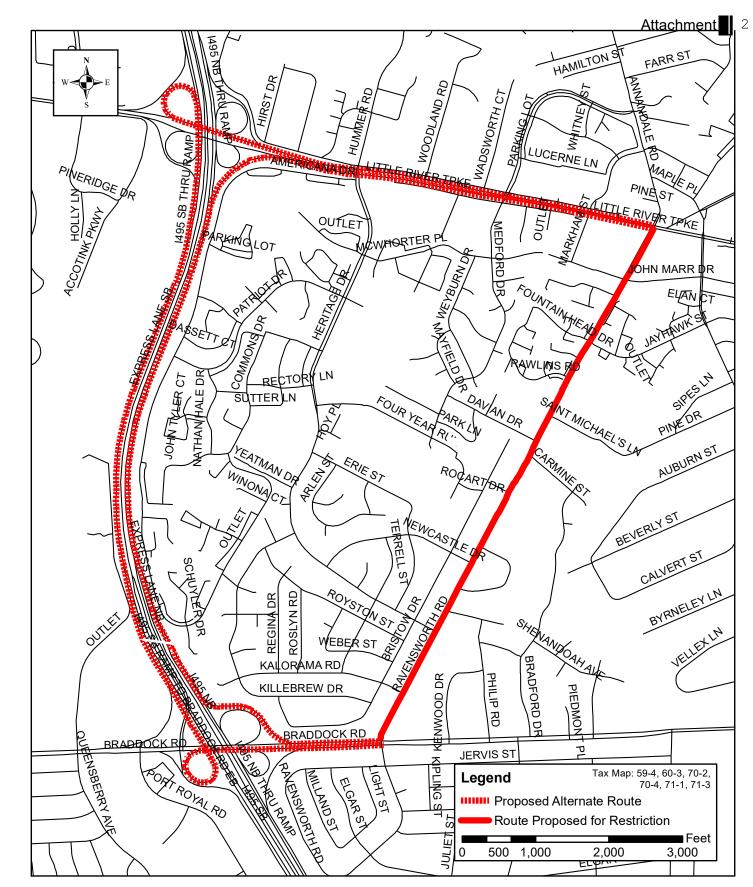
NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Ravensworth Road, between Little River Turnpike and Braddock Road, as part of the County's Residential Traffic Administration Program (RTAP).

FURTHER BE IT RESOLVED, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

ADOPTED this 17th day of February 2015.

| Catherine A. Chianese |
|-----------------------------------|
| |
| Clerk to the Board of Supervisors |

A Copy Teste:





Fairfax County Department of Transportation
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
PROPOSED THROUGH TRUCK RESTRICTION
RAVENSWORTH ROAD

FCDOT

A Fairfax County, Va., publication

Mason District

ADMINISTRATIVE - 6

Approval of Traffic Calming Measures and "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Sully District)

ISSUE:

Board endorsement of Traffic Calming Measures and "\$200 Additional Fine for Speeding" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plan for Misty Creek Lane (Attachment I) consisting of the following:

One Speed Hump on Misty Creek Lane (Sully District)

The County Executive further recommends that the Board approve a resolution (Attachment II) for the installation of "\$200 Additional Fine for Speeding" signs on the following roads:

 Folkstone Drive from West Ox Road / Lawyers Road to Fox Mill Road. (Sully District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measure as soon as possible. The County Executive also recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved signs as soon as possible.

TIMING:

Board action is requested on January 27, 2015.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners' or civic association. Traffic calming employs the use of physical devices such as multi-way stop signs (MWS), speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies

documenting the attainment of qualifying criteria. Staff worked with the local Supervisors' office and community to determine the viability of the requested traffic

calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On December 8, 2014 (Misty Creek Lane), the Department of Transportation received verification from the local Supervisor's office confirming community support for the above referenced traffic calming plan.

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. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Folkstone Drive from West Ox Road / Lawyers Road to Fox Mill Road (Attachment III) met the RTAP requirements for the posting of the "\$200 Additional Fine for Speeding Signs". On November 4, 2014 (Sully District) FCDOT received written verification from the appropriate local supervisor's confirming community support.

FISCAL IMPACT:

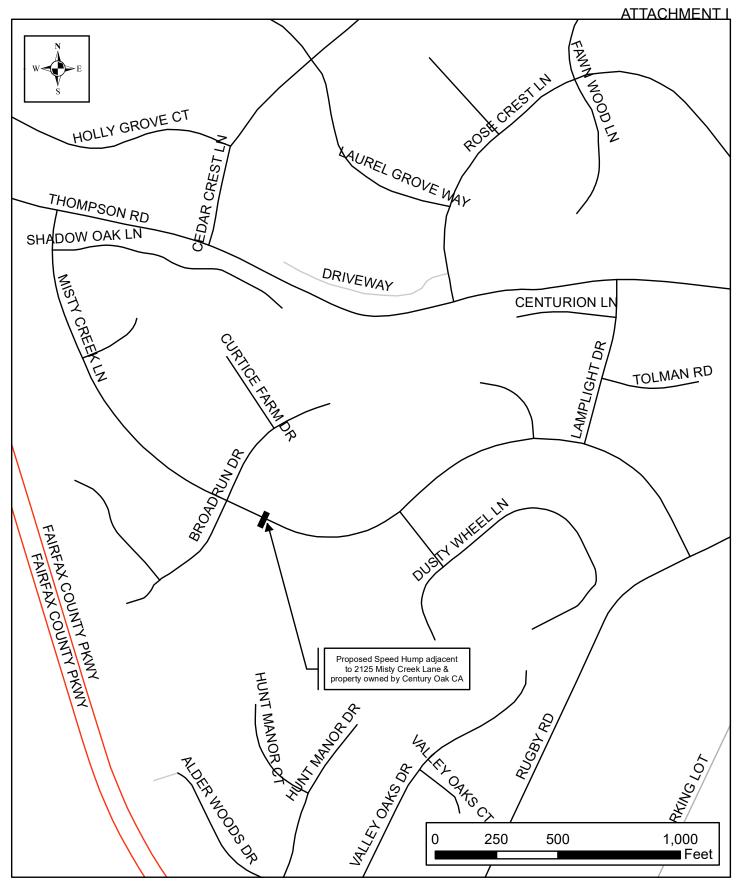
Funding in the amount of \$7,000 for the traffic calming measures associated with the Misty Creek Lane project is available in Fund100-C10001, General Fund, under Job Number 40TTCP. For the "\$200 Additional Fine for Speeding" signs an estimated cost of \$800 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Misty Creek Lane (Sully District)
Attachment II: \$200 Additional Fine for Speeding Board Resolution (Sully District)
Attachment III: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs –
Folkstone Drive (Sully District)

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Operations Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Operations Section, FCDOT
Guy Mullinax, Transportation Planner, Traffic Operations Section, FCDOT



December, 2014



Fairfax County Department of Transportation Residential Traffic Administration Program (RTAP) TRAFFIC CALMING PLAN MISTY CREEK LANE Sully District



Tax Map: 35-4, 45-2

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) \$200 ADDITIONAL FINE FOR SPEEDING SIGNS FOLKSTONE DRIVE 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, January 27, 2015 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

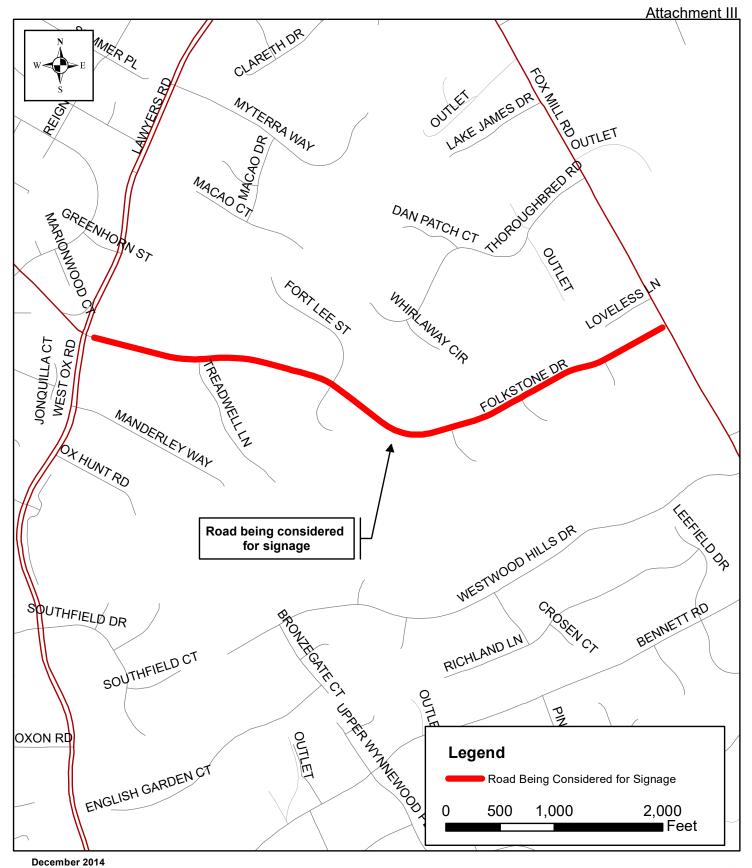
WHEREAS, the Fairfax County Department of Transportation has verified that a bonafide speeding problem exists on Folkstone Drive from West Ox Road / Lawyers Road to Fox Mill Road. Such road also being identified as a Urban Collector Road; and

WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on. Folkstone Road from West Ox Road / Lawyers Road to Fox Mill Road.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Folkstone Drive from West Ox Road / Lawyers Road to Fox Mill Road.

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

| Catharina A Chianasa | A Copy Teste: | |
|-----------------------|-----------------------|--|
| Cotherine A. Chienese | | |
| | Catherine A. Chianese | |





Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
\$200 FINE FOR SPEEDING STUDY
FOLKSTONE DRIVE
Sully District



Tax Map: 35-2, 36-1

ADMINISTRATIVE - 7

<u>Discontinuance of a Portion of Route 4882 (Smallwood Court) from the Secondary</u> System of State Highways (Sully District)

ISSUE:

Board adoption of the attached resolution requesting that a portion of Route 4882 (Smallwood Court) be discontinued from the Secondary System of State Highways (Secondary System).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution requesting that the identified portion of subject roadway be discontinued from the Secondary System.

TIMING:

Routine.

BACKGROUND:

The Fairfax County Department of Transportation (FCDOT), Fairfax County Department of Public Works and Environmental Services (DPWES), and the Virginia Department of Transportation (VDOT) are requesting the discontinuance of a portion of Route 4882 (Smallwood Court).

The requested discontinuance is a prerequisite to VDOT's process of finalizing the official street acceptance package for the Developer's Default project entitled "Addition to Bailey's Property". The portion of Route 4882 (Smallwood Court) to be discontinued was constructed as part of the Poplar Tree Estates subdivision in the 1980s. At the time of construction, it was anticipated that the Smallwood Court stub would be extended and connect to future development at the adjacent property to the west (Addition to Bailey's Property). Based on the assumption of connecting to future development, VDOT accepted the street stub portion of Smallwood Court into the state secondary road system for maintenance. However, when the adjacent property was developed in 2001; Smallwood Court was not extended and a separate cul-de-sac was constructed in the new development.

Over the past several years, the County has been working with VDOT to gain final

street acceptance of the new Smallwood Court cul-de-sac in the Addition to Bailey's subdivision, but in doing so, VDOT has required the resolution of the Smallwood Court street stub issue. VDOT determined the segment to be discontinued would never connect to the adjacent subdivision, and thus no longer qualified for state maintenance.

It is noted that adjacent property owners were informed of the option to vacate the segment but a mutual consensus between property owners to allow the vacation to proceed could not be met.

If the discontinuance request is approved, the mileage will be removed from VDOT's maintenance responsibility which assists in administering its maintenance mileage logs that are used to determine levels of State maintenance funding within Fairfax County.

Fairfax County's Maintenance and Stormwater Management Division of DPWES has agreed to continued maintenance of the subject portion of roadway (Attachment VI).

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution
Attachment II: Location Map

Attachment III: Discontinuance Plat

Attachment IV: Metes & Bounds Property Description

Attachment V: Discontinuance Request Memo

Attachment VI: Maintenance Email

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Daniel Rathbone, FCDOT
Michael A. Davis, FCDOT
Michelle Guthrie, FCDOT

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 Fairfax, Virginia, on Tuesday, January 27, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Department of Transportation (FCDOT), Fairfax County Department of Public Works & Environmental Services (DPWES), and the Virginia Department of Transportation (VDOT) requested discontinuance of a portion of Route 4882 (Smallwood Court) to move forward with processing the official street acceptance package for the Developer Default project "Addition to Bailey's Property; and,

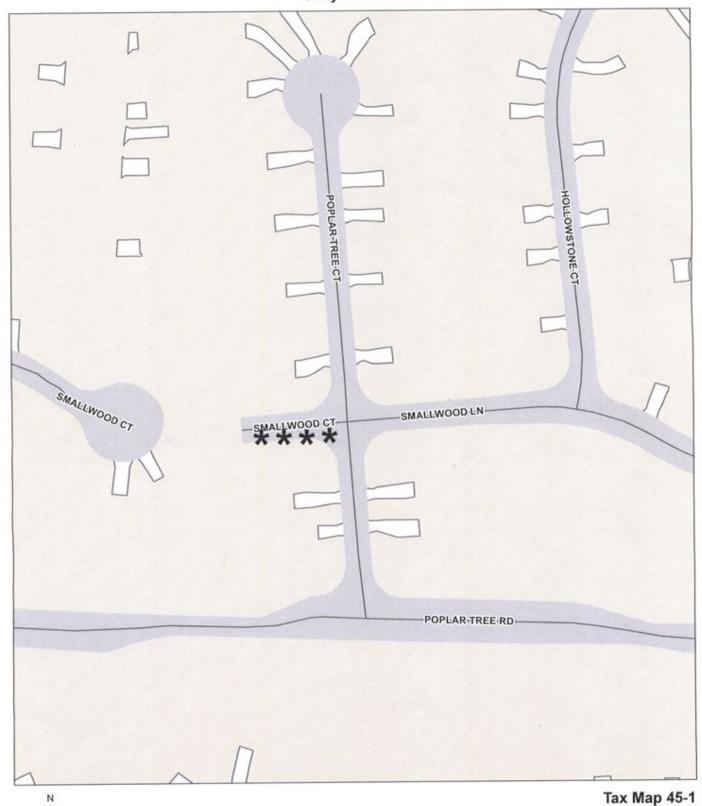
WHEREAS, VDOT determined the segment to be discontinued would never connect to the adjacent subdivision, and thus no longer qualified for state maintenance, and

WHEREAS, the discontinued portion of Route 4882 (Smallwood Court) will be maintained by Fairfax County's Maintenance and Stormwater Management Division;

NOW THEREFORE, BE IT RESOLVED that this Board hereby requests, pursuant to Virginia Code Section 33.2-908, that the Commonwealth Transportation Board, discontinue as part of the secondary system of state highways the westerly section of Route 4882 (Smallwood Court) from Poplar Tree Road approximately 123 feet as indicated on Attachments II and III.

Discontinuance of a Portion of Smallwood Court (Route 4882)

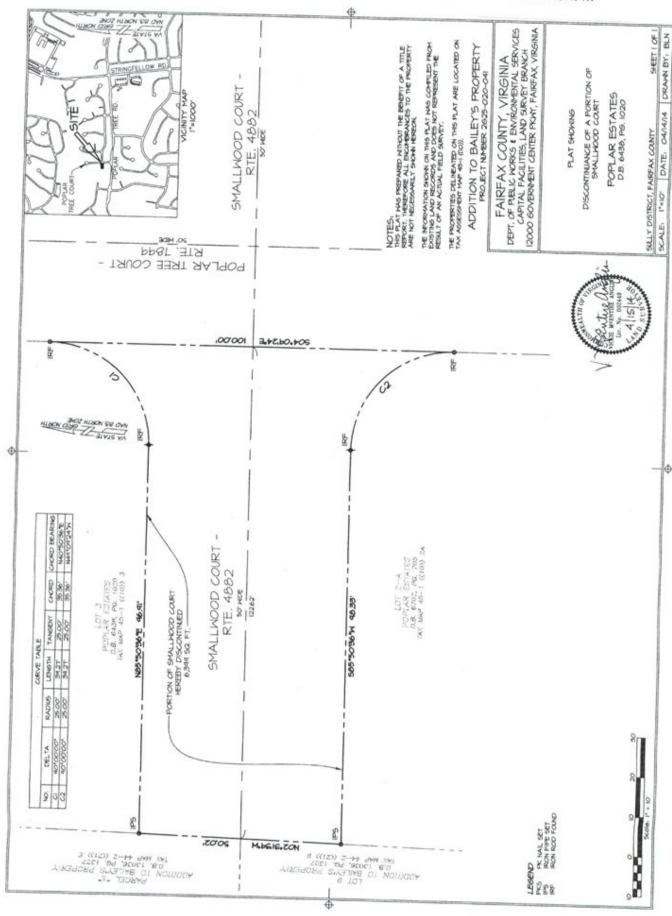
Sully District



 $W \longrightarrow E$

* Symbol Denotes Discontinuance Request

Attachment II



1.) CARTURA, este funcion facusity (2005-000-04). Account to Belleye Bro

Smallwood Court Discontinuance



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Metes and Bounds Description of A PORTION OF SMALLWOOD COURT DISCONTINUED Sully District Fairfax County, Virginia

Beginning at an iron pipe set at the northwest corner of the parcel herein described, said iron pipe set lying on the westerly line of Parcel "E" Addition to Bailey's Property, D.B. 13036, PG. 1327 and being a corner to Lot 3 Poplar Estates, D.B. 6438, PG. 1020;

Thence departing said Parcel "E" and running with said Lot 3 N85°50'36"E 96.91' to an iron rod found and 39.27' along the arc of a curve to the left, said curve having a radius of 25.00', a central angle of 90°00'00" and a chord which bears N40°50'36"E 35.36' to an iron rod found lying of the westerly 50' right-of-way line of Poplar Tree Court, Route 7899;

Thence departing said Lot 3 and running with said 50' westerly right-of-way line of Poplar Tree Road S04°09'24"E 100.00' to an iron rod found being a corner to Lot 2-A Poplar Estates, D.B. 6702, PG. 705;

Thence departing said 50' westerly right-of-way line of Poplar Tree Court and running with said Lot 2-A 39.27' along the arc of a curve to the left, said curve having a radius of 25.00', a central angle of 90°00'0", and a chord which bears N49°09'24"W 35.36' to an iron rod found and S85°50'36"W 98.33' to an iron pipe set on the easterly line of the aforementioned Lot 9 Addition to Bailey's Property;

Thence departing said Lot 2-A and running with said Lot 9 and with the same line extended with said Parcel "E" N02°31'39"W 50.02' to the point of beginning and encompassing 6,399 square feet or 0.1469 acres of land.

All bearings are based on the Virginia VCS 1983 north zone.

Lic. No. 002449

Given under my hand this 8th day of April, 2014



County of Fairfax, Virginia

MEMORANDUM

DATE:

April 15, 2014

TO:

Michelle Guthrie

Fairfax County Department of Transportation

FROM:

Lawrence Popoola

Streetlights & Developer Default Branch

SUBJECT:

Discontinuance of a section of Smallwood Court.

Condition for VDOT Acceptance of Addition to Baileys Property

SAP Project No. 2G25-020-041; Plan No. 3828-SD-03; Tax Map: 45-1

In order to process the official street acceptance package for the Developer Default project called "Addition to Baileys Property" through the Virginia Department of Transportation (VDOT), a discontinuance of a section of Smallwood Court must be processed. The Land Survey Branch of the Department of Public Works and Environmental Services (DPWES) has prepared the attached plat detailing the limits of discontinuance. Please proceed to process the discontinuance. Two copies of the plat are provided for your use.

Copies of pertinent e-mails dated March 21 through April 14, 2014 are attached to provide background information. If you have any questions, please contact me at 703-324-5037.

 $LP/J: \coloner{likelihood} LP/J: \coloner{lik$

Attachments: As Stated

CC:

Leo Ratchford, Chief, Streetlights & Developer Default Branch, UDCD Vickie McIntire, County Surveyor, DPWES

Thomas Cutler, Project Manager 1, UDCD

Diana Guillen, Assistant Project Manager, UDCD

Department of Public Works and Environmental Services Utilities Design & Construction Division

12000 Government Center Parkway, Suite 463

Fairfax, VA 22035-0056

Phone: 703-324-5111, TTY: 1-800-828-1120, Fax: 703-324-3943 www.fairfaxcounty.gov/dpwes



Guthrie, Michelle

From:

Hicks, Bill

Sent:

Thursday, May 15, 2014 6:29 PM

To:

Guthrie, Michelle

Cc:

Popoola, Larry; Weyant, Jack W.; Patteson, James W.; Schell, Bill; Bartlett, Randy

Subject:

Smallwood Court

Michelle,

I understand that the County desires to remove the small segment (approximately 200 L.F.) of Smallwood Court from VDOT's secondary road program. Consequently, maintenance of this road segment will fall to MSMD. We understand and accept this obligation on behalf of the County. Please move forward.

Thanks,

-Bill

Bill Hicks, PE, CFM
Director, Maintenance and Stormwater Management Division
Department of Public Works and Environmental Services
10635 West Drive, Fairfax, Virginia 22030

Board Agenda Item January 27, 2015

ADMINISTRATIVE - 8

<u>Authorization to Advertise a Public Hearing for Approval of the Update to the County's Solid Waste Management Plan</u>

ISSUE:

Board of Supervisors' authorization to advertise a Public Hearing for approval of the update of the county's Solid Waste Management Plan

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing.

TIMING:

Board of Supervisors' authorization to advertise on January 27, 2015, is required for a Public Hearing on March 3, 2015, at 4:00 p.m.

BACKGROUND:

Fairfax County Department of Public Works and Environmental Services (DPWES) regulates the collection, recycling and disposal of municipal solid waste from residents and businesses within the county. As such, the county is required by regulations administered by the Virginia Department of Environmental Quality to have an approved Solid Waste Management Plan that shows how the county will manage waste generated within its borders for a 20-year planning period. Plans are required to be updated every five years; the modified plan under consideration is the five-year update required to be submitted to the Virginia Department of Environmental Quality by June 24, 2015.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Five-year Update of the Fairfax County Solid Waste Management Plan available online at: http://www.fairfaxcounty.gov/dpwes/trashplan2015/

Board Agenda Item January 27, 2015

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, P.E., Director, Department of Public Works and Environmental Services (DPWES)

Stephen W. Aitcheson, P.E., Deputy Director, DPWES, Solid Waste Management Program (SWMP)

Pamela F. Gratton, Director, Recycling, Engineering and Environmental Compliance, SWMP

Staff Report - Update of Fairfax County 20-Year Solid Waste Management Plan

The Solid Waste Management Plan provides strategies and processes for managing solid waste for the 20-year planning period (through 2035). The Plan establishes objectives for the facilities and programs within Fairfax County to help protect public health and safety, guard the environment, and maintain the quality of life for residents of Fairfax County.

The Virginia Department of Environmental Quality requires all jurisdictions in the state to develop and implement official Solid Waste Management Plans that describe what the jurisdiction will do with waste generated within its borders for a 20-year period. State regulations require that the plan be updated every five years and the next update of the Fairfax County Solid Waste Management Plan is due to the Virginia Department of Environmental Quality in June 2015.

Fairfax County has worked most of 2014 to update its Solid Waste Management Plan. This revised plan describes an integrated strategy for the management of waste and recyclables generated by businesses and residents. The revised plan will assist and guide the development of waste reduction, reuse, recycling, collection, transfer and disposal initiatives in Fairfax County from July 2015 to July 2035. It will serve as a strategic planning tool and includes goals to help the solid waste management program achieve environmental and financial sustainability.

Regulations administered by the Virginia Department of Environmental Quality (9VAC20-130-120) require that certain elements of the plan be updated every five-years. Fairfax County worked with consultants to generate information required including population increases and waste and recycling generation estimates for the planning period. Objectives for the plan and information about how the activities will be financed were updated along with information about new waste disposal and recycling capacity in the region. Public participation is required for plan update and was accomplished through a series of meetings with residents, non-profit and community organizations and businesses. Several major themes (see below) were identified during the public participation period and were included in the updated plan:

- Increased recycling, including organic residuals, and requirements for business to recycle
- Meeting construction and demolition debris (CDD) recycling and disposal needs
- Support for the county's current approach of public-private partnerships for waste management
- A desire to locate CDD recycling and organics residuals processing facilities in the county or northern Virginia region

The updated plan provides the county with an approach to managing waste generated in the county both for now and the future. It was was developed to provide flexibility for future solid waste management needs and issues as they arise. It supports waste reduction efforts as well as the environmentally-sound disposal of municipal solid waste. The plan meets the requirements of the state regulations for plan development and will satisfy and sustain the waste disposal and recycling needs for the 20-year planning period.

Board Agenda Item January 27, 2015

ADMINISTRATIVE - 9

Streets into the Secondary System (Sully District)

ISSUE:

Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System.

| <u>Subdivision</u> | <u>District</u> | <u>Street</u> |
|---------------------------------|-----------------|---------------------|
| Faircrest Outlot B – Metro Road | Sully | Ralph Jackson Drive |

TIMING:

Routine.

BACKGROUND:

Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Street Acceptance Form

STAFF:

Robert A. Stalzer, Deputy County Executive James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES) Bill Hicks, Director, Land Development Services, DPWES

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

| FAIRFAX, VA Pursuant to the request to ins streets in the subdivisions as de Virginia Department of Transpermade inspections, and recommende included in the secondary system ENGINEERING MANAGER: Imad Salous, BY: Washa Alphones | pect certain escribed, the ortation has ds that same em. | OF THE ENGINEERII REQUEST TO THE ENGIN SUBDIVISION STREETS II SYSTEM. PLAN NUMBER: 5864-SP- SUBDIVISION PLAT NAI COUNTY MAGISTERIAL | ME: Faircrest Outlot B - Metro Road | ERTAIN |
|---|---|---|--|----------------|
| STREET NAME | | LOCATION | | F |
| OTREET WANTE | | FROM | то | LENGTH |
| Ralph Jackson Drive | CL Centreville Farms Road (Route 8285) - 1,525' NW CL Arrowhead Park Drive (Route 10099) | | 884' NE to Beginning of Temporary Turnaround | 0.17 |
| • | | | | |
| | | | | |
| NOTES: 5' Concrete Sidewalk on Both Sides to be maintained by | VDOT. | | TOTAL | S: 0.17 |

Board Agenda Item January 27, 2015

ADMINISTRATIVE – 10

Appointment of Members to the Fairfax-Falls Church Community Policy and Management Team

ISSUE:

In order to fulfill Virginia Code requirements, Fairfax-Falls Church Community Policy and Management Team (CPMT) Bylaws provide for two representatives of private organizations or associations of providers for children's or families' services, to be approved by the CPMT and the Board of Supervisors for terms of up to two years. Re-appointments may be made for additional consecutive terms upon approval of the CPMT and the Board of Supervisors.

RECOMMENDATION:

The County Executive recommends that the Board re-appoint Rick Leichtweis of INOVA Kellar Center in Fairfax for a term to expire on June 30, 2016, and Sandy Porteous of Phillips Programs in Annandale for a term to expire on June 30, 2015, as provider representative members of the CPMT.

TIMING:

Board action is requested on January 27, 2015.

BACKGROUND:

As required under the Virginia Comprehensive Services Act (CSA), the Fairfax County Board of Supervisors and the Fairfax and Falls Church City Councils established a joint Community Policy and Management Team and appointed original members in October 1992. Members include the Deputy County Executive for Human Services, one representative each from the Cities of Fairfax and Falls Church, The Directors of the Community Services Board, Juvenile and Domestic Relations District Court, Department of Health, Family Services, Neighborhood and Community Services, Administration for Human Services, three representatives of the Fairfax County Public Schools, one representative of the Falls Church City Public Schools, two representatives of private providers of children's and families' services, one community representative and four parent representatives.

On December 5, 2014, the CPMT nominated to the Board of Supervisors. Rick Leichtweis of INOVA Kellar Center in Fairfax and Sandy Porteous of Phillips Programs in Annandale for re-appointment as CPMT parent representatives. It is requested that

Board Agenda Item January 27, 2015

Ms. Porteous' term expire on June 30, 2015, and Dr. Leichtweis' expire on June 30, 2016, to initiate staggered terms for provider representatives as required by the CPMT Bylaws.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Resume for Richard N. Leichtweis, PhD Attachment 2: Resume for Sandra McClure Porteous

STAFF:

Patricia Harrison, Deputy County Executive
James Gillespie, Program Manager, Comprehensive Services Act

Richard N. Leichtweis, PhD 6248 Cheryl Drive Falls Church, Virginia 22044 (703) 201 6633 - cell

Email: Rick.Leichtweis@inova.org

EDUCATION

Doctorate of Philosophy, George Mason University,

Fairfax, Virginia

Master of Arts, Counseling Psychology, American School of Professional Psychology,

Arlington, Virginia

Master of Science, Special Education, Radford University, Radford, Virginia

Bachelor of Music Education, Shenandoah College and Conservatory of Music,

Winchester, Virginia

CERTIFICATION

Post Graduate Professional Certification, Expiration date - 2015

Credentialed and Endorsed in Administration and Supervision, Special Education, School

Finance, Music K-12.

EMPLOYMENT EXPERIENCE

7/91 - present Senior Director, Inova Kellar Center/The Kellar School, Fairfax, VA

Responsibilities include the development and management of all fiscal budgetary items, strategic planning, management and leadership of all administrative functions and strategic leadership of clinical functions in concert with the Medical Director. This position provides direction and supervision to clinical programs including Partial Hospitalization, Intensive Outpatient Program, Substance Related Disorder Programs, Home Based Services, Psychological Services, and Outpatient Family Services. Develops and provides leadership to the agency leadership team and ensures appropriate supervision for agency staff is provided. The Senior Director is responsible for ensuring patient/student safety through continual performance improvement initiatives, quality assurance programs and risk management activities. Other functions include physician recruitment/relations; program development, strategic planning, marketing/referral development, community representation, and integration of programs within the Inova Health System's behavioral care management system.

Oversight of development efforts in concert with Inova Foundation Office, including grant writing, perspective gift proposals, and meetings with potential donors. Led a successful 5.5 million dollar capital campaign from 2002-2006 which led to the purchase of a 30,000 sq. ft. state of the art facility.

Responsible for the accreditation of Inova Kellar Center/The Kellar School by The Joint Commission; Commonwealth of Virginia Department of Behavioral Health and Developmental Services, Department of Social Services, Virginia Department of Education, Virginia Association of Specialized Education Facilities; and National Association of Private Schools with Exceptional Children.

Management and supervision of The Kellar School, including staff, fiscal budget, and meeting licensure requirements as outlined by the Commonwealth of Virginia Department of Education and the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Contract negotiation with third party payors and local Community Planning and Management Teams/CSA regarding services provided to local educational agencies under the Comprehensive Services Act.

Manage all grant and foundation funds to include meeting all Federal, State, Local, and agency regulatory standards.

Provides individual, family, couples and group therapy and case management to children, adolescents and adults when indicated.

4/03 – 4/05 *Senior Director*, Inova Kellar Center and Inova HealthSource,

Responsible for all-operational functions and strategic leadership of the programs and services provided to the community. This includes meeting and maintaining licensure, certification, and accreditation standards for Inova Kellar Center and Inova HealthSource. These functions are performed within the context of the policies, procedures and directives of Inova Health System, System Office, Inova Kellar Center, and Inova HealthSource to ensure the delivery of high quality, cost effective patient, client, student, treatment, education, and prevention services. In addition to the responsibilities of Inova Kellar Center, the Senior Director is responsible for the integration of programs and services into Inova Health System's operating units, Inova Fairfax Hospital for Children's overall behavioral care management system, and in the support of child and adolescent mental health, substance abuse, and educational initiatives across the system. This position is responsible for leading strategic planning initiatives for the organizations to reflect those of Inova Health System and appropriate operating units. This includes fiscal direction, medical staff relationships, external relationships, referral development, and community involvement, fundraising, research and clinical/educational excellence. The Sr. Director develops and manages health initiatives with multiple community and internal partners. The position works closely with community members, workplace health staff, human services professionals, and Inova internal directors/managers/executives of health education and health promotion program, to fulfill Inova's core community initiatives. This position ensures the ongoing training, awareness, and culture development of a integrated cultural competency system.

5/97 – 4/03 Senior Director, Inova Kellar Center/The Kellar School, Fairfax, VA
 Director, Child Life, Educational Services, Clinical Liaison Services, Inova Fairfax Hospital for Children, Falls Church, VA. (See Above)

Management and supervision of Inova Fairfax Hospital for Children Child Life, Educational Services, and the Clinical Liaison Services. Responsibilities included strategic leadership of clinical functions, program development, consultation, physician relations, fiscal budget, system integration, and fund raising. As a member of Leadership Team of Inova Fairfax Hospital for Children was responsible for the development, implementation and supervision of the Clinical Liaison Services for pediatrics.

6/91 – 5/97 *Director*, Inova Kellar Center/The Kellar School

10/85 - 6/91 **Director, Education/Therapeutic Services,** HCA Roanoke Valley Psychiatric Center, Salem, Virginia. Department Head responsibilities include the management and supervision of the Blue Ridge Center for Education (Proprietary school, certified by the Commonwealth of Virginia Board of Education), staff, fiscal budget, and therapeutic modalities surrounding the needs of emotionally disturbed children. Coordinate with patients school systems in developing individual educational programs.

Development and evaluation of adolescent and children's programs including treatment tracks and partial hospitalization programs. Responsible for compliance with JCAHO standards and development of clinical quality outcomes for programs and services.

Management and supervision of the Blue Ridge Center for Education Day School, including staff, fiscal budget and meeting licensure requirements as outlined by the Commonwealth of Virginia Department of Education and the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Facilitate process child/adolescent process groups for children of abuse and provide primary therapy to individual patients.

6/82 - 10/85 **Department Chairperson of Special Education/Teacher**, Salem City Schools; Andrew Lewis Middle School, Salem, Virginia

Teaching responsibilities included development and implementation of therapeutic programs for emotionally disturbed students.

Supervised department members and therapeutic programming for emotionally disabled students (self-contained/resource).

Teaching responsibilities included therapeutic educational programming for emotionally disturbed students (self-contained/resource).

COMMUNITY INVOLVEMENT

Community Access Program (CAP) Grant: Executive Committee

Fairfax County Community Planning and Management Team: *Private Provider Representative* and Co-Chair (1997-Present)

Successful Children and Youth Policy Team (SCYPT) (2013 – present)

Fairfax County Utilization Management Committee (1996-Present)

Northern Virginia Regional System of Care Reform Committee (2009-present)

Fairfax County System of Care Reform Redesign Committee (2009)

Fairfax County Summit on Teen Suicide Executive Committee (2013 – present)

Fairfax County Homebound Initiative Committee (1999-2003)

Reshaping Children's Services State Initiative: Private Provider Representative (2002-2004)

Leland House (Fairfax County) Planning and Development Committee (2004 – 2008)

Fairfax County Gap Analysis Committee (1997-1999)

Department of Medical Assistance (DMAS) Commonwealth of Virginia:

Private Provider representative to Medicaid Funding for Foster Care and

Residential Treatment Committee (1998-1999)

Grafton, Inc. Board Member (1998-2002)

Northern Virginia Aids Ministry, Board Member (2003-2009)

PROFESSIONAL AFFILIATIONS

Metropolitan Consortium of Special Education Programs

Virginia Coalition of Private Providers

Northern Virginia Coalition of Private Providers, Founder, Board Member

National Association of Private Specialized Centers

National Education Association Virginia Education Association

Virginia Association of Independent Specialized Education Facilities (VAISEF),

Executive Committee Member Council for Exceptional Children Phi Mu Alpha Sinfonia Fraternity

VOLUNTEER SERVICE

Mental Health Association of Virginia - Board Member

Parents Anonymous - Facilitator

Food and Friends of DC

AWARDS & HONORS

Inova Health System – Legacy of Service Award (2013)

Northern Virginia Leadership Award - Community Educational Partnership Award-Inova

Kellar Center, 2009

Inova Health System Leadership Award – Employee Engagement Top Quartile

Performance, 2 Years Consecutively- 2009

Inova Health System Leadership Award – Employee Engagement 90th Percentile, 3 Years

Consecutively - 2011

Mental Health Association of the Roanoke Valley Volunteer of the Year Award

The National Dean's List, 1979 Phi Mu Alpha Dean's List, 1979

Sandra McClure Porteous

11707 Lariat Lane Oakton, VA 22124 703-620-0928 (office) 703-658-9054 Sandy.Porteous@ phillipsprograms.org

OBJECTIVE

To lead a strength-based agency in serving the community needs of at-risk children and families.

SUMMARY OF QUALIFICATIONS

- Experienced in implementing clinical models in support of organizational goals.
- Proven ability to inspire staff and expand services to meet community needs.
- Highly respected in the community for putting families and children first.

EXPERIENCE

PROGRAM DIRECTOR Phillips Family Partners, Phillips Programs for Children and Families, 7010 Braddock Road, Annandale, VA 22003. 1998—Present

Supervise staff of intensive home-based services program, manage budget and billing process, provide family preservation services, manage crisis intervention, develop policies and program procedures; implement decisions, policies, and procedures. Hire, train and evaluate all staff. Review case records and monitor family progress. Provide clinical and administrative supervision. Respond to referrals. Monitor compliance for licensure of programs and state human rights legislation. Write proposals in response to RFPs. Research and develop new programs and funding sources. Represent Phillips in Community Marketing.

FAMILY PRESERVATION COUNSELOR Family Partners, Phillips School for Contemporary Education, 7010 Braddock Road, Annandale, VA 22003. 1995—1997

Provided intensive home-based services for at-risk families, including: in-depth assessments of children and their families, clinical and concrete services to families, supportive counseling, and teaching techniques such as stress management, anger management, crisis stabilization. Assisted families in accessing community resources to promote self-sufficiency and improve family functioning.

FAMILY SERVICES SPECIALIST 11707 Lariat Lane, Oakton, VA 22124. 1990—1995

Provided full range of behavioral services, parent training, education, and advocacy to families in the community. Preschool through young adult. Worked as private consultant, coordinating efforts with schools, social workers, and medical specialists. disabilities

SUPERVISOR OF BEHAVIOR DEPARTMENT School for Contemporary Education, 7010 Braddock Road, Annandale, VA 22003.

Managed a four-person specialist department. Responsible for staff training, program evaluation and development, classroom and staff supervision, and crisis intervention.

School for Contemporary Education, 7010 Braddock Road, BEHAVIOR SPECIALIST Annandale, VA 22003.

Developed programs and provided administrative supervision for classes of children and adolescents with multiple disabilities. SCE is a private, nonprofit school offering special education for more than 100 pupils, ages 6-22. Performed crisis intervention and supervised IEPs and progress reports. Worked closely with parents and community service providers. Performed intakes and developmental/behavioral assessments.

CHILD DEVELOPMENT SPECIALIST InterAmerica Research Associates, Washington, D.C.

Evaluated child welfare services for migrant children and their families. Developed data collection instruments, made field visits, trained staff, and produced study of delivery systems.

HEAD TEACHER Edna A. Hill Child Development Laboratory, University of Kansas, Lawrence, Kansas.

Responsible for teacher training, working with parents, and program and curriculum development. Administered classroom of 13 developmentally delayed and typical children, ages 2-5. Oversaw practicum experience of undergraduates and advised on all classroom research.

EDUCATION AND COMMUNITY SERVICE

M. A. HUMAN DEVELOPMENT AND FAMILY LIFE/APPLIED BEHAVIOR ANALYSIS,

University of Kansas, Lawrence, Kansas

B. A. PSYCHOLOGY/ENGLISH, Denison University, Granville, Ohio

Private Provider Representative, Fairfax County Community Policy and Management Team

Private Provider Representative, Northern Virginia Regional Mental Health Planning

Fairfax County FAPT (Family Assessment and Planning Team) Private Provider Representative.

Co-Chair, Northern Virginia Association of Home-Based Service Providers Member and Chair, Virginia Association of Family Preservation NOVACO (Northern Va. Coalition of Private Providers) Representative and Chair Fairfax County Systems of Care Reform Committee (Services Committee and Evidence **Based Practices Committee)**

Board Agenda Item January 27, 2015

ADMINISTRATIVE - 11

<u>Authorization of a Public Hearing on a Proposal to Vacate, Abandon, and Discontinue</u> <u>Anderson Lane (Mount Vernon District)</u>

<u>ISSUE</u>:

Authorization of a public hearing on a proposal to vacate, abandon, and discontinue Anderson Lane.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject right-of-way and the discontinuance of the remaining portion of Anderson Lane.

TIMING:

The Board should take action on January 27, 2015, to provide sufficient time to advertise the public hearing for March 3, 2015, at 4:00 p.m.

BACKGROUND:

The applicant, CRP Belvoir LLC, is requesting that part of Anderson Lane be vacated per §15.2-2272(2) and abandoned per §33.2-909 of the Code of Virginia, with the residual portion discontinued per §33.2-908. The subject right-of-way and area of discontinuance are located north of Richmond Highway (U.S. Route 1) and west of and parallel to Backlick Road in Accotink. Anderson Lane is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 8445).

The applicant has made the request in conjunction with new mixed-use development. Proffer 18 of PCA-2012-MV-007 requires the developer to seek the vacation and abandonment of Anderson Lane for conversion into a private street. The portion of Anderson Lane being discontinued occupies right-of-way intended for the U.S. Route 1 widening project (VDOT project #103073).

Traffic Circulation and Access

The vacation, abandonment, and discontinuance will have no long-term impact on pedestrian, transit, or vehicle circulation and access. Anderson Lane serves as a local access roadway and the proposed private street will serve the future users and

Board Agenda Item January 27, 2015

residents of the development and of the adjacent Canterbury Estates apartments. Per the requirements of proffers 12 and 13 of PCA-2012-MV-007, the applicant is providing the necessary ingress-egress easements.

Easements

Public easement needs have been identified by the Department of Public Works and Environmental Services and Fairfax Water. Verizon, Washington Gas, and Dominion Virginia Power all identified facilities in the candidate right-of-way. The applicant has provided easement agreements agreeable to these parties, and has committed to a maintenance agreement for the residual portion of Anderson Lane that will be discontinued. No other easement needs were identified.

The proposal to vacate, abandon and discontinue this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification

Attachment II: Notice of Intent

Attachment III: Order of Abandonment
Attachment IV: Ordinance of Vacation
Attachment V: Resolution of Discontinuance
Attachment VI: Metes and Bounds Description

Attachment VII: Abandonment Plat

Attachment VIII: Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Donald Stephens, FCDOT

McGuireWoods LLP 1750 Tysons Boulevard Suite 1800 Tysons Corner, VA 22102-4215 Phone: 703.712.5000 Fax: 703.712.5050 www.mcguirewoods.com

Scott E. Adams
Direct: 703.712.5461

McGUIREWOODS

sadams@mcguirewoods.com Direct Fax: 703.712.5278

September 12, 2012

Donald Stephens
Fairfax County Department of Transportation
4050 Legato Road, 4th Floor
Fairfax County, Virginia 22033

Re: Vacation of a Portion of Anderson Lane - Route 8445

Dear Mr. Stephens:

On behalf of the owners of property adjacent to a portion of Anderson Lane – Route 8445, we are submitting this request to vacate those portions of the public street pursuant to the enclosed plats in conformance with Code of Virginia Section 15.2-2272(1). Anderson Lane was dedicated pursuant to the Deed of Dedication recorded in Deed Book 5706, at Page 1733 and Deed Book 6652, at Page 807, both among the land records of Fairfax County, Virginia (the "Land Records").

The property adjacent to the vacated ROW includes Fairfax County tax map numbers 109-1-((01))-2, 5, 6, 8, and 9. It is anticipated that this property (with the exception of tax map #109-1-((01))-2) will be the subject of a rezoning application to develop multi-family housing. As part of the application, a new private road will be constructed to connect Route 1 and Backlick Road in the general location of Anderson Lane. Appropriate ingress and egress easements will be granted by the property owners to Fairfax County for emergency vehicle access as part of the site plan process after the development is approved. The owner of tax map # 109-1-((01))-2 has consented to the vacation by private agreement.

The plat shows Anderson Lane being vacated up to the property line with tax map parcels 109-1-((01))-0003 and 10, both of which front on Richmond Highway. Our discussions with VDOT indicated that both of these properties will be condemned in their entirety as part of a Route 1 widening. Therefore, VDOT will own all property adjacent to the proposed private street after the road widening is finalized.

Enclosed with this request, please find the following:

Atlanta | Austin | Baltimore | Brussels | Charlotte | Charlottesville | Chicago | Houston | Jacksonville | London Los Angeles | New York | Norfolk | Pittsburgh | Raleigh | Richmond | Tysons Corner | Washington, D.C. | Wilmington

September 12, 2012 Page 2

- Eighteen (18) copies of the recordable plat entitled "RIGHT OF WAY VACATION PLAT ANDERSON LANE ROUTE #8445".
- One (1) copy of the Deed of Dedication recorded in Deed Book 5706, at Page 1733 dedicating Anderson Lane.
- One (1) copy of the Deed of Dedication and Conveyance recorded in Deed Book 6652, at Page 0807 dedicating an additional portion of Anderson Lane.
- Eighteen (18) copies of the metes and bounds description of the vacated portion of Anderson Lane.
- One (1) original and Eighteen (18) copies of the Notice of Public Hearing.
- One (1) original and Eighteen (18) copies of the Vacation Ordinance.
- Eighteen (18) copies of the Vicinity Map.
- \$200.00 Fee Check.

Please let me know if you have any questions regarding this request or if additional information is required.

Sincerely,

Scott Adams

Enclosures

\41873643.1

NOTICE OF INTENT TO VACATE, ABANDON, AND DISCONTINUE ANDERSON LANE (Route 8445)

Mount Vernon District, Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on March 3, 2014, at 4:00 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway. Fairfax. VA, pursuant to Virginia Code Ann. §15.2-2204, on a proposal to vacate and abandon a part of the plat of Anderson Lane, recorded in Deed Book 5706, at Page 1733 and Deed Book 6652, at Page 0807, on which is shown Anderson Lane from Tax Map Number 109-1-((01))-2 to Tax Map Number 115-2-((01))-1, a distance of 550.88 feet.

The right-of-way proposed for vacation and abandonment is located on Tax Map 109-1 and is described and shown on the metes and bounds schedule dated July 2, 2014, and plat dated April 10, 2014, prepared by Charles P. Johnson & Associates, Inc., both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.

At the same time and place, the Board of Supervisors will concurrently consider a resolution to discontinue Anderson Lane from Richmond Highway, U.S. Route 1, to the southern boundary of the area proposed for vacation and abandonment, a distance of 205.39 feet, more or less.

All persons wishing to speak on this subject may call the Office of the Clerk to the Board, (703) 324-3151, to be placed on the Speaker's List, or may appear and be heard.

MOUNT VERNON DISTRICT. § 15.2-2272(2), 33.2-909, 33.2-908

ORDER OF ABANDONMENT ANDERSON LANE (Route 8445) MOUNT VERNON DISTRICT

Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 3rd day of March, 2015, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code §33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

WHEREFORE, BE IT ORDERED:

That Anderson Lane, from Tax Map Number 109-1-((01))-2 to Tax Map Number 115-2-((01))-1, a distance of 550.88 feet, located on Tax Map 109-1, and described on the plat prepared by Charles P. Johnson & Associates, Inc., dated April 10, 2014, which is attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s).

A Copy Teste:

Catherine A. Chianese Clerk to the Board

§33.2-909

ADOPTION OF AN ORDINANCE VACATING A PART OF A PLAT ON WHICH IS SHOWN ANDERSON LANE

Mount Vernon District, Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Governmental Center in Fairfax County, Virginia, on March 3, 2015, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §15.2-2204 and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Part of the Deed of Dedication, recorded in Deed Book 5706, at Page 1733 and the Deed of Dedication and Conveyance recorded in Deed Book 6652, at Page 0807, on which is shown Anderson Lane from Tax Map Number 109-1-((01))-2 to Tax Map Number 115-2-((01))-1, a distance of 550.88 feet, said part being located on Tax Map 109-1, and described and shown on the metes and bounds schedule dated July 2, 2014 and plat dated April 10, 2014, prepared by Charles P. Johnson & Associates, Inc., and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. § 15.2-2272(2).

This vacation is subject to any right, privilege, permit, license, easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the vacated roadway, without any permission of the landowner.

A Copy Teste:

Catherine A. Chianese Clerk to the Board of Supervisors

§ 15.2-2272(2)

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 Fairfax, Virginia, on Tuesday, March 3, 2015, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, CRP Belvoir LLC, is requesting that a residual portion of Anderson Lane (Route 8445) be discontinued per Virginia Code Ann. §33.2-908 (2014), and;

WHEREAS, the discontinuance is in conjunction with the applicant's request for a new mixed-use development which requires the vacation and abandonment of Anderson Lane for conversion into a private street, and;

WHEREAS, the portion of Anderson Lane (Route 8445) to be discontinued occupies right-of-way intended for the U.S. Route 1 widening project (VDOT project #103073), and;

WHEREAS, the applicant has provided the necessary ingress and egress easements and has committed to maintaining the remaining discontinued portion of Anderson Lane, and;

WHEREAS, the portion of Anderson Lane (Route 8445) was dedicated to the Fairfax County Board of Supervisors and recorded among the Land Records of Fairfax County, Virginia, in Deed Book 5706 and Page 1733, Deed Book 6652 and page 807, and;

WHEREAS, notice of intention to discontinue Anderson Lane (Route 8445) was given in accordance with Va. Code Ann. § 33.2-908 (2014),

NOW THEREFORE, BE IT RESOLVED that this Board hereby requests, pursuant to Virginia Code Section 33.2-908, that the Commonwealth Transportation Board, discontinue as part of the secondary system of state highways, the remaining residual portions of Anderson Lane (Route 8445) as shown on the plat dated April 10, 2014, prepared by Charles P. Johnson and Associates, Inc., and attached hereto and incorporated herein.

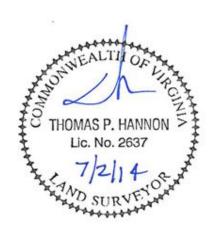
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|-------------|--------------|
| | |
| C-41 | A. Chianese |
| Catherine A | 1. Cilianese |

Description of A Portion of Anderson Lane Route #8445 Tm# 109-1 ((01)) 2 Mount Vernon District Fairfax County, Virginia

Description of a portion Anderson Lane – Route #8445 (50' right of way) being more particularly described as follows:

Beginning at a point lying on the westerly right of way line of Anderson Lane – Route #8445, said point lying northwesterly 12.09' from a southeasterly corner of the property of Canterbury Associates, LP (D.B. 9227, Pg. 560); thence leaving said point and running with a portion of said Anderson Lane

- 1.) North 06°46'12" West, 283.44 feet to a point; thence leaving said westerly right of way line of Anderson Lane and running so as to include a portion of said Anderson Lane the following three (3) courses and distances:
- 2.) North 83°13'48" East, 25.00 feet to a point; thence
- 3.) South 06°46'12" East, 283.44 feet to a point; thence
- South 83°13'48" West, 25.00 feet to the point of beginning containing 7,086 square feet or 0.16267 acres of land.

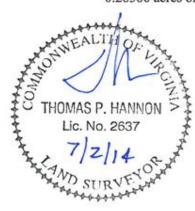


Description of A Portion of Anderson Lane Route #8445 Tm# 109-1 ((01)) 5 Mount Vernon District Fairfax County, Virginia

Description of a portion Anderson Lane – Route #8445 (50' right of way) being more particularly described as follows:

Beginning at a point lying on the westerly right of way line of Anderson Lane-Route #8445, said point marking the southeasterly corner of the property of CRP Belvoir, LLC (D.B. 23241, Pg. 683); thence leaving said corner and running with a portion of said Anderson Lane the following four (4) courses and distances:

- 1.) North 06°46'12" West, 125.58 feet to a point; thence
- 2.) 39.72 feet along the arc of the tangent curve to the left having a radius of 30.00 feet and a chord bearing and distances of North 44°41'49" West, 36.88 feet to a point; thence
- 169.35 feet along the arc of the reverse curve to the right having a radius of 55.33 feet and a chord bearing and distance of North 05°03'37" East, 110.57 feet to a point; thence
- 4.) South 68°49'08" East, 28.30 feet to a point; thence leaving said right of way line of Anderson Lane and running so as to include a portion of said Anderson Lane the following two (2) courses and distances:
- 5.) South 06°46'12" East, 249.62 feet to a point; thence
- South 83°13'48" West, 25.00 feet to the point of beginning containing 12,365 square feet or 0.28386 acres of land.



NHI0511/WPLEGAL DESCRIPTION/ANDERSON LANE VACATION (109-1((01))5).DOCX

Description of A Portion of Anderson Lane Route #8445 Tm# 109-1 ((01)) 6 Mount Vernon District Fairfax County, Virginia

Description of a portion Anderson Lane – Route #8445 (50' right of way) being more particularly described as follows:

Beginning at a point lying on the easterly right of way line of Anderson Lane – Route #8445, said point marking the northwesterly corner of the property of CRP Belvoir, LLC (D.B. 23241, Pg. 687); thence running with a portion of said Anderson Lane:

- South 06°46'12" East, 125.56 feet to a point; thence leaving said right of way line of Anderson Lane and running so as to include a portion of said Anderson Lane the following three (3) courses and distances:
- 2.) South 83°13'48" West, 25.00 feet to a point; thence
- 3.) North 06°46'12" West, 138.82 feet to a point; thence
- South 68°49'08" East, 28.30 feet to the point of beginning containing 3,304 square feet 0.07585 of land.

O THOMAS P. HANNON

Lic. No. 2637

7/2/14

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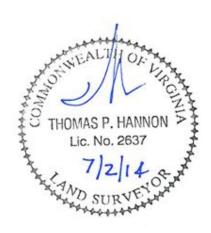
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Description of A Portion of Anderson Lane Route #8445 Tm# 109-1 ((01)) 8 Mount Vernon District Fairfax County, Virginia

Description of a portion Anderson Lane – Route #8445 (50' right of way) being more particularly described as follows:

Beginning at a point lying on the easterly right of way line of Anderson Lane – Route #8445, said point marking the northwesterly corner of the property of CRP Belvoir, LLC (D.B. 23241, Pg. 696); thence running with a portion of said Anderson Lane:

- 1.) South 06°46'12" East, 300.93 feet to a point; thence leaving said right of way line of Anderson Lane and running so as to include a portion of said Anderson Lane the following three (3) courses and distances:
- 2.) South 83°13'48" West, 25.00 feet to a point; thence
- 3.) North 06°46'12" West, 300.93 feet to a point; thence
- North 83°13'48" East, 25.00 feet to the point of beginning containing 7,523 square feet or 0.17270 acres of land.



N:10515/WPLEGAL DESCRIPTIONANDERSON LANE VACATION (109-1/(01))8).DOCX

Description of A Portion of Anderson Lane Route #8445 Tm# 109-1 ((01)) 9 Mount Vernon District Fairfax County, Virginia

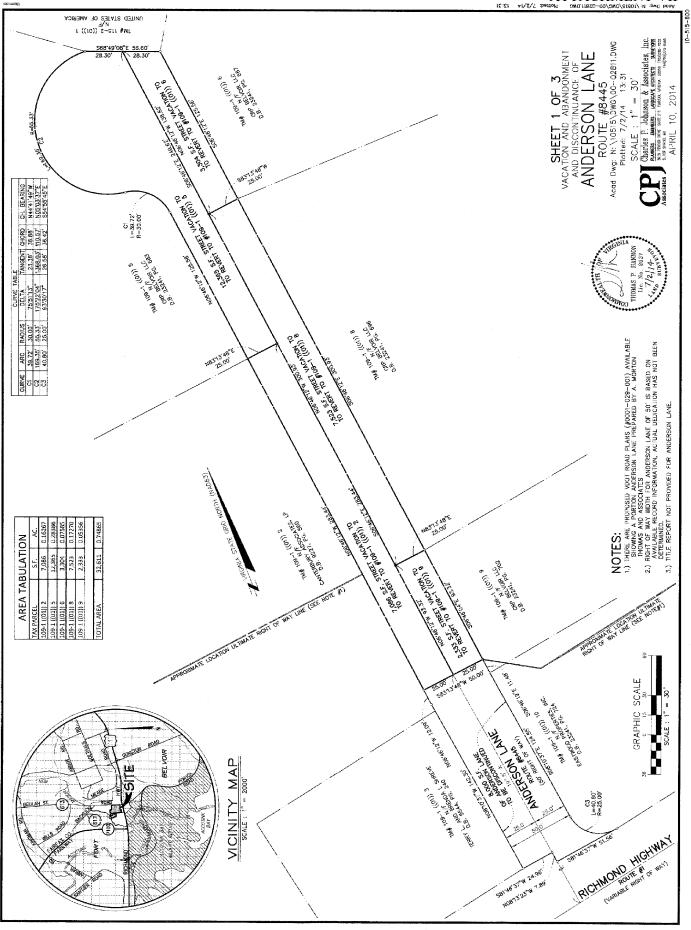
Description of a portion Anderson Lane – Route #8445 (50' right of way) being more particularly described as follows:

Beginning at a point lying on the easterly right of way line of Anderson Lane – Route #8445, said point marking the northwesterly corner of the property of CRP Belvoir, LLC (D.B. 23241, Pg. 702); thence running with a portion of said Anderson Lane:

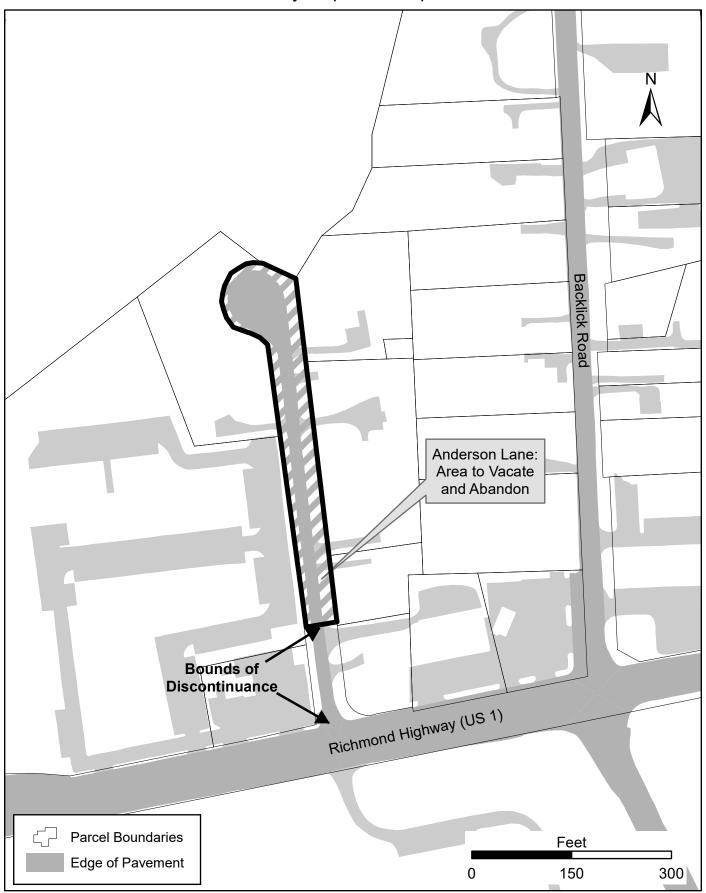
- South 06°46'12" East, 93.32 feet to a point; thence leaving said right of way line of Anderson Lane and running so as to include a portion of said Anderson Lane the following three (3) courses and distances:
- 2.) South 83°13'48" West, 25.00 feet to a point; thence
- 3.) North 06°46'12" West, 93.32 feet to a point; thence
- North 83°13'48" East, 25.00 feet to the point of beginning containing 2,333 square feet or 0.05356 acres of land.



N3/10515/WP/LEGAL DESCRIPTION ANDERSON LANE VACATION (109-1((01))9) DOCX



Vicinity Map - Tax Map 109-1



Board Agenda Item January 27, 2015

ACTION – 1

Renewal of the Memorandum of Understanding Between the Board of Supervisors and the Southeast Fairfax Development Corporation, Inc. (Lee and Mount Vernon Districts)

ISSUE:

Renewal of the Memorandum of Understanding (MOU) between the Board of Supervisors and the Southeast Fairfax Development Corporation (SFDC) for the period of July 1, 2015, through June 30, 2019.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the attached MOU with the SFDC and authorize the County Executive to sign the MOU on behalf of the Board.

TIMING:

Routine. The current MOU expires on June 30, 2015.

BACKGROUND:

SFDC is organized as a non-profit corporation for charitable, educational and other public purposes so as to develop, implement, and support programs, projects and activities designed to stimulate, foster, coordinate, plan, improve and encourage economic development and reinvestment in the area of influence of the Richmond Highway Corridor. SFDC has been assisting revitalization efforts in the Richmond Highway Corridor and has had a MOU with the Board since 1981.

The MOU, which is subject to periodic renewal and review, outlines the goals of the SFDC and the terms and conditions for its receipt of funds from the Board. The current MOU will expire on June 30, 2015; the effective term of the proposed MOU is July 1, 2015, through June 30, 2019.

No substantial changes are proposed in the MOU, although certain editorial revisions have been incorporated. For example, the term "Board" is clarified to reduce confusion between the Board of Supervisors and SFDC's Board.

FISCAL IMPACT:

None.

Board Agenda Item January 27, 2015

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding (MOU) between the Board of Supervisors and the Southeast Fairfax Development Corporation, Inc. with proposed markups

STAFF:

Barbara A. Byron, Director, Office of Community Revitalization (OCR) Elizabeth A. Hagg, Deputy Director, OCR Hyojung K. Garland, Revitalization Program Manager, OCR

MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, AND

THE SOUTHEAST FAIRFAX-DEVELOPMENT CORPORATION, INC.

(July 1, 20151 - June 30, 20195)

This memorandum of Understanding ("Memorandum") is made as of (July 1, 20154) by and between the Board of Supervisors of Fairfax County, Virginia ("the "County Board") and the Southeast Fairfax Development Corporation, Inc. a Virginia non-profit corporation ("the "SFDC").

RECITALS

- R-1 The SFDC is- a non-profit corporation for charitable, educational and other public purposes that has been established to develop, implement, and support programs, projects and activities designed to stimulate, foster, coordinate, plan, improve and encourage economic development and reinvestment in the Richmond Highway Corridor; and
- R-2 The Board of Directors of the SFDC (the "SFDC Board") is comprised of thirteen (13) voting members and has been established to oversee the operation of the SFDC. SFDCSuch Board members shall have backgrounds and/or interest in revitalization; and
- R-3 The members of the County Board from the Mt. Vernon and Lee Districts shall each have a right to appoint from their respective districts two (2) members to the SFDC Board of Directors. The Mt. Vernon Council of Citizens' Associations and the Lee District Association of Civic Organizations each shall have a right to appoint to the SFDC Board from their respective membership's one (1) member, and the Mt. Vernon-Lee Chamber of Commerce shall have the right to appoint from its membership one (1) member. To the extent possible, these appointed members shall have backgrounds and interest in revitalization. All other members shall be selected as determined by the SFDC Board, and shall have professional backgrounds in economic development, business, marketing, planning, transportation, urban design, banking, real estate, and/or similar professions that can aid SFDC in working toward achieving its revitalization objectives; and
- R-4 The SFDC is a combined effort between the resident and the business communities in the Richmond Highway area; and
- R-5 The SFDC is an independent, separate, legal entity from not affiliated with the MMVI County
 Board or the Fairfax County, Virginia government; and
- R-6 The SFDC's primary partner in Fairfax County is the Office of Community Revitalization and Reinvestment ("OCR"); additional County-funded offices and organizations such as the Departments of Planning & Zoning ("DPZ") and Transportation ("DOT") and the Fairfax County Economic Development Authority ("EDA") will function as collaborative partners to effect revitalization of the Richmond Highway Corridor in accordance with the Comprehensive Plan; and,
- R-7 The <u>County</u> Board approves of the purposes for which the SFDC was formed and desires to see that its purposes are achieved; and
- R-8 The Richmond Highway Corridor between the Beltway and Fort Belvoir has a unique history and presents unique problems which require innovative solutions; and

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- R-9 The County Board is authorized pursuant to Va. Code Ann. § 15.2-953 (LNMB Supp. 2010) to make contributions of public funds and property to charitable organizations such as the SFDC; and
- R-10 Both the <u>County</u> Board and the SFDC desire to establish the framework within which contributions from the <u>County</u> Board to the SFDC shall be accepted and utilized.

NOW THEREFORE, in consideration of the mutual agreement of the parties hereto and in return for any contributions the <u>County</u> Board may make to the SFDC, both the <u>County</u> Board and the SFDC agree as follows:

A. Marketing and Promotion

The SFDC agrees to develop and implement marketing and promotion programs aimed at improving the image and increasing public awareness of Richmond Highway as a place to do business, invest, develop, reside, shop, and enjoy its amenities, and, as a result, increase its market share.

B. Assistance to Developers and Businesses

- The SFDC agrees to provide information and assistance within its capacity to property owners, prospects, business owners and developers seeking to build or improve properties along the Richmond Highway Corridor.
- The SFDC agrees to coordinate with financial institutions to assist businesses and property owners to obtain capital for reinvestment and property improvements.
- The SFDC agrees to provide guidance and assistance to parties in accessing and utilizing
 information and services available from Fairfax County and private sources, and to direct
 such parties to the applicable County staff as appropriate for further assistance,
 information and services.
- 4. The SFDC agrees to review initiatives by landowners and developers aimed at improving the appearance, character, and economic health of the Richmond Highway Corridor. Initiatives and projects deemed to be supportive of revitalization objectives may be considered by the SFDC Board for formal support.

C. Community Appearance, Planning, and Urban Design

- Unless otherwise authorized by the <u>County</u> Board, the SFDC shall comply with all
 applicable laws and regulations of Fairfax County, the Commonwealth of Virginia, and
 the United States Government, including all established Fairfax County procedures for
 obtaining: (i) changes to the Comprehensive Plan; (ii) changes to the County Code; (iii)
 rezonings, special exceptions and special permit uses: and (iv) site plan reviews and
 permits,
- The SFDC Executive Director, the Director of the DPZ and the Director of the Department of Public Works and Environment Services (DPWES) or their designees shall inform each other of any active projects within the SFDC program area where a

00497850-2

party is seeking: (i) a change to the Comprehensive Plan; (ii) a change to the County Code; (iii) approval of a rezoning, special exception and/or special permit use: or (iv) approval of a site plan or building permit. In addition, the SFDC shall invite DPZ, DOT and OCR to be a part of any vision planning and/or discussions related to changes to the Comprehensive Plan initiated by the SFDC and shall communicate with the Mt. Vernon District and Lee District Supervisors to keep them apprised of any such efforts.

- The SFDC, the OCR, the DPZ, and other applicable County Departments shall work
 closely together regarding any urban design plans that the organizations should
 undertake, including but not limited to traffic and transportation studies, location-specific
 urban design plans and guidelines, and the wayfinding sign program.
- The SFDC shall seek to improve the appearance and image of the Richmond Highway corridor through its programs and policies.
- The SFDC shall not seek to obtain through litigation, approval for requests previously sought from, but denied by, the <u>County</u> Board.

D. Strategic Plan

The SFDC agrees to maintain and annually review a strategic plan, which identifies its goals, objectives, major projects, sources of funding and timelines for completion. Such work plan shall be coordinated with the Mt. Vernon and Lee District Supervisors and the OCR.

E. Tax Exempt Status

The SFDC shall comply with all requirements of the Internal Revenue Service so as to remain an approved 501 (c) (3) charitable tax exempt corporation.

F. Eligible Uses of Funds

All funds the <u>County</u> Board may elect to make available to the SFDC hereunder shall be for corporate operations and projects initiated and carried out by the SFDC to improve the Richmond Highway Corridor in accordance with the goals and objectives as set forth in this Memorandum of Understanding and the SFDC's Articles of Incorporation.

G. Annual Budget Preparation and Approval

The SFDC shall prepare an annual budget and submit its funding request to the <u>County</u> Board for approval.

H. Supplemental Funding

The SFDC shall endeavor to augment contributions made to it by the **County** Board through the following activities:

 The SFDC will, in coordination with the applicable Fairfax County departments, identify, evaluate and pursue federal, state, local and private grant and loan opportunities that may be available for revitalization projects, programs, and activities. The SFDC will endeavor to supplement <u>County</u> Board contributions by developing alternative revenue streams funded by private sector parties.

I. Reporting

The SFDC Executive Director shall submit on a monthly basis to the Mt. Vernon and Lee District Supervisors, the Director of the OCR, the Director of DPZ, and the SFDC Board a report of activities. Each year, within two months of the close of its Fiscal Year, the SFDC shall submit to the aforementioned parties an Annual Report containing financial and other information identifying and describing the accomplishments of the SFDC and the status of projects undertaken by the SFDC; such report shall be in sufficient detail and description to enable the County Board to evaluate the SFDC's effectiveness and success in achieving its goals and objectives to revitalize the Richmond Highway Corridor.

J. County Officials or Employees as Directors, Employees or Officers

No County officer, employee, member of the County Board of Supervisors or member of the County Board's staff shall be an officer or employee of the SFDC Board of Directors. Members of Fairfax County boards, commissions and authorities, however, may be directors, officers, and employees of the SFDC provided they are not within the categories of prohibited persons listed above and provided that no compensation is paid by the SFDC to any such director, officer or employee.

K. Conflict

- The terms of the State and Local Government Conflict of Interests Act ("the Conflicts Act"), Va. Code Ann. §§ 2.2-3100 – 2.2-3131, as amended, 26 (LNMB Supp. 2010) are incorporated herein by reference and all directors, officers, and employees of the SFDC shall comply with those terms.
- 2. Directors, officers, and employees of the SFDC shall file, as a condition to assuming or holding office or employment, a disclosure statement of economic interests in the Richmond Highway Revitalization District and other such information as required by law or requested by the <u>County</u> Board, the <u>County</u> Board's Designees or applicable Fairfax County agencies. The SFDC shall forward such disclosures to the Clerk of the County Board who will make the disclosures available for public inspection and also forward them to the <u>County</u> Board.

L. Dissolution

Upon dissolution or other termination of the SFDC, all outstanding fund balances or assets derived from Fairfax County appropriations shall be transferred to the Fairfax County government. All other fund balances and assets shall be disbursed for purposes permitted under the SFDC's Articles of Incorporation in accordance with instructions from the SFDC's Board-of Directors, all applicable laws and regulations.

M. Additional Conditions

 The SFDC shall abide by any conditions imposed by the <u>County</u> Board with respect to any contribution made by the <u>County</u> Board to the SFDC.

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- This Memorandum shall not be abrogated, <u>c</u>Changed or modified without the consent of the SFDC and the <u>County</u> Board.
- This Memorandum shall not be construed to abrogate the statutory responsibility of the County Board.
- At least as often as each four (4) years, the <u>County</u> Board of <u>Supervisors</u> and the SFDC shall
 review the Memorandum to determine whether any changes in the agreement are desired or if
 the Memorandum should be terminated.
- This Memorandum shall continue to be in effect until (June 30, 2015) unless terminated by the County Board before that date.
- SFDC shall comply with the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700 2.2-3714, as amended (LNMB Supp. 2010).

N. Notice

Notices hereunder and reports and other documents to be furnished to either party by the SFDC in accordance with the terms herein shall be given in writing only directed to the following addresses:

1. If to the SFDC:

Southeast Fairfax Development Corporation
6677 8850 Richmond Highway, Second Flooruite 105
Alexandria, VA 223069

2. If to the County Board:

County Executive 12000 Government Center Parkway Suite 552 Fairfax, VA 22035

And

Office of the County Attorney of Fairfax County 12000 Government Center Parkway Suite 549 Fairfax, VA 22035 Attn: County Attorney

Every such notice shall be deemed to have been given on the date on which it is received or refused by the party to whom it is sent. Any changes of address shall be given in accordance with the terms herein, and shall not be effective until ten (10) days after the date received.

Board Agenda Item January 27, 2015

ACTION – 2

Approval of a Parking Reduction for Lake Anne Village Center (Hunter Mill District)

ISSUE:

Board of Supervisors approval of a reduction of the required parking of 18.0 percent (477 fewer parking spaces) for the proposed redevelopment of Lake Anne Village Center.

The redevelopment site consists of multiple properties generally located south of the North Shore Drive/Village Road intersection and to the north of Lake Anne more particularly identified as Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)) common elements part and a portion of Village Road to be vacated/abandoned. The existing Lake Anne Village Center retail and existing church use, which are part of this request, include Tax Map Parcels 17-2 ((31)) 1591A, 1591B, 1609B, 1600, 1611, 1612, 1613, 1625, 1641, and 1656; 17-2 ((6)) (E) 1 thru 6; 17-2 ((5)) 6D; 17-2 ((31)) (11) 11400, 11404, and 11440, Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 18.0 percent for Lake Anne Village Center pursuant to Paragraphs 4(B) and 26 of Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax*, *Virginia*, based on an analysis of the parking requirements for each use on the site and the attached Parking Reduction Study, #8260-PKS-001-1.

The County Executive further recommends that the Board approve the requested reduction subject to the following conditions:

- 1. A minimum 1,031 parking spaces shall be provided for the West Side of the development and a minimum of 1,136 parking spaces shall be provided for the East Side of the development for a project total of 2,167 parking spaces at full build-out of the development. For purposes of these conditions, the "West Side" of the development is the area of the Lake Anne Village Center development that is west of the existing North Shore Drive, and the "East Side" is the area that is east of North Shore Drive, all as set forth more fully in #PCA-A-502.
- 2. At full build-out, a minimum of 388 garage parking spaces shall be maintained on the West Side of the development to serve the West Side residential dwelling units, as well as any additional garage parking spaces that are necessary to

serve the East Side residents in accordance with proffer No. 44.J associated with #PCA-A-502. All such resident parking spaces shall be distinguished from the parking spaces available to the site's other uses and shall be separated by a physical barrier or controlled access subject to approval by the Director of the Department of Public Works and Environmental Resources (Director). The site plan shall clearly note how the residential parking spaces will be separated. No other parking spaces required to meet the parking requirements for this parking reduction shall be restricted except to meet the requirements of the Americans with Disabilities Act.

3. The uses permitted per this parking reduction are:

West Side:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]
 - o 406 table seats
 - o 46 counter seats
 - o 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

East Side

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)
- 4. The Applicant shall implement the Transportation Demand Management (TDM) program and Parking Management Plan (PMP) proffered in conjunction with the approval of the Lake Anne Village Center Proffer Condition Amendment #PCA-A-502. In the event the TDM and PMP program does not achieve the parking reduction proposed with this study as determined by the monitoring and evaluation methodology approved as part of the TDM/PMP, the applicant shall provide additional parking spaces in the amount equivalent to the reduction.
- 5. At the time of site plan approval the Applicant shall demonstrate that based on the reduced parking rates in parking study #8260-PKS-001-1, an adequate number of parking spaces will be provided for each phase of development and that during the construction period of each phase, an adequate number of parking spaces will be provided to serve the residential and nonresidential uses, including the existing uses that are to remain.

- 6. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)), shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
- 7. All parking utilization studies prepared in response to a request by the Zoning Administrator or the Director shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
- 8. All parking provided shall be in accordance with applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
- 9. The owners may implement and the Director may approve future modifications to the mix of non-residential uses between shopping center retail and restaurant eating establishments provided that (a) the total gross square footage of non-residential development established on the Property does not increase; and (b) a new parking generation study demonstrates to the satisfaction of the Director that the synergy among the proposed uses is comparable to the approved synergy associated with the parking reduction. The percent reduction granted by the Board must not be exceeded and a minimum of 643 shared spaces (not including the 388 spaces reserved for West Side residents, nor any spaces that may be reserved in the future to serve the East Side residents) shall be maintained onsite. Upon receipt of the modification request, the Director may also require submission of a parking utilization study if it is determined to be needed to evaluate the existing parking conditions at the time of the request.
- 10. Shared parking with any additional use(s) shall not be permitted without the submission of a new or amended parking study prepared in accordance with the applicable requirements of the Zoning Ordinance in effect at the time and shall be subject to the Board's approval.
- 11. A shared parking agreement for the West Side uses shall be executed between the Applicant and the owner(s) of the existing non-residential uses that are included in the parking reduction request, and shall be recorded in the Fairfax

Board Agenda Item January 27, 2015

County land records in a form acceptable to the County Attorney prior to site plan approval for either Building A1 or A2, whichever comes first.

- 12. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.
- 13. Unless an extension has been approved by the Board, the approval of this parking reduction request shall expire without notice 6 months from the date of Board approval if Condition #12 has not been satisfied.

TIMING:

Board action is requested on January 27, 2015.

BACKGROUND:

The subject parcels consist of approximately 24.3 acres including Land Units A, D, and portions of Land Units C and F, Lake Anne Village Center, which is centered on Washington Plaza at the northern end of Lake Anne, Reston. The area was designated as the Lake Anne Village Center Historic Overlay District in 1984 and designated as the Lake Anne Commercial Revitalization Area in 1998. The parcels are zoned PRC (Planned Residential Commercial) and are the subject of Proffer Condition Amendment #PCA A-502, Development Plan Amendment #CDPA A-502-07, and Planned Residential Community #PRC A-502-3.

The parking addressed in this application will serve both new and existing uses within the Lake Anne Village Center. A combination of structured and surface parking will replace the existing surface parking that serves Washington Plaza.

The redevelopment project is physically divided by a significant elevation difference as well as being bisected by existing North Shore Drive. Since these physical barriers create a challenge to shared parking across the entire project, the parking analysis and reduction request is presented in two parts identified as the West Side and the East Side.

West Side

The parking reduction request for the West Side is based on the following uses:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]

Board Agenda Item January 27, 2015

- 406 table seats
- 46 counter seats
- o 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

The parking reduction request for the West Side is based on a "Shared Parking" analysis using the Urban Land Institute methodology, which demonstrates that the hourly parking accumulation characteristics justify a reduction in parking under Zoning Ordinance §11-102(4B) and that the reduction will not adversely affect the site or adjacent area. A shared parking reduction of 19.5% (249 fewer parking spaces) for a total of 1,031 parking spaces is requested to serve the West Side mix of uses where 643 spaces are shared parking spaces (non-residential and resident visitor spaces) and 388 spaces are reserved for residents.

East Side

The parking reduction request for the East Side is based on the following uses:

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)

The justification for reducing residential parking spaces on the East Side is implementation of a Transportation Demand Management (TDM) program and Parking Management Plan (PMP), which is proffered in Proffer Condition Amendment #PCA A-502, and that includes strategies to reduce the need for parking. A TDM parking reduction of 16.7 percent (228 fewer parking spaces) for a total of 1,136 parking spaces is requested to serve the new East Side residential uses.

Pursuant to Zoning Ordinance § 11-102.26, reductions based on a TDM program must also provide "a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand." Pursuant to paragraph 44 of the proffers associated with #PCA-A-502, the Applicant shall be responsible for monitoring and enforcement of the proffered TDM / PMP. In the event the TDM/PMP does not achieve the desired parking reduction, the Applicant has agreed to provide the needed parking by adding parking levels to parking structure D2.

Project Total

A minimum total 2,167 spaces is proposed at full build-out to serve the East and West Sides resulting in an overall maximum site reduction of 477 parking spaces, or an 18.0 percent reduction in the code-required parking.

Board Agenda Item January 27, 2015

Based on a review of the parking study, the mix of uses and shared parking and the presence of a proffered TDM program will support this parking reduction request. The parking study indicates that should the reduction be granted there will be no impact to parking in the surrounding areas. Therefore, staff recommends approving an overall 18.0 percent parking reduction (477 fewer spaces than the strict application of the code) subject to the conditions listed above. This recommendation reflects a coordinated review by the Department of Transportation, Department of Planning and Zoning, the Office of the County Attorney and Department of Public Works and Environmental Services.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Request for a Parking Reduction and a Parking Study (#8260-PKS-001-1) from Kevin R. Fellin, P.E., Wells and Associates, dated September 29, 2014 and as revised through November 5, 2014.

STAFF:

Robert A. Stalzer, Deputy County Executive James W. Patteson, Director, DPWES William Hicks, Director, Land Development Services, DPWES

MEMORANDUM

To: Jan Leavitt, P.E., Chief

Site Code Research & Development Branch

Department of Public Works & Environmental Services

From: Kevin R. Fellin, P.E.

Re: DPA A-502-07/PCA-A-502/PRC A-502-3; Lake Anne Village Center

Subject: Parking Reduction Request (#8260-PKS-001)

3rd Submission

Date: September 29, 2014 as revised through November 5, 2014



This memorandum presents the results of a revised parking reduction analysis conducted in support of the referenced pending application(s) for a new mixed-use redevelopment (referred to as the "Lake Anne Village Center") in Fairfax County, Virginia. The revisions herein are based on comments dated October 15, 2014 and October 30, 2014 as received from the Department of Public Works and Environmental Services (DPWES) as well as meetings held with County staff on Wednesday, October 15, 2014, Friday, October 17, 2014, and Wednesday, October 29, 2014. Responses to each comment received from DPWES are included as Attachment I.

The properties that comprise Lake Anne Village Center are located in the Hunter Mill Magisterial District on either side of North Shore Drive in the vicinity of its intersection with Village Road (see Figure 1). This area falls within the Upper Potomac Planning District of the Fairfax County Comprehensive Plan. The Lake Anne Village Center is divided into six (6) land units (see Figure 2), A through F, of which Land Units A, a portion of C, and D are proposed for redevelopment. Land Unit F includes existing non-residential uses that are included in this parking reduction request. Land Units A and C are generally located south of the North Shore Drive/Village Road intersection and to the north of Lake Anne. Land Unit D is located south of Baron Cameron Avenue, east of Village Road, and north of North Shore Drive.

The Lake Anne Village Center redevelopment site consists of multiple properties identified as 2014 Tax Map Parcels 17-2 ((1)) 7, 17-2 ((7)) 6B2 and 6B3, 17-2 ((8)) 6C, 17-2 ((16)) 1A, 17-2 ((14)) (1) 2G, 17-2 ((31)) 1645, 17-2 ((31)) common elements pt. and a portion of Village Road to be vacated/abandoned. The parcels

Transportation Consultants INNOVATION + SOLUTIONS

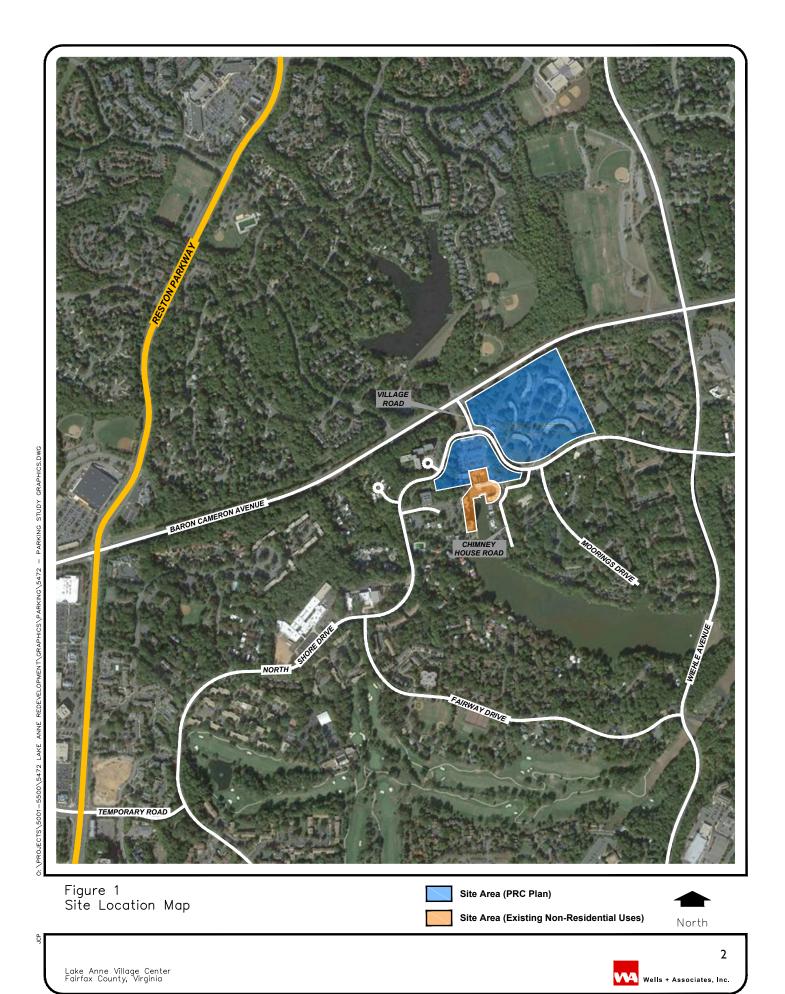
11441 Robertson Drive

Manassas, VA 20109

703-365-9265 FAX www.mjwells.com

703-365-9262

Suite 201



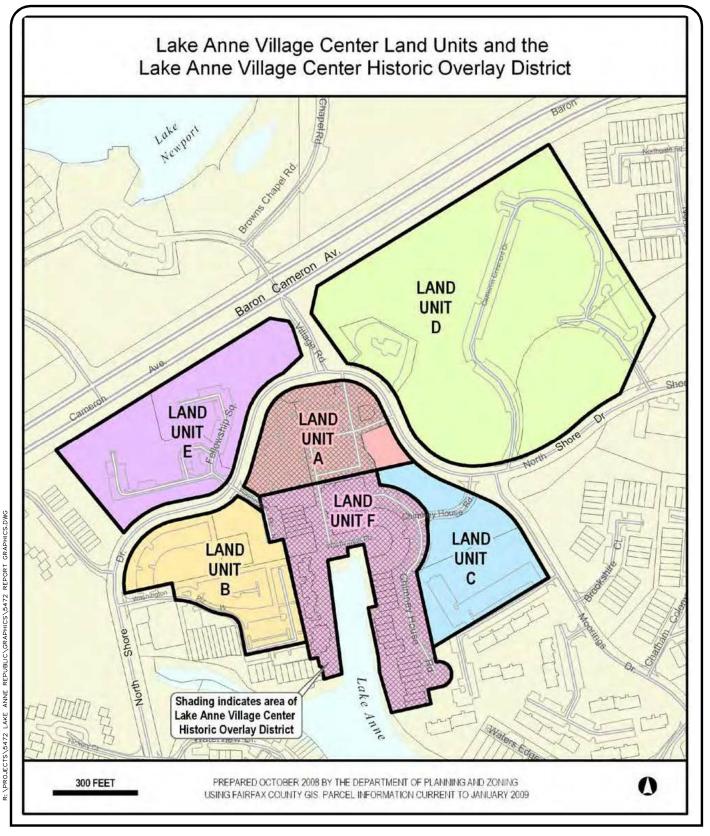


Figure 2 Existing Land Bays

North

Lake Anne Village Center Fairfax County, Virginia Wells + Associates, INC



MEMORANDUM

total approximately 24.3 acres and are all zoned PRC (Planned Residential Commercial). The overall PRC Plan for the redevelopment area is shown on Figure 3. The existing Lake Anne Village Center retail and church use that are outside of the PRC Plan application area but included in the parking reduction request are identified as 2014 Tax Map Parcels 17-2 ((31)) 1591A, 1591B, 1609B, 1600, 1611, 1612, 1613, 1625, 1641, and 1656; 17-2 ((6)) (E) 1 thru 6; 17-2 ((5)) 6D; 17-2 ((31)) (11) 11400, 11404, and 11440.

Sources of data for this analysis include, but are not limited to, the files and library of Wells+Associates, Inc., Republic Land Development LLC, Renaissance Centro, Community Preservation Development Corporation, Hickok Cole Architects, Carvalho & Good PLLC, Grimm+Parker Architects Inc, Dewberry Consultants LLC, Walsh, Colucci, Lubeley & Walsh, P.C., Fairfax County, and the Urban Land Institute's (ULI) Shared Parking methodologies.

BACKGROUND

<u>Overview</u>. The Lake Anne Village Center was the first part of Reston to be developed and is centered on Washington Plaza, which is adjacent to Lake Anne at its northern end. The area surrounding Washington Plaza was designated as the Lake Anne Village Center Historic Overlay District in 1984 in recognition of its significance in the community as Reston's original Village Center and to ensure the preservation of this historic and architectural landmark. The Board of Supervisors designated Lake Anne as a Commercial Revitalization Area in 1998 with the intent of stimulating reinvestment in existing businesses and encouraging redevelopment as appropriate. The Village Center is divided into six land units (A through F). Land units A, a portion of C, and D would be consolidated by the proposed redevelopment plan.

The goals for the Lake Anne Village Center are to create opportunities to:

- 1. Foster residential, office and community-enhancing retail and entertainment uses that will provide a more vital village center environment;
- 2. Support the long-term economic viability of the business community; and,
- 3. Protect and enhance the historic and architectural quality of Washington Plaza and retain the village character of an expanded village center. The proposal prepared by the Applicant for redevelopment of the Lake Anne Village Center was selected for award based on the degree to which these goals were met.

Specific planning objectives to help achieve these goals in the Village Center include, but are not limited to the following:

North

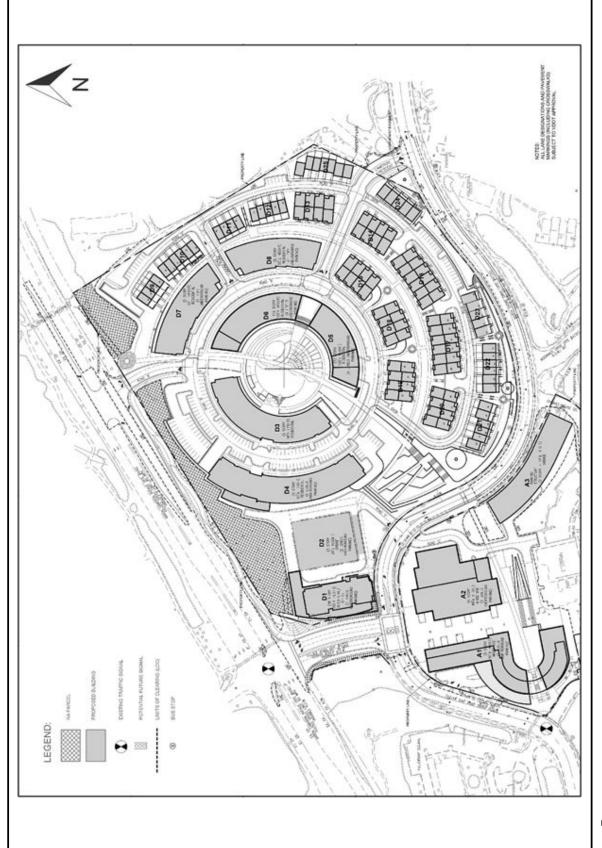


Figure 3 Overall PRC Plan

S Lake Anne Village Center Fairfax County, Virginia



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- 1. Promote a vibrant community where people can live, play and work;
- 2. Encourage development that complements rather than competes with existing development;
- 3. Ensure diverse housing options such as senior, workforce, affordable housing;
- 4. Enhance bicycle and pedestrian connections; and
- 5. Improve the visibility of Lake Anne Village Center and Washington Plaza from Village Road and Baron Cameron Avenue.

To those ends, the Plan's preferred approach for redevelopment of the Lake Anne Village Center is through the coordinated redevelopment of Land Units A, D and E. This would include consolidation of the Washington Plaza surface parking lot (Land Unit A); the Crescent apartment property and the gas station (Land Unit D) and the Fellowship House property (Land Unit E). In addition, parcels in Land Units B and C may be considered for inclusion in a consolidation effort.

Site Specific Land Use. The baseline Plan recommendations for Land Unit A are for a mix of uses with a neighborhood serving retail component up to a 0.25 FAR and office and residential components in addition to the retail. The Plan does provide for a redevelopment option under certain conditions if the parking area is redeveloped independently. Under this option, the total amount of development allowed is 235,000 GSF of which 85,000 GSF is non-residential uses and 150,000 GSF is residential. A second option (the "full consolidation option"), recommends a residential component and non-residential components including retail, civic, office and other complementary uses with a maximum development area of 315,000 square feet. Of this, 210,000 square feet would be residential and 105,000 would be non-residential.

Land Unit C. This land unit is located on the south side of North Shore Drive, immediately to the east of Washington Plaza. The baseline Plan recommendations for this Land Unit are medium and high density residential uses and community facilities as set forth on the Reston Master Plan. Like Land Unit A, Land Unit C also has a redevelopment option recommendation. The redevelopment option recommendation language for Land Unit C proposes no more than 100 multifamily dwelling units, as well as usable open space and tree preservation to the greatest extent possible.

<u>Land Unit D</u>. Land Unit D is located south of Baron Cameron Avenue, north of North Shore Drive and east of Village Road. The property is currently developed with the Crescent apartments (±181 units) and a service station. The baseline Plan



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recommendations for Land Unit D specify high and medium density residential development. The area of the gas station is considered part of the Village Center. A

redevelopment option for Land Unit D recommends no more than 902,000 square feet of development area consisting of up to 750 multifamily dwelling units and 2,000 square feet of complementary non-residential uses. In addition, a "full consolidation option" may be achieved if all of Land Units A, D and E are consolidated. The total amount of development permitted by this option is 1,126,000 GSF. The proposed redevelopment plan proposes additional non-residential density within Land Unit D, some of which would be transferred from Land Unit A which is proposed to be developed at a lower density than what is allowed.

A copy of the adopted Plan language is provided in Attachment II. It should be noted however that in order to facilitate the redevelopment as proposed by the Applicant, an out-of-turn Plan Amendment was authorized by the Board of Supervisors on September 10th, 2013. A copy of the Board's authorization is also included in Attachment III.

The Lake Anne Village Center site is currently zoned Planned Residential Community (PRC). The PRC District regulations are designed to permit a greater amount of flexibility by removing many of the restrictions of conventional zoning. This flexibility is intended to provide an opportunity and incentive to developers to achieve excellence in physical, social and economic planning. Permitted uses generally include residential and recreational uses; however, areas may be designated as Neighborhood Convenience Centers, Village Centers, Town Centers, or Convention/Conference Centers which allow for increased retail and office uses.

The portion of the site located south of North Shore Drive is part of the Lake Anne Village Center Historic Overlay District (HOD) and as such is subject to the Lake Anne HOD Design Guidelines. The Lake Anne HOD is unique among Fairfax County Historic Overlay Districts. Instead of being a composition of landmarks which have evolved over time, Lake Anne Village Center was designed and built at one time. Thus, the standards and guidelines are concerned with preserving the as-built character of the existing structures, urban design relationships, and landscape design rather than new construction.

Adjacent Development. The site is bordered on all sides by areas zoned PRC. The neighboring parcels to the east are developed with exclusively residential uses. Parcels to the west and south are developed with a mix of uses including residential, retail, and office. To the north, the site is bordered by Baron Cameron Avenue, Brown's Chapel Church and Baron Cameron Park. Figure 4 also displays the existing zoning designations for the surrounding parcels.

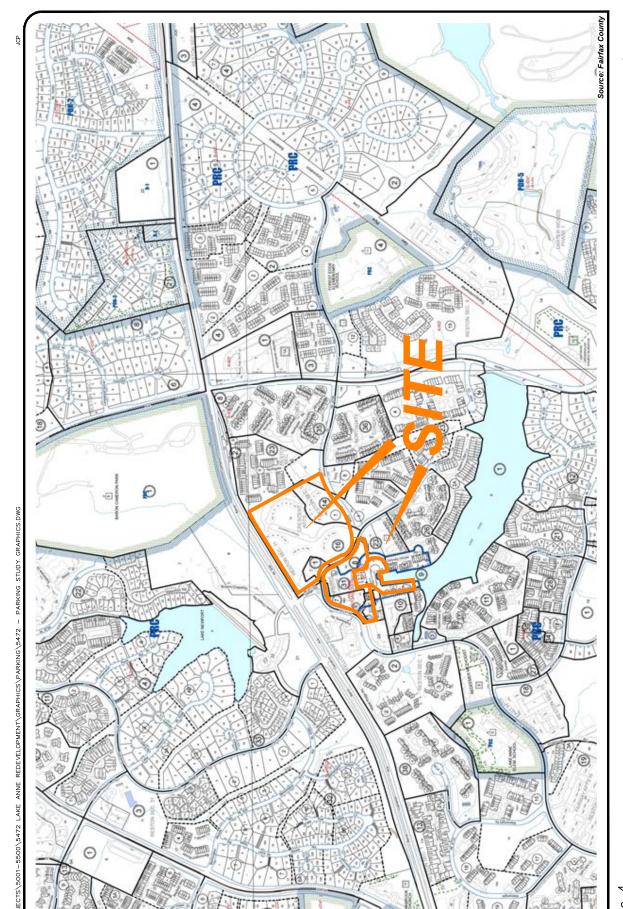


Figure 4 Existing Zoning Map

Lake Anne Village Center Fairfax County, Virginia

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STUDY METHODOLOGY

Overview. The Applicant, Lake Anne Village Partners, LLC, proposes to redevelop the existing Crescent apartment site, as well as the Washington Plaza surface parking lot with a mix of new residential, office and/or retail uses. The proposed redevelopment meets the goals and objectives of the County's Comprehensive Plan for Lake Anne as outlined above. As reflected on the Applicant's PRC plan (see Figure 3) the existing Crescent apartments will be razed and a new mix of residential unit types will be constructed including multifamily high-rise units, age-restricted units and townhomes. In addition, the existing service station located to the east of the Crescent site will also be razed and a new vertically integrated building will be constructed to include an approximate 15,800 GSF grocery store and new office uses. On the Washington Plaza surface lot an extension to the existing plaza will be constructed along with a mix of new office/retail space and residential apartments. A full size copy of the PRC/PCA plan is provided as Attachment IV.

In order to facilitate the redevelopment of the Village Center, a parking reduction is needed. A single shared parking reduction was initially explored to encompass the entire site. Upon further review, the following key challenges precluded this option:

- The East Side area (Buildings Areas D3 through D25) which includes approximately 770 dwelling units is separated from the rest of the project by topographic challenges evidenced by a distinct difference in grade (approximately 30 feet or more from north to south). North Shore Drive also provides an additional physical boundary. These barriers inherently divide the project and create a challenge to shared parking across the entire project.
- It was deemed infeasible to conveniently serve the non-residential uses within the higher grade residential areas while at the same time securing spaces for residents to use.
- In order for the established non-residential uses to remain fiscally viable, there was a desire to separate a significant portion of the residential parking supply from the established and planned non-residential uses.

The parking reduction request presented herein, therefore includes two (2) separate parking reductions (the East and West Sides,) which are distinct due to the reasons above. Figure 5 delineates the properties that comprise each side.

The West Side. The area designated as the West Side is primarily located south of North Shore Drive; a portion of the West Side is also located north of North Shore Drive and east of Village Road. The West Side is sited at the lowest elevation within the application area and is predominately comprised of existing commercial uses.

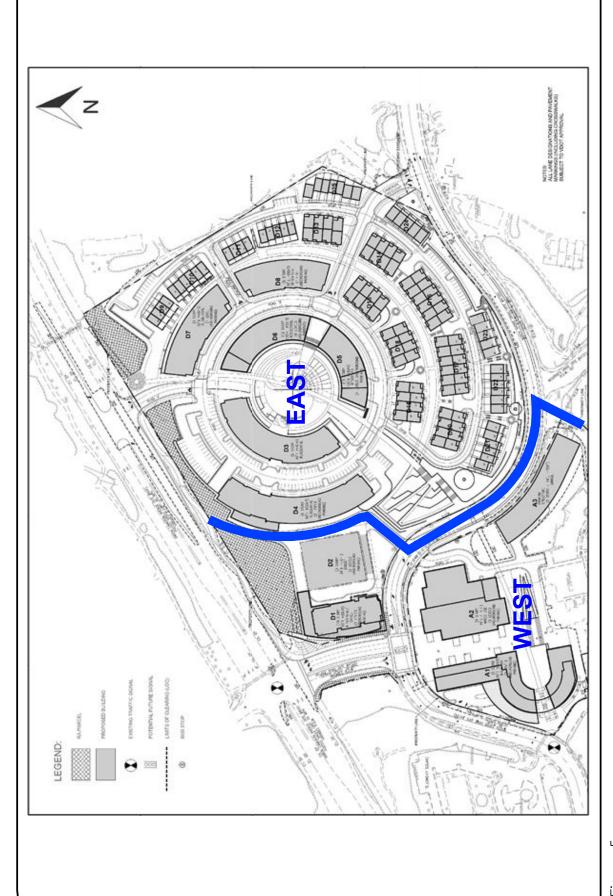


Figure 5 PRC Plan (East and West Sides)

0 Lake Anne Village Center Fairfax County, Virginia

B:/PROJECTS/5472 LAKE ANNE REPUBLIC/GRAPHICS/5472 REPORT GRAPHICS.DWG



MEMORANDUM

With the redevelopment as proposed, new office and residential uses will be incorporated into the West Side as follows:

- 77,960 gross floor area (GFA) of new office [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center (58,213 GFA new + 38,579 GFA existing floor area) [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA (or 100 seat) existing church use [Land Unit F]
- 12,860 GFA of existing eating establishments which include: [Land Unit F]
 - o 406 table seats
 - o 46 counter seats
 - o 65 employees
- 267 new multi-family dwelling units (DUs) [Buildings A1, A2, and D1]

The parking reduction request for the West Side is based on a "Shared Parking" analysis that evaluates all the commercial and residential uses proposed within new Buildings A1, A2, and D1. It also includes the existing commercial and institutional uses to remain. A "Shared Parking" reduction of 19.5% (or 249 fewer parking spaces) for a total of 1,031 parking spaces is requested to serve the West Side mix of uses where 643 spaces are shared parking spaces (non-residential and resident visitor spaces) and 388 spaces are reserved for residents.

<u>The East Side</u>. The East Side is sited at a higher elevation than the rest of the property and encompasses the Crescent apartment property. The East Side is located on the north side of North Shore Drive. With its redevelopment, the site will include a mix of residential uses as follows:

- 185 replacement affordable multi-family DUs (new)
- 465 multi-family DUs (new)
- 120 single-family attached DUs (new)

The parking reduction request for the East Side is based on a "Transportation Demand Management" parking reduction request that evaluates all the new residential uses within new Buildings D3, D4, D6, D7, D8, and new single-family detached uses (Buildings D9 through D25). A "Transportation Demand Management" parking reduction of 16.7% (228 fewer parking spaces) for a total of 1,136 parking spaces is requested to serve the new East Side residential uses.

The minimum number of parking spaces on-site, at full build out of the East and West Sides would therefore total 2,167 spaces with approval of the requested reductions resulting in an overall site reduction of 18.0% from code. The overall parking tabulation summary is presented on Table 1.

| Area | Land Use | Land Unit-Building | Amount | Unit | Article 11 - Parking Rates | Required Spaces | ULI Shared Parking Reduction Reduction Model | Proposed Required Spaces | Percent Reduction from Article 11 | |
|----------------|---|--|--|---|---|--------------------------|---|-----------------------------|--------------------------------------|---------------------|
| WEST | Office (New) | A1 A2, D1 A1, A2, D1 | 17,730 30,230 30,000 77,960 | GFA GFA GFA GFA | 3.6 Spaces/1,000 GFA | 281 | | | | |
| | Retai (New) Retai (Existing) ⁽¹⁾ | A1 A2 D1 A1, A2, D1 | 28,543 13,870 15,800 58,213 38,579 96,792 | 0 6 F A A G G F A G F A A G F A A G F A A G F A A G F A A G F A G | 4.0 Spaces/1,000 GFA | 388 | rcludes all non-residential ises with residential visitors where (A2, A2, D1 residential visitors) | 20 | | |
| | Place of Worship (Existing) ⁽¹⁾ | ш | 100 | GFA Seats | 1.0 Space/4 seats | 25 | based on 0.15 Spaces/ DD, and DLI 2nd Ed. Shared Parking methodologies | | | |
| | Eating Establishment (Existing) ⁽¹⁾ | ш | 12,860 406 46 65 | GFA Seats Seats Employees | 1.0 Space/4 table seats 1.0 Space/2 counter seats 1.0 Space/2 employees | 102 23 33 | | | | |
| | Residentia-Mutit Family (New) | A1 A2 D1 A1, A2, D1 | 54 48 165 267 | 2222 | 1.6 Spaces DU - 1.45 Spaces DU - 0.15 Spaces DU = 40 visitor spaces | 428 | 428 1.45 Spaces/DU (entitudes visitors per drove) | 388 | | |
| | | | | | Total - Article 11 Requirement | 1,280 | Total | 1,031 | 19.5% (249) Spaces | |
| | | | | | | | Proposed Parking Supply | 1,081 | 50 Spaces | Surplus/(Shortfall) |
| Area | Land Use | Land Unit-Building | Amount | Unit | Article 11 - Parking Rates | Required Spaces | TDM Parking Reduction Rates | Proposed Required Spaces | | |
| EAST | Residential-Multi Family - Replacement Affordale Dwelling Units (New) Residential-Multi-Taminy (New) Residential-Multi-Taminy (New) Residential-Multi-Taminy (New) Residential-Single Family Attached (New) | D3, D4 D5, D6 D7, D8 D9 - D25 | 185 310 155 120 | 200 | 1.6 Spaces/DU 1.16 Spaces/UU 1.6 Spaces/UU 2.7 Spaces/DU | 296 496 248 324 | 296 1.35 Spaces/DU 248 1.35 Spaces/DU 248 1.35 Spaces/DU 324 2.15 Spaces/DU | 250 419 209 258 | 15.6% 15.6% 15.6% 20.4% | |
| | | | 770 | na | Total | 1,364 Total | Total | 1,136 | 16.7% (228) Spaces | |
| | | | | | | | Proposed Parking Supply | 1,141 | oes | Surplus/(Shortfall) |
| | | | | | | | | | | |
| Area | Land Use | Land Unit-Building | Amount | Unit | Article 11 - Parking Rates | Required Spaces | Required Spaces Parking Reduction Rates | Proposed Required Spaces | | |
| EAST + WEST | Office (New) | 14 A D | 17,730 30,230 30,000 77,960 | GFA GFA GFA GFA | 3.6 Spaces/1,000 GFA | 281 | | | | |
| | Retail (New) | F & E | 28,543 13,870 15,800 | 0 6 F A | | | | | | |
| | Retail (Existing) ⁽¹⁾ | ш | 38,579 96,792 | | 4.0 Spaces/1,000 GFA | 388 | Includes all non-residential uses with residential visitors where (A2, A2, D1 residential visitors) based on 0.15 Spaces/ DU, and ULI 2rd Ed. | 643 | | |

| Area | Land Use | Land Unit-Building Amount Unit | Amount | Unit | Article 11 - Parking Rates | Required Spaces | Required Spaces Parking Reduction Rates | Proposed Required Spaces | | |
|--------|--|---|--------------------------------------|------------------------------------|---|--------------------------|--|-----------------------------|-----------------------|---------------------|
| EAST + | Office (New) | 4 A D | 17,730 30,230 30,000 77,960 | GFA GFA GFA | 3.6 Spaces/1,000 GFA | 281 | | | | |
| | Retail (New) | 14 A A | 28,543 13,870 15,800 | GFA GFA | | | | | | |
| | Retai (Existing) ⁽¹⁾ | ш | 38,579 96,792 | GFA GFA | 4.0 Spaces/1,000 GFA | 388 | Includes all non-residential uses with residential 388 visitors where (A2, A2, D1 residential visitors) | 643 | | |
| | Place of Worship (Existing) ⁽¹⁾ | ш | 6,500 | GFA Seats | 1.0 Space/4 seats | 25 | based on 0.15 Spaces) UU, and ULI znd Ed. Shared Parking methodologies | | | |
| | Ealing Establishment (Existing) ⁽⁴ | ш | 12,860 406 46 65 | GFA Seats Seats Employees | GFA OSeats OSpace/4 table seats OSpace/2 counter seats To Space/2 counter seats Employees To Space/2 comproyees | 102 23 33 | | | | |
| | Residential-Muti Faminy (New) Residential-Muti Faminy (New) Residential-Muti Faminy (Rew) Residential-Muti Paminy (New) Residential-Muti Faminy (New) Residential-Muti Faminy (New) Residential-Single Faminy Attached (New) | A1 A2 A1, A2, D1 A1, A2, D1 D3, D4 D5, D6 D7, D8 D9- D25 | 267 267 267 310 155 | 2222222 | 16 Spaces/DU 16 Spaces/DU 16 Spaces/DU 16 Spaces/DU 2.7 Spaces/DU 2.7 Spaces/DU | 428 296 496 324 | 228 45 Spaces/DU (extudes visitors per atow) 266 33 Spaces/DU (extudes visitors per atow) 224 35 Spaces/DU 324 2.15 Spaces/DU | 388 250 419 209 | | |
| | | | 1,037 | ΩΩ | Total | 2,644 Total | Total | 2,167 | 18.0% (477) Spaces | |
| | | | | | | | Proposed Parking Supply with TDM Red. 1,081 (WEST Supply) + 1,141 (EAST Supply) | 2,222 | 55 Space | Surplus/(Shortfall) |
| | | | | | | | Parking Requirement without TDM red. (2) | 2,395 | 9.4% (249) Spaces | |

(1) Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,899 GPA (5), 499 GFA retail/restaurants + 6,500 GFA Place of Worship = 67,899 GFA), comprised of 1 98,500 GFA provided by the Assignment 1 2,500 GFA (1) and 1 2,500 GFA (



MEMORANDUM

PART I - SHARED PARKING ANALYSIS (WEST SIDE)

Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (square feet of shopping center space, for example). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. Off-street parking may serve two or more uses; however, in such case, the total number of spaces must equal the sum of the spaces required for each separate use except that the Board [of Supervisors] may reduce the total number of parking spaces required to serve two or more uses by reason of the hourly parking accumulation characteristics of such uses (Section 11-102.4.B). A copy of the relevant Ordinance text is provided herein as Attachment V.

Article 11, Sections 11-103 and 11-104 of the Ordinance outlines the parking requirements for the following types of uses found in the West Side:

Office: "50,000 square feet of gross floor area or less: Three and

six-tenths (3.6) spaces per 1000 square feet of gross

floor area"

Shopping Center: "Greater than 100,000 but equal to or less than 400,000

square feet of gross floor area: Four (4) spaces per 1000

square feet of gross floor area"

Eating Establishments: "One (1) space per four (4) seats plus one (1) space per

> two (2) employees where seating is at tables, and/or one (1) space per two (2) seats plus one (1) space per two

(2) employees where seating is at a counter"

Place of Worship "One (1) space per four (4) seats in the principal place of

worship"

Dwelling, Multiple Family: "One and six-tenths (1.6) spaces per unit"

Build out of the West Side of the Lake Anne Village Center would consist of the following non-residential and residential mix of uses:



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- 77,960 GFA of office space (new) [Buildings A1, A2, and D1]
- 96,792 GFA of shopping center retail (58,213 GFA new + 38,579 GFA existing)
 [Buildings A1, A2, D1 and Land Unit F]
- 6,500 GFA of place of worship space (existing), served by: [Land Unit F]
 - o 100 seats
- 12,860 GFA of eating establishment space (existing), served by: [Land Unit F]
 - o 406 table seats
 - o 46 counter seats
 - o 65 employees
- 267 multi-family dwelling units (DUs) (new) [A1, A2, and D1]

As stated above and reflected on Table 2, based on a strict application of the Zoning Ordinance, a total of 1,280 parking spaces would be required to accommodate the parking demand associated with full build out of the proposed West Side mix of uses.

Shared Parking Concept

The Urban Land Institute (ULI) publication <u>Shared Parking</u>, 2nd edition has established a model and methodology for determining parking demand for various types of development. This methodology is especially useful in cases such as for the Lake Anne Village Center, where a single parking space may be used for office, shopping center uses, place of worship, eating establishments, and visitors to the onsite (west side) residents. Because each land use within a development may experience a peak parking demand at different times of day, or different months of the year, relative to the other land uses on-site, the actual peak parking demand of the subject development may be less than if the peak parking demand of each land use was considered separately. For example, a sit-down restaurant (a.k.a. an eating establishment) tends to experience peak parking demand during the evening hours, while shopping center and office uses experience peak demand just after the noon hour. Residential visitors, in general, experience peak parking demands in the late evening hours while a place of worship typically peaks on a Sunday.

Shared Parking Analysis: Fairfax County Parking Requirements

The Fairfax County Zoning Ordinance, Article 11-102(4), provides an opportunity for approval of a parking reduction due to "shared parking" resulting from different peak hours for uses comprising a mixed-use scenario. According to data compiled by

Lake Anne Village Center WEST SIDE - Fairfax County Ordinance Parking Requirement Summary with ULI Inputs for Shared Parking (2) (3) (4) (5) (6) (7)

| Area | Land Use | Land Unit-Building Amount Unit | Amount | Unit | Article 11 - Parking Rates | Article 11 - Required Spaces | ULI Inputs for Shared Parking Customer/ Employee Visitor | hared Parking Employee |
|------|-------------------------------------|--------------------------------|--------------------------------------|------------------------------------|--|---------------------------------|--|---------------------------|
| WEST | Office (New) | A1 A2 D1 | 17,730 30,230 30,000 77,960 | GFA | 3.6 Spaces/1,000 GFA | 281 | 21 | 260 |
| | Retail (New) | A1 A2 D1 | | ć L | | | | |
| | Retail (Existing) (1) | ш | 38,579 38,579 96,792 | GFA GFA GFA | 4.0 Spaces/1,000 GFA | 388 | 313 | 75 |
| | Place of Worship (Existing) (1) | ш | 6,500 | GFA Seats | 1.0 Space/4 seats | 25 | 20 | 2 |
| | Eating Establishment (Existing) (1) | ш | 12,860 406 46 65 | GFA Seats Seats Employees | 1.0 Space/4 table seats 1.0 Space/2 counter seats 1.0 Space/2 employees | 102 23 33 | 102 | 33 |
| | Residential-Multi Family (New) | A A 2 D 1 | 54 48 <u>165</u> 267 | 70 70 70 | 1.6 Spaces/DU - 1.45 Spaces/DU = 388 resident spaces - 0.15 Spaces/DU = 40 visior spaces | 428 | 40 | |
| | | | | | Fairfax County Code Requirement | 1,280 | | |

Note(s):

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Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:

- 38.579 GFA of Shopping Center Retail (51,439 GFA - 12,860 GFA = 38,579 GFA)
- 12,860 GFA of eating establishment (non-fast food) assuming 25% of total existing non-residential area (51,439 GFA x 25% = 12,860 GFA) is an eating establishment.
- 6,500 GFA of existing church space with 100 seats per FX Co street files.

GFA = Gross Floor Area

DU = Dwelling Unit

0.0000

Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.

ULI Input breakdown for "Customer/Visitor" and "Employee" for office, retail, and residential based on the Urban Land Institute (ULI) publication Shared Parking, 2nd Edition.

ULI Input breakdown for "Customer/Visitor" and "Employee" for eating establishment based on the County's ordiance breakdown between seats (customers) and employees.

ULI Input breakdown for "Customer/Visitor" and "Employee" for Place of Worship was based on an assumption that 80% of church required spaces are for visitors and 20% for employees.



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ULI, the peak parking demand associated with office, shopping centers, eating establishments/restaurants, places of worship, and residential visitors typically occurs at different times. Therefore, a shared parking scenario can be applied to the proposed uses due to variations in the hours of peak parking demand.

Paragraph 4 of the Zoning Ordinance states in part that:

"Required off-street parking spaces may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Director.

The amount of such combined space shall equal the sum of the amounts required for the separate uses, except... (b) that the Board may reduce the total number of parking spaces required by strict application of said requirements when it can be determined that the same spaces may adequately serve two or more uses by reason of the hours of operation of such uses."

ULI provides base weekday and weekend hourly parking accumulations for individual land uses for the purpose of establishing a base peak parking demand. For

purposes of this study, the Fairfax County parking rates were applied to the ULI parking model to be consistent with County parking requirements. As Table 2 indicates, when each land use is considered separately, a maximum of 1,280 parking spaces are required for full build out of the West Side.

The ULI model applies various hourly, monthly and weekday/weekend adjustment factors to the parking demands of each land use. For informational purposes, these adjustment factor tables are provided in Attachment VI. Based on the monthly and weekday adjustment calculations, the model establishes a peak demand hour and month during which the proposed new development's parking requirements would be at their highest.

Residential Visitors. Due to the complimentary peak demand for residential visitor spaces (late evening and weekends) as compared to the non-residential uses (midweekday), the residential visitor spaces were incorporated into the shared parking model. The County minimum parking requirement for multifamily DUs is 1.6 spaces per DU or 428 spaces for the proposed 267 DUs within the West Side area. According to ULI, the total residential visitor parking demand is 0.15 spaces per DU or 40 spaces for the proposed 267 DUs. This would provide the remaining 1.45 spaces per DU (out of 1.6 spaces per DU) to be allocated to on-site residents. Therefore, approximately 40 residential visitor parking spaces $(0.15 \times 267 = 40)$ and 388 resident spaces $(1.45 \times 267 = 388)$ would be required, absent any reductions. In



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the interest of separating the residential visitor spaces from the resident spaces, the residential visitor spaces were incorporated into the shared parking model while the resident spaces were restricted to residents only. At the time of site plan submission, details will be provided on how the West Side resident parking areas will be segregated from the shared parking spaces within respective West Side parking garages.

<u>Captive Market (or Synergy).</u> Certain land use relationships, specifically in mixed-use projects, produce greater reductions in parking demand, exceeding those accounted for by virtue of complementary hours of peak demand as outlined above. According to ULI, there are two major types of "market synergy" possible in mixed-use developments:

- 1. On-site market support (i.e., office employees and on-site/nearby residential uses who would utilize shopping center uses in the development)
- 2. Improved market image and penetration (associated with the unique or prestigious environment of the development)

Shopping center. The reduction of shopping center trips would be primarily associated with shopping center patrons that originate from the total planned 1,037 on-site residential dwelling units that will be subject to extensive Transportation Demand Management (TDM) proffered programs to reduce trips and manage parking. Additional shopping center trip reductions would also be associated with other nearby residential uses, on-site restaurant/eating establishment uses, and the planned office uses.

Restaurants/Eating Establishments. The reduction in restaurant/ eating establishment trips would be primarily associated with the customers captured from the nearby office, shopping center retail, and residential uses. According to the 2005 Development-Related Ridership Survey prepared for the Washington Metropolitan Area Transit Authority (WMATA), the average captive market for patrons arriving to retail sites based solely on walking/bicycle trips was up to 27% (see Attachment VII). Based on the areawide residential uses (existing/ proposed) and the proposed onsite office development; a captive market adjustment was limited to 15% in the ULI model for the shopping center retail and eating establishment uses.

Non-Auto Mode-Adjustment (or TDM). A Transportation Demand Management (TDM) program would provide additional reduction opportunities for the office, retail, and restaurant employees and well as residents and their visitors. A TDM program would decrease reliance on the personal automobile, which would reduce the number of parking spaces a project would need to supply. This is typically achieved by encouraging the use of transit, ridesharing, bicycling, and walking. TDM



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is a general term for strategies that result in more efficient use of transportation resources. There are many different TDM strategies with a variety of impacts. Some improve the transportation options available to consumers, while others provide an incentive to choose more efficient travel patterns. Some reduce the need for physical travel through mobility substitutes or more efficient land use. TDM strategies can change travel timing, route, destination, or mode. The draft TDM proffers for the project have been coordinated with FCDOT staff to establish a peak hour trip reduction goal of 25% (see Attachment VIII).

According to the ULI 2nd Edition *Shared Parking* methodologies, parking demand factors should be adjusted to reflect the modes of transportation used. For projects in areas where transit may be used by patrons, the adjustment for mode adjustment may be significant. Based on draft proffered TDM commitments, the shared parking model incorporated an appropriate mode adjustment of 25% for only those employees serving the non-residential uses (office, retail, and restaurants). It should be noted however that the parking reduction request for the West Side is not based on a transportation demand management program, but on complementary hour of demand (shared parking).

Shared Parking Model Results

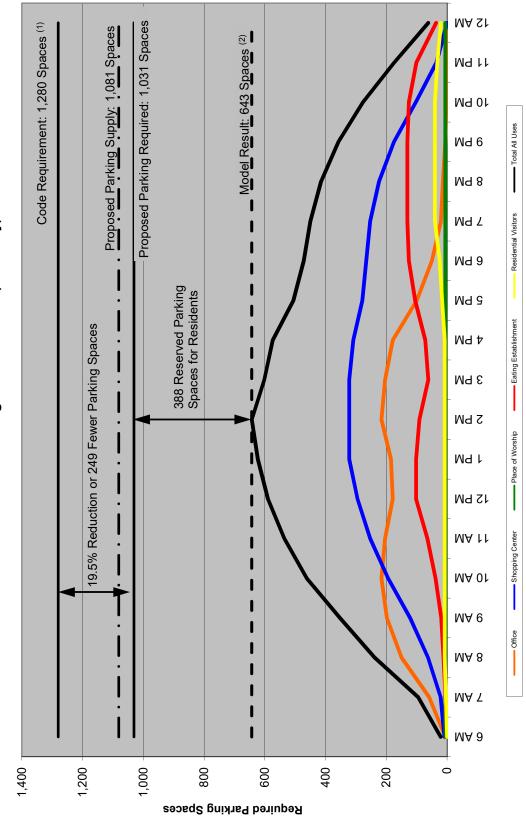
The ULI 2nd edition shared parking model results are based on the ULI inputs shown on Table 2 which are based on the County's Article 11 minimum parking requirements, the sharing of residential visitor spaces with the non-residential uses, appropriate non-captive/mode adjustment ratios, and the baseline resident parking requirement of 1.45 spaces per DU. The shared parking results including the resident parking is shown graphically on Figure 6. As summarized in Table 3, a total peak shared parking demand of 643 parking spaces is realized for full build out of the West Side area with the application of ULI's hourly, monthly, and weekday/weekend adjustment factors.

Parking Provided (West Side)

Based on the full size PRC plan provided as Attachment IV, approximately 1,081 parking spaces are proposed to be provided within the West Side area in a combination of various structured garages (see Table 4).

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(1) Required spaces based on strict application of Fairfax County Zoning Ordinance requirements. (2) Required spaces based on Fairfax County Zoning Ordinance requirements, and by applying ULI methodologies.

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Lake Anne Village Center WEST SIDE - Proposed Shared Parking Requirement Summary (2) (3) (4)

Table 3

| Area | Land Use | Land Unit-Building | Amount Unit | Jnit | ULI Shared Parking Reduction Reduction Model (5) | Required Spaces |
|------|-------------------------------------|--------------------|--|------------------------------------|--|-----------------------|
| WEST | Office (New) | A1 A2 D1 | 17,730 30,230 30,000 77,960 | GFA GFA GFA GFA | | |
| | Retail (New) | A1 A2 D1 | | | | |
| | Retail (Existing) (1) | ш | 38,579 06,792 | GFA GFA GFA | Includes all non-residential uses with residential visitors where (A-2, A-2, D-1 residential visitors) based on 0.15 Spaces/ | 643 |
| | Place of Worship (Existing) (1) | ш | 6,500 | GFA Seats | DU, and ULI 2nd Ed. Shared Parking methodologies | |
| | Eating Establishment (Existing) (1) | ш | 12,860 406 8 46 8 65 | GFA Seats Seats Employees | | |
| | Residential-Multi Family (New) | A2 D1 | 54 C C C C C C C C C C C C C C C C C C C | | 1.45 Spaces/DU (excludes visitors per above) | 388 |
| | | | | | Total | 1,031 |
| | | | | | Fairfax County Code Requirement Reduction from Code Requirement % Reduction from Code Requirement | 1,280 249 19.5% |

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- Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:

 38,579 GFA of Shopping Center Retail (51,439 GFA 12,860 GFA = 38,579 GFA)

 12,860 GFA of eating establishment (non-fast food) assuming 25% of total existing non-residential area (51,439 GFA x 25% = 12,860 GFA) is an eating establishment.

 6,500 GFA of existing church space with 100 seats per FX Co street files.
- - - GFA = Gross Floor Area DU = Dwelling Unit
- Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements. "Shared Parking" based on the Urban Land Institute (ULI) publication Shared Parking, 2nd Edition. 0.6.6.0

- ULI Model includes a 15% internal captive ratio adjustment for shopping center retail and eating establishment customers.
 ULI Model includes a 25% mode adjustment for employees serving the office, shopping center retail, and eating establishment customers.

Table 4
Lake Anne Village Center
Proposed Parking Supply WEST and EAST SIDES

| Location | Spaces |
|--|------------|
| WEST SIDE PARKING SUPPLY | |
| Building A1 Garage Building A2 Garage | 210 366 |
| Building A3 Garage | 120 |
| Building D1 Garage Building D2 Garage | 232 153 |
| WEST SIDE TOTAL | 1,081 |
| EAST SIDE PARKING SUPPLY | |
| Buildings D3/D4 Garage | 250 |
| Buildings D5/D6 Garage Buildings D7/D8 Garage | 385 210 |
| Townhome (Traditional) | 96 |
| Townhome (Hybrid) | 144 |
| Area D - Surface Spaces | <u>56</u> |
| EAST SIDE TOTAL | 1,141 |
| TOTAL PARKING SUPPLY (WEST + EAST SIDES) | 2,222 |



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Requested Parking Reduction (West Side)

Accounting for the shared parking model results (643 spaces) and the remaining resident only parking (1.45 spaces/DU or 388 spaces when excluding visitors), a total of 1,031 parking spaces (643+388=1,031) would be required to meet the parking demand associated with the West Side area. This equates to 249 fewer spaces when compared to strict application of the County's Zoning Ordinance or an overall 19.5% percent reduction. The overall parking summary tabulation summary is shown on Table 1.

Future Flexibility

The Applicant would like to request a condition within those imposed by the Board to accommodate future potential changes in market conditions between shopping center retail and restaurant/eating establishments. A minimum percent parking reduction would reflect the instance where all, or a portion of, the allowable eating establishment space would be converted to shopping center retail. Shopping center retail space requires less parking per square foot (4 spaces/1,000 GFA) when compared to eating establishments (±12 spaces/1,000 GFA). Therefore converting uses from eating establishment to shopping center retail would result in a reduced parking demand.

Under strict application of the County's Article 11 parking requirement, the project as currently proposed would require 1,173 spaces if all the allowable eating establishments were converted to shopping center retail. As summarized in Table 5, while the project would still adhere to maintaining a minimum of 1,031 spaces per the maximum 19.5% request noted above, the percent reduction in such instance would be a minimum of 12.1% (1,173 code spaces reduced to the proposed minimum of 1,031 spaces). This established range would permit any portion of the allowable eating establishments to convert to shopping center retail without submitting a new parking study and thereby a new action by the Board of Supervisors. Any other alternative for future flexibility may require further discussion with DPWES staff.

Building D1 Construction Phasing

As discussed at meetings with County staff, this section serves to describe the interim parking conditions for the D1 building where the office (±30,000 GFA) and the shopping center grocery store (±15,800 GFA) components are constructed first and followed by the ±165 multi-family residential DUs constructed afterwards. The D1 Building area is currently served by a gasoline service station. When the D1 office/retail is constructed, the service station would be razed to develop ±30,000 GFA of office uses in 2 levels above a ±15,800 GFA ground floor shopping center grocery store. The office/retail building would require ±176 spaces based on strict



Table 5 Lake Anne Village Center WEST SIDE - Minimum Percent Reduction Request (2) (3) (4)

| | | | | | Article 11 - |
|------|-------------------------------------|--------------------|--|---|-----------------------|
| Area | Land Use | Land Unit-Building | Amount Unit | Article 11 - Parking Rates | Required Spaces |
| WEST | Office (New) | A A 2 D 1 | 17,730 30,230 30,000 77,960 GFA | 3.6 Spaces/1,000 GFA | 281 |
| | Retail (New) | A2 D1 | 28,543 13,870 15,800 | | |
| | Retail (Existing) (1) | ш | 38,213 GFA <u>51,439</u> GFA 109,652 GFA | 4.0 Spaces/1,000 GFA | 439 |
| | Place of Worship (Existing) (1) | ш | 6,500 GFA 100 Seats | 1.0 Space/4 seats | 25 |
| | Eating Establishment (Existing) (1) | ш | 0 GFA 0 Seats 0 Seats 0 Employees | 1.0 Space/4 table seats 1.0 Space/2 counter seats 1.0 Space/2 employees | 000 |
| | Residential-Multi Family (New) | A A 2 1 | 54 DU 48 DU 165 DU 267 DU | 1.6 Spaces/DU - 1.45 Spaces/DU = 388 resident spaces - 0.15 Spaces/DU = 40 visitor spaces | 428 |
| | | | | Fairfax County Code Requirement | 1,173 |
| | | | | Proposed Minimum Parking Supply Reduction from Code Requirement % Reduction from Code Requirement | 1,031 142 12.1% |

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Note(s):

Total Existing Non-Residential Uses (As Provided by the Applicant) = 57,939 GFA (51,439 GFA retail/restaurants + 6,500 GFA Place of Worship = 57,939 GFA), comprised of:

- 51,439 GFA of Shopping Center Retail (Assumes all allowable eating establishments are converted to shopping center retail)

- 6,500 GFA of existing church space with 100 seats per FX Co street files.

GFA = Gross Floor Area

DU = Dwelling Unit

Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.

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application of the County's zoning ordinance when also considering the A1 and A2 buildings and would be served by approximately 232 permanent garage spaces in the 2 level below grade that span beneath the D1 building and future D2 garage. An additional ±53 temporary surface spaces would be provided in the area of the future D2 garage to further serve the D1 office/retail uses with a total of 285 spaces until the D1 residential construction begins. These excess spaces would also serve the existing retail uses to remain during the construction of Buildings A1 and A2.

During construction of the D1 residential building, the ±53 temporary surface spaces would be displaced leaving the 232 spaces in the D1 garage to more than adequately serve the D1 office/retail code requirement (±176 spaces). The excess spaces (±56 spaces) in the D1 garage will be made available to serve the existing non-residential uses in the West Side area. During the construction of the D1 residential building, the D2 garage will be constructed to provide ±153 additional spaces to ultimately serve not only the D1 building but the overall parking demand and shared parking supply for the West Side area. As described above, more than sufficient parking will be provided at completion of the D1 office/retail uses and during construction of the D1 residential building. At build out, the overall parking supply in this area will serve the overall West Side project area.

Development phasing plans are included in the plan submission and a detailed parking tabulation phasing summary is provide as Table 6. As shown on Table 6, adequate parking is accommodated at all times (including construction).

Buildings A1 and A2 Construction Phasing

The construction of the A1 and A2 buildings will displace the existing Washington Plaza surface parking lot which effectively provides ±216 surface parking spaces which have historically served the existing non-residential uses that are either planned to be razed during construction or will remain. According to the Applicant's coordination with the existing tenants, ±143 spaces out of the current ±216 parking supply are attributable to existing uses to remain which must be maintained in the area at all times during construction. As summarized in the project's phasing plans, this is accomplished by constructing upfront ±120 new spaces in the A3 garage plus the ±285 parking spaces with the construction of the D1 office/retail buildings (as described above for the Building D1 construction). As noted above, the D1 office/retail buildings would require ±176 spaces based on strict application of the zoning ordinance thereby providing approximately 109 excess spaces (285 – 176 = 109). Therefore, during the interim construction period for Buildings A1 and A2, the existing Lake Anne Village Center uses to remain will be served by approximately 219 spaces (120 + 109 = 229) which is ± 86 more spaces than the ± 143 spaces currently required to be maintained. As discussed above, a detailed parking tabulation summary is provided in Table 6 including construction periods.

| Parking Ta | Abulation by Phase Area | Building-Land Unit | Use | Amount | Unit | Paguirad | and Provided Parking | Spaces |
|-----------------------|----------------------------|----------------------------------|---|--------------------------------|------------------------------------|----------------|--|---------------------------------|
| riiase | West Side Parking Required | D1 | Office | 30,000 | GSF | 3.6 | per 1,000 GSF | 108 |
| | west olde Parking Nequired | D1 | Retail Various Existino | 15,800 | GSF | 4.3 | per 1,000 GSF per 1,000 GSF ng Requirement (1) Required | 68 216 392 |
| _ | West Side Parking Supply | | | | | | D1 Garage D2 Surface | 232 53 |
| - Se | | | | | | | Existing Supply Provided | 216 501 |
| Phase I | East Side Parking Required | D3/D4 D13-16,18,24-25 | Multi-family Townhome | 185 56 | DU DU | 1.35 2.15 | per dwelling unit per dwelling unit Required | 250 <u>121</u> 371 |
| | East Side Parking Supply | | | | | | Townhome Parking Surface Spaces | 112 27 |
| | | | | | | | D3/D4 Parking Provided | 250 389 |
| | | | | | | | Total Required Total Provided | 763 890 |
| | West Side Parking Required | D1 | Office | 30,000 | GSF | 3.6 | per 1,000 GSF | 108 |
| tion | | D1 | Retail Various Existinç | 15,800 J Uses (1) | GSF | 4.3 Existir | per 1,000 GSF ng Requirement (1) Required | 68 <u>216</u> 392 |
| ıncı | West Side Parking Supply | | | | | | D1 Garage D2 Surface | 232 53 |
| ıstr | | | | | | | Existing Supply | 216 |
| Sor | East Side Parking Required | D3/D4 | Multi-family | 185 | DU | 1.35 | Provided per dwelling unit | 501 250 |
| Phase II Construction | 5 101 5 11 0 1 | D13-16,18,24-25 | Townhome | 56 | DU | 2.15 | per dwelling unit Required | 121 371 |
| Jas | East Side Parking Supply | | | | | | Townhome Parking Surface Spaces | 112 27 |
| ā | | | | | | | D3/D4 Parking Provided | 250 389 |
| | | | | | | | Total Required Total Provided | 763 890 |
| | West Side Parking Required | D1 | Office | 30,000 | GSF | 3.6 | per 1,000 GSF | 108 |
| | | D1 | Retail Various Existino | 15,800 g Uses (1) | GSF | 4.3 Existir | per 1,000 GSF ng Requirement (1) Required | 68 <u>216</u> 392 |
| Phase II | West Side Parking Supply | | | | | | D1 Garage D2 Surface | 232 53 |
| | | | | | | | A3 Garage | 120 |
| | | | | | | | Existing Supply Provided | 216 621 |
| | East Side Parking Required | D3/D4 D13-25 | Multi-family Townhome | 185 101 | DU DU | 1.35 2.15 | per dwelling unit per dwelling unit Required | 250 218 468 |
| | East Side Parking Supply | | | | | | Townhome Parking | 202 |
| | | | | | | | Surface Spaces D3/D4 Parking | 27 250 |
| | | | | | | | Provided Total Required | 479 860 |
| | West Side Parking Required | D1 | Office | 30,000 | GSF | 3.6 | Total Provided per 1,000 GSF | 1,100 |
| tion | West Side Parking Required | D1 | Retail Various Existing | 15,800 | GSF | 4.3 | per 1,000 GSF ng Requirement (2) Required | 68 143 319 |
| Construction | West Side Parking Supply | | | | | | D1 Garage A3 Garage Provided | 232 120 352 |
| _ | East Side Parking Required | D3/D4 D13-25 | Multi-family Townhome | 185 101 | DU DU | 1.35 2.15 | per dwelling unit per dwelling unit Required | 250 218 468 |
| Phase III | East Side Parking Supply | | | | | | Townhome Parking Surface Spaces | 202 27 |
| Pha | | | | | | | D3/D4 Parking Provided | 250 479 |
| | | | | | | | Total Required Total Provided | 787 831 |
| | West Side Parking Required | A1,A2,D1 A1,A2,D1,F F F | Office Retail Church Eating Est. | 77,960 96,792 100 406 | GSF GSF Seats Table Seats | Shared | Parking Reduction | 643 |
| (F) | | A1,A2,D1 | Multi-family | 46 65 267 | Bar Seats Employees DU | 1.45 | per dwelling unit | <u>388</u> |
| | | | | | | | Required | 1,031 |
| On | West Side Parking Supply | | | | | | D1 Garage D2 Garage | 232 153 |
| p | | | | | | | A1 Garage | 210 |
| 3ui | | | | | | | A2 Garage A3 Garage | 366 120 |
| 1) = | East Side Parking Required | D3/D4 | Multi-family | 185 | DU | 1.35 | Provided per dwelling unit | 1,081 250 |
| e <u> </u> | | D5/D6 D7/D8 | Multi-family Multi-family | 310 155 | DU DU | 1.35 1.35 | per dwelling unit per dwelling unit | 419 209 |
| Phase III (Build Out) | | D9-25 | Townhome | 120 | DU | 2.15 | per dwelling unit Required | 258 1,136 |
| _ | East Side Parking Supply | | | | | | Townhome Parking Surface Spaces | 240 |
| | | | | | | | D3/D4 Parking | 56 250 |
| | | • | | | | | D5/D6 Parking | 385 |
| | | | | | | | D7/D8 Parking | 210 |
| | | | | | | | | |

Note(s):

(1) Represents the existing non-residential uses that exist today which have historically been served by the 216 spaces in the Washington Plaza parking lot.

(2) According to the Applicant, the non-residential uses to be razed (±19,600 GSF), as a result of the Phase III construction period, currently require 73 spaces out of the 216 space parking supply serving Washington Plaza. As a result, 143 spaces (216-73 = 143) will need to be maintained for those remaining uses. The uses to remain are accounted for in the West Side Phase III (build out) program.





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Part I - Conclusions (West Side)

Based on the documentation provided herein, the following can be concluded for the West Side:

1. Under strict application of the Zoning Ordinance, the West Side uses would require a minimum of 1,280 spaces in total for the non-residential and residential uses.

Approximately 852 spaces of the total would be required in support of the following non-residential uses:

- 77,960 GFA of office uses,
- 96,792 GFA of shopping center retail uses (58,213 GFA existing and 38,579 GFA proposed),
- 12,860 GFA of eating establishments (406 table seats, 46 counter seats, 65 employees), and
- 6,500 GFA Place of Worship (100 seats).

Approximately 428 spaces would be required to support the 267 multi-family DUs.

- 2. Based on ULI, the resident visitor parking demand is assumed to be 0.15 visitor spaces per DU and are included in the County requirement of 1.6 spaces/DU. The 40 visitor spaces are proposed to be shared with the non-residential uses.
- 3. Applying the ULI shared parking methodology to the Fairfax County indices for the non-residential uses that include appropriate adjustments to the model as well as resident visitor spaces, approximately 643 shared parking spaces would be required.
- 4. The residents parking for the multi-family DUs would be parked at 1.45 spaces per DU when excluding the resident visitor spaces (0.15 spaces/DU).
- 5. The applicant is seeking an overall parking reduction of 19.5% percent (or 249 fewer spaces) for a total minimum of 1,031 spaces to serve the mix of uses in the West Side area.
- 6. To accommodate future potential changes in market conditions between shopping center retail and restaurant/eating establishments, a minimum parking reduction of 12.1% should be included with the parking reduction request stated above to create a range from the maximum reduction of 19.5%



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to a minimum reduction of 12.1%. The minimum reflects the instance where all the allowable eating establishment uses become shopping center retail. Under a scenario where all, or a portion of, the allowable eating establishments are converted to shopping center retail due to changing market conditions; the number of parking spaces established above (1,031 spaces) would continue to be required at all times.

7. An assessment of the development phasing plans indicate an adequate number of parking spaces will be provided during the interim construction periods which include the spaces that currently serve the existing uses to remain.



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PART II - TRANSPORTATION DEMAND MANAGEMENT ANALYSIS (EAST SIDE)

Fairfax County Parking Requirements

Article 11 of the Fairfax County Zoning Ordinance establishes parking requirements for various land uses by providing parking rates per unit of land use (i.e., per residential dwelling unit, per 1,000 GSF of retail uses, etc.). According to the Ordinance, all required parking spaces shall be located on the same lot as the structure or uses to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. A copy of the relevant Ordinance text is provided herein as Attachment V.

Article 11, Section 11-103 of the Ordinance outlines the parking requirements for residential uses as follows:

Dwelling, Multiple Family: "One and six-tenths (1.6) spaces per unit"

Dwelling, Single Family Attached: "Two and seven-tenths (2.7) spaces per unit,

provided, however, that only one (1) such space must have convenient access to the street"

Full build out of the East Side of the Lake Anne Village Center would consist of the following mix of residential mix of uses:

- 650 multi-family DUs (new)
 - o 185 replacement affordable multi-family DUs (new)
 - Entire Buildings D3 and D4
 - o 465 multi-family DUs (new)
 - Buildings D5, D6, D7, D8
- 120 single-family attached DUs (new) [Buildings D9 thru D25]

The Fairfax County Zoning Ordinance does <u>not</u> provide a specific residential parking rate for "affordable" dwelling units that separately encompass an entire building(s). Therefore, as reflected on Table 7 and based on a strict application of the Zoning Ordinance, a total of 1,364 parking spaces would be required to accommodate the East Side area parking demand associated with full build out of the proposed mix of residential unit types.



Table 7 Lake Anne Village Center EAST SIDE - Fairfax County Ordinance Parking Reqi

| | | | | | | | Proposed | Proposed |
|------|---|--------------------------------|--------|----------|----------------------------|-----------------|---|-----------------|
| Area | Land Use | Land Unit-Building Amount Unit | Amount | Unit | Article 11 - Parking Rates | Required Spaces | Required Spaces TDM Parking Reduction Rates Required Spaces | Required Spaces |
| | | | | | | | | |
| EAST | Residential-Multi Family - Replacement Affordale Dwelling Units (New) | D3, D4 | 182 | DG Da | 1.6 Spaces/DU | 296 | 296 1.35 Spaces/DU | 250 |
| | Residential-Multi Family (New) | D5, D6 | 310 | n | 1.6 Spaces/DU | 496 | 496 1.35 Spaces/DU | 419 |
| | Residential-Multi Family (New) | D7, D8 | 155 | na | 1.6 Spaces/DU | 248 | 248 1.35 Spaces/DU | 209 |
| | Residential-Single Family Attached (New) | D9 - D25 | 120 | a | 2.7 Spaces/DU | 324 | 324 2.15 Spaces/DU | 258 |
| | | | | | | | | |
| | | | 770 | 2 | Total | 1,364 | ,364 Total | 1,136 |
| | | | | | | | | |

Note(s):
(1) DU = Dwelling Unit
(2) Parking rates based on the Fairfax County Zoning Ordinance (Article 11) minimum parking requirements.



MEMORANDUM

Requested Parking Reduction (East Side)

The Applicant is requesting an overall **16.7% residential parking reduction (or 228 fewer parking spaces)** based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):

- Multi-Family Dwelling units (including the Replacement Affordable Dwelling Units):
 - Parking reduction request from 1.6 spaces/DU to
 1.35 spaces/DU (or a 15.6% reduction)
- Single-Family Attached:
 - Parking reduction request from 2.7 spaces/DU to
 2.15 spaces/DU (or a 20.4% reduction)

The basis for each parking reduction request outlined above is based on the Ordinance (Section 11-102.26) provision that establishes a parking reduction through the presence of a TDM program. The following sections evaluate the requested parking reductions with respect to this provision.

Transportation Demand Management

<u>Overview.</u> The Fairfax County Zoning Ordinance provides for a reduction in required off-street parking for sites establishing a Transportation Demand Management (TDM) program. Article 11, Section 11-102.26 states:

"In conjunction with the approval of a proffer to establish a transportation demand management (TDM) program, or if a development is subject to an approved proffer for the establishment of a TDM program, the Board may, subject to conditions it deems appropriate, reduce the number of off-street parking spaces otherwise required by the strict application of the provisions of this Part when the applicant has demonstrated to the Board's satisfaction that, due to the proffered TDM program, the spaces proposed to be eliminated for a site are unnecessary and such reduction in parking spaces will not adversely affect the site or the adjacent area. In no event shall the reduction in the number of required spaces exceed the projected reduction in parking demand specified by the proffered TDM program.

For the purposes of this provision, a proffered TDM program shall include: a projected reduction in parking demand expressed as a percentage of overall parking demand and the basis for such projection; the TDM program actions



MEMORANDUM

to be taken by the applicant to reduce the parking demand; a requirement by the applicant to periodically monitor and report to the County as to whether the projected reductions are being achieved; and a commitment and plan whereby the applicant shall provide additional parking spaces in an amount equivalent to the reduction should the TDM program not result in the projected reduction in parking demand."

A copy of the draft Parking Management and TDM proffers is included in Attachment VIII.

Transportation Demand Management Program (TDM). As part of the proposed proffers for the Lake Anne Village Center, the Applicant will commit to the development and implementation of a TDM program customized for both the residential and non-residential uses within Lake Anne Village Center, and specifically the East Side. The program will be developed in accordance with the *TDM Guidelines for Fairfax County* (the "Guidelines") dated January 1, 2013.

Based on the Guidelines, the East Side residential uses would be considered as being located in a Non-Tysons, Non-TOD area (or more than ½ mile from a rail station). As a result, the Guidelines recommend a trip reduction goal of between 15 and 25%. The Applicant has committed to proffer a 25% trip reduction goal for the entire redevelopment including the East Side residential uses. This higher end reduction is recommended for areas located in walkable, mixed-use environments or proximate to the same. Towards that end, the Guidelines recommend implementation of a "light" level of participation with requirements for funding, monitoring and reporting.

The Guidelines also recommend certain elements be incorporated into the plan to further reduce trips and auto ownership rates. The following is a list of potential strategies referenced in the Guidelines which would have been incorporated into the TDM program for the overall redevelopment area including the East Side:

- 1. Designate a TDM Program Manager (TPM) to develop and implement the program in consultation with FCDOT (Fairfax County Department of Transportation)
- 2. Establish a TDM Network between the TPM and building managers to coordinate implementation of the TDM plan
- 3. TDM website
- 4. Personal outreach
- 5. Transit Benefits
- 6. Information on Telework programs and telework facility
- 7. Car sharing
- 8. Ridematching
- 9. Parking Management Plan to include dedication of convenient parking spaces for carpools/van pools and/or shared car services



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10. Pedestrian connections

11. Bicycle facilities

A copy of the Lake Anne Village Center TDM Plan dated October 22, 2014 is provided as Attachment IX.

In light of the above, the implementation of a 25% TDM parking reduction would result in a total required parking supply of 1,023 spaces to meet the needs of the 770 residential units. This equates to 341 fewer spaces than required by a strict application of the code. In addition to certain transportation strategies listed above, the Applicant has also committed to the following to further reduce vehicle trips specifically associated with the East Side to insure the parking proposed is sufficient to meet demand. A discussion on how these trip reductions goals correspond to limiting parking supply is further described under the "Parking Management" section below.

Parking Demand Management. According to the TDM Plan for the Lake Anne Village Center, one of the industry-recognized strategies that have a significant impact on vehicle trip reductions is parking management. TDM programs work where parking is not over-supplied and coordinated with parking reductions and/or management programs. There are several parking demand management techniques that incentivize travelers to use an alternate mode. Each of those proposed for implementation as part of the Lake Anne Village Center TDM program is described below:

- 1) <u>Limited Parking Supply</u>. Managing parking by reducing supply helps to reduce the undesirable impacts of parking demand on local and regional traffic levels and the resulting impacts on community livability.
- 2) <u>Carsharing Placement and Services</u>. Refers to short-term automobile rental service available to the general public for a limited timeframe, typically only a few hours. Carsharing is an effective tool that can be used to reduce vehicle ownership because the service can eliminate the need for a private vehicle to complete non-work trips. The service also encourages office travelers to use alternatives to SOVs (like transit) because they can use carshare vehicles for mid-day trips rather than be forced to rely on their private vehicles.
- 3) <u>Unbundled Parking.</u> Unbundling refers to a strategy where parking is rented or sold separately, rather than automatically included with the rent for a building space. This element reveals the true cost of parking which allows users to consider a more accurate travel cost trade-off when deciding what transportation to choose. Towards that end, the Applicant has committed to a proffer that would dedicate a minimum of one dedicated parking space to each of the replacement affordable dwelling units (ADUs) (Buildings D3 and



MEMORANDUM

D4) and other ADU and/or workforce dwelling units (WDUs) constructed on the Application property. Otherwise dwelling units shall be offered exclusive parking such that parking shall be available at a separate market rate cost.

4) Establish Vehicle Parking Space Limits. Due to limited parking supplies and a lower parking space rate per residential unit, protections need to be set in order to ensure that a single residential unit does not offset parking availability. As a means to ensure enough parking availability, the number of spaces issued per multi-family unit is limited to one (1) car per unit and to single-family attached units two (2) spaces per unit.

Existing Transit Service. The subject site is served by two (2) Fairfax Connector bus routes (552 and 574), as well as the Reston Internal Bus System (RIBS) Routes 1 and 3. A map showing the existing bus routes serving Lake Anne Village Center is shown on Figure 7. Multiple bus stops are located along North Shore Drive along the site frontages serving Fairfax Connector Routes 552 and 574 and RIBS Routes 1 and 3. Route 552, RIBS 1, and RIBS 3 connect the site to the new Wiehle-Reston East metrorail station. An exhibit illustrating the existing and proposed bus stop locations is shown on Figure 8. A summary of each existing bus route is provided below:

- 1. Fairfax Connector 552. Fairfax Connector 552 (North Shore Lake provides weekday service along North Shore Drive while serving the Lake Anne Village Center and the Wiehle-Reston East Metrorail Station. Weekday peak period peak directional headways are approximately 18 minutes.
- 2. Fairfax Connector 574. Fairfax Connector 574 (Reston Town Center-Tysons) provides weekday and weekend service between the Reston Town Center Transit Station, the Lake Anne Village Center, and the Spring Hill Metrorail Station via Leesburg Pike (Route 7). Weekday peak period headways are typically 30 minutes. Saturday and Sunday peak period headways are approximately 40 minutes.
- 3. RIBS 1 and 3. RIBS 1 (clockwise) and RIBS 3 (counterclockwise) provides weekday and weekend service between the Reston Town Center Transit Station, the North County Government Center, Lake Anne Village Center, Tall Oaks Village Center, Hunters Woods Village Center, and the Wiehle-Reston East Metro Station. Weekday peak period headways are approximately 30 minutes. Saturday and Sunday peak period headways will typically be 30 and 60 minutes, respectively.

WMATA Metrorail Service. Metrorail service is provided in the general vicinity of the subject site with the opening of the Silver Line on July 26, 2014. As shown on



North

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Figure 7 Existing Transit Service

34

Lake Anne Village Center Fairfax County, Virginia



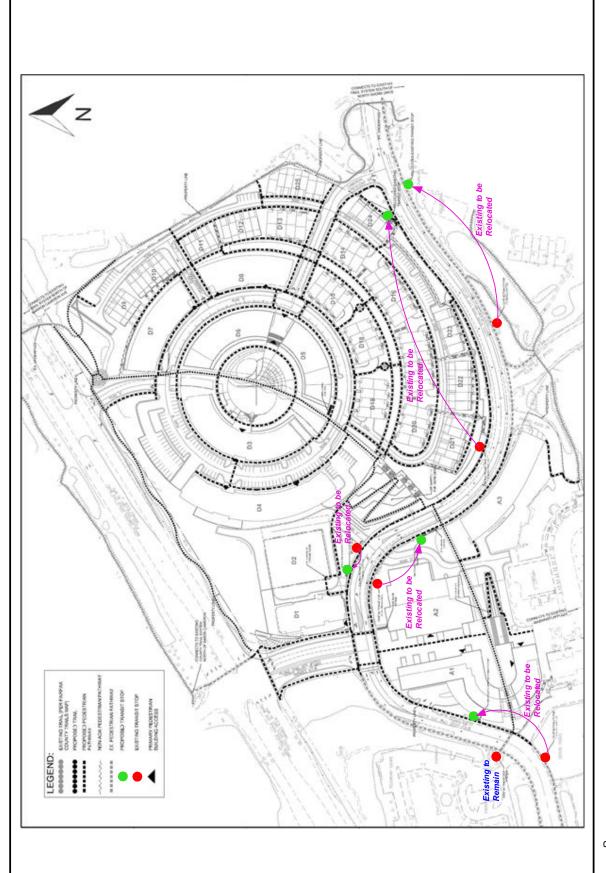


Figure 8 Transit (Bus) Stop Locations

Lake Anne Village Center Fairfax County, Virginia

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MEMORANDUM

Figure 9, the entire site is located within 1.65 mile radius of the Wiehle-existing Reston East metrorail station portal and within approximately 1.75 mile radius of the planned Reston Town Center Station. Phase 1 of the Silver Line provides a new Metrorail connection from the Wiehle-Reston East Station to the existing Orange line just east of the West Falls Church-VT/UVA Metrorail station. Phase 1 of the Silver Line serves five (5) new stations with one (1) at Wiehle Avenue and four (4) serving Tysons. Ultimately, Phase 2 would provide a total of 11 new rail stations along a 23.1 extension of Metrorail service extending from the existing Orange Line to Dulles International Airport and then beyond along the Dulles Greenway into Loudoun County, Virginia.

With the prevalence of bus service proximate to the site and in accordance with the Guidelines, the Applicant shall contribute monies for an incentive fund at the rate of \$0.01 per square foot of new residential uses within the East Side. This contribution is reflected in the proffers.

Parking Provided (East Side)

Based on the submitted PRC plan provided as Attachment IV, approximately 1,136 parking spaces are proposed within the East Side area in a combination of surface lots, structured garages, and garage/driveway spaces for the single-family attached dwelling units (see Table 4). It should be noted each single-family attached dwelling unit will be served by two (2) parking spaces per unit provided in either a 2-car townhome garage or a one-car townhome garage with one-driveway space. Approximately six (6) single-family attached dwelling units (within D21 and D22) would provide a two-car townhome garage with two (2) driveway spaces. An exhibit summarizing the single-family attached dwelling units by number of parking garage/driveway spaces is shown on Figure 10.

Requested Parking Reduction (East Side)

The Applicant is requesting an overall **16.7% residential parking reduction (or 228 fewer parking spaces)** based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):

- Multi-Family Dwelling Units (including the Replacement Affordable Dwelling Units):
 - Parking reduction request from 1.6 spaces/DU to
 1.35 spaces/DU (or a 15.6% reduction)
- Single-Family Attached:
 - Parking reduction request from 2.7 spaces/DU to
 2.15 spaces/DU (or a 20.4% reduction)



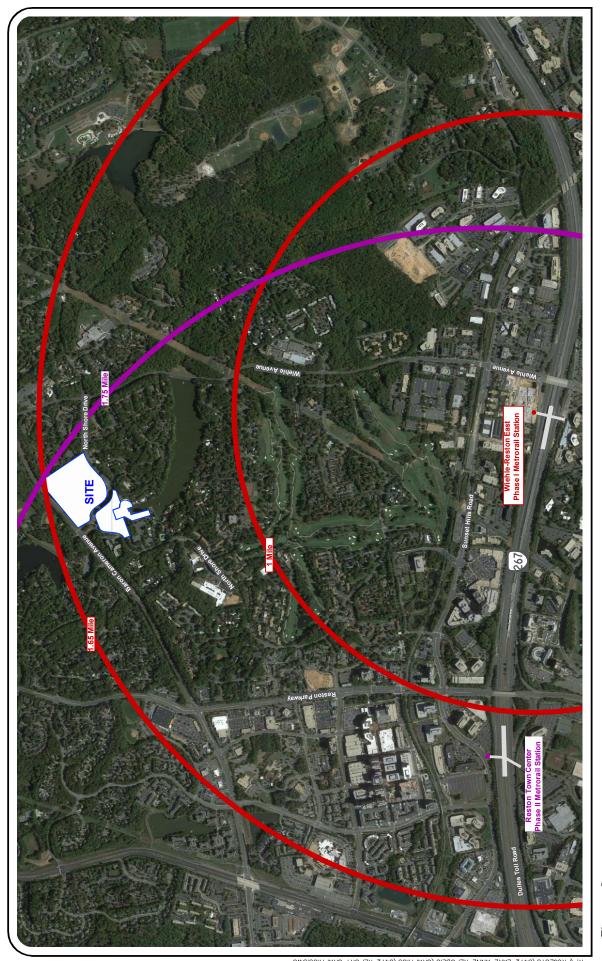


Figure 9 Distance From Existing Wiehle—Reston East and Planned Reston Town Center Metrorail Station

Lake Anne Village Center Fairfax County, Virginia

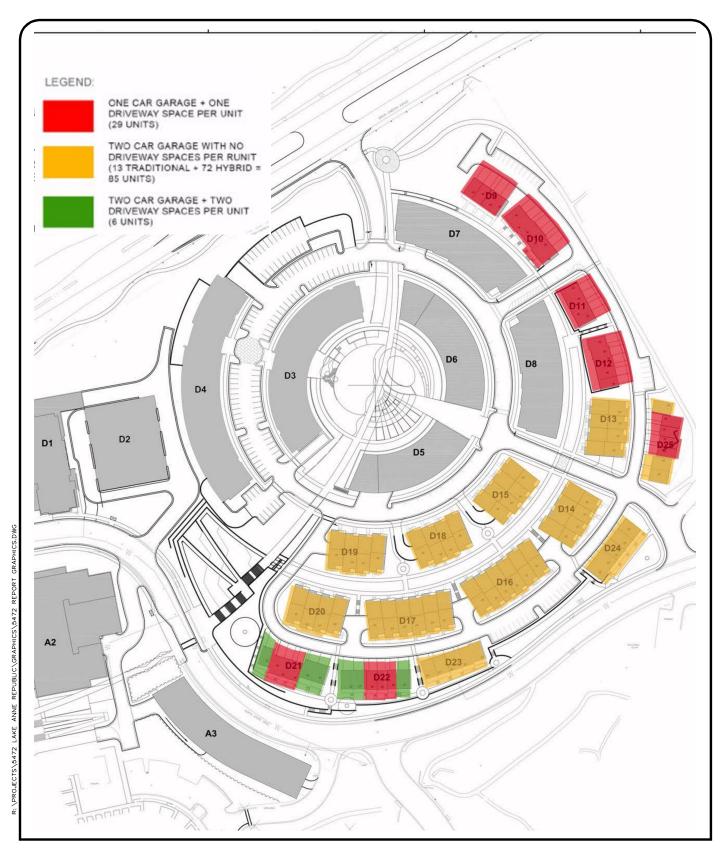


Figure 10 Townhome Parking Distribution Summary



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The overall parking tabulation summary is shown on Table 1.

Basis for the Parking Reduction Request (Z.O. 11-102.26)

The following summarizes the basis for the parking reduction request:

- The project has proffered a comprehensive TDM Plan with specific goals and strategies targeted to reduce auto-ownership among future residents as well as reducing parking supply.
- The project has proffered a comprehensive plan to measure the effectiveness of the TDM Plan while outlying strategies to improve and enhance measures if the goals are not achieved.
- The project has proffered an overall 25% trip reduction goal for the resident and office users which corresponds to a strategy that reduces the parking supply. Managing parking by reducing supply helps to reduce the undesirable impacts of
- parking demand on local and regional traffic levels and the resulting impacts on community livability.
- The project seeks to promote a vibrant community where people can live, play and work providing opportunities to limit auto-ownership among residents;
- The project is being developed with enhanced bicycle and pedestrian connections to encourage non-SOV trips.
- This site is served by existing established Fairfax Connector and RIBs bus routes along North Shore Drive.
- The site is located entirely within 1.65 miles of the Wiehle-Reston East Silver Line metrorail station providing a mass transit commuter option in the nearby proximity.
- The project has proffered to provided additional parking spaces on-site to serve the East Side area should the TDM program not result in the projected reduction.

Based on the above, the requested parking spaces to be eliminated are unnecessary to serve the site.

Impacts to Adjacent Properties (Z.O. 11-102.26)

The overall project is generally isolated from neighboring communities. The adjacent properties to the north are separated from the project by Baron Cameron Avenue, which is a four-lane divided roadway. The adjacent properties to the south are generally separated from the project by Washington Plaza and Lake Anne which is a body of water that extends east to Wiehle Avenue. In the immediate vicinity of the project, North Shore Drive extends approximately ¼ along the site's frontage between the East and West Side areas providing the potential for on-street parking,



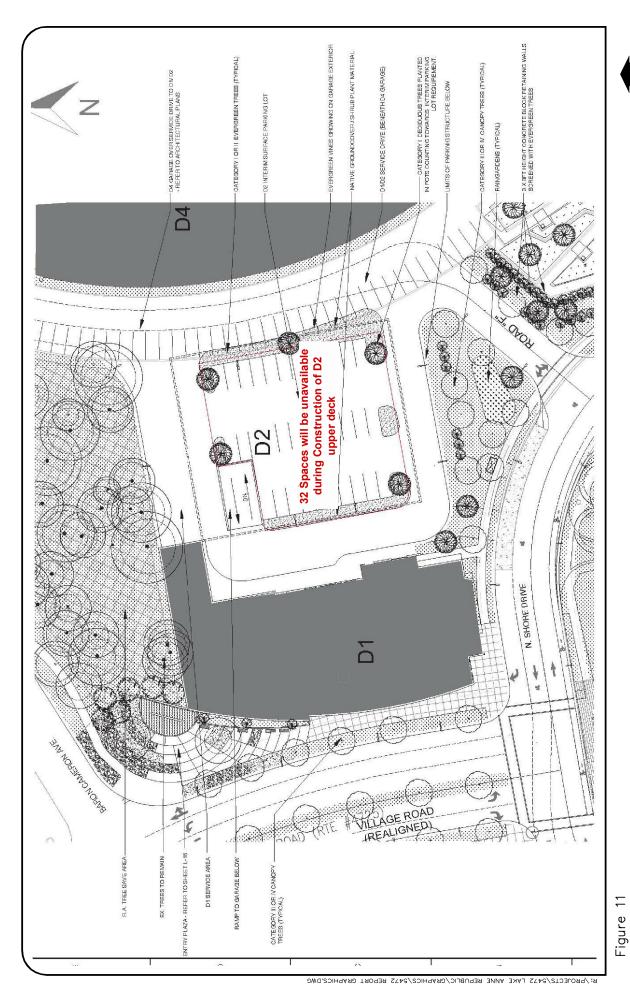
MEMORANDUM

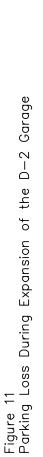
which could provide additional parking opportunities. These spaces would be available not only to the subject property, but for neighboring developments in the immediate vicinity. The scope of the project is also meant to serve the area's nearby residents who would be provided new retail uses and services thereby potentially reducing auto ownership in the general area. Most importantly, the project has proffered a comprehensive TDM and Parking Management Plan that will monitor and measure the project's traffic and parking reduction goals. If the parking reductions are not achieved in the East Side, a plan to provide additional spaces has been proffered. In summary, if the TDM parking reduction request were granted, there would be no impact on the site or surrounding areas.

Additional TDM Parking Spaces (Z.O. 11-102.26)

The following summarizes the proffer commitment to provide additional parking spaces and where they will be provided, if required. Should the TDM program not result in the projected reduction in parking demand, with coordination with FCDOT staff, the Applicant shall provide additional parking spaces for the East Side area in an amount equivalent to the reduction. Where the overall proposed parking requirement (without the TDM reduction) for the East and West Sides is 2,395 spaces and the total proposed parking supply (East and West Sides) is approximately 2,222 spaces, approximately 173 additional spaces would be needed if the TDM program does not result in the projected reduction for the East Side at build out. These additional spaces would be provided in additional parking levels of the D2 parking garage (see Figure 3).

A pedestrian connection providing direct access to the East Side area to/from the D2 garage will be provided with or without the additional TDM parking levels added to the D2 garage. If required, each additional parking level added to the D2 garage would provide approximately 53 spaces per level. The D2 garage will be designed such that the garage foundations and infrastructure can support a total of two (2) below grade and up to five (5) above grade levels in order to provide for approximately 212 additional parking spaces. Under the circumstance additional spaces are required to recoup the TDM parking reduction, the construction staging for the expansion of the D2 parking garage is estimated to remove approximately 32 spaces during its construction. The anticipated surplus of approximately 50 spaces in the West Side area's parking supply would compensate for this construction period shortfall (see Figure 11). The construction period for the garage expansion is anticipated to take between 10 to 14 months.





| Lake Anne Village Center Fairfax County, Virginia

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Evaluation and Monitoring (Z.O. 11-102.26)

The following explains how the TDM Plan works with the parking reduction. As described in the proffers and TDM Plan, one of the primary tools for monitoring the effectiveness of the Lake Anne Village Center TDM program and associated parking program will be annual residential parking occupancy counts and/or surveys. These methods and others are outlined in the proffers (see Attachment VIII) will be reviewed and approved by FCDOT a minimum of 30 days prior to the initiation of such counts and/or surveys. At a minimum, parking occupancy counts shall be recorded every 60 minutes and referenced by residential unit type. Residential parking occupancy counts, as approved by FCDOT, shall be conducted annually each calendar year beginning one year following issuance of the first initial RUP for the first of Buildings D3 or D4 to be constructed on the East Side of the Application Property. Such parking occupancy counts shall be conducted on a typical weekday between the hours of 6:00 PM and 6:00 AM.

If the results of the parking occupancy counts show that the number of occupied parking spaces for each of the residential unit types is equal to or greater than 97% of the available parking supply, as averaged over the twelve (12) hour count period, then the parking supply is deemed insufficient to meet the demand associated with that particular unit type.

If the parking supply is insufficient as described above, the Applicant shall then, within two weeks of the submission of the annual report, request a meeting with FCDOT to discuss what additional TDM strategies, if any, shall be implemented as part of the TDM Plan to reduce parking demand levels to less than 97% average occupancy of the available parking supply. In such event and no earlier than six months after the implementation of any additional strategies, the TPM shall conduct a supplemental parking occupancy count consistent with the methodology process described above. Six (6) months after implementation of such additional TDM strategies, the TPM shall present the results of the same to FCDOT in the next annual report.

If the results of any supplemental parking occupancy count reveals that parking occupancies continue to be equal to or exceed 97% of the available parking supply, then the Applicant shall contribute additional funds towards the next year's annual budget in order to provide for greater financial incentives towards the reduction of parking demand. The Transportation Program Manager will continue to refine the program in consultation and with the approval of FCDOT.

The above process shall be repeated annually as necessary until the measured parking occupancy averaged over the twelve (12) hour period is less than 97% or until such time as the results of three consecutive annual counts conducted after



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Stabilization of the East Side show that the residential parking supply is adequate. At such time, residential parking demand counts will thereafter no longer be required and this proffer in no further force or effect. "Stabilization" of the East Side of the Application Property is defined as occurring one year after the issuance of the first initial RUP for the last of Buildings D3 through D25.

If after Stabilization of the East Side, the parking occupancy is still being exceeded as evidenced by the occupancy counts for the three years after Stabilization, then the Applicant shall meet with FCDOT and the Hunter Mill District Supervisor to discuss the timing and extent of remedial measures, such as the construction of additional levels on the D2 garage.

After stabilization of the East Side and prior to the Applicant filing a building plan for the residential tower on Building D1 on the West Side of the Application Property, the Applicant shall provide an additional report to FCDOT, DPZ and DPWES that summarizes the results of a parking occupancy assessment for each residential use type on the East Side to determine again if additional parking levels on the D2 garage structure will be required to meet the 2014 Zoning Ordinance requirement.



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Part II - Conclusions (East Side)

Based on the documentation provided herein, the following can be concluded for the East Side area of the Lake Anne Village Center:

- 1. If the TDM parking reduction request were granted, there would be <u>no impact</u> on the site or surrounding areas.
- 2. Under strict application of the Zoning Ordinance, the East Side uses would require a minimum of 1,040 spaces for the 650 multi-family DUs and 324 spaces for the 120 single-family attached DUs for a total of 1,364 spaces.
- 3. The Applicant is requesting an overall **16.7% residential parking reduction** (or **228 fewer parking spaces**) from 1,364 spaces to 1,136 spaces based on the following (effective) reduced parking rates through the implementation of a Transportation Demand Management Plan (TDM):
 - Multi-Family Dwelling Units (including the Replacement Affordable Dwelling Units):
 - Parking reduction request from 1.6 spaces/DU to
 1.35 spaces/DU (or a 15.6% reduction)
 - Single-Family Attached:
 - Parking reduction request from 2.7 spaces/DU to
 2.15 spaces/DU (or a 20.4% reduction)
- 4. Based on the requested residential parking reductions, the East Side uses would require a minimum of 878 spaces for the 650 multi-family DUs and 258 spaces for the 120 single-family attached DUs for a total of 1,136 spaces.
- 5. The TDM program proffered for the site will reduce the demand for residential parking by promoting and encouraging other modes of travel, implementing a parking management plan, as well as providing essential secondary uses on-site. As such the requested parking spaces to be eliminate are unnecessary.
- 6. Should the TDM program not result in the projected reduction in parking demand based results from the proffered evaluation and monitoring plan, in coordination with FCDOT and the Hunter Mill District Supervisor, the Applicant shall provide sufficient additional parking spaces in the D2 parking garage in an amount equivalent to the reduction.

INFORMATION - 1

Northern Virginia Transportation Authority Fiscal Year 2014 Program Update

HB 2313 (2013) directs the Northern Virginia Transportation Authority (the Authority) to use 70 percent of the revenue collected from the three Northern Virginia taxes and fees for (i) transportation projects selected by the Authority that are contained in the regional transportation plan or (ii) mass transit capital projects that increase capacity.

On July 24, 2013, the Authority approved its FY 2014 program, which included approximately \$210 million for 33 projects across Northern Virginia. Included in these projects were six specifically requested by the County and its towns:

- Route 28 Widening 6 to 8 lanes (SB from the Dulles Toll Road to Route 50) -\$20,000,000
- Route 28 Widening 6 to 8 lanes (NB from McLearen Road to Dulles Toll Road) -\$11.100.000
- Innovation Center Metrorail Station \$41,000,000
- Herndon Parkway Intersection Improvements at Van Buren St.- \$500,000
- Herndon Parkway Intersection Improvements at Sterling Road \$500,000
- Herndon Metrorail Intermodal Access Improvements \$1,100,000

In addition, the Authority approved funding for following project requested by both Fairfax County and the Virginia Railway Express (VRE):

• VRE Lorton Station Second Platform - \$7,900,000

To facilitate the implementation of the "70 percent" projects, Authority and jurisdictional staff developed an agreement to govern the terms and conditions associated with the funding the Authority approved for these regional projects and to ensure that the requirements of HB 2313 are met. The Standard Project Agreement (SPA) was approved on March 13, 2014. A specific project agreement must be executed for each project approved by the Authority.

The Authority approved the Project Agreements for the Herndon projects at its May 8, 2014, meeting. The Herndon Parkway/Sterling Road Intersection Improvements became operational in November, and the sidewalk improvements are expected to be constructed during the first half of 2015. The contracts for the Herndon Parkway/Van Buren Street Improvements and Herndon Metrorail Intermodal Access Improvements are expected to be awarded in January 2015.

Following the approval of the SPA, the Authority worked with the Virginia Department of Transportation (VDOT) on an agreement that could be used for projects that will be implemented directly by VDOT. The parties reached agreement on a revised SPA, which will apply to projects requested by a local jurisdiction or by VDOT directly, but funded entirely with Authority funds and implemented by VDOT. Use of this agreement requires that VDOT will ultimately maintain the asset that is being constructed and/or it will be located in the VDOT right-of-way. If a project has multiple funding sources, the sponsoring jurisdiction will need to execute VDOT's own standard project agreement and the Authority's standard project agreement independently. The Authority approved the NVTA/VDOT SPA on October 6, 2014. The Commonwealth Transportation Board (CTB) authorized the Virginia Commissioner of Highways to execute these SPAs on November 12, 2014.

On December 11, 2014, the Authority approved the Project Agreements with the Commonwealth for the widening of Route 28 Northbound from McLearen Road to the Dulles Toll Road and the widening of Route 28 Southbound from the Dulles Toll Road to Route 50 in Fairfax County. At the same meeting, the Authority approved the Project Agreement for the widening of Route 28 from Sterling Boulevard to the Dulles Toll Road in Loudoun County. The widening of the bridge over the Dulles Toll Road Bridge, which connects the three NVTA-funded projects, is being funded using the Route 28 Highway Transportation Improvement District Project Completion Fund and funding from the Virginia Transportation Partnership Opportunity Fund. A Notice to Proceed for the three NVTA-funded projects is anticipated to be issued in January 2015, and they are expected to be complete in mid- to late-2016.

The Authority also approved the Project Agreement for the VRE Lorton Station Second Platform at its December 11, 2014, meeting. Preliminary engineering is currently underway for this project, and the Authority is providing funding for final design and construction.

County staff expects to bring the Innovation Station project agreement to the Board for consideration in spring 2015.

FISCAL IMPACT:

There is no fiscal impact to the County as a result of the actions that have been taken, and there is no additional debt being issued on behalf of the Route 28 Transportation Improvement District. The Route 28 and Herndon projects listed are being funded through Northern Virginia Transportation Authority funds, the Virginia Transportation Partnership Opportunity Fund, and the Route 28 District Project Completion Fund.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Joe LaHait, Debt Coordinator, Department of Management and Budget
Todd Wigglesworth, Acting Chief, Coordination and Funding Division, FCDOT
Ellen Posner, Coordination and Funding Division, FCDOT
Noelle Dominguez, Coordination and Funding Division, FCDOT
Ray Johnson, Coordination and Funding Division, FCDOT

11:10 a.m.

Matters Presented by Board Members

12:00 p.m.

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. Board of Supervisors of Fairfax County v. Sina Corporation d/b/a Sign and Print
 - 2. Fairfield Crossing LLC v. Board of Supervisors of Fairfax County, Virginia, Case No. 2013-0019129 (Fx. Co. Cir. Ct.) (Providence District)
 - 3. Kohl's Department Stores, Inc. and Rocks Dulles, LC v. Board of Supervisors of Fairfax County, Virginia, and Fairfax County, Virginia, Case No. 2012-0019486 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 4. Cellco Partnership d/b/a Verizon Wireless and CWS VII, LLC v. Fairfax County, Virginia, and The Board of Supervisors of Fairfax County, Virginia, Civil Action No. 1:15cv2 (E.D. Va.) (Dranesville District)
 - 5. Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 6. Leslie B. Johnson, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
 - 7. Leslie B. Johnson, Fairfax County Zoning Administrator v. Judy V. Marshall, Case No. CL-2014-0000688 (Fx. Co. Cir. Ct.) (Providence District)
 - 8. Leslie B. Johnson, Fairfax County Zoning Administrator v. Enrique Lopez, Case No. CL-2006-0004984 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 9. Leslie B. Johnson, Fairfax County Zoning Administrator v. Hillbrook Real Estate Holdings, LLC, Case No. CL-2010-0013770 (Fx. Co. Cir. Ct.) (Mason District)

Board Agenda Item January 27, 2015 Page 2

- 10. Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga, Hung Nguyen, and Hiep Nguyen, Case No. CL-2008-0006906 (Fx. Co. Cir. Ct.) (Mason District)
- 11. Leslie B. Johnson, Fairfax County Zoning Administrator v. Donald O. Bussard, Jr., Case No. CL-2009-0006891 (Fx. Co. Cir. Ct.) (Mount Vernon District)
- 12. Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Anthony T. Satterwhite and Sheilah Miller Satterwhite, Case No. CL-2014-0013474 (Fx. Co. Cir. Ct.) (Mount Vernon District)
- 13. Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Young Bong Cho and Young Soo Cho, Case No. CL-2014-0012410 (Fx. Co. Cir. Ct.) (Springfield District)
- 14. Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Karl A. Eickmeyer, Case No. CL-2014-0014976 (Fx. Co. Cir. Ct.) (Braddock District)
- 15. Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jerry A. Demoney and Vicki L. Demoney, Case No. CL-2014-0014975 (Fx. Co. Cir. Ct.) (Springfield District)
- 16. Leslie B. Johnson, Fairfax County Zoning Administrator v. Kwang Woo Kim and Eun Sook Kim, Case No. CL-2014-0006957 (Fx. Co. Cir. Ct.) (Mason District)
- 17. Leslie Carper v. Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia (State Building Code Technical Review Board) (Mount Vernon District)
- 18. Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Zina Theresa Bleck, Case No. CL-2015-0000047 (Fx. Co. Cir. Ct.) (Hunter Mill District)
- 19. Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth E. Reppart and Edna M. Reppart, Case No. CL-2015-0000262 (Fx. Co. Cir. Ct.) (Mason District)
- 20. Leslie B. Johnson, Fairfax County Zoning Administrator, v. Retta H. Hall, Case Nos. GV14-026144 and GV14-026145 (Fx. Co. Gen. Dist. Ct.) (Mason District)
- 21. Leslie B. Johnson, Fairfax County Zoning Administrator v. Magin A. Jaimes, Case No. GV14-026373 (Fx. Co. Gen. Dist. Ct.) (Mason District)

Board Agenda Item January 27, 2015 Page 3

- 22. Leslie B. Johnson, Fairfax County Zoning Administrator v. Milton H. Hamilton, Jr. and Courtenay B. Hamilton, Case No. GV14-027181 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
- 23. Leslie B. Johnson, Fairfax County Zoning Administrator v. Kay F. Walkinshaw, Case No. GV14-026373 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

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3:00 p.m.

Annual Meeting of the Fairfax County Solid Waste Authority

ISSUE:

Fairfax County Solid Waste Authority annual meeting.

RECOMMENDATION:

The County Executive recommends that the Fairfax County Solid Waste Authority hold its annual meeting in accordance with the Bylaws for the Authority; appoint officers; approve the minutes of the last annual meeting on January 28, 2014; and review the financial statements.

TIMING:

Immediate. The Bylaws of the Fairfax County Solid Waste Authority require the annual meeting to coincide with the time for the last regular meeting of the Board of Supervisors set in January.

BACKGROUND:

According to the Bylaws of the Fairfax County Solid Waste Authority, the regular annual meeting of the Authority shall coincide with the time for the last regular meeting of the Board of Supervisors set in January. The proposed agenda of the Authority meeting is included as Attachment I. The Bylaws further require a review and approval of the minutes of the previous year's meeting (Attachment II) and that officers of the authority be appointed to serve for a one-year term.

During FY 2014, the I-95 Energy/Resource Recovery Facility (E/RRF) processed 1,013,379 tons of municipal solid waste, almost 9% above the Guaranteed Annual Tonnage (GAT) of 930,750 tons required by the Service Agreement with Covanta Fairfax, Inc. (CFI), owner and operator of the facility. County waste delivered to the facility totaled 615,078 tons. This was below the GAT level but additional waste from the District of Columbia, Prince William County, and supplemental waste accounted for the remaining tons. Solid waste disposal is down overall due to the economy, increased recycling, and reduced generation of waste (e.g. less packaging).

The June 2014 stack test and twice-yearly ash tests documented emissions from the E/RRF that were well below regulatory and permit limits established by the

U.S. Environmental Protection Agency and the Virginia Department of Environmental Quality. The report from the independent engineering firm of Dvirka and Bartilucci confirmed in its November 2014 report, page 1-2, that "CFI has complied with the requirements of the Service Agreement, as amended, and has complied with the Facility's various environmental permit and regulatory obligations." Covanta Fairfax continues to be certified as a Virginia Extraordinary Environmental Excellence Enterprise Program (E4) participant.

The construction bonds for the facility were paid in February 2011, with a resultant reduction in the tip fee paid by the county to Covanta. The related Service Agreement extension continues through February 1, 2016. A new Waste Disposal Agreement (WDA) was awarded to Covanta Fairfax in April 2014. This contract extends the county's use of the facility beyond February 2016, with a lower GAT and below market rates for disposal. The contract term is for 5 years with two possible 5-year extensions. Other benefits from the WDA will accrue to the county over the period of the contract including continued monitoring of the facility operations, payment for certain county infrastructure costs at the Landfill Complex, and priority disposal at the facility.

Additional financial information is contained in the Financial Statements (Attachment III).

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Fairfax County Solid Waste Authority Meeting Agenda, January 27, 2015 Attachment II – Minutes of the January 28, 2014, Solid Waste Authority Annual Meeting Attachment III – Financial Statements

STAFF:

Robert A. Stalzer, Deputy County Executive James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Annual Meeting Agenda

January 27, 2015

- 1. Call-to-Order
- 2. Appointment of Officers.

| - | Chairman | - | Sharon Bulova, Chairman, Fairfax County Board of Supervisors |
|---|--------------------|---|--|
| - | Vice-Chairman | - | Penelope A. Gross, Vice-Chairman, Fairfax County Board of Supervisors |
| - | Secretary | - | Catherine A. Chianese, Clerk to the Fairfax County Board of Supervisors |
| - | Treasurer | - | Christopher Pietsch, Director, Department of Finance |
| - | Attorney | - | David P. Bobzien, County Attorney |
| - | Executive Director | - | Edward L. Long Jr., County Executive |

John W. Kellas, Director, Solid Waste

Management Program Operations Division

- 3. Approval of the minutes from the January 28, 2014 meeting.
- 4. Approval of the financial statements for the Authority.

Authority Representative

MINUTES OF THE ANNUAL MEETING OF THE SOLID WASTE AUTHORITY January 28, 2014

At the Annual Meeting of the Fairfax County Solid Waste Authority held in accordance with Article III, Section I of the bylaws, in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, January 28, 2014, at 3:49 p.m., there were present:

MEMBERS OF THE BOARD OF DIRECTORS AND OFFICERS:

Chairman Sharon Bulova, presiding

Supervisor John C. Cook, of Braddock District

Supervisor John W. Foust, of Dranesville District

Supervisor Michael R. Frey, of Sully District

Supervisor Penelope A. Gross, of Mason District

Supervisor Catherine M. Hudgins, of Hunter Mill District

Supervisor Gerald W. Hyland, of Mount Vernon District

Supervisor Jeffrey C. McKay, of Lee District

Supervisor Patrick S. Herrity, of Springfield District

Supervisor Linda Q. Smyth, of Providence District

Edward L. Long Jr., County Executive; Authority Executive Director

Catherine A. Chianese, Clerk of the Board of Supervisors; Authority Secretary

Christopher Pietsch, Director, Department of Finance; Treasurer

David P. Bobzien, County Attorney; Authority Attorney

John Kellas, Director, Solid Waste Management Program Operations Division, Department of Public Works and Environmental Services (DPWES); Authority Representative

Meeting Minutes The Fairfax County Solid Waste Authority January 28, 2014

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Sharon Bulova

- Chairman

Chairman, Fairfax County Board of Supervisors

Penelope A. Gross

- Vice-Chairman

Vice-Chairman, Fairfax County

Board of Supervisors

Catherine A. Chianese

Secretary

Clerk of the Fairfax County

Board of Supervisors

Christopher Pietsch

- Treasurer

Director, Office of Finance

David P. Bobzien

Attorney

County Attorney

Edward L. Long Jr.
County Executive

Executive Director

John Kellas

- Authority Representative

Director, Solid Waste Management Program Operations Division, Department of Public Works and Environmental Services (DPWES)

Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the fiduciary report for the Authority. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Supervisor Gross moved to adjourn the Annual Meeting of the Fairfax County Solid Waste Authority. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Meeting Minutes The Fairfax County Solid Waste Authority January 28, 2014

At 3:51 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

Meeting Minutes The Fairfax County Solid Waste Authority January 28, 2014

The foregoing minutes record the actions taken by the Fairfax County Solid Waste

Authority at its meeting held on Tuesday, January 28, 2014, and reflects matters discussed by the

Authority. Audio or video recordings of all proceedings are available in the Office of the Clerk

of the Board of Supervisors of Fairfax County, Virginia.

Respectfully submitted,

Catherine A. Chianese

Secretary

Solid Waste Authority

Attachment III

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Fiduciary Report

June 30, 2014 and 2013

Table of Contents

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| Notes to Fiduciary Report | 2 |

Statements of Fiduciary Assets and Liabilities

June 30, 2014 and 2013

| | 2 | 014 | 2 | 013 |
|--|----|----------|----|-----|
| Assets: Investments | \$ | | \$ | - |
| Liabilities: Liability under reimbursement agreement | \$ | <u>-</u> | \$ | |

See accompanying notes to fiduciary report.

Notes to Fiduciary Report

June 30, 2014 and 2013

1. Organization

The Fairfax County Solid Waste Authority (the Authority) was formed by resolution of the Board of Supervisors of the County of Fairfax, Virginia (the County), on July 27, 1987. The Authority's board consists of the County's Board of Supervisors. Therefore, the Authority is considered a blended component unit of the County.

The Authority was formed for the purpose of constructing and overseeing the operations of a resource recovery facility (the Facility) in Lorton, Virginia, on a site that was purchased in July 2002 by the County from the United States. Prior thereto, legal title to the site was vested in the United States to the benefit of the District of Columbia; the site was leased by the District to the County, and the County assigned the leased site to the Authority. The Assignment of Site Lease to the Authority, dated as of February 1, 1988, has not been amended, terminated, rescinded, or revoked, and remains in full force and effect in accordance with its terms.

The construction of the Facility was partially financed by \$237,180,000 and \$14,900,000 of Series 1988A tax-exempt and Series 1988B taxable industrial revenue bonds, respectively, issued by the Fairfax County Economic Development Authority (EDA) during 1988. The Series 1988B Bonds were retired in February 1996. The Authority invests all bond proceeds through a trust account with a major bank. The Authority is responsible for making all investment decisions and authorizing all disbursements from the trust.

On February 1, 1988, an Installment Sales Agreement between the EDA and the Authority was executed whereby the Facility and the bond proceeds were sold to the Authority. Concurrent with this Installment Sales Agreement, the Authority entered into a Conditional Sale Agreement whereby the Facility, the bond proceeds and the Authority's leasehold interest in the site were sold to Covanta Fairfax, Inc. Under a related service agreement, Covanta designed, constructed, and operates the Facility. The Facility was completed and began commercial operations in June 1990. The County and the Authority have agreed to provide guaranteed minimum annual amounts of waste and annual tipping fees to the Facility. Under the terms of the Conditional Sale Agreement, debt service on the bonds was paid by Covanta through the Authority solely from solid waste system revenues generated by the Facility. The bonds were not general obligations of the Authority, the County, or the EDA.

During the fiscal year ended June 30, 1995, the EDA sold, at the request of the Authority for the benefit of the Facility, a call option on the Series 1988A Bonds to a financial institution for \$10,250,000. The option, which was exercised in November 1998, required the EDA to issue new bonds to the institution at certain agreed—upon interest rates. The proceeds of the new Series 1998A Resource Recovery Revenue Refunding Bonds together with certain proceeds remaining from the Series 1988A Bonds and certain other available funds were used to refund the remaining outstanding Series 1988A Bonds in February 1999. The final principal and interest payments on the Series 1998A Resource Recovery Revenue Refunding Bonds were made on February 1, 2011. The bank accounts held with the fiscal agent, US Bank, to service the debt payments and invest the debt service reserve were closed in FY2011. As a result, there were no fiduciary assets, obligations, or transactions to record or report in FY2014.

3:30 p.m.

Public Hearing on Proposed Compensation Adjustments to \$95,000 for Members of the Board of Supervisors and to \$100,000 for the Chairman, Effective January 1, 2016

ISSUE:

Public hearing on proposed adjustments to the compensation of the Members of the Board of Supervisors and the Chairman who take office when the newly-elected Board's term begins on January 1, 2016.

RECOMMENDATION:

The County Executive recommends that the public hearing be held, and that a decision on compensation be made on or before April 15, 2015.

TIMING:

On January 13, 2015, the Board authorized advertisement of a public hearing on January 27, 2015. State law requires that any increase be approved no later than April 15, 2015. If approved, the changes in compensation will be effective January 1, 2016, and will apply to the Board Members and Chairman elected on November 3, 2015.

BACKGROUND:

At the December 2, 2014, Board meeting, the Board directed staff to return to the Board with information regarding, among other topics, how the compensation of the Chairman and Board Members compares to that of the governing bodies in other local jurisdictions, as well as the legal requirements for adjusting such compensation, if the Board chooses to make an adjustment. Attachment 1 is the January 6, 2015, memorandum from the County Executive to the Board regarding such compensation in other local jurisdictions.

FISCAL IMPACT:

If the compensation changes are approved in March, the FY 2016 budget will be adjusted to reflect the \$102,500 partial fiscal year impact of the increase in salaries. The full fiscal year impact of \$205,000 will be included in the development of the FY 2017 budget.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum dated January 6, 2015, from the County Executive to the Board of Supervisors

STAFF:

Susan Woodruff, Director, Department of Human Resources Sarah Hensley, Assistant County Attorney



County of Fairfax, Virginia

MEMORANDUM

DATE:

JAN - 6 2015

TO:

Board of Supervisors

FROM:

Edward L. Long Jr.

SUBJECT:

Board Compensation

At the December 2, 2014, Board meeting, Chairman Bulova asked the County Executive to provide the legal process and requirements for adjusting the compensation for Board Members and Planning Commissioners. She also asked that staff provide comparative data regarding compensation for Boards representing jurisdictions of similar size and scope of responsibilities to the County. Supervisor Frey asked that staff provide information regarding the legal requirements and process to adjust the School Board's compensation. Additionally, a question was raised whether there is a statutory requirement that Board Members' positions be "parttime." The legal questions raised have been answered in recent correspondence from the County Attorney.

The County Attorney advises that the Virginia Code provides that Board members' salaries may only be increased after public hearing, no later than April 15 of any year in which there is an election for Board members. Any increase set by that date would go into effect the following January 1 for newly elected Board members. Should the Board decide to move forward with a compensation adjustment, the administrative item advertising the public hearing could be scheduled for January 13, 2015, with the public hearing held on January 27, 2015.

The Board's salaries were last adjusted in January, 2008. If no adjustment is made now, the next opportunity to do so is early 2019 for January 1, 2020 implementation. A survey of surrounding local jurisdictions is summarized in the chart below:

Other Jurisdiction's Board Salaries Chairperson

| JURISDICTION | FT or PT | SALARIES |
|----------------------|----------|----------|
| Alexandria | PT | 30,500 |
| Arlington | PT | 56,629 |
| District of Columbia | FT | 190,000 |
| Loudoun | PT | 50,000 |
| Montgomery | FT | 124,641 |
| Prince George's | FT | 114,347 |
| Prince William | PT | 49,452 |
| Fairfax | PT | 75,000 |

Office of the County Executive

12000 Government Center Parkway, Suite 552 Fairfax, VA 22035-0066 703-324-2531, TTY 703-222-5494, Fax 703-324-3956 www.fairfaxcounty.gov Board of Supervisors

Subject: Board Compensation

Page 2 of 2

Other Jurisdiction's Board Salaries Members/Supervisors

| JURISDICTION | FT or PT | SALARIES |
|----------------------|----------|----------|
| Alexandria | PT | 27,500 |
| Arlington | PT | 51,480 |
| District of Columbia | PT | 132,990 |
| Loudoun | PT | 41,200 |
| Montgomery | FT | 113,310 |
| Prince George's | FT | 108,902 |
| Prince William | PT | 43,422 |
| Fairfax | PT | 75,000 |

It should be noted that the jurisdictions surveyed denoted whether their Board members were full time or part-time and in all cases indicated that there was no prohibition on outside employment. In general, in those jurisdictions where it was noted that Board members were considered part-time, there was a higher number of Board members with outside employment.

Planning Commissioners' compensation was last increased in 2001 to its current \$15,000. The process for increasing the compensation for the Planning Commissioners has been provided by separate correspondence from the County Attorney. Below is a summary of compensation for surrounding jurisdictions:

Other Jurisdiction's Planning Commissioners' Salaries

| JURISDICTION | # BOARD MEMBERS | PAY |
|--------------------------------|--------------------|----------|
| Arlington County | 10 | 0 |
| City of Alexandria | 7 | 0 |
| Prince William County | 8 | \$9,600 |
| Loudoun County (Chair) | 1 | \$22,334 |
| Loudoun County (Commissioners) | 8 | \$21,315 |
| Montgomery County | 5 | \$30,000 |
| Prince Georges County | 4 | \$25,000 |
| Fairfax County | 12 | \$15,000 |

Please let me know if I can provide any additional information.

cc: David P. Bobzien, County Attorney

Susan W. Datta, CFO, Director, Department of Management and Budget

Patricia D. Harrison, Deputy County Executive

David J. Molchany, Deputy County Executive

David M. Rohrer, Deputy County Executive

Robert A. Stalzer, Deputy County Executive

Susan E. Woodruff, Director, Department of Human Resources

Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors

3:30 p.m.

Public Hearing on SE 2014-MV-026 (Shazia Younis DBA Childrenzone Home Child Care) to Permit a Home Child Care Facility, Located on Approximately 3,959 Square Feet of Land Zoned PDH-12 (Mount Vernon District)

This property is located at 8121 Gilroy Drive, Lorton, 22079, Tax Map 107-2 ((12)) 111.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-MV-026, subject to the Development Conditions dated January 21, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4473319.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Carmen Bishop, Planner, DPZ

Planning Commission Meeting January 22, 2015 Verbatim Excerpt

<u>SE 2014-MV-026 – SHAZIA YOUNIS d/b/a CHILDRENZONE HOME CHILD CARE</u>

Decision Only During Commission Matters (Public Hearing held on January 7, 2015)

Commissioner Flanagan: This is SE 2014-MV-026, Shazia Younis.

Shazia Younis, Owner, Childrenzone Home Child Care: Yes, Sir.

Commissioner Flanagan: Mr. Chairman, I also request that the applicant confirm for the record her agreement to the proposed development conditions dated January 21, 2015.

Ms. Younis: Yes, I do.

Chairman Murphy: Would you please identify yourself for the record with your name and address?

Ms. Younis: Yes, sir. My first name is Shazia; last name is Younis. And my property address is 8121 Gilroy Drive, and it's in Lorton, and the zip is 22079.

Chairman Murphy: Okay. Thank you very much.

Ms. Younis: Thank you.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. During the public hearing on January 7, 2015, the president of the Laurel Highlands Homeowner Association requested the denial of this SE request because the homeowner association policies governing home occupations do not allow more than one non-resident employee. He also testified that the application does not satisfy a Zoning Ordinance requirement in Section 9-001 that a special exception use be compatible with existing or planned development in the general area. The Commission deferred the decision to tonight to allow the homeowner association and the applicant to resolve these problems. Distributed tonight is a January 16, 2015 letter from Rees Broome, attorneys for the homeowner association, that resolves those problems. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-026, SUBJECT TO THE CONDITIONS DATED JANUARY 21, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-026, say aye.

Planning Commission Meeting January 22, 2015 SE 2014-MV-026

Attachment 1 Page 2

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JN

3:30 p.m.

Public Hearing on SE 2014-MV-041 (Northern Virginia Radio Control Club) to Permit a Private Club, Located on Approximately 47.90 Acres of Land Zoned R-C (Mount Vernon District)

Property is located at 9850 Furnace Road, Lorton, 22079. Tax Map 113-1 ((1)) 14.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 11, 2014, the Planning Commission voted 12-0 to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-MV-041, subject to the Development Conditions now dated December 11, 2014; and
- Approval of a waiver of the dustless surface requirement, pursuant to Paragraph 11 of Section 11-102 of the Zoning Ordinance, and approval of a waiver of Paragraph 1 of Section 13-202 of the Zoning Ordinance for interior parking lot landscaping.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4470974.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Mary Ann Tsai, Planner, DPZ

Planning Commission Meeting December 11, 2014 Verbatim Excerpt

SE 2014-MV-041 – NORTHERN VIRGINIA RADIO CONTROL CLUB

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Freas, will you come down again, please, because you never reaffirmed those development conditions on the record.

Commissioner Flanagan: Do you confirm for the record the agreement to the proposed development conditions dated December 11, 2014?

Robert M. Freas, Agent, Northern Virginia Radio Control Club: I do.

Commissioner Flanagan: Thank you.

Chairman Murphy: Thank you very much. Go ahead.

Commissioner Flanagan: All right, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2014-MV-041, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED DECEMBER 11, 2014.

Commissioners: Second.

Chairman Murphy: Seconded by Mr. Sargeant, Ms. Hall, Mr. Lawrence –

Commissioner Lawrence: – with pleasure.

Chairman Murphy: – the whole Planning Commission, for the record. All those in favor of the motion to recommend to the board of supervisors that it approve SE 2014-MV-041, say aye.

Commissioners: Aye.

Chairman Murphy: A very loud "aye." You're in good shape. Opposed? Motion carries. Thank you very much.

Commissioner Flanagan: I have one - - one more motion.

Chairman Murphy: Okay, go ahead.

Commissioner Flanagan: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A WAIVER OF THE DUSTLESS SURFACE REQUIREMENT, PURSUANT TO PARAGRAPH 11 OF SECTION 11-102 OF THE ZONING ORDINANCE, AND APPROVAL OF A WAIVER OF PARAGRAPH 1 OF

SECTION 13-202 OF THE ZONING ORDINANCE FOR INTERIOR PARKING LOT LANDSCAPING.

Commissioners: Second.

Chairman Murphy: Seconded by Mr. Litzenberger, Mr. Sargeant, Ms. Hall, Mr. Lawrence, etcetera. All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(Each motion carried by a vote of 12-0.)

JN

3:30 p.m.

Public Hearing on SE 2014-MV-045 (Zahida Babar DBA Azeem Day Care Home) to Permit a Home Child Care Facility, Located on Approximately 1,400 Square Feet of Land Zoned PDH-16 and HC (Mount Vernon District)

Property is located at 8467 Byers Dr., Alexandria, 22309, Tax Map 101-3 ((34)) 127.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-MV-045, subject to the Development Conditions dated January 15, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4470597.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Megan Duca, Planner, DPZ

Planning Commission Meeting January 22, 2015 Verbatim Excerpt

SE 2014-MV-045 – ZAHIDA BABAR d/b/a AZEEM DAY CARE

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Flanagan.

Commissioner Flanagan: I think we've already had a confirmation of the covenants –

Chairman Murphy: No, we have to call her back up again.

Commissioner Flanagan: – and the conditions. We don't have to call her back, do we?

Chairman Murphy: Ms. Babar, will you please come back up again and reaffirm that you agree with the development conditions and that you understand them?

Commissioner Flanagan: Is this on verbatim, by the way?

Chairman Murphy: It is.

Zahida Babar, Owner, Azeem Day Care: Yes, sir, I agree with the with the conditions.

Chairman Murphy: And you understand them?

Ms. Babar: Yes, I do.

Chairman Murphy: Okay, thank you very much.

Ms. Babar: Yes, sir.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. With that affirmation, I MOVE THAT PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-045, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 15, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-045, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JN

3:30 p.m.

<u>Public Hearing on SE 2014-SU-059 (Chantilly Plaza LLC) to Permit Waiver of Certain Sign Regulations, Located on Approximately 8.26 Acres of Land Zoned C-6, WS and HC (Sully District)</u>

Property is located at 13653 A Lee Jackson Memorial Highway, Chantilly, 20151 Tax Map 44-2 ((1)) 9C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 11, 2014, the Planning Commission voted 12-0 to recommend that the Board of Supervisors approve SE 2014-SU-059, subject to the Development Conditions dated November 26, 2014, with the following revision to Condition Number 6:

"Sign lettering may include text in languages other than English; however, if so, than the Non-English text must also be translated into English (the translated text) and the translated text must be equal to or greater in text size than the Non-English text to ensure legibility."

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4470978.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Kris Abrahamson, Planner, DPZ

Attachment 1

SE 2014-SU-059 - CHANTILLY PLAZA, LLC

After Close of the Public Hearing

Chairman Murphy: Close the public hearing; Mr. Litzenberger, please.

Commissioner Litzenberger: Thank you, Mr. Chairman. Ms. Stagg, could you once again confirm that the applicant agrees with all the conditions, including the one on the sign?

Inda Stagg, Senior Urban Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Yes, sir, the applicant agrees with the conditions.

Commissioner Litzenberger: Mr. Chairman, I MOVE THAT PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT SE 2014-SU-059, BY CHANTILLY PLAZA, LLC BE APPROVED, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 26TH, 2014, WITH THE FOLLOWING CONDITION TO CONDITION NUMBER 6: "SIGN LETTERING MAY INCLUDE TEXT IN LANGUAGES OTHER THAN ENGLISH; HOWEVER, IF SO, THAN THE NON-ENGLISH TEXT MUST ALSO BE TRANSLATED INTO ENGLISH (THE TRANSLATED TEXT) AND THE TRANSLATED TEXT MUST BE EQUAL TO OR GREATER IN TEXT SIZE THAN THE NON-ENGLISH TEXT TO ENSURE LEGIBILITY."

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-SU-059, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JN

4:00 p.m.

Public Hearing on RZ 2014-MA-011 (Spectrum Development, LLC) to Permit Retail, Pharmacy With Drive-Through and Fast Food Uses With An Overall Floor Area Ratio of 0.22 and Waivers and Modifications in a CRD, Located on Approximately 2.72 Acres of Land (Mason District)

Property is located on the South Side of Leesburg Pike between Charles Street and Washington Drive. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5. (Concurrent with SE 2014-MA-013).

and

Public Hearing on SE 2014-MA-013 (Spectrum Development, LLC) to Permit a Pharmacy With Drive-Through and Fast Food Restaurant(s) and Waivers and Modifications in a CRD, Located on Approximately 2.72 Acres of Land Zoned C-6, CRD, HC, and SC (Mason District)

Property is located at 5885 Leesburg Pike, 3408 & 3410 Washington Dr., and 3425 & 3401 Charles Street, Falls Church, 22041. Tax Map 61-2 ((17)) (D) 1, 3, 4 and 5; and 61-2 ((18)) 1, 2, 3, 4 and 5.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission Public Hearing was held on Wednesday, January 14, 2015 and the Decision was deferred to February 11, 2015. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4474376.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Brent Krasner, Planner, DPZ

4:00 p.m.

Public Hearing on DPA A-502-07 (Lake Anne Development Partners LLC) to Permit the 7th Amendment of the Development Plan for RZ A-502 to Permit a Mixed Use Development with an Overall Floor Area Ratio of 1.11 Associated Modifications to Site Design and a Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property is located on the South Side of Baron Cameron Avenue at its Intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, and 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Rd. to be vacated/abandoned. (Concurrent with PCA A-502 and PRC A-502-3).

and

Public Hearing on PRC A-502-03 (Lake Anne Development Partners LLC) to Approve a PRC Plan Associated with RZ A-502 to Permit a Mixed Use Development, with an Overall Floor Area Ratio of 1.11, and Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property located on the South side of Baron Cameron Avenue at its Intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Road to be vacated/ abandoned (Concurrent with DPA A-502-07 and PCA A-502).

and

Public Hearing on PCA A-502 (Lake Anne Development Partners LLC) to Add Proffers to RZ A-502 Previously Approved for Residential Commercial, Institutional and Park Uses to Permit a Mixed Use Development Associated Proffers and Associated Modifications to Site Design with an Overall Floor Area Ratio of 1.11 and Waiver #8260-WPFM-001-1 for the Location of Underground Storm Water Facilities in a Residential Area, Located on Approximately 24.30 Acres of Land Zoned PRC (Hunter Mill District)

Property is located on in the south side of Baron Cameron Avenue at its intersection with Village Road Tax Map 17-2 ((8)) 6 C, 17-2 ((14)) (1) 2 G, 17-2 ((16)) 1 A, 17-2 ((7)) 6 B2 and 6 B3, 17-2 ((1)) 7, 17-2 ((31)) 1645, 17-2 ((31)) common elements (part) (parking lot), and a portion of Village Road to be vacated/abandoned (Concurrent with DPA A-502-07 and PRC A-502-3)

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 5-502, subject to the execution of proffers consistent with those dated January 22, 2015;
- Approval of DPA A-502-07 and PRC A-502-03, subject to the proposed PRC Development Conditions consistent with those dated January 22, 2015; and
- Approval of the following waivers and modifications:
 - Waiver of Paragraph 2 of Section 6-306 of the Zoning Ordinance for privacy yards a minimum of 200 feet for buildings D12 and D21 through D24;
 - Modification of Section 11-203 of the Zoning Ordinance for the minimum required loading spaces for residential, office, retail, and other uses to that shown on the DPA/PRC plan;
 - Waiver of Paragraph 2 of Section 11-302 of the Zoning Ordinance on the requirement that no private streets in a residential development shall exceed 600 feet in length;
 - Waiver of Paragraph 1 of Section 17-305 of the Zoning Ordinance for transitional screening and barriers between uses; and
 - Waiver Number 8260-WPFM-001-1 to permit underground stormwater facilities within a residential development in accordance with Section 6-0303.6 of the Public Facilities Manual, and subject to the conditions contained in attachment A of Appendix 8a, dated June 18, 2014.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4473560.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Mary Ann Tsai, Planner, DPZ

Planning Commission Meeting January 22, 2015 Verbatim Excerpt

<u>DPA A-502-07/PCA A-502/PRC A-502-03 – LAKE ANNE DEVELOPMENT PARTNERS,</u> LLC Hunter Mill District)

Decision Only During Commission Matters (Public Hearing held on January 8, 2015)

Commissioner de la Fe: Thank you, Mr. Chairman. The public - - this is on a number of cases related to Lake Anne Development Partners, LLC. They are DPA A-502-07/PCA A-502/PRC A-502-03, all in the name of Lake Anne Development Partners. The public hearing for these cases was held on January 8th. There were, if I remember correctly nine speakers and we also received a number of community input through other means, such as letters and emails and so forth. In almost every - - Actually in every case, they supported these cases; however there were some issues that were brought to our attention. The main one related to – by the speakers – related to the assurance - - they're concerned that they have assurances of continued affordability currently enjoyed by the residents there. I have to stress as we have done before that the new development will in fact replace the 181 current units with at least 181 units - possibly under the new proffers up to 185 units – whose income limits will be, at most, below 60 percent of AMI. The proffered percentages are 10 percent below 30 percent of AMI, 20 percent below 50 percent of AMI, and 70 percent below 60 percent of AMI. In addition to these, all of the new market rate units - or the new market rate units will be subject to the 20 percent county policy for affordable dwelling units; so, I believe that the spirit of maintaining the affordability for current and future residents is there right now through the proffers and the – also the work that will have to be done by the Housing staff to make sure that this does occur. The staff recommended approval; however, they identified a number of issues that they felt needed further attention. One of them had to do with the Parks contribution, which they felt and I felt was too low. During the deferral period it was raised from \$100,000 to \$300,000 and, in a rather lengthy meeting that we had today it was raised to \$500,000. And I will get the – we'll change the proffers tonight to that effect because we haven't - - since the meeting ended at approximately 6:30, we really didn't get a chance to come up with new proffers. You received the proffers last night and today; you received a hard copy for the - - what had been achieved during the deferral period. There were also other issues related to this which relate to transportation improvements that – I mean hard transportation improvements such as the realignment of Village Road, which will require further discussion between numerous parties, which I don't think any further deferral by us or by the Board of Supervisors necessarily would serve - - could be accomplished - but they can be accomplished before the first submissions for, you know, building on this can be handled. The project has undergone an extensive community involvement process and to my knowledge there really are no opponents to this project. The actions that we take tonight are a step forward in a longenvisioned and desired redevelopment of Reston's first center at Lake Anne Village. I would like to ask the applicant's attorney to come forward, identify herself, and remind us of the things that we agreed to tonight.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC: Thank you, Commissioner de la Fe, members of the Planning Commission. My name is Lynne Strobel. I represent the applicant and we did have a fairly extensive meeting this afternoon and the proffers

that were delivered to you by email yesterday – I guess hardcopy today – I think, do address a number of the comments that were in the staff report. As Commissioner de la Fe mentioned we have increased the Parks contribution verbally, up to a total of \$500,000 and that will be reflected in the proffers that go to the Board on Tuesday of next week. There's also kind of some minor tweaking language that we will also accommodate. And I did want to note that I received some comments late last night from the attorney representing LARCA (*Lake Anne Reston Condo Association*) and those will also be incorporated to the extent as agreed upon with staff prior to the Board. But I think that we are in agreement with all the changes.

Commissioner de la Fe: Okay, and can I – while you're up there, can I ask you if you concur with the proposed PRC development condition which is now dated 1/22, because we are deleting one tonight.

Ms. Strobel: Yes, sir, we do.

Commissioner de la Fe: Okay, thank you very much.

Ms. Strobel: Thank you.

Commissioner de la Fe: Mr. Chairman, I know that this is - - I mean, there are - - I can't remember how many pages this is. This is – this is almost as big as the Tysons case, if not even more complicated by the fact that it's in Reston and we have to have PRC plans as well as PCAs and everything else. However this, as I said, is the first step of a number of others that have to be taken. We are also - - I'm going to move on this tonight because of - - the Board of Supervisors must act on this by a certain date. And they only meet once in February, so we hope that they can act on this next Tuesday, which is when it's currently scheduled. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA 5-502 [sic], SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED 1/22/15 - - AND THE CHANGE THERE IS THE UPPING OF THE CONTRIBUTION FROM THE ONES YOU RECEIVED THAT SAID \$300,00 TO \$500,000 - - THE PARK CONTRIBUTION; ALSO DPA A-502-07 AND PRC A-502-03, SUBJECT TO THE PROPOSED PRC DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOW 1 – JANUARY 22ND, '15. THERE WERE ORIGINALLY TWO CONDITIONS AND WE DELETED THE SECOND CONDITION BECAUSE IT HAS BEEN TAKEN CARE OF BY CHANGING - - CHANGES IN THE PROFFER. Those – That's my motion.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I note with – with satisfaction the presence of a bird-friendly section in the architectural design proffer. Proffers are voluntary. This responsible has some concern for the other creatures living with us on this planet. I urge staff to solicit such proffers as a routine matter. Thank you very much, Mr. Chairman.

Commissioner de la Fe: We have a lot of geese in Lake Anne and we hope that not too many of them get hurt.

Chairman Murphy: Is there further discussion of the motions? All those in favor of the motions as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISOR APPROVAL OF THE FOLLOWING WAIVERS AND MODIFICATIONS:

- WAIVER OF PARAGRAPH 2 OF SECTION 6-306 OF THE ZONING ORDINANCE FOR PRIVACY YARDS A MINIMUM OF 200 FEET FOR BUILDINGS D12 AND D21THROUGH D24;
- MODIFICATION OF SECTION 11-203 OF THE ZONING ORDINANCE FOR THE MINIMUM REQUIRED LOADING SPACES FOR RESIDENTIAL, OFFICE, RETAIL, AND OTHER USES TO THAT SHOWN ON THE DPA/PRC PLAN:
- WAIVER OF PARAGRAPH 2 OF SECTION 11-302 OF THE ZONING ORDINANCE ON THE REQUIREMENT THAT NO PRIVATE STREETS IN A RESIDENTIAL DEVELOPMENT SHALL EXCEED 600 FEET IN LENGTH; AND
- WAIVER OF PARAGRAPH 1 OF SECTION 17-305 OF THE ZONING ORDINANCE FOR TRANSITIONAL SCREENING AND BARRIERS BETWEEN USES AND; FINALLY
- WAIVER 8260-WPFM-001-1 TO PERMIT UNDERGROUND STORMWATER FACILITIES WITHIN A RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH SECTION 6-0303.6 OF THE PUBLIC FACILITIES MANUAL, AND SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 8A, DATED JUNE 18, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion as articulated by Mr. de la Fe, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? The motion carries.

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(Each motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JN

4:00 p.m.

<u>Public Hearing to Amend the Deed of Lease with Inova Health Care Services for 8221 Willow Oaks Corporate Drive (Providence District)</u>

ISSUE:

Public hearing to amend the Deed of Lease with Inova Health Care Services for a portion of 8221 Willow Oaks Corporate Drive.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to amend the Deed of Lease with Inova Health Care Services for a portion of 8221 Willow Oaks Corporate Drive.

TIMING:

On January 13, 2015, the Board authorized the advertisement of a public hearing to amend the Deed of Lease with Inova Health Care Services for a portion of 8221 Willow Oaks Corporate Drive.

BACKGROUND:

The Board of Supervisors (the "Board") recently constructed a 200,000 square foot Class A office building with a 710-space above-grade parking structure located at 8221 Willow Oaks Corporate Drive (the "Building") to replace the Woodburn Mental Health Center and consolidate Fairfax-Falls Church Community Services Board ("CSB") programs from various leased spaces. The Building is commonly referred to as Merrifield Center. As part of the real estate transaction with Inova Health Care Services ("Inova") to acquire the land for the Building, the Board and Inova entered into a Deed of Lease (the "Lease") whereby Inova (the "Tenant") leased the fourth floor of the Building for 10 years.

County staff re-assessed space needs for human services in Central Fairfax and concluded that additional space in Merrifield is required to provide health safety net services. Further, staff concluded that savings would be achieved by consolidating the following two leased spaces (the "Existing Health Leases") that will soon expire and have no options for renewal into owned space.

| Lease Expiration | Building | Rentable Square Feet |
|------------------|----------------------|----------------------|
| 10/31/2015 | 6196 Arlington Blvd. | 10,513 |
| 6/30/2018 | 5827 Columbia Pike | 2,372 |

County staff conducted a comparative analysis of the proposed rent with a real estate advisory firm and moving to County-owned space is clearly the most cost effective

alternative. Currently, the County spends approximately \$380,000 annually in lease costs for the two Existing Health Leases. When the Existing Health Leases expire, the County will need to identify new space as both Landlords are pursing alternative development opportunities and the existing space will no longer be available for rent. The base rent for comparable space in Merrifield is estimated to be \$760,000 annually in addition to capital funding required to complete the tenant fit out, which may be substantial.

Because of the County's immediate need for the space, County staff has recommended and Inova has verbally agreed to reduce Inova's original leased premises in the Building from approximately 39,600 square feet (the entire 4th floor) to approximately 19,800 square feet located on the West half of the fourth floor. The Lease will be amended to reflect the reduction in square footage and common area maintenance (CAM) expenses related to the leased-space and garage. The fourth floor common lobby will be constructed to be consistent with the lobbies on the second and third floors.

Inova's lease rate is based on its proportionate share of the project cost amortized over 25 years plus its proportionate share of operation, maintenance, and utility costs for the building and parking garage. The lease rate formula will remain the same; however, the proportionate share will be reduced to reflect the reduction in leased space.

While not technically a part of the transaction, the planned outcome of reducing the Inova leased square footage is for the County to enter into service agreements or leases/licenses with health care providers under the Existing Health Leases for the County-retained portion of the fourth floor.

The Department of Public Works and Environmental Services has identified project balances available from the Economic Development Authority Facilities Revenue Bonds Series 2012 (the "EDA bond") that were issued to finance the cost of construction at Merrifield Center and a portion of the Providence Community Center. Balances will be used to provide for the build out necessary to accommodate the services to be provided by the health care providers under the two Existing Health Leases.

FISCAL IMPACT:

Financing Costs

County staff has reviewed the terms of the EDA bond and concluded that the available funding may be used to build out the space. The total estimated capital cost for this project is approximately \$4.5 million.

Lease Costs

Minimum annual rent from Inova will be reduced by just over one half, and deposited into the County's general fund upon receipt. Commencement of rent may be delayed due to the change in scope. However, savings will be achieved from the consolidation of the Existing Health Leases.

County staff conducted a comparative analysis of the proposed rent with a real estate advisory firm and concluded that moving to County-owned space is the most cost effective alternative.

ENCLOSED DOCUMENTS:

Attachment 1: Location Map

Attachment 2: Deed of Lease and Amended Deed of Lease available online at:

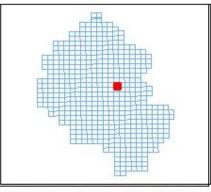
http://www.fairfaxcounty.gov/news/2014/lease-with-inova--at-willow-oaks.htm

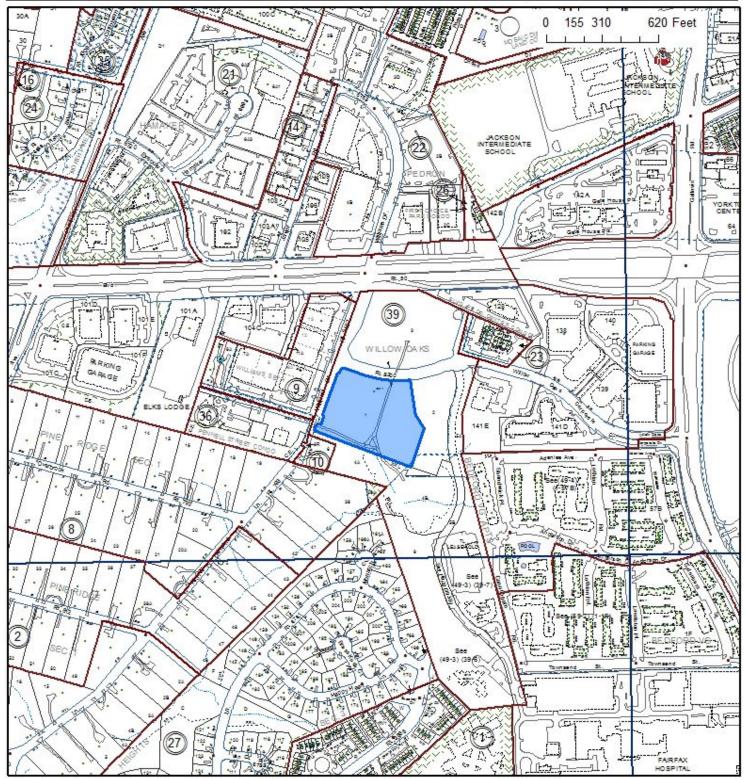
STAFF:
David J. Molchany, Deputy County Executive
Patricia Harrison, Deputy County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department James W. Patteson, Director, Department of Public Works and Environmental Services

Merrifield Center

8221 Willow Oaks Corporate Drive County Tax Map No. 49-3 ((39)) Parcel 1 Providence District







4:30 p.m.

Public Hearing on SE 2014-MV-020 (Kausar S. Mirza D/B/A Funland Mini Center) to Permit a Home Child Care Facility, Located on Approximately 6,021 Square Feet of Land Zoned PDH-12 (Mount Vernon District)

Property is located 9078 Furey Road, Lorton 22079. Tax Map 107-2 ((12)) 228 A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 22, 2015, the Planning Commission voted 11-0 (Commissioner Hurley was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2014-MV-020, subject to the Development Conditions dated January 22, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4467877.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Megan Duca Planner, DPZ

Planning Commission Meeting January 22, 2015 Verbatim Excerpt

<u>SE 2014-MV-020 – KAUSAR S. MIRZA d/b/a FUNLAND MINI CENTER</u>

Decision Only During Commission Matters (Public Hearing held on January 8, 2015)

Commissioner Flanagan: Thank you, Mr. Chairman. I request that the applicant confirm for the record their agreement to the proposed development conditions dated January 22, 2015.

Commissioners: Which case?

Commissioner Flanagan: Oh, this is Mirza; SE 2014-MV-020.

Chairman Murphy: – to a date certain of what?

Commissioner Flanagan: No, no. I want to have – I want to have the –

Chairman Murphy: Oh. I didn't hear. We get that sound system again. It threw me $-\operatorname{crazy} - \operatorname{I}$ can't...

Commissioner Flanagan: Well, what I did was to request that the applicant confirm for the record their agreement to the proposed development conditions dated January 22, 2015.

Kausar Mirza, Owner, Funland Mini Center: Yes, Sir.

Chairman Murphy: Would you please identify yourself for the record with your name and address?

Ms. Mirza: Yes, sir. My name is Kausar Mirza and I'm resident at 9078 Furey Road, Lorton, Virginia, 22079.

Chairman Murphy: And you -

Ms. Mirza: Yes.

Chairman Murphy: – confirm that you understand the development conditions and you understand them.

Ms. Mirza: Yes.

Chairman Murphy: Okay. Thank you very much.

Commissioner Flanagan: And those are the development conditions dated January 22.

Chairman Murphy: – dated January 22.

Commissioner Flanagan: Right. Well, during the public hearing on January 8, 2015, the president of the Laurel Highlands Homeowner Association requested the denial of this SE request because the homeowner association policies governing home occupations do not allow more than one non-resident employee. He also testified that the application does not satisfy a Zoning Ordinance requirement in Section 9-001 that a special exception use be compatible with existing or planned development in the general area. The Commission deferred the decision to tonight to allow the homeowner association and the applicant to resolve these problems. Distributed tonight is a January 16, 2015 letter from Rees Broome, attorneys for the homeowner association, that resolves those problems. I therefore MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-020, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 22, 2015.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-020, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.)

JN

4:30 p.m.

Public Hearing on a Proposed Amendment to the Public Facilities Manual Regarding
Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and Proposed
Revisions to the Pro Rata Share Agreement Form

ISSUE:

Board adoption of a Proposed Amendment to the Public Facilities Manual (PFM) regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and approval of proposed revisions to the Pro Rata Share Agreement form. The proposed amendment is necessary to replace the current 27 watershed-based pro rata share rates with a single countywide rate for assessment purposes and implement credits for on-site stormwater management and/or best management practices. Proposed revisions to the Pro Rata Share Agreement form are necessary for it to conform to the proposed PFM amendment.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 7, 2015, the Planning Commission voted to recommend approval of the proposed amendment and proposed revisions to the Pro Rata Share Agreement form, as set forth in the staff report dated December 2, 2014.

RECOMMENDATION:

The County Executive recommends that the Board adopt both the proposed amendment to the PFM and proposed revisions to the Pro Rata Share Agreement form as recommended by the Planning Commission and that the amendments become effective at 12:01 a.m. on July 1, 2015.

The proposed amendment to the PFM and proposed revisions to the Pro Rata Share Agreement form have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed PFM amendment has been recommended for approval by the Engineering Standards Review Committee.

TIMING:

Board action is requested on January 27, 2015. On December 2, 2014, the Board authorized the advertising of public hearings. The Planning Commission held a public

hearing on January 7, 2015. The proposed amendment will become effective at 12:01 a.m. on July 1, 2015.

BACKGROUND:

In 1972 the Virginia General Assembly enacted enabling legislation that allowed local governments to collect assessments for pro rata share costs for downstream improvements. Fairfax County subsequently adopted its first pro rata share program in 1973. The current pro rata share program enabled under Virginia Code Ann. § 15.2-2243, titled the "Uniform Pro-rata Share Assessment Program," was subsequently adopted by the Board of Supervisors on December 16, 1991. The PFM amendments needed to implement the program were adopted by the Board of Supervisors on July 29, 1992.

The Uniform Pro-rata Share Assessment Program includes storm drainage improvement projects in 27 of the County's 30 major watersheds. Assessment rates, established in each of the 27 watersheds, are based on projects contained within the County's general drainage improvement program and the watershed's projected impervious area at ultimate build-out. Ultimate build-out for the Uniform Pro-rata Share Assessment Program was based on the County's land use comprehensive plan or zoning whichever represented the greatest percent imperviousness. This resulted in the current program establishing 27 different assessment rate structures with three watersheds having no rate established. The 27 rates are updated on a bi-annual basis to account for changes in both inflation and the total estimated cost of the County's general drainage improvement program. The estimated cost of the County's general drainage improvement program is updated as projects are removed or included.

Under the existing program, the pro rata share assessment for a given development and/or redevelopment site is dependent on the rate established for the watershed in which the site is located. Likewise, the funds that are collected may only be utilized for the construction of the specific drainage improvement projects located within that watershed. Equity in the collection and use of pro rata share funds across the major watersheds is a significant concern. Depending on the watershed in which a given development and/or redevelopment site is located, the developer's pro rata share assessment, which is derived from the watershed-based rates, can vary dramatically for the same impervious cover increase. Western portions of the County that were previously not built-out have typically seen more newer development than the older already developed eastern portions of the County. This results in a disproportionate accumulation of assessments that are collected between older and newer areas of the County. In older developed areas/watersheds where more degradation is evident due to increases in impervious area and lack of adequate stormwater management

infrastructure fewer funds for improvements have accumulated. Newer developed areas/watersheds that tend to have more adequate stormwater management infrastructure in place and not yet experienced the same level of degradation accumulate more funding for improvements.

Administering 27 different assessment rates is cumbersome and inefficient for the County to manage, and can overly complicate the pro rata share assessment calculation. For example, if a development and/or redevelopment span more than one major watershed, the assessment calculation must be based on multiple pro rata share assessment rates. Further, the assessments collected must be tracked in separate accounts to ensure the pro rata share funds are allocated to drainage improvements in the respective watersheds they were collected.

The proposed PFM amendment abolishes the current 27 different watershed-based rates and replaces them with a single countywide rate structure for assessment purposes across all 30 major watersheds within the County. The single countywide rate will be updated on an annual basis to account for changes in both inflation and the total estimated cost of the County's general drainage improvement program. Restrictions causing the inequities in both the collection and use of pro rata share funds will be eliminated. All assessments collected will be aggregated and used for any eligible project within the County. The reduction of 27 rates to a single rate and the reduction in the frequency of updates from bi-annual to annual will improve the efficiency of administering the program and simplify the pro rata share assessment calculation.

The current Uniform Pro-rata Share Assessment Program contains limited provisions for providing credit for the installation of on-site stormwater management and/or best management practices. Developers seeking credits must submit a detailed engineering/cost study that demonstrates a cost reduction in a pro rata share project. This is a significant disincentive because the resources needed to demonstrate the cost reduction would likely exceed any credits achieved. The new state stormwater regulations, effective July 1, 2014, under the County's new Stormwater Ordinance, increase requirements for water quality and provide incentives for reducing the volume of stormwater runoff. These inherent features of the new regulations will provide the basis for awarding credits and serve as an incentive to achieve reductions in pro rata share assessments.

The proposed PFM amendment includes new provisions to implement credits for on-site stormwater management and/or best management practices. The credits are designed to reduce the pro rata share assessment in a way that recognizes the positive effect that the new regulatory requirements have on improving water quality and reducing the volume of stormwater runoff. The maximum water quality credit is currently estimated to be a 42% reduction in the assessment and can be achieved if the stormwater

management requirement for water quality treatment is provided on-site or within the common plan of development. Similarly, a water quantity credit for reducing the volume of stormwater runoff leaving the site through on-site practices such as infiltration, stormwater re-use or other means of retention can further reduce the assessment. The maximum water quantity credit is currently estimated to be a 58% reduction in the assessment. Depending on how significantly on-site stormwater management and/or best management practices address the quality and quantity of stormwater runoff, credits can potentially reduce the pro rata share assessment to zero. It is anticipated that development and/or redevelopment providing on-site stormwater management and/or best management practices in full compliance with the regulations will at a minimum receive the maximum water quality credit of 42%.

Discounts in the pro rata share assessment achieved through the use of credits recognizes that the greater the level of stormwater treatment provided on-site, the fewer County stormwater projects will need to be implemented and: therefore, less pro rata share funding is required. Assuming treatment levels using on-site stormwater management and/or best management practices meet full compliance for water quality, the resulting discounted rate per impervious acre increase is approximately equivalent to the current rates averaged across all County watersheds. Consequently, the average revenue anticipated by implementing the proposed single countywide rate will be similar to what is collected under the current watershed-based rates.

Individual pro rata share agreements are a condition of plan approval. The Pro Rata Share Agreement form is currently formatted to accommodate a pro rata share assessment specific to the watershed within which the new development or redevelopment is located. The proposed revisions to the Pro Rata Share Agreement form reflect the changes needed to be consistent with the single countywide rate proposed in the PFM amendment and include some minor editorial changes.

There has been an increase in the number of Low-Impact Development (LID) stormwater practices implemented through the County's capital improvement program and by industry since LID practices were adopted into the PFM in 2007. The current pro rata share program was adopted prior to 2007 and the advent of LIDs; consequently, it contains no provisions for the inclusion of LID stormwater practices into the County's pro rata share program for off-site drainage improvements. As a result, these practices are currently not eligible for pro rata share funding in the existing program. Moreover, large tract developments have given way to smaller in-fill development or redevelopment. Often, these newer types of development are approved and permitted one single lot at a time; but, occur at many locations across the County. Although smaller, the widespread nature of these types of developments has an overall cumulative effect to the increase in volume and velocity of stormwater runoff.

Accordingly, these increases adversely affect the quality of our stream networks across the County. Staff recommends including these practices into the County's general drainage improvement program making them eligible for pro rata share funding. Individually, LIDs provide smaller areas of treatment; however, these are distributed systems that when combined or aggregated their treatment can mitigate increases in the volume and velocity of runoff caused by development countywide and their use are strongly encouraged by the new stormwater regulations.

Impervious area estimated at ultimate build-out is used in the rate calculation for pro rata share assessments. The impervious area estimated for ultimate build-out in the current pro rata share program was limited to methods available back in the 1990's. Using modern GIS technology to assist in estimating future impervious area has revealed that the earlier methods over-estimated future impervious area. Staff recommends using the latest GIS technology in the calculation of the single countywide pro rata share assessment rate.

The proposed amendment to the PFM and revisions to the Pro Rata Share Agreement form are enabled under Va. Code Ann. § 15.2-2243.

PROPOSED AMENDMENT:

The amendment to Chapter 6 of the PFM incorporates the following provisions:

- A rationale for the removal of the restriction that pro rata share contributions
 collected in a given major watershed must fund off-site storm drainage
 improvements in the major watershed it was collected. Instead, collected pro
 rata share payments, aggregated countywide, will fund off-site storm drainage
 improvements countywide.
- A definition of the County's general drainage improvement program.
- A change in the status of pro rata share credits. Credits are no longer at the County's discretion. Credits are mandatory when on-site stormwater management and/or best management practices are installed.
- A methodology to reduce pro rata share assessments through the use of a crediting system. Credits to reduce the pro rata share assessment are based on the extent that on-site stormwater management and/or best management practices address water quality and water quantity. The percent reductions associated with the credits will be updated on an annual basis.

- The establishment of a single countywide pro rata share assessment rate and elimination of the 27 watershed-based pro rata share assessment rates in the calculation of the pro rata share assessment.
- An update of plan types that are submitted to the county for calculation of the pro rata share assessment and where payment of the pro rata share assessment is a condition of plan approval.
- A restriction on pro rata share assessments received prior to the effective date of the Board of Supervisors' adoption of the PFM amendment creating a single countywide rate. Funds collected prior to July 1, 2015 will continue to be kept in separate accounts until such time as they are expended for the watershed improvement program.
- A deletion of the provision regarding the disposition of pro rata share agreements that existed prior to July 1, 1990. This provision was acted upon as part of the implementation to the current program and therefore no longer applies.

FISCAL IMPACT:

None. Tracking pro rata share assessments collected using the current watershed-based rates will need to continue until they are expended for the watershed improvement program. This will create a temporary burden on staff as pro rata share assessments that will be collected using the single countywide rate cannot be commingled with assessments collected using the current watershed-based rates. Assessments previously collected for a specific watershed may; however, be combined with assessments collected under the countywide rate to fund a project within that particular watershed. The proposed amendment improves the overall efficiency of the program and will offset this burden. Therefore, the proposed amendment will have no impact on staff workload.

REGULATORY IMPACT:

Minimal. The proposed amendment to PFM Chapter 6 simplifies both existing County procedures for establishing the pro rata share assessments and credits with minimal changes. Revisions to the Pro Rata Share Agreement form simplify the procedures used with the existing form.

ENCLOSED DOCUMENTS:

Attachment I – Staff Report
Attachment II – Planning Commission Verbatim

STAFF:

Robert A. Stalzer, Deputy County Executive James Patteson, Director, Department of Public Works and Environmental Services (DPWES) Bill Hicks, Director, Land Development Services, DPWES

Randolph W. Bartlett, Deputy Director, Stormwater/Wastewater, DPWES
Susan Datta, Chief Financial Officer, Department of Management and Budget
Laura Gori, Assistant County Attorney, Office of the County Attorney

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

| | NOODE ABAENDAGNIT |
|---|--|
| PROPOSED COUNTY CODE AMENDMENT | |
| √ PROPOSED PFM AMENDMENT | |
| APPEAL OF DECISION | |
| WAIVER REQUEST | |
| | |
| Proposed Amendments to the Public Facilities Manual regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and proposed revisions to the Pro Rata Share Agreement form (countywide) | |
| | |
| Authorization to Advertise | December 2, 2014 |
| Planning Commission Hearing | January 7, 2015 |
| Board of Supervisors Hearing | January 27, 2015 |
| Prepared by: | Stormwater Planning Division 703- 324-5500 |
| | December 2, 2014 |

STAFF REPORT

A. ISSUE:

Proposed Amendment to the Public Facilities Manual (PFM) regarding Storm Drainage Pro Rata Share Provisions, Chapter 6 (Storm Drainage) and proposed revisions to the Pro Rata Share Agreement form. The proposed amendment is necessary to replace the current 27 watershed-based pro rata share rates with a single countywide rate for assessment purposes and implement credits for on-site stormwater management and/or best management practices. Proposed revisions to the Pro Rata Share Agreement form are necessary for it to conform to the proposed PFM amendment.

B. RECOMMENDED ACTION:

Staff recommends that the Board of Supervisors adopt the proposed amendment to the PFM and the proposed revisions to the Pro Rata Share Agreement form.

C. TIMING:

Board of Supervisors authorization to advertise - December 2, 2014

Planning Commission Public Hearing – January 7, 2015

Board of Supervisors Public Hearing - January 27, 2015

Effective Date - July 1, 2015

D. SOURCE:

Department of Public Works and Environmental Services (DPWES)

E. COORDINATION:

The proposed amendment to the PFM and proposed revisions to the Pro Rata Share Agreement form have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed PFM amendment has been recommended for approval by the Engineering Standards Review Committee.

F. BACKGROUND:

In 1972 the Virginia General Assembly enacted enabling legislation that allowed local governments to collect assessments for pro rata share costs for downstream improvements. Fairfax County subsequently adopted its first pro rata share program in 1973. The current pro rata share program enabled under Virginia Code Ann. § 15.2-2243, titled the "Uniform Pro-rata Share Assessment Program," was subsequently adopted by the Board of Supervisors on December 16, 1991. The PFM amendments needed to implement the program were adopted by the Board of Supervisors on July 29, 1992.

The Uniform Pro-rata Share Assessment Program includes storm drainage improvement projects in 27 of the County's 30 major watersheds. Assessment rates, established in each of the 27 watersheds, are based on projects contained within the County's general drainage improvement program and the watershed's projected impervious area at ultimate build-out. Ultimate build-out for the Uniform Pro-rata Share Assessment Program was based on the County's land use comprehensive plan or zoning whichever represented the greatest percent imperviousness. This resulted in the current program establishing 27 different assessment rate structures with three watersheds having no rate established. The 27 rates are updated on a bi-annual basis to account for changes in both inflation and the total estimated cost of the County's general drainage improvement program. The estimated cost of the County's general drainage improvement program is updated as projects are removed or included.

Under the existing program, the pro rata share assessment for a given development and/or redevelopment site is dependent on the rate established for the watershed in which the site is located. Likewise, the funds that are collected may only be utilized for the construction of the specific drainage improvement projects located within that watershed. Equity in the collection and use of pro rata share funds across the major watersheds is a significant concern. Depending on the watershed in which a given development and/or redevelopment site is located, the developer's pro rata share assessment, which is derived from the watershed-based rates, can vary dramatically for the same impervious cover increase. Western portions of the County that were previously not built-out have typically seen more newer development than the older already developed eastern portions of the County. This results in a disproportionate accumulation of assessments that are collected between older and newer areas of the County. In older developed areas/watersheds where more degradation is evident due to increases in impervious area and lack of adequate stormwater management

infrastructure fewer funds for improvements have accumulated. Newer developed areas/watersheds that tend to have more adequate stormwater management infrastructure in place and not yet experienced the same level of degradation accumulate more funding for improvements.

Administering 27 different assessment rates is cumbersome and inefficient for the County to manage and can overly complicate the pro rata share assessment calculation. For example, if a development and/or redevelopment span more than one major watershed, the assessment calculation must be based on multiple pro rata share assessment rates. Further, the assessments collected must be tracked in separate accounts to ensure the pro rata share funds are allocated to drainage improvements in the respective watersheds they were collected.

The proposed PFM amendment abolishes the current 27 different watershed-based rates and replaces them with a single countywide rate structure for assessment purposes across all 30 major watersheds within the County. The single countywide rate will be updated on an annual basis to account for changes in both inflation and the total estimated cost of the County's general drainage improvement program. Restrictions causing the inequities in both the collection and use of pro rata share funds will be eliminated. All assessments collected will be aggregated and used for any eligible project within the County. The reduction of 27 rates to a single rate and the reduction in the frequency of updates from bi-annual to annual will improve the efficiency of administering the program and simplify the pro rata share assessment calculation.

The current Uniform Pro-rata Share Assessment Program contains limited provisions for providing credit for the installation of on-site stormwater management and/or best management practices. Developers seeking credits must submit a detailed engineering/cost study that demonstrates a cost reduction in a pro rata share project. This is a significant disincentive because the resources needed to demonstrate the cost reduction would likely exceed any credits achieved. The new state stormwater regulations, effective July 1, 2014 under the County's new Stormwater Ordinance, increase requirements for water quality and provide incentives for reducing the volume of stormwater runoff. These inherent features of the new regulations will provide the basis for awarding credits and serve as an incentive to achieve reductions in pro rata share assessments.

The proposed PFM amendment includes new provisions to implement credits for on-site stormwater management and/or best management practices. The credits are designed to reduce the pro rata share assessment in a way that recognizes the positive effect that the new regulatory requirements have on improving water quality and reducing the volume of stormwater runoff. The maximum water quality credit is currently estimated to be a 42% reduction in the assessment and can be achieved if the stormwater management requirement for water quality treatment is provided on-site or within the common plan of development. Similarly, a water quantity credit for reducing the volume of stormwater runoff leaving the site through on-site practices such as infiltration, stormwater re-use or other means of retention can further reduce the assessment. The maximum water quantity credit is currently estimated to be a 58% reduction in the

assessment. Depending on how significantly on-site stormwater management and/or best management practices address the quality and quantity of stormwater runoff, credits can potentially reduce the pro rata share assessment to zero. It is anticipated that development and/or redevelopment providing on-site stormwater management and/or best management practices in full compliance with the regulations will at a minimum receive the maximum water quality credit of 42%.

Discounts in the pro rata share assessment achieved through the use of credits recognizes that the greater the level of stormwater treatment provided on-site, the fewer County stormwater projects will need to be implemented and therefore less pro rata share funding is required. Assuming treatment levels using on-site stormwater management and/or best management practices meet full compliance for water quality, the resulting discounted rate per impervious acre increase is equivalent to the current rates averaged across all County watersheds. Consequently, the average revenue anticipated by implementing the proposed single countywide rate will be similar to what is collected under the current watershed-based rates.

Individual pro rata share agreements are a condition of plan approval. The Pro Rata Share Agreement form is currently formatted to accommodate a pro rata share assessment specific to the watershed within which the new development or redevelopment is located. The proposed revisions to the Pro Rata Share Agreement form reflect the changes needed to be consistent with the single countywide rate proposed in the PFM amendment and include some minor editorial changes.

There has been an increase in the number of Low-Impact Development (LID) stormwater practices implemented through the County's capital improvement program and by industry since LID practices were adopted into the PFM in 2007. The current pro rata share program was adopted prior to 2007 and the advent of LIDs consequently it contains no provisions for the inclusion of Low-Impact Development (LID) stormwater practices into the County's pro rata share program for off-site drainage improvements. As a result, these practices are currently not eligible for pro rata share funding in the existing program. Moreover, large tract developments have given way to smaller in-fill development or redevelopment. Often, these newer types of development are approved and permitted one single lot at a time but occur at many locations across the County. Although smaller, the widespread nature of these types of developments has an overall cumulative effect to the increase in volume and velocity of stormwater runoff. Accordingly, these increases adversely affect the quality of our stream networks across the County. Staff recommends including these practices into the County's general drainage improvement program making them eligible for pro rata share funding. Individually, LIDs provide smaller areas of treatment; however these are distributed systems that when combined or aggregated their treatment can mitigate increases in the volume and velocity of runoff caused by development countywide and their use are strongly encouraged by the new stormwater regulations.

Impervious area estimated at ultimate build-out is used in the rate calculation for pro rata share assessments. The impervious area estimated for ultimate build-out in the current pro rata share program was limited to methods available back in the 1990's.

Using modern GIS technology to assist in estimating future impervious area has revealed that the earlier methods over-estimated future impervious area. Staff recommends using the latest GIS technology in the calculation of the single countywide pro rata share assessment rate.

The proposed amendment to the PFM and revisions to the Pro Rata Share Agreement form are enabled under Va. Code Ann. § 15.2-2243.

G. PROPOSED AMENDMENT:

The amendment to Chapter 6 of the PFM incorporates the following provisions:

- A rationale for the removal of the restriction that pro rata share contributions
 collected in a given major watershed must fund off-site storm drainage
 improvements in the major watershed it was collected. Instead, collected pro
 rata share payments, aggregated countywide, will fund off-site storm drainage
 improvements countywide.
- A definition of the County's general drainage improvement program.
- A change in the status of pro rata share credits. Credits are no longer at the County's discretion. Credits are mandatory when on-site stormwater management and/or best management practices are installed.
- A methodology to reduce pro rata share assessments through the use of a crediting system. Credits to reduce the pro rata share assessment are based on the extent that on-site stormwater management and/or best management practices address water quality and water quantity. The percent reductions associated with the credits will be updated on an annual basis.
- The establishment of a single countywide pro rata share assessment rate and elimination of the 27 watershed-based pro rata share assessment rates in the calculation of the pro rata share assessment.
- An update of plan types that are submitted to the county for calculation of the pro
 rata share assessment and where payment of the pro rata share assessment is a
 condition of plan approval.
- A restriction on pro rata share assessments received prior to the effective date of the Board of Supervisors' adoption of the PFM amendment creating a single countywide rate. Funds collected prior to July 1, 2015 will continue to be kept in separate accounts until such time as they are expended for the watershed improvement program.
- A deletion of the provision regarding the disposition of pro rata share agreements that existed prior to July 1, 1990. This provision was acted upon as part of the implementation to the current program and therefore no longer applies.

H. REGULATORY IMPACT:

Minimal. The proposed amendment to PFM Chapter 6 simplifies both existing County procedures for establishing the pro rata share assessments and credits with minimal changes. Revisions to the Pro Rata Share Agreement form simplify the procedures used with the existing form.

I. ATTACHED DOCUMENTS:

Attachment A – Proposed amendment to Chapter 6 of the PFM Attachment B – Proposed revisions to the Pro Rata Share Agreement form

Planning Commission Presentation Pro Rata Share January 7, 2015

Good evening Chairman Murphy and members of the Planning Commission. I'm Craig Carinci, representing the Dept. of Public Works and Environmental Services.

Joining me this evening are DPWES staff that have collaborated on this amendment to the PFM.

PROPOSED AMENDMENTS

The proposed amendment is necessary to replace the current 27 watershed-based pro rata share rates with a single countywide rate for assessment purposes and implement credits for on-site stormwater management and/or best management practices. Proposed revisions to the Pro Rata Share Agreement form are necessary for it to conform to the proposed PFM amendment.

The amendment recognizes that:

- A. The language in the current PFM results in inequities in both the collection and use of pro rata share funds.
- B. The language in the current PFM is silent regarding credits for on-site stormwater controls. The current program contains limited provisions for credits via a letter to industry.
- C. The language in the current PFM contains no provisions for the inclusion of LID stormwater practices for off-site drainage improvements.

If approved, the proposed amendment will provide flexibility in both the collection and use of pro rata share funds, provide credits for on-site stormwater controls and allow for the use of LID stormwater practices for off-site drainage improvements over the requirements currently set forth in the PFM.

Without this amendment, equity in the collection and use of pro rata share funds across the major watersheds will remain a significant concern, credits in the pro rata share assessment will be limited and LID stormwater practices for off-site drainage improvements will not have access to pro rata share funds.

VETTING AND RECOMMENDATION

Staff has collaborated on this amendment and vetted it with industry representatives. This includes the Engineering Standards Review Committee who has recommended approval of this amendment.

Based on the above, staff also recommends approval of the proposed amendment.

Thank you.

Board of Supervisors Presentation Pro Rata Share January 27, 2015

Good evening Chairman Bulova and members of the Board. I'm Craig Carinci, representing the Dept. of Public Works and Environmental Services.

Joining me this evening is DPWES staff that has collaborated on this amendment to the PFM.

PROPOSED AMENDMENTS

The proposed amendment is necessary to replace the current 27 watershed-based pro rata share rates with a single countywide rate for assessment purposes and implement credits for on-site stormwater management and/or best management practices. Proposed revisions to the Pro Rata Share Agreement form are necessary for it to conform to the proposed PFM amendment.

The amendment recognizes that:

- A. The language in the current PFM results in inequities in both the collection and use of pro rata share funds.
- B. The language in the current PFM is silent regarding credits for on-site stormwater controls. The current program contains limited provisions for credits via a letter to industry.
- C. The language in the current PFM contains no provisions for the inclusion of LID stormwater practices for off-site drainage improvements.

If approved, the proposed amendment will provide flexibility in both the collection and use of pro rata share funds, provide credits for on-site stormwater controls and allow for the use of LID stormwater practices for off-site drainage improvements over the requirements currently set forth in the PFM.

Without this amendment, equity in the collection and use of pro rata share funds across the major watersheds will remain a significant concern, credits in the pro rata share assessment will be limited and LID stormwater practices for off-site drainage improvements will not have access to pro rata share funds.

VETTING AND RECOMMENDATION

Staff has collaborated on this amendment and vetted it with industry representatives. This includes the Engineering Standards Review Committee who has recommended approval of this amendment.

Based on the above, staff & the Planning Commission also recommend approval of the proposed amendment.

Thank you.

Proposed Amendment to Chapter 6 (Storm Drainage) of the Public Facilities Manual

Deletions are shown as strikeouts and insertions are underlined.

Amend §6-0502 (General Policy) of the Public Facilities Manual to read as follows:

6-0502.1 The County's pro rata share program for off-site drainage improvements involves assessing new development and redevelopment for a proportionate share of the cost of off-site drainage improvements. It provides the County a funding source for the portion of the cost of drainage improvements necessitated by the increased runoff from new development and redevelopment. Offsetting environmental impacts caused by local increases in runoff has far-reaching implications. Restoration needs for the Potomac River and the Chesapeake Bay are caused in part by increased runoff from the surrounding counties and states as well as the County as a whole. From this standpoint, the general drainage improvement program implemented in Fairfax County is viewed as a single, consolidated effort towards restoring these important natural resources. To this end, the County may shall require pro rata share contributions for off-site storm drainage improvements in all areas where pro rata share improvements have been planned as part of the its general drainage improvement program.

6-0502.2 The County's general drainage improvement program is a tabulation of all the capital drainage improvement projects and their associated costs that are eligible for pro rata share funding. Specifically included are projects that mitigate flooding and environmental stream degradation caused by land disturbing activities that increase impervious cover. Also included are projects and studies related to the development of County watershed management plans. The inventory of included projects is not static over time. Projects are removed as they are completed and projects are included as they are identified. The majority of projects within the County's general drainage improvement program are from the County's adopted watershed management plans. Projects that address routine maintenance are not included in the general drainage improvement program as they are not necessitated by development or redevelopment.

6-0502.23 Pro rata share payments will not shall be reduced using the crediting system described in § 6-0605 and are based on a development providing meeting normal on-site detention/BMP stormwater management requirements.

 6-0502.4 Pending the availability of pro rata share monies, developer costs for off-site construction of drainage improvements available for off-site drainage such as, but not limited to, the or implementation of a regional detention pond may be considered for a pro rata share assessment reduction and/or reimbursement. Developer reimbursement will be facilitated only by written agreement executed with the Board prior to construction plan approval. The developer's maximum amount of a pro rata share assessment reduction and/or reimbursement will be limited to the developer costs which are over and above the normal costs that would be incurred in developing the property. Subject to available funding, The maximum amount of annual pro rata share reimbursement to a

developer would be established in the reimbursement agreement. Generally, the annual reimbursement to any individual developer would be based on the relationship of the developer's excess costs to the total costs of all improvements required in the watershed coupled with the actual amount of pro rata monies collected in any given year. Pro rata share reimbursements will start after completion of the drainage improvements by the developer and acceptance of the improvements by the County. The reimbursements will continue for a maximum of 15 years pursuant to the written agreement.

Amend §6-0601 (General Requirements) of the Public Facilities Manual to read as follows:

6-0601.1 (36-92-PFM) Development within a watershed involving a change of land use therein normally results in an increase in impervious areas resulting in a greater quantity as well as a more rapid and frequent concentration of stormwater runoff and the discharge of pollutants associated with the development.

 6-0601.2 (36-92-PFM) The construction of storm drainage improvements is required along waterways as watershed development progresses to alleviate flood damage, arrest deterioration of existing drainageways and minimize environmental damage to the downstream receiving waters within Fairfax County as well as the Potomac River and the Chesapeake Bay.

6-0601.3 The extent and character of such improvements shall be designed to provide for the adequate correction of deficiencies.

6-0601.4 Improvements shall extend downstream to a point where damages to existing properties ascribable to the additional runoff are minimized.

 6-0601.54 The purpose and intent is to require a developer of land to pay his a pro rata share of the cost of providing reasonable and necessary drainage facilities, as identified in the general drainage improvement program of Fairfax County, located outside the property limits of the land owned or controlled by the developer, but necessitated or required, at least in part, by the construction or improvement of his subdivision or development. The collected pro rata share payments, aggregated County-wide, will fund the drainage facilities needed to minimize environmental damage to the receiving waters within Fairfax County as well as the Potomac River and the Chesapeake Bay.

Amend §6-0602 (Pro Rata Share Studies) of the Public Facilities Manual to read as follows:

 6-0602.1 When directed to do so by the County Executive, tThe Director of DPWES or his a designee shall study and compute the total estimated cost of the general drainage improvement program projects required to serve the watershed County when and if such watershed the County is fully developed in accordance with the adopted comprehensive land use plan for the watershed or the current zoning of the land, whichever is higher.

1 6-0602.2 The total estimated cost of <u>projects within</u> the <u>general</u> drainage improvement program shall include design, land acquisition, utility relocation, construction, and 2 3 administrative costs for the projects contained in the improvement program. 4 5 6-0602.3 The computation of total estimated costs shall include any engineering study 6 for the watershed or improvement program. 7 8 6-0602.43 When this cost is computed it shall be updated every six months annually by 9 applying the Engineering News Record Construction Cost index value to the construction project and study costs contained within the general drainage improvement program. 10 11 12 6-0602.5 The above study with its attendant cost figures shall constitute the general improvement program for the affected watershed. 13 14 15 Amend § 6-0603 (General Drainage Improvement Program), where insertions are 16 underlined and deletions are shown as strikeouts, to read as follows: 17 18 (36-92-PFM) When a general drainage improvement program has been established, a 19 The pro rata share of the total cost of the general drainage improvement program shall be 20 determined as follows: 21 22 6-0603.1 The County shall determine the estimated increased volume and velocity of 23 stormwater runoff, expressed as an increase in impervious area, for the watershed County when fully developed in accordance with the adopted comprehensive land use plan or the 24 25 current zoning of the land within the County, whichever is higher. 26 27 6-0603.2 The total estimated cost of the general drainage improvement program for the watershed County divided by the increase in impervious area for the watershed County 28 29 when fully developed in accordance with the adopted comprehensive land use plan or the current zoning of the land within the County, whichever is higher, shall be computed by 30 31 the County to determine the pro rata share assessment rate for that watershed. 32 33 6-0603.3 The developer shall determine the increase in impervious area for the 34 development. If the development is located within more than one major watershed, then 35 the developer shall determine the increase in impervious area for each portion of the development which lies within each major watershed. The major watersheds are defined 36 on the County's 1 inch = 4,000 feet Watersheds Map. A specific site must be divided into 37 drainage areas conforming to the major watershed boundaries. The total site area within 38 39 each major watershed must be included in the computation whether it is controlled by a storm sewer, detention/retention runoff facility, BMP, or sheet runoff design. Pro rata 40 41 share reduction will not be allowed for normal on-site detention/BMP requirements. 42 43 6-0603.43 The developer shall provide the computations showing the increase in 44 impervious area for the development to within the County as part of plan submittal requirements including, but not limited to, the submittal of subdivision construction 45

plans, site plans, infill lot grading plans, conservation plans, rough grading plans and

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public improvement plans and development plan submittal requirements. The County will compute the developer's base pro rata share assessment by multiplying the respective watershed pro rata share assessment rate by the increase in impervious area for the development's increase in impervious area. The pro rata share assessment rates are is available in from the Site Land Development Services and Inspections Division, DPWES.

1 2

Amend § 6-0604 (Pro Rata Share Payments), where insertions are underlined and deletions are shown as strikeouts, to read as follows:

6-0604.1 The payment of the pro rata share assessment shall be due prior to the approval of plans including, but not limited to, subdivision construction plans, site plans, infill lot grading plans, conservation plans, rough grading plans and or public improvement plans approval.

 6-0604.2 When development occurs in a subdivision which has been previously approved and where no pro rata share assessment has been paid, or where a landowner is improving an existing lot which results in an increase in impervious area, the payment of the pro rata share assessment shall be made before the issuance of any building permits, in accordance with State and County codes.

6-0604.3 The pro rata share assessments received <u>prior to the Board of Supervisors'</u> <u>adoption of pro rata share amendments creating a single County-wide rate</u> shall be kept in separate accounts for each of the watershed improvement programs until such time as they are expended for the watershed improvement program.

6-0604.4 Payments received <u>after the Board of Supervisors' adoption of amendments</u> <u>creating a single County-wide rate</u> shall be expended only for the established watershed general drainage improvement program for which the payment was calculated. Any interest that accrues on such payments shall accrue to the benefit of the County.

6-0604.5 All storm drainage pro rata share accounts existing as of Oct. 1, 1992, were abolished by transferring assets into separate funds for the support of each separate respective watershed improvement program. After the transfer of such assets, depositors who had met the terms of any pro rata share agreements prior to July 1, 1990, received any outstanding interest which had accrued up to the date of transfer, and were released from any further obligation under those existing agreements. All transferred assets became the sole property of the County.

Insert a new § 6-0605 (Pro Rata Share Credits) to read as follows:

6-0605.1 Pro rata share payments shall be reduced by using the crediting system described herein. For the purposes of this section, the term "on-site" is defined to include sites that are part of a larger common plan of development or sale.

1 6-0605.2 Credit for fully meeting water quality regulations using on-site BMPs. 2 A developer meeting or exceeding the required water quality regulations through the use 3 of approved on-site BMPs shall receive a credit so as to reduce the developer's pro rata 4 share assessment. The maximum credit will be a percentage of the developer's base pro 5 rata share assessment. The maximum-credit percentage will be recalculated annually by the County based on the projects in its general drainage improvement program related to 6 7 improving water quality. 8 9 6-0605.3 Credit for partially meeting water quality regulations using on-site BMPs. A developer complying with water quality regulations through the acquisition of nutrient 10 offset credits shall not receive a pro rata share credit for the offset portion. The credit 11 amount calculated using the procedure in § 6-0605.2 shall be limited to an amount 12 13 proportional to the phosphorus load reduction achieved on-site as compared to the 14 phosphorus load reduction required to be fully compliant. 15 16 6-0605.4 Credit for providing water quantity retention using on-site stormwater 17 management. A developer providing on-site water quantity retention through the use of approved on-site stormwater management shall receive a credit so as to reduce the 18 19 developer's pro rata share assessment. The County will calculate the credit by 20 multiplying the total number of rainfall inches retained on-site by an annually determined 21 rate. The maximum credit will be limited to the retention of the 100-year storm. The rate 22 for this credit will be recalculated each year by the County based on the projects in its general drainage improvement program related to managing water quantity. 23 24 25 6-0605.5 Credit will not be provided for a development that is fully exempt from 26 providing on-site water quality or water quantity controls. 27 28 6-0605.6 Pro rata share assessment payment reduction. The total allowed credit is the 29 summation of both the credit for water quality and the credit for water quantity. The 30 developer's final pro rata share assessment will be an amount equal to the base pro rata 31 share assessment minus the total allowed credit received. 32 33 Amend the Public Facilities Manual, Table of Contents, to insert new § 6-0605 (Pro 34 Rata Share Credits).



| Service District: Map Reference: | |
|---|--|
| PRO RATA SHARE AGREEMENT | |
| This agreement, made thisday of,, | |
| by and between | |
| a, hereinafte called "Developer," and the Board of Supervisors of Fairfax County, Virginia, hereinafter called "Board." | |
| WITNESSETH: | |
| WHEREAS, Developer desires approval of plans for a project known as | |
| Plan No; and | |
| WHEREAS, the Board desires to ensure the payment of the Developer's Pro Rata Share for the cost of drainage facilities necessitated or required, at least in part, by the above development (hereinafter called "Pro Rata Share"); and | |
| WHEREAS, payment of Developer's Pro Rata Share is a condition precedent to the approval of Developer's plans and | |
| WHEREAS, Developer desires to deposit his Pro Rata Share with the Board; | |
| NOW, therefore, for and in consideration of the foregoing premises and the following terms and conditions, and in further consideration of the approval of the aforesaid plans by the <u>Director of the Department of Public Works and Environmental Services or his designated agent hereinafter called "Director" County and the issuance of permits for the work proposed to be done thereunder, the parties hereto agree as follows:</u> | |
| Developer has deposited with the Board, and the Board by its execution hereof acknowledges that it holds the sum ofU.S. Dollars (\$ | |
| Developer and Board agree that an estimated cost of a drainage improvement program for the <u>County of Fairfax</u> | |
| 3. It is expressly agreed by all parties hereto that it is the purpose and intent of this Agreement to ensure the availability of the Developer's Pro Rata Share at such time as it is required for the construction of the necessary drainage facilities located beyond the land controlled by the Developer. | |
| It is expressly agreed by the parties hereto that the amount shall be disbursed by the Board only upon receipt of a written request from the Director of the Department of Public Works and Environmental Services or his designated agent. | |
| Disbursement shall be made only to the Director of Finance, County of Fairfax, and forwarded to the Director of the Department of Public Works and Environmental Services, within ten days of receipt of the request. | |
| IN WITNESS of all of which, the parties hereto have caused this Agreement to be executed on their behalf. | |
| Developer: | |
| Authorized Signatory: | |
| Printed Name and Title: | |
| Address: | |
| <u> </u> | |
| | |
| BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA | |
| By: | |
| CE No.: | |
| Date: | |

Planning Commission Meeting January 7, 2015 Verbatim Excerpt

PFM AMENDMENT (STORM DRAINAGE PRO RATA SHARE PROVISIONS) (Countywide)

After Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed. Recognize Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. Let me first thank staff – Craig Carinci, Fred Rose, Darold Burdick – who are here tonight – for all their fine work on this case. This Amendment had a pretty thorough vetting with the Environment Committee not too long ago. It's a fairly straightforward simplification of a number of exiting provisions we have dealing with stormwater pro rata shares. It has staff's favorable recommendation, with which I concur. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF THE PROPOSED AMENDMENT TO THE PUBLIC FACILITIES MANUAL REGARDING STORM DRAINAGE PRO RATA SHARE PROVISIONS AND THE PRO RATA SHARE AGREEMENT FORM, AS SET FORTH IN THE STAFF REPORT DATED DECEMBER 2ND, 2014. AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THIS AMENDMENT SHALL BECOME EFFECTIVE AT 12:01 A.M. ON JULY 1, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PFM Amendment, Storm Drainage Pro Rata Share and Provisions, as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hart: Thank you, Mr. Chairman.

Chairman Murphy: Thank you very much. Thank you for coming.

//

(The motion carried by a vote of 12-0.)

4:30 p.m.

Public Hearing Pertaining to the Conveyance of Board-Owned Property and to Consider a Proposed Comprehensive Agreement Among the Board of Supervisors, Lake Anne Development Partners, LLC, and Community Preservation and Development Corporation for the Redevelopment of the Crescent Property and Other Parcels in the Lake Anne Village Center (Hunter Mill District)

ISSUE:

Public hearing on the disposition of County-owned property as required by Va. Code Ann § 15.2-1800 (2012) in connection with the redevelopment of the Crescent property ("Property"), Fairfax County Tax Map numbers 17-2 ((16)), parcel 1A and 17-2 ((14)) (1), parcel 2G. A concurrent public hearing will be held to consider a Comprehensive Agreement (the "Comprehensive Agreement") among the County, Lake Anne Development Partners, LLC (LADP), and Community Preservation and Development Corporation (CPDC) for the purpose of redeveloping the Crescent property in accordance with the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002, as amended ("PPEA").

RECOMMENDATION:

The County Executive recommends that the Board defer action on the disposition of the Property and on the Comprehensive Agreement among the County, Lake Anne Development Partners, LLC (LADP), and Community Preservation and Development Corporation (CPDC) to March 3, 2015.

TIMING:

Holding the public hearing on January 27, 2015, will allow a comment period as required by the Code of Virginia, and the decision to be made by the Board at its meeting on March 3, 2015, thus permitting CPDC to apply for Low Income Housing Tax Credits (LIHTC) by the March 6, 2015, deadline. The Board approved Comprehensive Plan Amendment, 2013-III-UP1, to allow modifications to the recommendations of Land Units A, B, C, D, E and F of the Lake Anne Village Center at its meeting on December 2, 2014. A public hearing for the rezoning application for the project, DPA A-502-07/PCA A-502/PRC A-502-3, also is scheduled for January 27, 2015.

BACKGROUND:

The Crescent property is located within the Land Anne Commercial Revitalization Area (CRA) on Cameron Crescent Drive in Reston. As part of an effort to encourage and guide the revitalization of the Lake Anne Village Center (LAVC) and to preserve affordable housing, the County purchased the Crescent property for \$49,500,000 in February 2006. The property contains 181 garden style multi-family affordable units.

In 2009, the Board adopted an amendment to the Comprehensive Plan that provides guidance on the mix of uses and intensities recommended to foster the redevelopment of the LAVC.

On February 9, 2012, the County advertised Request for Proposal RFP-2000000-125; Crescent Redevelopment (RFP) under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) for the redevelopment of the 16.5 acre Crescent property. The RFP encouraged potential offerors to partner with owners of adjacent land units within the LAVC to achieve a comprehensive redevelopment plan that aligned with the vision of the Comprehensive Plan, including the preservation of affordable housing, the creation of additional workforce housing and a development that would serve as a catalyst for the revitalization of the LAVC. Eight (8) proposals were received in response to the RFP, and the response from LADP, together with its partner, CPDC, was determined to be the most responsive to the RFP.

The Board entered into an Interim agreement with LADP on September 30, 2013. Per the Interim Agreement, LADP filed the necessary applications for zoning and land use entitlements in connection with its proposed redevelopment. Simultaneously with the entitlement work, staff, LADP, and CPDC have negotiated a proposed Comprehensive Agreement for the development of the project generally consistent with the RFP, the LADP/CPDC response, and negotiations to date. Execution of the Comprehensive Agreement is contingent upon the Board's approval of the Project Entitlements, which are also scheduled for a public hearing on January 27, 2015.

Summary of the Comprehensive Agreement

The Comprehensive Agreement will include the following written agreements: (i) the Agreement of Purchase and Sale, conveying the majority of the Property in fee simple from the County to LADP; (ii) two Contracts to Ground Lease between the County, as landlord, and an affiliate of CPDC (with form ground leases attached thereto) pertaining to the portion of Crescent which the County will retain ownership of, but will lease to the CPDC affiliates for the construction of two affordable housing buildings to replace the existing affordable units; (iii) Loan Commitments executed by the Fairfax County Redevelopment and Housing Authority (FCRHA), describing the terms of loans to be made by the FCRHA to each of the CPDC-controlled ground leases; and (iv) a Relocation Plan for the residents of the Crescent Apartments and a related agreement between the County and CPDC to facilitate such relocation.

Each of the documents that comprise the Comprehensive Agreement addresses various legal components of the development, ownership, and use of the project, and is summarized below.

Transaction Overview

Under the proposed Comprehensive Agreement, the transaction would involve three components:

- The sale by the County of the majority of the Crescent property to LADP in fee simple;
- The long-term (99 year) ground lease by the County of the site for the replacement affordable units to CPDC-controlled affiliates; two ground leases will be used, as CPDC will construct the replacement units in two new buildings and will utilize different financing for each such building; and
- The conveyance of the remaining approximately 1.2 acre portion of Countyowned land to Reston Association, who will in turn convey approximately 1.04 acres of adjacent land to LADP to facilitate the project.

The key driver of the project schedule is the award of Low Income Housing Tax Credits (LIHTC) by the Virginia Housing Development Authority (VHDA) to CPDC. CPDC's obligation to close on the leases and construct the replacement units, and LADP's ability to close on the fee simple portion of the project, are both contingent upon VHDA's award of LIHTC to CPDC. The application for the competitive and more substantial 9% LIHTC occurs once a year, in March. If VHDA awards CPDC 9% credits in the 2015 cycle, then the sequence of events is as described below; if VHDA does not award 9% credits to CPDC in the 2015 cycle, then the sequence halts and CPDC will apply for the 9% LIHTC in 2016. The Comprehensive Agreement is structured to allow CPDC at least two opportunities to apply for LIHTC – the 2015 and 2016 cycles; they may also apply in the 2017 cycle upon certain conditions, including the posting of an additional deposit.

In 2015, VHDA's deadline for applications for the 9% LIHTC is March 6. By May or June of 2015, VHDA will announce the awards of the 2015 9% LIHTC. Assuming CPDC receives 9% LIHTC in 2015, CPDC would issue 120-day relocation notices to the existing Crescent tenants in the spring/summer of 2015. The fee simple closing, in which the County would sell the fee simple portion of the project to LADP, would then occur in late 2015 or early 2016. After the fee simple closing, LADP would start on the site work for the entire project, including the County-owned remainder to be ground leased to CPDC-controlled affiliates. Upon completion of this site work – projected to take seven to eight months – the closing of the ground lease utilizing the 9% LIHTC would occur in late summer 2016, with the other ground lease closing within the following few months. The construction of the replacement buildings would then be expected to be completed in late 2017 or early 2018.

Agreement of Purchase and Sale (Fee Closing)

The County would sell approximately 13.6 acres of the Crescent property in fee simple to LADP for development of the non-replacement housing (750 dwelling units, of which 20% would be Affordable Dwelling Units or Workforce Dwelling Units) and 45,800 square feet of office/retail. The purchase price is \$32,918,825.50 if the fee closing

occurs in 2015; the purchase price escalates by 2.5% per year thereafter, to \$33,741,137.06 in 2016 and \$34,584,665.48 in 2017. LADP will provide a \$1,000,000 deposit to the County upon execution of the Comprehensive Agreement to be credited against the ultimate purchase price. If LADP elects to retain the ability to close into 2017, it must, among other things, post an additional deposit of another \$1,000,000.

Before the fee simple closing, there are a number of conditions that must be satisfied, including:

- CPDC will have been awarded LIHTC for the construction of the replacement units;
- CPDC will have obtained governmental approval of the building permits for the replacement affordable buildings;
- LADP will have obtained site plan, subdivision plan, and all other development approvals needed to perform the site work necessary to allow vertical construction of the replacement units;
- LADP will have obtained the right-of-way (or, at the County's election, binding agreements for the acquisition of such right-of-way) necessary for the realignment of Village Road;
- LADP will have entered into binding agreements evidencing site control of certain adjacent non-County parcels necessary for consolidation;
- LADP and the County (with the consent of CPDC) will have entered into agreements allocating responsibilities and costs for the Proffers for the project and providing for necessary easements between the parcels for the coordinated use and operation of the project; and,
- LADP will have executed a restrictive covenant binding upon the fee simple
 portion of the project. To ensure that the replacement affordable units are
 constructed and that other redevelopment goals (such as the realignment of
 Village Road) are met, the parties have agreed to record a restrictive covenant
 against the fee simple portion of the project at fee closing that limits LADP's
 ability to construct the market-rate portion of the project until various milestones
 are achieved with respect to the construction of the replacement units and/or the
 meeting of other goals.

Contracts to Ground Lease and Ground Leases (Lease Closing)

Simultaneously with the execution of the Comprehensive Agreement, the County would execute the two Contracts to Ground Lease, which would in turn, upon certain conditions, lead to the closing and execution of the ground leases themselves. As with the fee closing, the lease closings are conditioned upon the award of LIHTC; the lease closings are also contingent upon LADP's completion of the site work.

In the two ground leases, the County would lease a total of approximately 2.9 acres to CPDC for a term of 99 years and for the construction of two multi-family buildings (D3 and D4) that will house the affordable replacement units. One building (and lease) would be financed with 9% LIHTC and the other building (and lease) with the less competitive, but less lucrative, 4% LIHTC.

The leases generally require that 10% of the total units be affordable to households at 30% or lower of the area median income (AMI), another 20% of units be affordable to households at or below 50% of AMI, and the remainder (up to 181 units) be affordable to households at or below 60% of AMI. The County will not receive any rental income from these leases in furtherance of the affordable housing goals for the Project, except for a one-time \$2,500,000 payment (Loan Commitment) discussed further below.

Loan Commitment

CPDC has proposed a lease rent and loan structure with the County with two aims: (1) to allow CPDC to score higher in its application with VHDA for the 9% LIHTC, and (2) to eliminate a funding gap that the 4% LIHTC-financed building would otherwise face.

Under this structure, CPDC would, upon the closing of the lease for the 9% LIHTC-financed building, make a one-time \$2,500,000 payment to the County as landlord under the lease. The County would then immediately convey these funds to the FCRHA, who in turn would loan the \$2,500,000 to both the 9% and 4% projects.

The loan would be made at a fixed interest rate of 3% with terms of 35 years (for the 9% building loan) and 40 years (for the 4% building loan). The loans are to be repaid from 50% of the net cash flow after repayment of the deferred developer fee, and would be secured by a subordinate lien on CPDC's leasehold interest in the property. The FCRHA would join the Comprehensive Agreement solely with respect to the provisions relating to this loan. This structure is acceptable to VHDA.

Relocation Plan

The construction of the two replacement buildings will require the demolition of three out of five of the existing Crescent Apartment buildings. Many existing tenants will need to be relocated off-site during construction of the replacement units. The Relocation Plan describes the coordination and timing of such tenant relocation. The parties have negotiated a Relocation Plan that obligates CPDC to provide income-eligible affected tenants with appropriate interim housing during the construction of replacement units. Income-eligible tenants of the existing Crescent Apartments would ultimately have an opportunity to return to the replacement units. The County and CPDC will execute an agreement prior to fee closing to facilitate CPDC's relocation of existing tenants.

Note Regarding Existing County Debt on Crescent Property

As noted above, the County paid \$49,500,000 for the Crescent property in 2006, along

with \$300,000 for costs of issuance. This acquisition was funded with \$9,200,000 from the Affordable Housing Fund and \$40,600,000 in Bond Anticipation Notes (BANs), which have previously been refinanced and will have a balance of \$21,465,000 when they mature on March 1, 2015. The total cost includes financing and cost of issuance. At its meeting on January 27, 2015, the Board will be requested to refinance the balance of the current BAN with a new fixed rate taxable direct loan maturing on March 1, 2018. This financing would provide the County greater flexibility for prepayment of the new direct loan upon receipt of the proceeds from the sale of the Crescent property, as well as have lower costs of issuance. Until such refinancing, debt service payments of \$2.5 million will be earmarked from annual revenues in the Affordable Housing (Fund 30300) to continue to pay down the outstanding principal on the loan. It is anticipated that proceeds from the sale of the property to LADP beyond the outstanding debt will be allocated to Fund 300-C30300, the Affordable Housing Fund.

FISCAL IMPACT:

The fiscal impact of the proposed Comprehensive Agreement is as summarized above.

ENCLOSED DOCUMENTS:

Attachment 1 - The Comprehensive Agreement (with exhibits) can be viewed at http://www.fairfaxcounty.gov/dpsm/solic2.htm#ppea

STAFF:

Patricia Harrison, Deputy County Executive
Barbara A. Byron, Director, Office of Community Revitalization
Paula Sampson, Director, Department of Housing and Community Development
Kurt Creager, Incoming Director, Department of Housing and Community Development

4:30 p.m.

Public Hearing Pertaining to the Conveyance of Board-Owned Property and to Consider a Proposed Comprehensive Agreement with Wesley-Hamel Lewinsville LLC for the Redevelopment of the Lewinsville Senior Center and Daycare Property (Dranesville District)

ISSUE:

Public hearing on the disposition of County-owned property as required by Va. Code Ann § 15.2-1800 (2012) in connection with the redevelopment of the Lewinsville Senior Center and Daycare Property, Fairfax County Tax Map number 0303 01 0042, and on the Comprehensive Agreement (the "Comprehensive Agreement") between the County and Wesley Hamel Lewinsville LLC ("Wesley-Hamel") for the redevelopment of the Lewinsville property under the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002, as amended (PPEA).

RECOMMENDATION:

The County Executive recommends that the Board defer decision on the disposition of Board- owned property and the Comprehensive Agreement with Wesley Hamel, LLC until March 3, 2015.

TIMING:

Holding the public hearing on January 27, 2015, would facilitate the public comment period as required by the Code of Virginia and allow the Board to take action on the Comprehensive Agreement at its meeting on March 3, 2015.

BACKGROUND:

The 8.65 acre Lewinsville property is located at 1609 Great Falls Street in McLean. The property's existing facility, originally the Lewinsville Elementary School, was constructed in 1961 and contains approximately 38,355 square feet. Transferred from Fairfax County Public Schools to the Board of Supervisors in 1985, the building now houses the Lewinsville Senior Center, the 22 unit senior Lewinsville residences, an adult daycare center, and two separate private child day care centers. The site, which is currently zoned R-3, also contains athletic fields.

Prior Redevelopment Proposal: On February 9, 2004, the Board approved Special Exception Amendment SEA 94-D-002 and 2232 D-03-09, which permitted the construction of a redesigned 52,500 square foot building (the "Prior Proposal"), in addition to the existing 38,355 square foot Lewinsville Senior Center and Daycare facility. The Prior Proposal would have provided for, among other things, a sixty (60) bed assisted living facility with commercial kitchen and dining facility. However, the County, due to the costs to construct and operate the contemplated assisted living facility, elected to pursue the currently proposed independent living senior residential

model that could be constructed and operated under a ground lease at no cost to the County.

Current Redevelopment Proposal; Selection Process and Recommendation: On May 14, 2012, the County publicly advertised Request for Proposal RFP- 2000000263: the Lewinsville Senior Center and Independent Living Residence Development (RFP) under the Public-Private Education Facilities and Infrastructure Act of 2002, as amended (PPEA). Pursuant to the RFP, the County sought a developer to act as agent for the County to file another Special Exception Amendment to supercede the Prior Proposal. The Amendment would provide for the existing Senior Center and Daycare building to be razed and replaced with both a replacement public facility (the "Senior and Daycare Center") and a new independent living senior residential building (the "Senior Independent Living Residence"). The PPEA further provided that the Senior Independent Living Residence must contain affordable units and be located on a portion of the property that will be subject to a long term ground lease from the County.

Six proposals were received in response to the RFP. A Selection Advisory Committee (SAC), comprised of representatives from multiple County departments, was convened and ranked the proposals in accordance with the criteria and procedures set forth in the RFP. The SAC concluded that Wesley-Hamel best demonstrated the ability and capacity to meet the County's needs as identified in the RFP.

Interim Agreement: On July 29, 2014 the Board entered into an Interim Agreement with Wesley-Hamel. Under the Interim Agreement, Wesley-Hamel, as the Board's designated agent, filed a Special Exception Amendment (SEA) for zoning and land use approvals necessary for the property's proposed redevelopment [SEA 94-D-002-02]. At the same time, County staff and Wesley-Hamel negotiated a proposed Comprehensive Agreement to effectuate the proposed redevelopment. The execution of the Comprehensive Agreement is contingent upon the Board's approval of the SEA, which is also scheduled for a public hearing on January 27, 2015.

The new Senior and Daycare Center facility will be owned by Fairfax County and house a Senior Center, Adult Day Health Center, Adult Respite Center and two Private Child Daycare Centers. This facility will be designed, constructed, operated, and financed by Fairfax County. The Senior Independent Living Residences facility will be designed, constructed, owned and operated by Wesley-Hamel, at no cost to the County, under a long term ground lease. The proposed senior residence will contain 82 rental units affordable to seniors earning between 30% and 60% of the AMI

Comprehensive Agreement: The Comprehensive Agreement contains the following agreements:

 <u>Infrastructure Development Agreement ("IDA")</u>: The IDA contains the provisions under which Wesley-Hamel shall be responsible for the design and construction of the infrastructure improvements for the entire site, which responsibilities include razing the existing Senior and Daycare Center and delivering to the County a finished pad site ready for the County's construction of the new Senior and Daycare Center. The IDA further specifies the responsibilities of each party's costs with respect to the infrastructure's construction as specified in Exhibit C. The timing and construction of the site's infrastructure is, among other things, conditioned upon Wesley-Hamel applying for and receiving an award of 9% Low Income Housing Tax Credits from the Virginia Housing and Development Authority in 2015, or in 2016 if not initially awarded in 2015. A relocation plan for the current 22 tenants, the senior center, the adult daycare and the two child daycare centers is detailed in Exhibit E. The relocation plan for the current 22 residents provides for their off–site relocation during construction of the new housing and for their return upon completion, subject to income eligibility. The plan also provides for the temporary on-site housing of both child daycare centers in temporary learning cottages to be located in the area of the existing athletic fields.

- <u>Deed of Lease</u>: Within the Deed of Lease are the terms and conditions under which Wesley-Hamel shall, at no cost to County, design, develop, construct, own and operate the 82 unit Senior Independent Living Residence under a ninety nine year ground lease. Such provisions include, as specified in Exhibit H, the criteria under which the 100% affordable, rental residential development shall be operated throughout the term of the lease including eligible household incomes, unit sizes and mix and rent limits established as a percentage of the Area Median Income. The Senior Independent Living Residence shall be constructed as described in the Plans and Specifications listed in Exhibit E. The repair and maintenance and capital reserves of the Senior Independent Living Residence shall be administered in accordance with the provisions of the Deed of Lease. Since the Senior Independent Living Residence would be comprised solely of affordable units, there would be only nominal ground rent.
- Option to Lease: Prior to the execution of the Deed of Lease, and in order to finance in part the design, development and construction of an affordable Senior Independent Living Residence, Wesley-Hamel will apply to VHDA for Low Income Housing Tax Credits (LIHTC). One requirement of the LIHTC application is for the applicant to provide evidence of site control; the Option to Lease fufills such requirement. Upon award of tax credits in either 2015 or 2016, the Option to Lease provides Wesley-Hamel the right to exercise its option and enter into the aforementioned Deed of Lease. In the event that Wesley-Hamel does not receive an award of tax credits by July 31, 2016, the Option will automatically terminate.

FISCAL IMPACT:

As part of the Adopted FY 2011 Capital Improvement Program, the Board of Supervisors approved the use of long term financing for capital renovations at Lewinsville. For the replacement senior center/day care facility, it is anticipated that the County will consider bond financing through the Fairfax County Economic Development Authority, the FCRHA or the Virginia Resources Authority's (VRA) Virginia Pooled

Financing Program. The decision to sell the bonds through one of these entities will be determined based on market conditions in the months leading up to the bond sale. The future debt service payments on the Lewinsville project will be paid by the County from the Consolidated Debt Service Fund (Fund 20000). The financing cost for this project in the amount of \$17,000,000 has been included as part of the County's out year financial forecast and debt ratio projections, as cited in the Adopted FY 2015-2019 Capital Improvement Program. The cost of the development of new senior housing at the site will not require County or FCRHA funding beyond some predevelopment and infrastructure costs previously approved.

ENCLOSED DOCUMENTS:

Attachment 1: The Comprehensive Agreement can be viewed at: http://www.fairfaxcounty.gov/dpsm/solic2.htm#ppea

STAFF:

Patricia D. Harrison, Deputy County Executive
Paula Sampson, Director, Department of Housing and Community Development (HCD)
Kurt Creager, Incoming Director, HCD
Hossein Malayeri, Deputy Director, Real Estate, HCD
Joe LaHait, Debt Coordinator, Department of Management and Budget

4:30 p.m.

Public Hearing on SE 2014-MA-015 (Afghan Academy Inc) to Permit a Funeral Chapel, Located on Approximately 40,162 Square Feet of Land Zoned R-2 (Mason District)

Property is located at 6839 Braddock Road, Annandale 22003. Tax Map 71-4 ((1)) 34.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 3, 2014, the Planning Commission voted 12-0 to recommend the following actions to the Board of Supervisors:

- Approval of SE 2014-MA-015, subject to the Development Conditions dated December 3, 2014;
- Approval of a waiver of the provision of a service drive, in lieu of the internal travel aisle;
- Approval of a modification of the 40-foot building setback from any lot line that abuts an R-A through and R-4 District, to permit the building to be located 35.8 feet from the northern lot line and 25.5 feet from the eastern lot line, in favor of the transitional screening and architectural treatment, as shown on the proposed plat and as conditioned; and
- Approval of a modification of the barrier requirement along the eastern lot line, to allow welded metal fencing as a barrier material.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4467335.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Joseph Gorney Planner, DPZ

Planning Commission Meeting December 3, 2014 Verbatim Excerpt

<u>SE 2014-MA-015 – AFGHAN ACADEMY INC.</u>

Decision Only During Commission Matters (Public Hearing held on October 30, 2014)

Commissioner Hall: I do have something. You know I have this handy dandy device here and — don't put this on the record because I'm not talking about it. Anyway, I had a wonderful statement to talk about — that this application is fully in compliance with all the ordinances and it's perfectly legitimate. And I will make a statement for the record once I find it. But I really don't want you all sitting here all night waiting for me to find it because it's perfectly legal with what is being proposed. And with that, the reason you're all here smiling and anxiously looking at me is you're ready for me to say I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2014-MA-015, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 3RD, 2014.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Do you have to call them down to agree with the-

Commissioner Hart: Yes, that's what – get them to approve the new – see if he's in agreement with the conditions.

Commissioner Hall: I was going to have them do that after I started that.

Chairman Murphy: Okay. Go ahead.

Commissioner Hall: But – well, that was the first one.

Chairman Murphy: Go ahead.

Commissioner Hall: Okay, would you – would the applicant's representative, Mr. Martin-

Chairman Murphy: Mr. Martin, come on down.

Commissioner Hall: I got there. You just – you're rushing.

Chairman Murphy: Well I know your time is short on the Commission. I want to make sure you get it all in.

Commissioner Hall: I'm a short-timer.

Keith Martin, Applicants Agent, Tramonte , Yeonas, Roberts, & Martin, PLLC: I'm going to miss you, Ms. Hall.

Commissioner Hall: Yes you are. You're familiar with the new development conditions and do you confirm-

Mr. Martin: We totally agree with them.

Commissioner Hall: -whatever you need to do.

Mr. Martin: Yes.

Commissioner Hall: Okay. Is that good enough?

Chairman Murphy: Yes, just identify yourself for the record we know you-

Mr. Martin: Keith Martin, for the record.

Chairman Murphy: Thank you very much. Okay, Ms. Hall.

Commissioner Hall: Did you not want to work on that first motion that I said?

Chairman Murphy: You already did.

Commissioner Hall: Oh.

Commissioner Hart: We just haven't voted.

Commissioner Hall: You haven't voted.

Chairman Murphy: Oh, all those in favor of the motion-

Commissioner Hall: Thank you.

Commissioner Lawrence: Mr. Chairman.

Chairman Murphy: to recommend to the Board of Supervisors to approve SE – Mr. Lawrence.

Commissioner Lawrence: Just a point of clarification. I was not present for the public hearing, but I reviewed the video on this one so I feel confident to vote.

Chairman Murphy: Okay. All those in favor of the motion to approve SE – to recommend to the Board of Supervisors to approve SE 2014-MA-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING WAIVER:

• WAIVER OF THE PROVISION OF A SERVICE DRIVE, IN LIEU OF THE INTERNAL TRAVEL AISLE:

- MODIFICATION OF THE 40-FOOT BUILDING SETBACK FROM ANY LOT LINE THAT ABUTS AN R-A THROUGH AND R-4 DISTRICT, TO PERMIT THE BUILDING TO BE LOCATED 35.8 FEET FROM THE NORTHERN LOT LINE 25.5 FEET FROM THE EASTERN LOT LINE, IN FAVOR OF THE TRANSITIONAL SCREENING AND ARCHITECTURAL TREATMENT, AS SHOWN ON THE PROPOSED PLAT AND AS CONDITIONED;
- MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE EASTERN LOT LINE, TO ALLOW WELDED METAL FENCING AS A BARRIER MATERIAL.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Hall: Thank you, Mr. Chairman. I would love to also thank the Afghan Academy. I know this has not been easy. I know that – maybe people were not on their best behavior and they should've been. And I wish you best of luck on your application. Thank you very much.

Chairman Murphy: Yes. Just let me add – I think that during the public hearing – I think the whole public hearing – not the Planning Commission's role in the public hearing come off-track a little bit. And I apologize for that, but that's bound to happen. But as you can see from the motion that Ms. Hall made that the motion to approve your application was based strictly on land use considerations. And that's why you were here and that's what the application was all about. So thank you for your patience and thank you for coming tonight.

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(Each motion carried by a vote of 12-0.)

JLC

5:00 p.m.

Public Hearing on RZ 2012-MV-015 (McShay Communities, Inc) to Rezone from R-1 to R-12 to Permit Residential Development at a Density of 8.16 Dwelling Units Per Acre and Waiver of the Minimum District Size Requirement, Located on Approximately 4.90 Acres of Land (Mount Vernon District)

Property is located on the North Side of Richmond Highway approximately 600 Feet South of Dutchman Drive. Tax Map 107-4 ((1)) 40A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 3, 2014, the Planning Commission voted 11-1 (Commissioner Lawrence abstained) to recommend the following actions to the Board of Supervisors:

- Approve RZ 2012-MV-015, subject to the execution of proffers consistent with those dated December 2, 2014;
- Approval of the following waivers and modifications of Sect. 17-201 of the Zoning Ordinance:
 - Waiver of the service drive requirement along Richmond Highway, in favor of that shown on the Generalized Development Plan (GDP);
 - Waiver of the on-road bike lane requirement along Richmond Highway, in favor of that shown on the GDP; and
 - Waiver of the major trail requirement along Richmond Highway, in favor of that shown on the GDP.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at: http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4467828.PDF

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ) Nicholas Rogers Planner, DPZ

Planning Commission Meeting December 3, 2014 Verbatim Excerpt

RZ 2012-MV-015 – MCSHAY COMMUNITIES INC.

Decision Only During Commission Matters (Public Hearing held on November 5, 2014)

Commissioner Flanagan: And then I have two long-awaited motions to make – happily. And the first is – I would like to – the case is RZ 2012-MV-015, McShay Communities Incorporated. You've all received a handout on that, I think, by email previously and tonight you also have a copy in front of you in case you have any questions – still have any questions about it. The – I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE RZ 2012-MV-015, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE NOW DATED DECEMBER 2, 2014.

Commissioners Litzenberger and Sargeant: Second.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2012-MV-015, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Mr. Chairman, abstain.

Chairman Murphy. Mr. Lawrence abstains, not present for the hearing.

Commissioner Lawrence: Right.

Commissioner Flanagan: And my last motion is I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE THE THREE MODIFICATIONS AND WAIVERS THAT ARE ATTACHED TO THE HANDOUT THAT YOU HAVE DATED DECEMBER 3, 2014-

Commissioners Litzenberger and Sargeant: Second.

Commissioner Flanagan: -WHICH SHALL BE MADE PART OF THE RECORD OF THIS CASE.

Chairman Murphy: Seconded by Mr. Litzenberger and Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstention.

Planning Commission Meeting December 3, 2014 RZ 2012-MV-015 Attachment 1 Page 2

Commissioner Flanagan: Mr. Chairman, I'd like to – in particular – recognize the hard work done by Mr. McGhan for McShay Communities over three years it's taken to – this has been a most difficult case – right on Richmond Highway where we have a widening of the Richmond Highway and we have a neighbor's property that was a terrible tangle of legal matters that I could – I still don't understand myself. But I'm so glad that Nick Rogers, who was a staff person on this thing, really did a yeoman's job on this. He did just an outstanding job on the part of the staff and I'd like to thank Nick for all the work that he did in helping get this thing. And then I'd – lastly, I'd like to also thank the Lorton Land Use Committee, which stayed with this thing and was in favor of actually approving this way back down the line if it hadn't been for all those legal problems. So it really is an enormous load off my mind. I know that. So I'd like to thank all those people.

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(Each motion carried by a vote of 11-0-1. Commissioner Lawrence abstained.)

JLC