

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2017**

**AGENDA**

- 9:30 Presentations
- 10:00 Presentation of the Volunteer Fire Commission Awards
- 10:10 Board Appointments
- 10:20 Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

- 1 Authorization to Advertise a Public Hearing on the County and Schools' FY 2017 Carryover Review to Amend the Appropriation Level in the FY 2018 Revised Budget Plan
- 2 Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Sunrise Valley Drive Sidewalk - North Side from Soapstone Drive to South Lakes Drive (Hunter Mill District)
- 3 Approval of Traffic Calming Measures and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Dranesville, Hunter Mill, Lee and Mount Vernon Districts)
- 4 Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Government Center Parkway (Braddock District)
- 5 Authorization to Advertise a Public Hearing to Expand the London Towne Community Parking District (Sully District)
- 6 Authorization to Advertise a Public Hearing to Consider an Editorial Amendment to the West Springfield Residential Permit Parking District, District 7 (Springfield District)
- 7 Appointment of Parent Representative Members to the Fairfax-Falls Church Community Policy and Management Team (CPMT)
- 8 Authorization to Advertise a Public Hearing to Approve Parking Restrictions on Commercial Drive (Mason District)
- 9 Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the Department of Health and Human Services for Supplemental Funding Associated with the Head Start, Early Head Start and Early Head Start Child Care Partnership and Expansion Grants

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2017**

### ADMINISTRATIVE ITEMS (Continued)

10 Authorization for the Fairfax County Police Department to Apply for  
Grant Funding from the U.S. Department of Justice, Office of  
Community Policing Services, COPS Hiring Program

## ACTION ITEMS

1 Adoption of a Resolution Approving the Issuance of Revenue Bonds by the Economic Development Authority for the Benefit of the Madeira School Inc.

## 2 Approval of a Parking Reduction for Woodland Park Waterview (Dranesville District)

3 Approval of a Joint Funding Agreement – Fairfax County Partnership with the United States Geological Survey for the Continuation of the Water Resources Monitoring Network and Publication of Scientific Investigations Reports

4 Authorization to: 1) Approve Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt and/or Taxable Bonds in an Amount not to Exceed \$20,000,000; and 2) For the FCRHA to Submit an Application to Virginia Department of Housing and Community Development for Tax-Exempt and/or Taxable Bond Allocation for Murraygate Village Apartments (Lee District)

5 Approval of the Proposed Consolidated Plan One-Year Action Plan  
for FY 2018

6 Approval of Memorandum of Understanding Between the Fairfax  
County Board of Supervisors and the Fairfax County School Board  
Regarding Implementation of a Joint MS4 Program

7 Approval of a Plain Language Explanation for the 2017 Bond  
Referendum for Improvements to Public Schools

8 Approval of a Resolution Authorizing Execution of a Project Land Rights Acquisition Administration Agreement with the City of Falls Church for the Acquisition of Land Rights Needed for Pedestrian Enhancement and Signal Improvements on North West Street (Dranesville District)

9 Approval of Fairfax County's Title VI Program Update for 2017-  
2019 for the Federal Transit Administration (FTA)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2017**

**ACTION ITEMS  
(Continued)**

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| 10 | Endorsement of Little River Turnpike Bicycle Corridor Study and Recommended Projects (Braddock, Mason and Providence Districts)   |
| 11 | Approval of a Draft Board of Supervisors' Meeting Schedule for Calendar Year 2018   |
| 12 | Approval of a Resolution and Project Administration Agreement with the Virginia Department of Transportation Regarding the Construction of Edsall Road Walkway over I-395 from Cherokee Avenue to 200 Feet North of Beryl Road (Mason District) |
| 13 | Approval of FY 2017 Year-End Processing   |

**INFORMATION  
ITEMS**

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|---|---|
| 1 | Contract Award – HIV/AIDS Medical Services for Indigent Residents |
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10:30	Matters Presented by Board Members
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11:20	Closed Session
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**PUBLIC  
HEARINGS**

3:30	Public Hearing on RZ 2015-PR-006 (International Place at Tysons LLC) (Providence District)
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3:30	Public Hearing on SE 2017-LE-006 (DVA Telegraph - 7710, LLC) (Lee District)
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3:30	Public Hearing on RZ 2014-MA-023 (Columbia Crossroads L.P.) (Mason District)
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3:30	Public Hearing on RZ 2016-MV-002 (Novus Property Holdings LLC) (Mount Vernon District)
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4:00	Public Hearing on Proposed Plan Amendment 2017-I-B1, Located North of Arlington Boulevard, West of Meeting Street and South of the Arlington County Border (Mason District)
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4:00	Public Hearing on Proposed Plan Amendment 2017-CW-1CP, Mobile and Land-Based Telecommunications Policy Plan
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4:00	<b>Withdrawn</b> Public Hearing on the Acquisition of Certain Land Rights Necessary for the Rehabilitation of the Difficult Run Force Main
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**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2017  
(Hunter Mill and Dranesville Districts)**

**PUBLIC  
HEARINGS  
(Continued)**

4:00	Public Hearing on SE 2016-MA-023 (Arcland Property Company, LLC) (Mason District)
4:00	Public Hearing on RZ 2016-MA-029 (Arcland Property Company, LLC) (Mason District)
4:30	Public Hearing on RZ 2017-DR-014 (JLB Dulles Tech LLC) (Dranesville District)
4:30	Public Hearing on SEA 86-M-023-04 (Landmark HHH, L.L.C.) (Mason District)
4:30	Public Comment





# *Fairfax County, Virginia*

## ***BOARD OF SUPERVISORS***

### ***AGENDA***

**Tuesday**  
**July 25, 2017**

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9:30 a.m.

- A. Presentation of the Sheriff's Office and the Police Department's accreditation by the Virginia Law Enforcement Professional Standards Commission.
- B. Presentation of the Cox Conserves Hero award to Nancy Vehrs by Cox Communications Virginia.

#### **PRESENTATIONS**

- CERTIFICATE – To recognize the Lake Braddock Secondary School Track Teams and individual state champions for their accomplishments. Requested by Supervisors Cook, Foust, Herrity and Smith.
- RESOLUTION – To recognize the Clifton Betterment Association for its work to promote and improve Clifton. Requested by Supervisor Herrity.
- PROCLAMATION – To designate September 2017 as Food Safety Education Month in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate September 2017 as Kinship Care Awareness Month in Fairfax County. Requested by Supervisor Hudgins.

#### **STAFF:**

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

Board Agenda Item  
July 25, 2017

10:00 a.m.

Presentation of the Volunteer Fire Commission Awards

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Tim Fleming, Chair of the Volunteer Fire Commission

Board Agenda Item  
July 25, 2017

10:10 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard July 25, 2017  
(An updated list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors

July 25, 2017

**NOTE: A revised list will be distributed immediately prior to the Board meeting.**

**APPOINTMENTS TO BE HEARD JULY 25, 2017**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH AUGUST 31, 2017)**  
(Unless otherwise noted, members are eligible for reappointment)

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Christopher Moeller; appointed 3/16 by Storck) Term exp. 1/17 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

**AIRPORTS ADVISORY COMMITTEE (3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Edward Robichaud (Appointed 2/11-1/14 by Hudgins) Term exp. 1/17	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Robert A. Peter; appointed 2/09-1/13 by Smyth) Term exp. 1/16 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence

**ANIMAL SERVICES ADVISORY COMMISSION (2 years)**

[Note: In addition to attendance at Commission meetings, members shall volunteer at least 24 hours per year in some capacity for the Animal Services Division.]

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Barbara Hyde; appointed 9/13-9/14 by Gross) Term exp. 2/16 <i>Resigned</i>	Mason District Representative		Gross	Mason

**ARCHITECTURAL REVIEW BOARD (3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (John Boland; appointed 2/91-9/95 by Dix; 7/01 by Mendelsohn; 9/04- 9/07 by DuBois; 9/10-9/13 by Foust) Term exp. 9/16 <i>Resigned</i>	Attorney Representative		By Any Supervisor	At-Large

<b>ATHLETIC COUNCIL (2 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Terry Adams (Appointed 11/11-7/13 by Gross) Term exp. 6/15	Mason District Alternate Representative		Gross	Mason

<b>BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Andrew R. Miller (Appointed 1/15-6/16 by Cook) Term exp. 6/17	Braddock District Representative	<b>Andrew R. Miller</b>	Cook	Braddock
VACANT (Formerly held by Judith Fogel; appointed 6/12-5/15 by Gross) Term exp. 6/16 Resigned	Mason District Representative		Gross	Mason
VACANT (Formerly held by Brett Kenney; appointed 10/13-9/15 by Hyland) Term exp. 6/16 Resigned	Mount Vernon District Representative		Storck	Mount Vernon
Emilie F. Miller (Appointed 7/05-7/16 by Smyth) Term exp. 6/17	Providence District Representative		L. Smyth	Providence

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**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)**  
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Joshua D. Foley (Appointed 9/13-6/16 by Herrity) Term exp. 6/17	Springfield District Representative		Herrity	Springfield
Olga Hernandez (Appointed 9/04-6/15 by Frey; 7/16 by K. Smith) Term exp. 6/17	Sully District Representative		K. Smith	Sully

**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.)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 by Hudgins) Term exp. 2/15 <i>Resigned</i>	Alternate #4 Representative		By Any Supervisor	At-Large
David A. Beale (Appointed 1/10-2/13 by Bulova) Term exp. 2/17	Design Professional #3 Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE  
EXCEPTION REVIEW COMMITTEE (4 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Stephen Kirby; appointed 12/03-1/08 by Kauffman; 9/11 by McKay) Term exp. 9/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Brian Loo; appointed 7/12 by Smyth) Term exp. 9/15 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence
VACANT (Formerly held by David Schnare; appointed 12/08 by McConnell; 11/10- 9/15 by Herrity) Term exp. 9/19 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**CHILD CARE ADVISORY COUNCIL (2 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Hugh Mac Cannon; appointed 12/09-9/14 by Herrity) Term exp. 9/16 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield



<p align="center"><b>COMMISSION ON AGING (2 years)</b></p>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Thomas Bash (Appointed 5/11-7/15 by Herrity) Term exp. 5/17	Springfield District Representative		Herrity	Springfield

<p align="center"><b>COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION (4 years)</b></p>
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<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Adrienne M. Walters; appointed 3/14 By L. Smyth) Term exp. 1/17 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence
VACANT (Formerly held by William Stephens; appointed 9/02-1/03 by McConnell; 1/07- 1/11 by Herrity) Term exp. 1/15 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**  
(3 years)

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Rodney Scott; appointed 3/11-2/14 by Hudgins) Term exp. 2/17 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Tara J. Bright; Appointed 5/16 by McKay) Term exp. 2/17 <i>Resigned</i>	Lee District Representative		McKay	Lee

**CONSUMER PROTECTION COMMISSION**  
(3 years)

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Michael J. Roark (Appointed 1/08-11/14 by Hyland) Term exp. 7/17	Fairfax County Resident #2 Representative		By Any Supervisor	At-Large
Dirck A. Hargraves (Appointed 2/06 by Kauffman; 10/08-7/14 by McKay) Term exp. 7/17	Fairfax County Resident #5 Representative		By Any Supervisor	At-Large

**ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Linnie Haynesworth (Appointed 7/16 by Bulova) Term exp. 7/1/17	At-Large #5 Citizen Representative		By Any Supervisor	At-Large

**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.

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Jacqueline Browne (Appointed 9/08- 12/11 by Gross) Term exp. 11/14	Mason District Representative		Gross	Mason
VACANT (Formerly held by Donald Kissinger; appointed 7/10-1/16 by Herrity) Term exp. 11/18 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL  
(2 years)**

**CONFIRMATIONS NEEDED:**

- Ms. May F. Barzinji as a Long Term Care Provider Representative
- Ms. Denise Hyater as the Long Term Care Provider #7 Representative
- Ms. Alexandra “Sascha” Reed as the Long Term Care Provider #24 Representative
- Ms. Pam Wiener as the Long Term Care Provider #25 Representative

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION  
BOARD OF DIRECTORS (3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Theresa L. Fox (Appointed 1/06- 5/14 by Gross) Term exp. 6/17	Mason District Representative		Gross	Mason
Robert H. Maurer (Appointed 7/13- 5/14 by L. Smyth) Term exp. 6/17	Providence District Representative		L. Smyth	Providence

**FAIRFAX COUNTY EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES  
(4 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Robert C. Carlson (Appointed 3/92-8/93 by Davis; 7/97-9/13 by Frey) Term exp. 8/17	At-Large #1 Representative		By Any Supervisor	At-Large

**CONFIRMATION NEEDED:**

- Mr. Randy Creller as the Elected Fairfax County Employee Representative

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD****(3 years – limited to 3 full terms)**

[NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Jeffrey M. Wisoff; appointed 6/13-6/14 by Smyth) Term exp. 6/17 Resigned	Providence District Representative		L. Smyth	Providence
Lori Stillman (Appointed 10/05 by McConnell; 6/08-6/14 by Herrity) Term exp. 6/17 ( <i>Not eligible for reappointment need 1 year break</i> )	Springfield District Representative		Herrity	Springfield

**HEALTH CARE ADVISORY BOARD****(4 years)**

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
Rosanne L. Rodilosso (Appointed 06/99-5/01 by Mrdelsohn; 6/05 by DuBois; 7/09-6/13 by Foust) Term exp. 6/17	Dranesville District Representative		Foust	Dranesville

**HEALTH SYSTEMS AGENCY BOARD**  
(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard T. Hartman (Appointed 2/14 by Bulova) Term exp. 6/17	Consumer #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Ananth Thyagarajan; Appointed 7/15 by Bulova) Term exp. 6/18 <i>Resigned</i>	Provider #1 Representative	<b>Veronica C. Doran</b> (Cook)	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 - 0	Springfield - 2
Hunter Mill - 3	Mt. Vernon - 2	Sully - 2

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Naomi D. Zeavin; appointed 1/95 by Trapnell; 1/96-11/13 by Gross) Term exp. 12/16 <i>Mason District Resident Resigned</i>	Historian #1 Representative		By Any Supervisor	At-Large

<b>HUMAN SERVICES COUNCIL (4 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jeff Dannick (Appointed 4/14 by Cook) Term exp. 7/17	Braddock District #1 Representative		Cook	Braddock
Alis Wang (Appointed 12/16 by Gross) Term exp. 7/17	Mason District #2 Representative		Gross	Mason
Adrienne M. Walters (Appointed 3/14 by L. Smyth) Term exp. 7/17	Providence District #2 Representative		L. Smyth	Providence
Jerrold L. Foltz (Appointed 7/14 by Frey) Term exp. 7/17	Sully District #1 Representative		K. Smith	Sully

<b>JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL (2 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
John W. Herold (Appointed 11/13-1/15 by Bulova) Term exp. 1/17	At-Large Chairman's Representative		Bulova	At-Large Chairman's

LIBRARY BOARD (4 years)				
<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael S. Donovan (Appointed 1/14 by Cook) Term exp. 7/17	Braddock District Representative	<b>Michael S. Donovan</b>	Cook	Braddock
Darren T. Ewing (Appointed 12/14 by Foust) Term exp. 7/17	Dranesville District Representative		Foust	Dranesville
Frances E. Milhouser (Appointed 4/15 by Gross) Term exp. 7/17	Mason District Representative		Gross	Mason
Gary G. Russell (Appointed 3/16 by Storck) Term exp. 7/17	Mount Vernon District Representative		Storck	Mount Vernon
Miriam Smolen (Appointed 4/15 by L. Smyth) Term exp. 7/17	Providence District Representative		L. Smyth	Providence
Yearn Hong Choi (Appointed 5/16 by Herrity) Term exp. 7/17	Springfield District Representative		Herrity	Springfield



**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)**

**\*On May 2, 2017, the Board of Supervisors authorized the renaming of this committee to the Oversight Committee on Distracted and Impaired Driving.**

**Appointments are to be made at a later date.**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Jeffrey Levy; Appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence
Kyle D. Green (Appointed 2/14 by Frey) Term exp. 6/17	Sully District Representative		K. Smith	Sully

**REDEVELOPMENT AND HOUSING AUTHORITY (4 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Helen C. Kyle (Appointed 5/00-3/01 by Hanley; 4/05 by Connolly; 4/09-6/13 by Bulova) Term exp. 4/17	At-Large #2 Representative		Bulova	At-Large

**RESTON TRANSPORTATION SERVICE  
DISTRICT ADVISORY BOARD**

The Board of Supervisors established the advisory board on April 4, 2017  
There will be a total of 14 members on this advisory board. The appointees would serve  
for 4 year terms from April 4, 2017

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
NEW POSITION	Dranesville District Representative		Foust	Dranesville
NEW POSITION	Hunter Mill District #1 Representative		Hudgins	Hunter Mill
NEW POSITION	Hunter Mill District #2 Representative		Hudgins	Hunter Mill
NEW POSITION	Residential Owners and HOA/Civic Association #1 Representative		Foust or Hudgins	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #2 Representative		Foust or Hudgins	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #3 Representative		Foust or Hudgins	At-Large

Continue on next page

**RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD**

The Board of Supervisors established the advisory board on April 4, 2017

There will be a total of 14 members on this advisory board. The appointees would serve for 4 year terms from April 4, 2017

continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Apartment or Rental Owner Association Representative		Foust or Hudgins	At-Large
NEW POSITION	Commercial or Retail Ownership #1 Representative		Foust or Hudgins	At-Large
NEW POSITION	Commercial or Retail Ownership #2 Representative		Foust or Hudgins	At-Large
NEW POSITION	Commercial or Retail Ownership #3 Representative		Foust or Hudgins	At-Large
NEW POSITION	Reston Chamber of Commerce lessees of Non-Residential Space Representative		Hudgins	At-Large
NEW POSITION	Reston Association Representative		Hudgins	At-Large
NEW POSITION	Reston Town Center Association Representative		Hudgins	At-Large
NEW POSITION	Homeowner Member from Reston Town Center Association Representative		Hudgins	At-Large

## ROAD VIEWERS BOARD (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08-11/13 by Herrity) Term exp. 12/14 <i>Resigned</i>	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 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

## SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Beatrice Malone; appointed 11/05-11/14 by Hudgins) Term exp. 12/17 <i>Deceased</i>	Hunter Mill District Representative	<b>Carmen L. Powell</b>	Hudgins	Hunter Mill

<b>SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)</b>
--

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Ram Singh; appointed 5/06-3/16 by Hudgins) Term exp. 3/18 <i>Resigned</i>	Fairfax County #6 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Linda Diamond; appointed 3/07-4/13 by Hudgins) Term exp. 3/15 <i>Resigned</i>	Fairfax County #8 Representative		By Any Supervisor	At-Large

<b>TENANT LANDLORD COMMISSION (3 years)</b>
---

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Michael Congleton; appointed 7/13-2/17 by Herrity) Term exp. 1/20 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 <i>Deceased</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative	<b>Jade Harberg</b> (Bulova)	By Any Supervisor	At-Large

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD  
(2 YEARS)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Cory Scott (Appointed 1/16 by L. Smyth) Term exp. 2/17	Commercial or Retail Ownership Representative #2		By Any Supervisor	At-Large
VACANT (Formerly held by Molly Peacock; appointed 2/13-1/15 by L. Smyth) Term exp. 2/17 <i>Resigned</i>	Providence District Representative #2		L. Smyth	Providence

**WATER AUTHORITY (3 years)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Burton Jay Rubin (Appointed 5/84-6/05 by McConnell; 6/08- 5/14 by Herrity) Term exp. 6/17	Springfield District Representative	<b>Burton Jay Rubin</b>	Herrity	Springfield

<b>VOLUNTEER FIRE COMMISSION (2 years)</b>
--

**CONFIRMATIONS NEEDED:**

- Ms. Camilla Morrison as the At-Large Representative
- Mr. Shawn Stokes as the Volunteer Fire and Rescue Association #2 Representative
- Mr. Robert Mizer as the Zone III Representative
- Mr. Michael J. Masciola as the Zone IV Representative

<b>WETLANDS BOARD (5 years)</b>
---------------------------------

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
Deana M. Crumbling (Appointed 1/14 by Bulova) Term exp. 7/16	Alternate #1 Representative		By Any Supervisor	At-Large

Board Agenda Item  
July 25, 2017

10:20 a.m.

Items Presented by the County Executive



Board Agenda Item  
July 25, 2017

ADMINISTRATIVE – 1

Authorization to Advertise a Public Hearing on the County and Schools' FY 2017 Carryover Review to Amend the Appropriation Level in the FY 2018 Revised Budget Plan

ISSUE:

Board approval of an advertisement to increase the FY 2018 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2017 Carryover Reviews*. Section 15.2 – 2507 of the Code of Virginia requires that a public hearing be held prior to Board Action.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on September 12, 2017 at 10:30 a.m.

TIMING:

Board action is requested on July 25, 2017.

BACKGROUND:

As the *FY 2017 Carryover Review* includes potential increases in appropriation greater than \$500,000, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement for a public hearing.

Details of the proposed changes shown in the advertisement are provided to the Board in the enclosed *FY 2017 Carryover Review* documents.

The School Board funding adjustments included in the advertisement are based on staff's recommendations to the School Board, which were presented to the School Board on July 13, 2017, with action to be taken by the School Board on July 27, 2017. Any changes by the School Board to staff recommendations on July 27, 2017 will be incorporated into the Carryover advertisement for the public hearing on September 12, 2017.

Board Agenda Item  
July 25, 2017

ENCLOSED DOCUMENTS:

*These attachments will be available online on Monday, July 24, 2017:*

<http://www.fairfaxcounty.gov/dmb/carryover/fy2017/carryover.htm>

Attachment A: Proposed advertisement for public hearing

Attachment B: July 25, 2017 Memorandum to the Board of Supervisors from Edward L. Long Jr., County Executive, with attachments, transmitting the County's *FY 2017*

*Carryover Review* with appropriate resolutions

Attachment C: Fairfax County School Recommended FY 2017 Final Budget Review and Appropriation Resolutions

STAFF:

Joseph M. Mondoro, Chief Financial Officer

Board Agenda Item  
July 25, 2017

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Sunrise Valley Drive Sidewalk – North Side from Soapstone Drive to South Lakes Drive (Hunter Mill District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 1400074-2012, Sunrise Valley Drive Sidewalk – North Side from Soapstone Drive to South Lakes Drive, Fund 50000, Federal-State Grant Fund.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 26, 2017, at 4:00 p.m.

TIMING:

Board action is requested on July 25, 2017, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of upgrading approximately 4,500 linear feet of existing asphalt sidewalk to a 10-foot shared use path on the north side of Sunrise Valley Drive (Route 5320) from Soapstone Drive to South Lakes Drive.

Land rights for these improvements are required on nine (9) properties, six (6) of which have been acquired by the Land Acquisition Division (LAD). The construction of this project requires the acquisition of Sidewalk Easements and Grading Agreements and Temporary Construction Easements.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, VA. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item  
July 25, 2017

FISCAL IMPACT:

Funding is available in Project 1400074-2012, Sunrise Valley Drive Sidewalk – North Side from Soapstone Drive to South Lakes Drive, in Fund 50000, Federal-State Grant Fund. This project is included in the FY 2018 – FY 2022 Adopted Capital Improvement Program (With Future Fiscal Years to 2027). No Additional funding is being requested from the Board and there is no General Fund impact.

ENCLOSED DOCUMENTS:

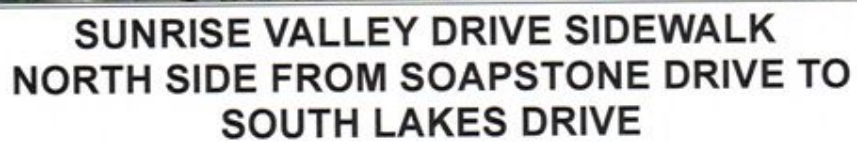
Attachment A - Project Location Map  
Attachment B - Listing of Affected Properties

STAFF:

Robert A. Stalzer, Deputy County Executive  
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)  
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Pelto, Assistant County Attorney, Office of the County Attorney



A horizontal scale bar with tick marks at 0, 5, 10, and 20. The word "Miles" is written at the right end of the bar.



LISTING OF AFFECTED PROPERTIES

Project 1400074-2012

Sunrise Valley Drive Sidewalk – North Side from Soapstone Drive to South Lakes Drive  
(Hunter Mill District)

PROPERTY OWNER(S)

- |  |                  |
|--|------------------|
| 1. I.G.S. LLC                                  | 017-4-12-0011-A  |
| Address:<br>11495 Commerce Park Drive, Reston  |                  |
| 2. The Realty Associates Fund XI, LP           | 026-2-01-0010    |
| Address:<br>1881 Campus Commons Drive, Reston  |                  |
| 3. United Facilities, LLC                      | 017-4-12-0011-D3 |
| Address:<br>1900 Centennial Park Drive, Reston |                  |



ADMINISTRATIVE - 3

Approval of Traffic Calming Measures and "Watch for Children" Signs as part of the Residential Traffic Administration Program (Dranesville, Hunter Mill, Lee and Mount Vernon Districts)

ISSUE:

Board endorsement of Traffic Calming measures and "Watch for Children" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plan for Lorraine Avenue (Attachment I) and Franklin Avenue (Attachment II):

- One speed hump on Lorraine Avenue (Dranesville District)
- Two speed humps on Franklin Avenue (Dranesville District)

The County Executive further recommends approval for "Watch for Children" signs on the following roads:

- Pinecrest Road (Hunter Mill District)
- Essex Avenue (Lee District)
- Cavendish Drive (Mount Vernon 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 measures and "Watch for Children" signs as soon as possible.

TIMING:

Board action is requested on July 25, 2017.

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 speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, traffic circles, or multi-way stop signs, to reduce the speed of traffic on a residential street. Staff performed engineering studies

Board Agenda Item  
July 25, 2017

documenting the attainment of qualifying criteria. Staff worked with the local Supervisor's office and communities 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 April 19, 2017, (Lorraine Avenue, Dranesville District) and on May 2, 2017, (Franklin Avenue, Dranesville District) FCDOT received verification from the local Supervisor's office confirming community support for the above referenced traffic calming plan.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On May 16, 2017, (Pinecrest Road, Hunter Mill District), on May 19, 2017, (Essex Avenue, Lee District) and on April 25, 2017 (Cavendish Drive, Mount Vernon District) FCDOT received written verification from the respective local Supervisor's office confirming community support for the referenced "Watch for Children" signs.

FISCAL IMPACT:

Funding in the amount of \$24,000 for the traffic calming measures associated with the Lorraine Avenue and Franklin Avenue projects is available in Fund 2G25-076-000, General Fund, under Job Number 40TTCP. Funding in the amount of \$1,000 for the "Watch for Children" signs associated with the Pinecrest Road (Hunter Mill District), Essex Avenue (Lee District) and Cavendish Drive (Mount Vernon District) projects is available in Fund 2G25-076-000, General Fund, under Job Number 40TTCP.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Lorraine Avenue

Attachment II: Traffic Calming Plan for Franklin Avenue

STAFF:

Robert A. Stalzer, Deputy County Executive

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

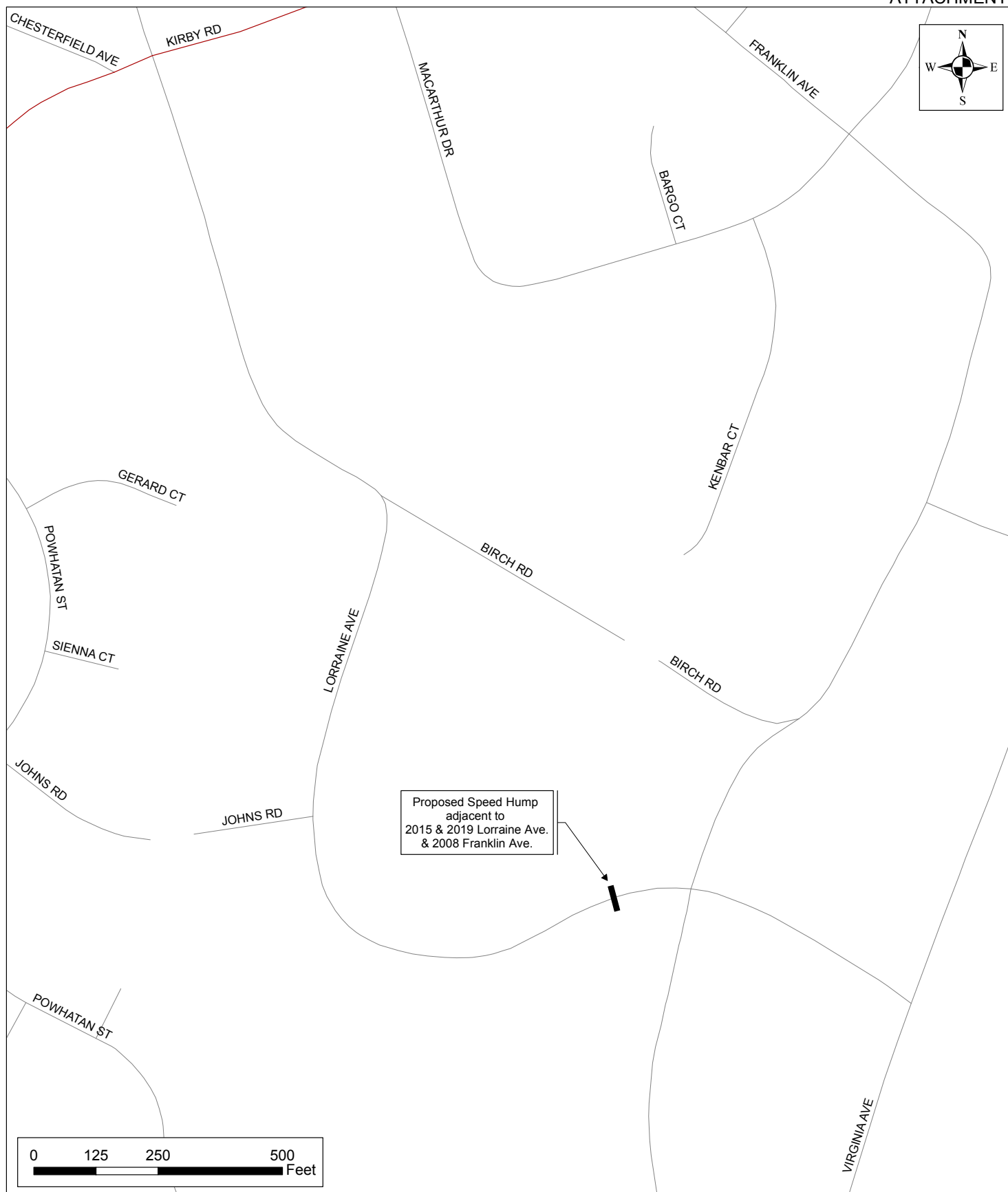
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

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

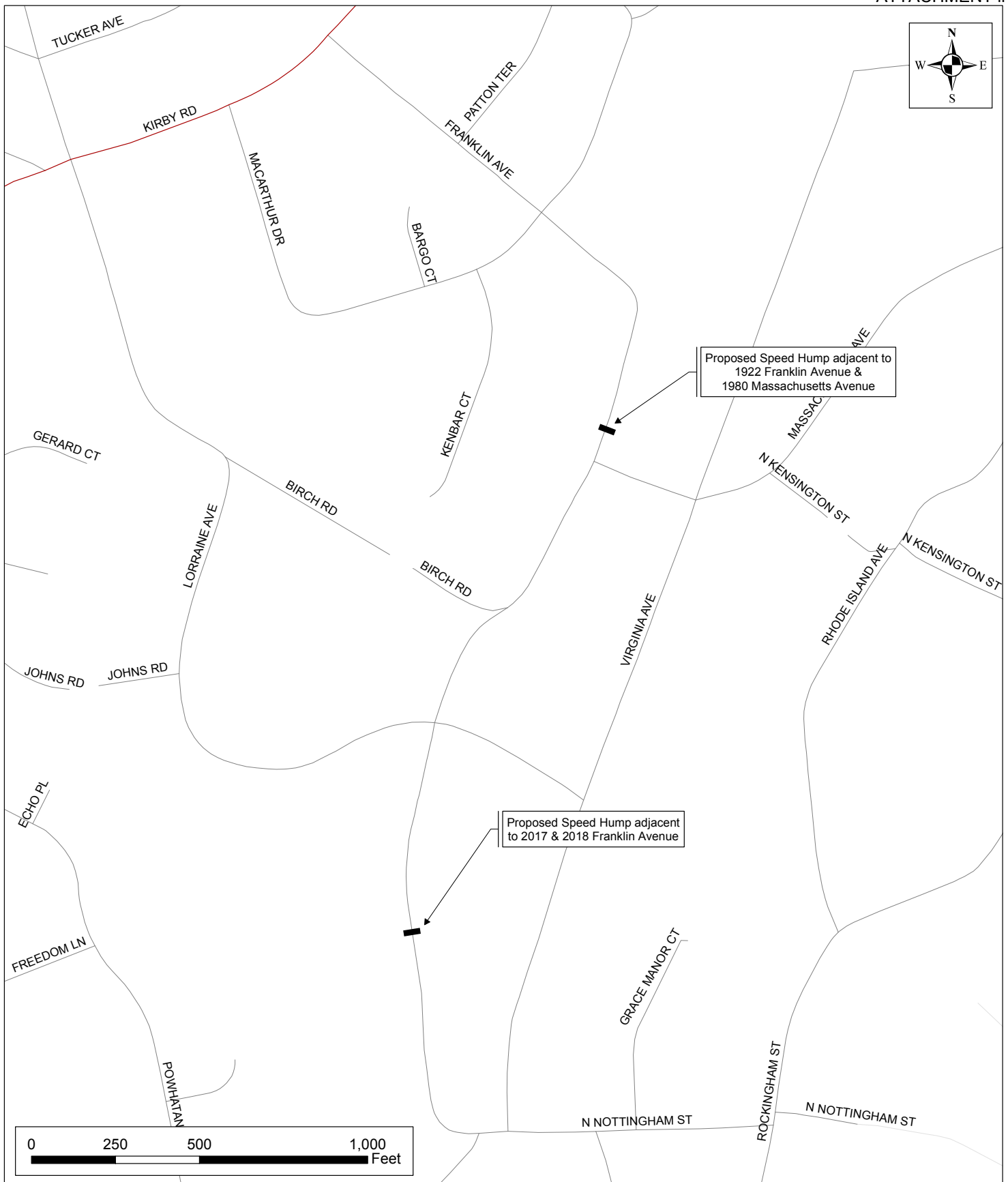
Behnaz Razavi, Transportation Planner, Traffic Engineering Section, FCDOT





Fairfax County Department of Transportation  
Residential Traffic Administration Program (RTAP)  
**PROPOSED TRAFFIC CALMING PLAN**  
**LORRAINE AVENUE**  
Dranesville District





Fairfax County Department of Transportation  
 Residential Traffic Administration Program (RTAP)  
**PROPOSED TRAFFIC CALMING PLAN**  
**FRANKLIN AVENUE**  
 Dranesville District



Board Agenda Item  
July 25, 2017

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Government Center Parkway (Braddock District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Government Center Parkway, in the Braddock District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 12, 2017, at 4:30 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on the north side of Government Center Parkway, from Waples Mill Road to the Fairfax Court Shopping Center driveway, from 7:00 p.m. to 7:00 a.m., seven days per week.

TIMING:

The Board of Supervisors should take action on July 25, 2017, to provide sufficient time for advertisement of the public hearing on September 12, 2017, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

Representatives of property owners of land along Government Center Parkway contacted the Braddock District office requesting a parking restriction on Government Center Parkway from 7:00 p.m. to 7:00 a.m., seven days a week.

This area has been reviewed on several occasions over a period of time in excess of 30 days. Staff has verified that long term parking is occurring, thereby diminishing the capacity of on-street parking for other uses. Staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the north side of Government Center Parkway, from Waples Mill Road to the Fairfax Court Shopping Center driveway, from 7:00 p.m. to 7:00 a.m., seven days per week.

Board Agenda Item  
July 25, 2017

FISCAL IMPACT:

The cost of sign installation is estimated at \$250 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

*Government Center Parkway (Route 7436).*

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on the north side of Government Center Parkway, from Waples Mill Road to the Fairfax Court Shopping Center driveway, from 7:00 p.m. to 7:00 a.m., seven days per week.

Fairfax County  
Department of Transportation  
Traffic Engineering Section  
Proposed Parking Restriction  
Braddock District



WAPLES MILL RD

11250-60

11264

JAMES SWART CIR

66-82

11284

Fairfax Court Shopping Center

11199

Tax Map: 56-2

GOVERNMENT CENTER PKWY

STEVENSON ST

4113

17

10

06

17

■■■■■■■■ Government Center Parkway (Proposed Parking Restriction)  
No Parking Commercial Vehicles, Recreational Vehicles, and all Trailers  
7:00pm- 7:00am, 7 days per week

Board Agenda Item  
July 25, 2017

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Expand the London Towne Community Parking District (Sully District)

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 expand the London Towne Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 12, 2017, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the London Towne CPD.

TIMING:

The Board of Supervisors should take action on July 25, 2017, to provide sufficient time for advertisement of the public hearing on September 12, 2017, at 4:00 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

Board Agenda Item  
July 25, 2017

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the 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 \$250 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed London Towne CPD

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Neil Freschman, Chief, Traffic Engineering Section, FCDOT  
Charisse Padilla, Transportation Planner, FCDOT



PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX M

Amend *The Code of the County of Fairfax, Virginia*, by adding and/or modifying the following streets in Appendix M-87, Section (a)(2), London Towne Community Parking District, in accordance with Article 5B of Chapter 82:

*Lee Highway Service Road*

From Stone Road to ~~the western property line of parcel 53-4((2))B~~ Prince Way.

*Prince Way (Route 6885)*

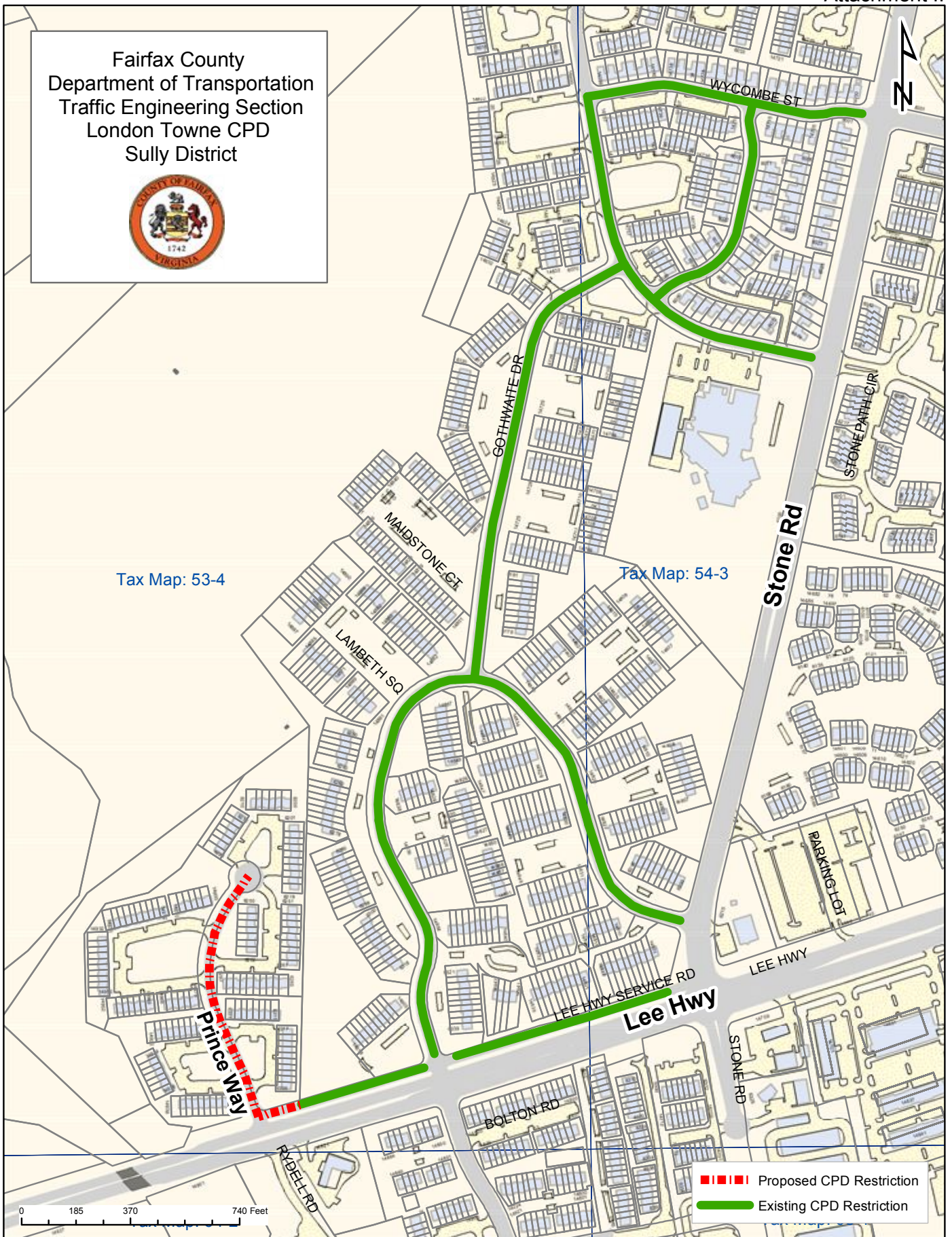
From Lee Highway to the cul-de-sac inclusive.

Fairfax County  
Department of Transportation  
Traffic Engineering Section  
London Towne CPD  
Sully District



Tax Map: 53-4

Tax Map: 54-3



- ■ ■ ■ Proposed CPD Restriction
- Existing CPD Restriction

Board Agenda Item  
July 25, 2017

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider an Editorial Amendment to the West Springfield Residential Permit Parking District, District 7 (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider an editorial amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to include Louis Edmund Court in its entirety in the West Springfield Residential Permit Parking District (RPPD), District 7.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:

The Board should take action on July 25, 2017, to advertise a public hearing for September 12, 2017, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within a 2,000 foot walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition 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-face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential.

On June 3, 2014, the West Springfield Residential Permit Parking District was expanded to include all of Louis Edmund Court except in front of a narrow parcel of vacant land, shown on the Fairfax County Tax Map at Tax Map No. 79-3((37)) parcel A. At that time, the vacant parcel boundary was considered "a significant division of [the] street" according to Fairfax County Code Section 82-5A-2(a).

Board Agenda Item  
July 25, 2017

At the request of the Springfield District office, the north side of Louis Edmund Court has been re-evaluated for inclusion in the West Springfield RPPD. Staff has determined that due to the extremely narrow footprint of the parcel, it should not have been considered a significant division of the street. Fairfax County Code § 82-5A-3 requires RPPDs to be designated "on a block-face by block-face basis." The vacant parcel is a part of the block-face that includes 6300 Louis Edmund Court, which is included in the West Springfield RPPD. Therefore, because the vacant parcel is a part of the block-face, its frontage should not have been excluded from the West Springfield RPPD.

The Board may make this editorial amendment to the West Springfield RPPD without a new petition because the original petition contained a sufficient number of signatures to establish the district. Fairfax County Code § 82-5A-4(a) requires signatures from more than 50% of the addresses on each block-face to establish a district. The vacant parcel has never been assigned an address, so the signature from the adjacent parcel, 6300 Louis Edmund Court, which is the only other address on the block-face, constitutes 100 percent of the eligible addresses for that block-face, satisfying the petition requirement to establish the district.

FISCAL IMPACT:

The cost of sign installation is estimated at \$250 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code

Attachment II: Map Depicting Proposed Limits of West Springfield RPPD (Louis Edmund Court)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Sara G. Silverman, Assistant County Attorney

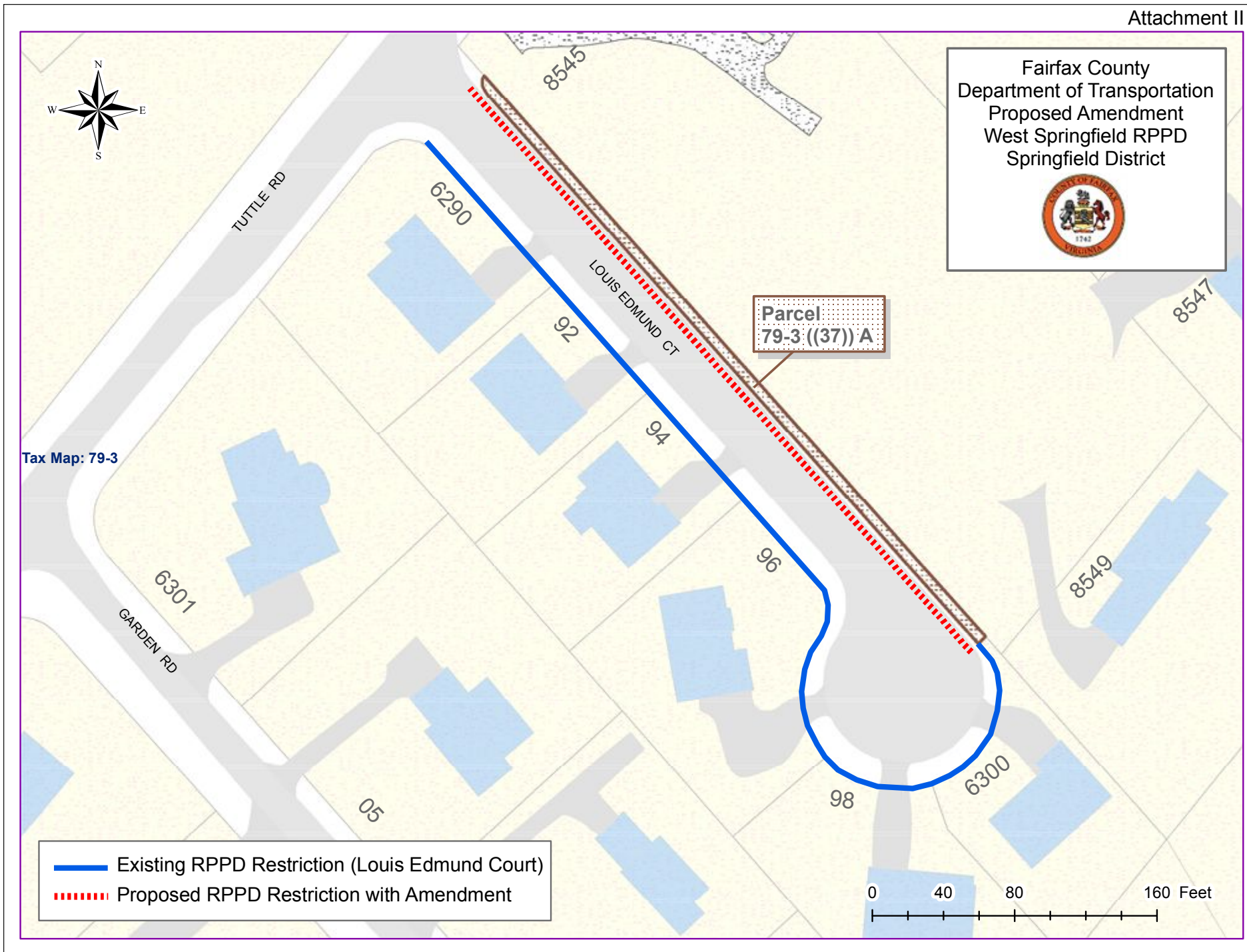
Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by modifying the following street in Appendix G-7, Section (b), (2), West Springfield Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

*Louis Edmund Court, ~~south side~~:*

From Tuttle Road to the ~~eastern boundary of 6300 Louis Edmund Court~~  
cul-de-sac inclusive





ADMINISTRATION - 7

Appointment of Parent Representative Members to the Fairfax-Falls Church Community Policy and Management Team (CPMT)

ISSUE:

In order to fulfill Virginia Code requirements, Fairfax-Falls Church Community Policy and Management Team (CPMT) Bylaws provide for five parent representatives, who are not employees of any public or private CSA provider of 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 Kelly Henderson, Staci Jones Alexander, and Jessie Georges be approved by the Board of Supervisors to serve an additional two year term as Parent Representatives to the Community Policy and Management Team.

TIMING:

Board action is requested on July 25, 2017.

BACKGROUND:

As required under the Virginia Children's 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 family's services, one community representative and five parent representatives.

Three of the current parent representatives, whose terms are expiring, were approved by the CPMT on June 23, 2017 for nomination to the Board of Supervisors for re-appointment with their new term to expire June 30, 2019.

Board Agenda Item  
July 25, 2017

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
None

STAFF:  
Patricia Harrison, Deputy County Executive  
Nannette M. Bowler, Director Department of Family Services  
Janet Bessmer, Manager, Children's Services Act program



Board Agenda Item  
July 25, 2017

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Approve Parking Restrictions on Commercial Drive (Mason District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to approve parking restrictions on Commercial Drive, in the Mason District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 12, 2017, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R, to prohibit only commercial vehicles, recreational vehicles and all trailers as defined in Fairfax County Code §§ 82-1-2(a)(50) (trailers); 82-5-7 (commercial vehicles) and 82-5B-1 (restricted vehicles), from parking on Commercial Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.

TIMING:

The Board of Supervisors should take action on July 25, 2017, to provide sufficient time for advertisement of the public hearing on September 12, 2017, at 4:00 p.m.

BACKGROUND:

Parking restrictions along Commercial Drive were initially approved by the Board in 1999 in order to address the long term parking of various commercial vehicles. At that time, a general parking restriction was the only way to address that parking issue. Following an amendment to the Fairfax County Code, approved by the Board in July 2012, Section 82-5-37(5) was added, authorizing the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

Representatives of various property owners of land along Commercial Drive contacted the Mason District office requesting parking restrictions that better accommodate current business operations by only prohibiting commercial vehicles, recreational vehicles and trailers from parking on Commercial Drive from 7:00 p.m. to 7:00 a.m., seven days a week.

Board Agenda Item  
July 25, 2017

FISCAL IMPACT:

The cost of sign installation is estimated at \$2000 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Hayden Coddington, Assistant County Attorney

PROPOSED CODE AMENDMENT

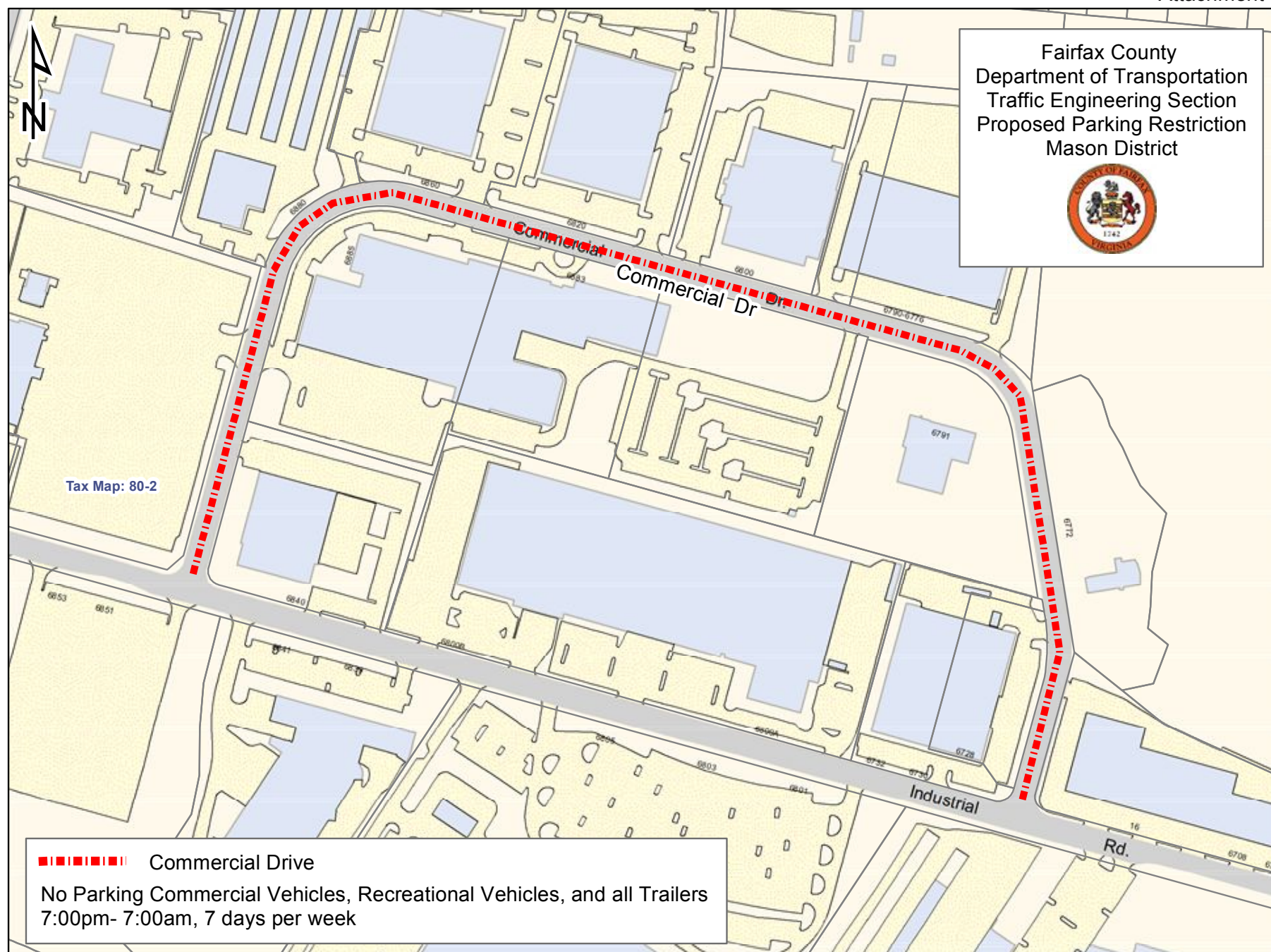
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by modifying the following in Appendix R, in accordance with Section 82-5-37:

Commercial Drive (Route 4007).

~~No parking along Commercial Drive (Route 4007), from 7:00 p.m. to 7:00 a.m., seven days per week.~~

Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code §§ 82-1-2(a)(50) (trailers); 82-5-7 (commercial vehicles) and 82-5B-1 (restricted vehicles) shall be restricted from parking along Commercial Drive, from 7:00 p.m. to 7:00 a.m., seven days per week.



ADMINISTRATIVE - 9

Authorization for the Department of Family Services to Apply for and Accept Grant Funding from the Department of Health and Human Services for Supplemental Funding Associated with the Head Start, Early Head Start and Early Head Start Child Care Partnership and Expansion Grants

ISSUE:

Board of Supervisors authorization is requested for the Department of Family Services to apply for and accept grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$108,064, including \$21,613 in Local Cash Match. Funding is specifically being provided by the grantor to support a cost of living adjustment of 1.0 percent and to offset higher operating costs for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. The grant period is July 1, 2017 to June 30, 2018. The total required non-federal resources will be met through Local Cash Match. The table below details funding for each grant:

<b>Grant</b>	<b>Federal Funding</b>	<b>Local Cash Match</b>	<b>Total Application</b>
Head Start	\$43,442	\$10,861	\$54,303
Early Head Start	\$35,200	\$8,800	\$44,000
Early Head Start Child Care Partnership/Expansion	\$7,809	\$1,952	\$9,761
<b>Total</b>	<b>\$86,451</b>	<b>\$21,613</b>	<b>\$108,064</b>

If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Department of Family Services to apply for and accept grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$108,064, including \$21,613 in Local Cash Match. Funding is specifically being provided to support a cost of living adjustment for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. Grant funding currently supports 68/62.3 FTE grant positions. No new grant positions are being requested with this funding.

Board Agenda Item  
July 25, 2017

TIMING:

Board action is requested on July 25, 2017. The applications associated with the Early Head Start Child Care Partnership and Expansion grant and the Head Start and Early Head Start grants were due on June 30, 2017. The Department of Family Services submitted the applications in accordance with Board policy for supplemental awards. However, the grantor has indicated that before funding is awarded, the Board of Supervisors must formally approve the applications; therefore, this Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the applications will be immediately withdrawn.

BACKGROUND:

The Consolidated Appropriations Act, 2017, contains an increase of approximately \$85 million for programs under the Head Start Act for Fiscal Year 2017. A portion of the increase provides a cost-of-living adjustment (COLA) of 1.0 percent, depending on final funding decisions, to assist grantees in increasing staff salaries and fringe benefits and offsetting higher operating costs.

Head Start and Early Head Start are national child and family development programs that provide quality early childhood education and comprehensive family support services to income eligible families with children birth to five years of age. The Head Start grant serves 434 children and their families and the Early Head Start grant serves 244 children birth to three years of age, as well as pregnant mothers.

The Department of Family Services, Office for Children was awarded a combined Early Head Start Child Care Partnership and Expansion grant to serve 56 infants and toddlers, and their families, by establishing new partnerships with family child care providers and expanding the existing EHS center-based option at the Gum Springs Glen Early Head Start program.

FISCAL IMPACT:

Grant funding in the amount of \$108,064 including \$21,613 in Local Cash Match is being requested to support a cost of living adjustment for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. The Local Cash Match requirement of \$21,613 is available in the Local Cash Match reserve for unanticipated grant awards. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated awards in FY 2018. This grant does allow the recovery of indirect costs; however, because this funding opportunity is highly competitive, the Department of Family Services has elected to omit inclusion of indirect costs to maximize the proposal's competitive position.

Board Agenda Item  
July 25, 2017

CREATION OF NEW POSITIONS:

Grant funding currently supports 68/62.3 FTE grant positions. No new grant positions are being requested with this funding. The County has no obligation to continue funding the existing positions if grant funding ends.

ENCLOSED DOCUMENTS:

Attachment 1: Head Start and Early Head Start Application

Attachment 2: Early Head Start Child Care Partnership and Expansion Application

STAFF:

Patricia D. Harrison, Deputy County Executive

Nannette M. Bowler, Director, Department of Family Services

Anne-Marie D. Twohie, Director, Office for Children, Department of Family Services

OMB Number: 4040-0004

Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
<div> <div> * 1. Type of Submission:  <input type="checkbox"/> Preapplication  <input checked="" type="checkbox"/> Application  <input type="checkbox"/> Changed/Corrected Application </div> <div> * 2. Type of Application:  <input type="checkbox"/> New  <input type="checkbox"/> Continuation  <input checked="" type="checkbox"/> Revision </div> <div> * If Revision, select appropriate letter(s):  <input type="text" value="Increase Award"/>  * Other (Specify):  <input type="text"/> </div> </div>		
* 3. Date Received:		4. Applicant Identifier:
<input type="text"/>		03CH010411
5a. Federal Entity Identifier:		5b. Federal Award Identifier:
<input type="text" value="N/A"/>		03CH010411
<b>State Use Only:</b>		
6. Date Received by State:		7. State Application Identifier:
<input type="text"/>		<input type="text"/>
<b>8. APPLICANT INFORMATION:</b>		
* a. Legal Name: <input type="text" value="FAIRFAX COUNTY VIRGINIA"/>		
* b. Employer/Taxpayer Identification Number (EIN/TIN):		* c. Organizational DUNS:
<input type="text" value="540787833"/>		<input type="text" value="074837626"/>
<b>d. Address:</b>		
* Street1: <input type="text" value="12011 Government Center Pkwy"/>		
Street2: <input type="text" value="Ste 903"/>		
* City: <input type="text" value="Fairfax"/>		
County/Parish: <input type="text" value="Fairfax County"/>		
* State: <input type="text" value="VA: Virginia"/>		
Province: <input type="text"/>		
* Country: <input type="text" value="USA: UNITED STATES"/>		
* Zip / Postal Code: <input type="text" value="22035-1100"/>		
<b>e. Organizational Unit:</b>		
Department Name:		Division Name:
<input type="text" value="DEPARTMENT OF FAMILY SERVICES"/>		<input type="text" value="OFC-HEADSTART&amp;EARLY HEADSTART"/>
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix:	* First Name: <input type="text" value="JENNIFER"/>	
Middle Name:	<input type="text"/>	
* Last Name:	<input type="text" value="BRANCH"/>	
Suffix:	<input type="text"/>	
Title: <input type="text" value="HEAD START DIVISION DIRECTOR"/>		
Organizational Affiliation: <input type="text"/>		
* Telephone Number: <input type="text" value="(703) 324-8087"/>		Fax Number: <input type="text" value="(703) 324-8200"/>
* Email: <input type="text" value="JENNIFER.BRANCH@FAIRFAXCOUNTY.GOV"/>		



**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

ACF-Head Start

**11. Catalog of Federal Domestic Assistance Number:**

93.600

CFDA Title:

Head Start

**\* 12. Funding Opportunity Number:**

eGrants-N/A

\* Title:

N/A

**13. Competition Identification Number:**

Not Applicable

Title:

Not Applicable

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

FAIRFAX COUNTY INCLUDING THE CITIES OF FALL

**\* 15. Descriptive Title of Applicant's Project:**

BIRTH TO FIVE HEAD START AND EARLY HEAD START

Attach supporting documents as specified in agency instructions.

**Application for Federal Assistance SF-424****16. Congressional Districts Of:**

\* a. Applicant

VA-008

b. Program/Project

VA-008, VA-010, VA-011

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\* a. Start Date:

07/01/2017

\* b. End Date:

06/30/2018

**18. Estimated Funding (\$):**

\* a. Federal

78,642

\* b. Applicant

19,661

\* c. State

\* d. Local

\* e. Other

0

\* f. Program Income

\* g. TOTAL

98,303

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes☒ No

If "Yes", provide explanation and attach

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:

Ms.

\* First Name:

Sharon

Middle Name:

E

\* Last Name:

Bulova

Suffix:

\* Title:

Chairman, Board of Supervisors

\* Telephone Number:

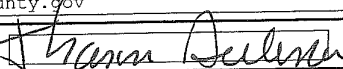
(703) 324-2321

Fax Number:

\* Email:

SHARON.BULOVA@fairfaxcounty.gov

\* Signature of Authorized Representative:



\* Date Signed:

6/18/17

OMB Number: 4040-0004

Expiration Date: 8/31/2016

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Revision	* If Revision, select appropriate letter(s): <input type="text" value="Increase Award"/> * Other (Specify): <input type="text"/>
* 3. Date Received:	4. Applicant Identifier:	
<input type="text"/>	<input type="text" value="03HP0003"/>	
5a. Federal Entity Identifier:		5b. Federal Award Identifier:
<input type="text" value="N/A"/>		<input type="text" value="03HP0003"/>
<b>State Use Only:</b>		
6. Date Received by State:	7. State Application Identifier:	
<input type="text"/>	<input type="text"/>	
<b>8. APPLICANT INFORMATION:</b>		
* a. Legal Name: <input type="text" value="FAIRFAX COUNTY VIRGINIA"/>		
* b. Employer/Taxpayer Identification Number (EIN/TIN):		* c. Organizational DUNS:
<input type="text" value="54-0787833"/>		<input type="text" value="074837626"/>
<b>d. Address:</b>		
* Street1:	<input type="text" value="12000 Government Center Pkwy"/>	
Street2:	<input type="text"/>	
* City:	<input type="text" value="Fairfax"/>	
County/Parish:	<input type="text" value="Fairfax County"/>	
* State:	<input type="text" value="VA: Virginia"/>	
Province:	<input type="text"/>	
* Country:	<input type="text" value="USA: UNITED STATES"/>	
* Zip / Postal Code:	<input type="text" value="22035-0002"/>	
<b>e. Organizational Unit:</b>		
Department Name:		Division Name:
<input type="text" value="Department of Family Services"/>		<input type="text" value="OFC- Head Start &amp; Early Head S"/>
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>		
Prefix:	* First Name:	<input type="text" value="Jennifer"/>
Middle Name:	<input type="text"/>	
* Last Name:	<input type="text" value="Branch"/>	
Suffix:	<input type="text"/>	
Title: <input type="text" value="Head Start Division Director"/>		
Organizational Affiliation: <input type="text"/>		
* Telephone Number:	Fax Number:	
<input type="text" value="(703) 324-8087"/>	<input type="text" value="(703) 324-8200"/>	
* Email: <input type="text" value="jennifer.branch@fairfaxcounty.gov"/>		

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

County Government

**Type of Applicant 2: Select Applicant Type:**

**Type of Applicant 3: Select Applicant Type:**

**\* Other (specify):**

**\* 10. Name of Federal Agency:**

ACF-Head Start

**11. Catalog of Federal Domestic Assistance Number:**

93.600

**CFDA Title:**

Head Start

**\* 12. Funding Opportunity Number:**

eGrants-N/A

**\* Title:**

N/A

**13. Competition Identification Number:**

Not Applicable

**Title:**

Not Applicable

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

1. FAIRFAX COUNTY 2. CITY OF FALLS CHURCH 3

**\* 15. Descriptive Title of Applicant's Project:**

Early Head Start- Child Care Partnership and Expansion - Virginia (Fairfax County)

Attach supporting documents as specified in agency instructions.

**Application for Federal Assistance SF-424****16. Congressional Districts Of:**\* a. Applicant b. Program/Project 

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**\* a. Start Date: \* b. End Date: **18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="7,809"/>
* b. Applicant	<input type="text" value="1,952"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text" value="0"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="9,761"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:   
Middle Name:   
\* Last Name:   
Suffix:

\* Title: \* Telephone Number: Fax Number: \* Email: \* Signature of Authorized Representative:  \* Date Signed:

ADMINISTRATIVE – 10

Authorization for the Fairfax County Police Department to Apply for Grant Funding from the U.S. Department of Justice, Office of Community Policing Services, COPS Hiring Program

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to apply for grant funding from the U.S. Department of Justice, Office of Community Policing Services (COPS) in the amount of \$500,000 over a three-year period. The County will need to contribute \$904,167 over the three-year period in order to meet the Local Cash Match requirement as well as costs not covered by the grant. Therefore, the total cost of the program over the three-year period is \$1,404,167. Anticipated funding over the three-year period is broken down as follows:

<b>Year</b>	<b>Federal Funding</b>	<b>County Contribution</b>	<b>Total</b>
One	\$181,055	\$257,227	\$438,282
Two	\$199,161	\$274,149	\$473,310
Three	\$119,784	\$372,791	\$492,575
<b>Total</b>	<b>\$500,000</b>	<b>\$904,167</b>	<b>\$1,404,167</b>

Funding will support 4/4.0 FTE new merit police officer positions that will be assigned to the Computer Forensics Unit of the Investigative Support Division in order to decrease the amount of time it takes to analyze information stored on electronic devices during criminal and internal investigations. This unit, which analyzes computers, cell phones, tablets, and other electronic devices, is currently staffed by three detectives and the average turn-around time for the analysis is three to six months, which often results in cases being concluded before the electronic analysis and evidence can be produced. At the end of the three-year grant period, the County is required to retain the four positions for an additional year; however, since these positions are included in the Public Safety Staffing Plan, it is intended that they will continue indefinitely.

The County contribution of \$904,167 has not been specifically identified in either the Police Department or the Federal-State Grant fund. If the County is awarded funding, then resources will need to be identified and staff will submit another item to accept the award. If, however, no County resources are identified, the County may elect to decline the award.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fairfax County Police Department to apply for funding in the amount of \$500,000 from the U.S. Department of Justice, Office of Community Policing Services. The County will need to contribute \$904,167 in order to meet the Local Cash Match requirement as well as costs not covered by the grant. Therefore, the total cost of the program is \$1,404,167. Funding will support 4/4.0 FTE new merit police officer positions that will be assigned to the Computer Forensics Unit of the Investigative Support Division.

TIMING:

Board action is requested on July 25, 2017. Due to the application deadline of July 10, 2017, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

Recognizing that many jurisdictions continue to have budget constraints that have resulted in reductions in staffing, the COPS Hiring Program provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. The Police Department intends to use the grant funding, if awarded, to hire four patrol officers. These officers will enable the department to continue the many initiatives associated with community policing by increasing staffing as described in the Public Safety Staffing Plan. The grant funded officers will be assigned to the Computer Forensics Unit of the Investigative Support Division. This unit assists in investigations of child abuse, human trafficking, solicitation of a minor over an electronic device, homicide, rape and many other crimes. Their role is to collect electronic devices such as computers, tablets, cell phones and other electronic devices and analyze the information stored on those devices. Many criminals utilize electronic devices to try to hide their criminal activity and these specially trained detectives can circumvent passwords and retrieve deleted materials to help further the investigations. With an extremely high case load due to the increase of electronic devices in the community, many cases are taking up to six months to complete. With the addition of four more detectives in the unit, the turn-around time can be cut in half, thus producing more evidence for prosecution in a timely manner. The goal is to enhance law enforcement's capacity to prevent, solve, and control crime as the Police Department explores best practices to further its community policing strategy.

The COPS grant allows for funding for up to 75 percent of the approved entry-level salary and fringe benefits of each newly-hired and/or rehired, full-time sworn career law

Board Agenda Item  
July 25, 2017

enforcement officer over the three-year grant period, with a minimum 25 percent Local Cash Match requirement and maximum federal share of \$125,000 per officer position. The grant application funding costs were based on the department's current entry-level salary and fringe benefits for full-time sworn officers. Any additional costs for higher than entry-level salaries and fringe benefits as well as all operating expenses are the grantee agency's responsibility and will be evaluated with the County Executive if an award is received. The County is not obligated to accept the award if County funding is not available.

FISCAL IMPACT:

If awarded, the FCPD will receive \$500,000 in federal funding over a three-year period to hire, train and support 4/4.0 FTE merit police officer positions. The County will need to contribute \$904,167 over the three-year period in order to meet the Local Cash Match requirement as well as costs not covered by the grant. Therefore, the total cost of the program over the three-year period is \$1,404,267. The County contribution of \$904,167 has not been specifically identified in either the Police Department or the Federal-State Grant fund. If the County is awarded funding, then resources will need to be identified and staff will submit another item to accept the award. If, however, no County resources are identified, the County may elect to decline the award. At the end of the three-year grant period, the County is required to retain the four positions for an additional year; however, it is intended that they will continue indefinitely at an estimated yearly cost of \$512,804. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

A total of 4/4.0 FTE merit police officer positions will be created through this grant award. The County has an obligation to fully fund these positions for one additional year after the initial three-year grant period; however, since these positions are included in the Public Safety Staffing Plan, it is intended that they will continue indefinitely.

ENCLOSED DOCUMENTS:

Attachment 1 – Summary of Grant Proposal

STAFF:

David M. Rohrer, Deputy County Executive for Public Safety  
Colonel Edwin C. Roessler Jr., Chief of Police  
Major Shawn P. Bennett, Commander, Administrative Support Bureau



## 2017 COPS HIRING GRANT SUMMARY OF GRANT PROPOSAL

Please note, the actual grant application is completed online; therefore, this summary has been provided detailing the specifics of the application.

<b>Grant Title:</b>	2017 COPS Hiring Grant
<b>Funding Agency:</b>	U.S. Department of Justice, Office of Community Policing Services (COPS)
<b>Applicant:</b>	Fairfax County Police Department
<b>Purpose of Grant:</b>	This grant will fund 4/4.0 FTE new merit police officer positions in the Police Department's Investigative Support Division. The four positions will be assigned to the Computer Forensics Unit. This unit analyzes computers, cell phones, tablets, and other electronic devices during criminal investigations. The unit currently is staffed by three detectives and the average turn-around time for the analysis is three to six months. These positions will help to decrease the amount of time it takes to analyze the information stored on electronic devices to provide evidence for prosecution in a timelier manner.
<b>Funding Amount:</b>	Federal funding of \$500,000 and a County contribution of \$904,167 for total funding of \$1,404,167.
<b>Proposed Use of Funds:</b>	Funding will support 4/4.0 FTE new merit police officer positions and associated costs.
<b>Target Population:</b>	Public, victims of crime, suspects in crimes, and County personnel.
<b>Performance Measures:</b>	<ol style="list-style-type: none"> <li>1) Decrease the turnaround time for analysis of electronic devices.</li> <li>2) Reduce the number of cases assigned to each detective so a more comprehensive analysis can be completed.</li> <li>3) Allow the Computer Forensics Unit to accept additional cases from police officers who legally seize electronic devices where the information in the device could be used to further a criminal investigation.</li> <li>4) Decrease the amount of overtime needed for the Computer Forensics Unit and increase the number of cases sent to the Commonwealth Attorney's Office.</li> </ol>
<b>Grant Period:</b>	October 1, 2017 to September 30, 2020

ACTION – 1

Adoption of a Resolution Approving the Issuance of Revenue Bonds by the Economic Development Authority for the Benefit of the Madeira School Inc.

ISSUE:

Board adoption of a resolution for the Fairfax County Economic Development Authority to issue up to \$21,000,000 revenue bonds for the benefit of the Madeira School Inc.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on July 25, 2017.

BACKGROUND:

The Fairfax County Economic Development Authority has received a request from The Madeira School Inc. to issue its revenue bonds at one time, or from time to time in one or more series for, among other purposes to assist the Borrower in (a) refunding the Authority's outstanding Educational Facilities Revenue Refunding Bonds (The Madeira School, Incorporated), Series 2010 (the "2010 Bonds") which were issued for the purpose of refunding certain prior bonds issued by the Authority and used by the Borrower to finance the cost of certain capital improvements at the Borrower's educational facilities located at 8328 Georgetown, Pike, McLean, Virginia (the "Campus") and other costs, including construction of four single-family housing units, (ii) renovation and expansion of approximately 30,000 square feet of student center and dining hall facility, (iii) construction of a parking lot 16,400 square feet and two student dormitories, each containing approximately 10,000 square feet, (v) construction of central air conditioning plant, (vi) construction of a central air conditioning plant, (vi) construction of a public water distribution system, (vii) routine capital expenditures for operation and maintenance of the facilities, (viii) funding a debt service reserve fund and capitalized interest on the 2010 Bonds and (ix) paying costs of issuance of the 2010 Bonds; (b) refinancing certain debt of the Borrower originally incurred to finance capital

Board Agenda Item  
July 25, 2017

improvements to the Campus, including renovations and upgrades to the wastewater treatment plant and athletic fields; (c) funding swap breakage costs in connection with the 2010 Bonds; and (d) funding certain costs of the issuance of the bonds. (collectively, the “Refunding Project”).

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Attachment 1 - Resolution of the Board of Supervisors  
Attachment 2 - Certificate of Public Hearing with Supporting Documents  
Attachment 3 - Fiscal Impact Statement

STAFF:  
Gerald I. Gordon, Director, Fairfax County Economic Development Authority  
Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF FAIRFAX, VIRGINIA

WHEREAS, the Fairfax County Economic Development Authority (the "Authority") has considered the application of The Madeira School, Inc. (the "Borrower"), a nonprofit corporation which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), requesting the issuance of the Authority's revenue bonds, at one time or from time to time in one or more series, in an amount not to exceed \$21,000,000 (the "Bonds") to assist the Borrower in (a) refunding the Authority's outstanding Educational Facilities Revenue Refunding Bonds (The Madeira School, Incorporated), Series 2010 (the "2010 Bonds") which were issued for the purpose of refunding certain prior bonds issued by the Authority and used by the Borrower to finance the cost of certain capital improvements at the Borrower's educational facilities located at 8328 Georgetown Pike, McLean, Virginia (the "Campus") and other costs, including (i) construction of four single-family housing units, (ii) renovation and expansion of approximately 30,000 square feet of a student center and dining hall facility, (iii) construction of a parking lot consisting of approximately 70 spaces, (iv) renovation of a student dining hall of approximately 16,400 square feet and two student dormitories, each containing approximately 10,000 square feet, (v) construction of a central air conditioning plant, (vi) construction of a public water distribution system, (vii) routine capital expenditures for operation and maintenance of the facilities, (viii) costs associated with zoning, permitting and other governmental approvals necessary for the construction and operation of the improvements, (ix) funding a debt service reserve fund and capitalized interest on the 2010 Bonds and (x) paying costs of issuance of the 2010 Bonds; (b) refinancing certain debt of the Borrower originally incurred to finance capital improvements to the Campus, including renovations and upgrades to the wastewater treatment plant and athletic fields; (c) funding swap breakage costs in connection with the 2010 Bonds; and (d) funding certain costs of the issuance of the Bonds. (collectively, the "Refunding Project"), and has held a public hearing on June 12, 2017 in connection therewith;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds;

WHEREAS, the Authority issues its bonds on behalf of the County of Fairfax, Virginia (the "County"); the Refunding Project concerns certain facilities and improvements located and to be located in the County; and the Board of Supervisors of the County of Fairfax, Virginia (the "Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority and the financing of the Refunding Project for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

2. The approval of the issuance of the Bonds and the financing of the Refunding Project does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the financed or refinanced facilities or the Borrower.

3. The issuance of the Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of the Bonds. Neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Fairfax, Virginia this 25<sup>th</sup> day of July, 2017.

A Copy Teste:

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Clerk, Board of Supervisors of the  
County of Fairfax, Virginia

[SEAL]

CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies as follows:

1. A meeting of the Authority was duly called and held on June 12, 2017 at 6:00 p.m. at 8300 Boone Boulevard, Suite 450 in Vienna, Virginia, pursuant to proper notice given to each Commissioner of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of The Madeira School, Inc. and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the County of Fairfax, Virginia (the "Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the hearing date. A copy of the Notice has been filed with the minutes of the Authority and is attached as Exhibit A.

3. A summary of the statements made at the public hearing is attached as Exhibit B.


4. Attached as Exhibit C is a true, correct and complete copy of a resolution ("Resolution") adopted at such meeting of the Authority by a majority of the Commissioners present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 12<sup>th</sup> day of June, 2017.



Exhibits:


- A - Copy of Certified Notice
- B - Summary of Statements
- C - Inducement Resolution

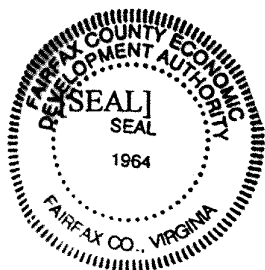
  
\_\_\_\_\_  
Secretary, Fairfax County Economic Development Authority

## CERTIFICATE

The undersigned Secretary of the Fairfax County Economic Development Authority (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Commissioners of the Authority present and voting at a meeting duly called and held on June 12, 2017, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, this 12<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Secretary of the Fairfax County Economic  
Development Authority



# EXHIBIT A

Ad # 1108940 Name MCGUIREWOODS LLP ATTN: KATHERINE EMBREY  
Class 820 PO# Authorized by

Size 156 Lines

T0003  
Account 2010049094

## PROOF OF PUBLICATION

District of Columbia, ss., Personally appeared before me, a Notary Public in and for the said District, Alba Cortes well known to me to be BILLING SUPERVISOR of The Washington Post, a daily newspaper published in the City of Washington, District of Columbia, and making oath in due form of law that an advertisement containing the language annexed hereto was published in said newspaper on the dates mentioned in the certificate herein.

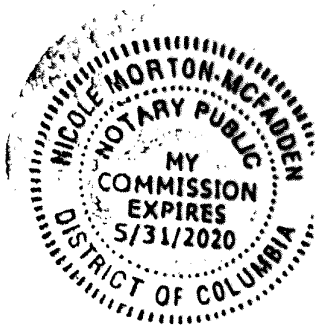
I Hereby Certify that the attached advertisement was published in The Washington Post, a daily newspaper, upon the following date(s) at a cost of \$3,731.56 and was circulated in the Washington metropolitan area.

Published 2 time(s). Date(s): 29 of May 2017  
05 of June 2017

Account 2010049094

Witness my hand and official seal this 5th day of June 20 17

My commission expires 5/31/2020



NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND FINANCING BY FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY Notice is hereby given that the Fairfax County Economic Development Authority

(the "Authority") will hold a public hearing on the application of The Madeira School, Inc. (the "Applicant"), an organization that is not organized exclusively for religious purposes and is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose address is 8328 Georgetown Pike, McLean, Virginia 22102. The Applicant has requested the Authority to issue up

to \$21,000,000 of its revenue bonds, at one time or from time to time in one or more series, to assist the Applicant in (a) refunding the Authority's outstanding Educational Facilities Revenue Refunding Bonds (The Madeira School, Incorporated), Series 2010 (the "2010 Bonds") which were issued

for the purpose of refunding certain prior bonds issued by the Authority and used by the Applicant

to finance the cost of certain capital improvements at the Applicant's educational facilities located at 8328 Georgetown Pike, McLean, Virginia (the "Campus") and other costs, including (i) construction of four single-family housing units, (ii) renovation and expansion of approximately 30,000 square feet of a student center and dining hall facility, (iii) construction of a parking lot

consisting of approximately 70 spaces, (iv) renovation of a student dining hall of approximately 16,400 square feet and two student dormitories, each containing approximately 10,000 square feet, (v) construction of a central air conditioning plant, (vi) construction of a public water distribution system, (vii) routine capital expenditures for operation and maintenance of the facilities, (viii) costs associated with zoning, permitting and other governmental approvals necessary for the construction and operation of the improvements, (ix) funding a debt service reserve fund and capitalized interest on the 2010 Bonds and (x) paying costs of issuance of the 2010

Bonds; (b) refinancing certain debt of the Applicant originally incurred to finance capital improvements to the Campus, including renovations and upgrades to the wastewater treatment plant and

athletic fields; (c) funding swap breakage costs in connection with the 2010 Bonds; and (d) funding



Ad # 12108940 Name MCGUIREWOODS LLP ATTN: KATHERINE EMBREY  
Class 820 PO# Authorized by

Size 156 Lines

T0004  
Account 2010049094

certain costs of the issuance of the proposed bonds. The issuance of revenue bonds as requested by

the Applicant will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County of Fairfax, Virginia, and neither the faith and credit nor the taxing power

of the Commonwealth of Virginia or any political subdivision thereof, including the County of Fairfax, Virginia, will be pledged to the payment of such bonds. The public hearing, which may be

continued or adjourned, will be held at 6:00 p.m. on June 12, 2017, before the Authority at its offices at 8300 Boone Boulevard, Suite 450, Vienna, Virginia 22182. Any person interested in the issuance of the bonds or the location or nature of the proposed project may appear at the hearing and present his or her views. A copy of the Applicant's application is on file and is open for inspection at the office of the Authority's counsel, Thomas O. Lawson, Esquire at 10805 Main Street,

Suite 200, Fairfax, Virginia 22030 during normal business hours. FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY

## EXHIBIT B TO CERTIFICATE

### Summary of Statements

Representatives of The Madeira School, Inc. appeared before the Authority to explain the proposed plan of financing. No one appeared in opposition to the proposed bond issue.

## EXHIBIT C

### RESOLUTION OF THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY AUTHORIZING THE ISSUANCE OF UP TO \$21,000,000 OF ITS REVENUE BONDS FOR THE BENEFIT OF THE MADEIRA SCHOOL, INC.

WHEREAS, the Fairfax County Economic Development Authority, a political subdivision of the Commonwealth of Virginia (the "Authority"), is empowered by the Acts of Assembly, 1964, Ch. 643, pg. 975, as amended ("Act"), to issue its revenue bonds for, among other purposes, the financing and refinancing of facilities for use by organizations (other than organizations organized and operated exclusively for religious purposes) that are described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), and are exempt from federal income taxation pursuant to Section 501(a) of the Code;

WHEREAS, the Authority has received a request from The Madeira School, Inc. (the "Borrower"), an organization which is not organized exclusively for religious purposes and is described in Section 501(c)(3) of the Code, requesting that the Authority issue its revenue bonds, at one time or from time to time in one or more series (the "Bonds"), to assist the Borrower in (a) refunding the Authority's outstanding Educational Facilities Revenue Refunding Bonds (The Madeira School, Incorporated), Series 2010 (the "2010 Bonds") which were issued for the purpose of refunding certain prior bonds issued by the Authority and used by the Borrower to finance the cost of certain capital improvements at the Borrower's educational facilities located at 8328 Georgetown Pike, McLean, Virginia (the "Campus") and other costs, including (i) construction of four single-family housing units, (ii) renovation and expansion of approximately 30,000 square feet of a student center and dining hall facility, (iii) construction of a parking lot consisting of approximately 70 spaces, (iv) renovation of a student dining hall of approximately 16,400 square feet and two student dormitories, each containing approximately 10,000 square feet, (v) construction of a central air conditioning plant, (vi) construction of a public water distribution system, (vii) routine capital expenditures for operation and maintenance of the facilities, (viii) costs associated with zoning, permitting and other governmental approvals necessary for the construction and operation of the improvements, (ix) funding a debt service reserve fund and capitalized interest on the 2010 Bonds and (x) paying costs of issuance of the 2010 Bonds; (b) refinancing certain debt of the Borrower originally incurred to finance capital improvements to the Campus, including renovations and upgrades to the wastewater treatment plant and athletic fields; (c) funding swap breakage costs in connection with the 2010 Bonds; and (d) funding certain costs of the issuance of the Bonds. (collectively, the "Refunding Project");

WHEREAS, such assistance will induce the Borrower to remain in the Commonwealth of Virginia (the "Commonwealth"), and particularly in the County of Fairfax, Virginia (the "County"), and will benefit the inhabitants of the County and the Commonwealth, either through the increase of their commerce or through the promotion of their safety, health, welfare, convenience or prosperity;

WHEREAS, the Refunding Project has been described to the Authority and a public hearing has been held as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4906 of the Act;

WHEREAS, The Borrower has represented that the estimated cost of the Refunding Project and all expenses of issue will require an issue of Bonds in the aggregate principal amount not to exceed \$21,000,000;

WHEREAS, (a) no Commissioner of the Authority is an officer or employee of the County, (b) each Commissioner has, before entering upon his or her duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia of 1950, as amended, and (c) at the time of their appointments and at all times thereafter, including the date hereof, all of the Commissioners of the Authority have satisfied the residency requirements of the Act; and

WHEREAS, no Commissioner of the Authority has any personal interest or business interest in the Borrower, the proposed Bonds or has otherwise engaged in conduct prohibited under the State and Local Government Conflict of Interests Act, Chapter 31, Title 2.2 of the Code of Virginia of 1950, as amended in connection with this resolution or any other official action of the Authority in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY:

1. It is hereby found and determined that the Refunding Project will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth, the County and their citizens.
2. To induce the Borrower to undertake the Refunding Project, the Authority hereby agrees to assist the Borrower in financing the Refunding Project by undertaking the issuance of its Bonds in an amount not to exceed \$21,000,000 upon terms and conditions mutually agreeable to the Authority and the Borrower. The Bonds will be issued pursuant to documents satisfactory to the Authority. The Bonds may be issued in one or more series at one time or from time to time.
3. Nothing in this resolution shall be deemed to authorize the Borrower to obligate the Authority without its consent to the payment of any moneys or the performance of any acts in connection with the Refunding Project. The Authority agrees that the Borrower may be reimbursed from the proceeds of the Bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.
3. At the request of the Borrower, the Authority approves McGuireWoods LLP, Tysons, Virginia, as bond counsel in connection with the issuance of the proposed Bonds.
4. All fees, costs and expenses in connection with the Refunding Project, including the fees and expenses of bond counsel and Authority counsel, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the Bonds. If for any reason such Bonds are not issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

5. The issuance of Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the County of Fairfax, Virginia, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such Bonds.

6. The Authority recommends that the Board of Supervisors of the County (the "Board of Supervisors"), approve the issuance of the proposed Bonds.

7. No bonds may be issued pursuant to this resolution until such time as the issuance of the Bonds has been approved by the Board of Supervisors.

8. This resolution shall take effect immediately upon its adoption.

# FAIRFAX COUNTY

## ECONOMIC DEVELOPMENT AUTHORITY

### Industrial Revenue Bonds

### Fiscal Impact Statement

Applicant: The Madeira School, Inc.

Facility: Private girls' high school located at 8328 Georgetown Pike, McLean, VA

Date: June 12, 2017

- |   |              |
|---|--------------|
| 1. Maximum amount of financing sought:  | \$21,000,000 |
| 2. Estimated taxable value of the facility's real property to be constructed in the municipality: | \$0          |
| 3. Estimated real property tax per year using present tax rates:                                  | \$0          |
| 4. Estimated personal property tax per year using present tax rates:                              | \$0          |
| 5. Estimated merchants' capital tax per year using present tax rates:                             | \$0          |
| 6. Estimated dollar value per year of:  |              |
| a. goods that will be purchased from Virginia companies within the locality                       | \$372,000    |
| b. goods that will be purchased from non-Virginia companies within the locality                   | \$463,000    |
| c. services that will be purchased from Virginia companies within the locality                    | \$1,583,000  |
| d. services that will be purchased from non-Virginia companies within the locality                | \$3,060,000  |
| 7. Estimated number of regular employees on year-round basis:                                     | 115          |
| 8. Average annual salary per employee:  | \$64,625     |

Authority Chairman <sup>Vice</sup> Esther Cleve

Name of Authority Fairfax County Economic Development Authority

ACTION – 2

Approval of a Parking Reduction for Woodland Park Waterview (Dranesville District)

ISSUE:

Board of Supervisors approval of up to 12.5 percent, or 59 fewer spaces of the required parking for Woodland Park Waterview, Tax Map Numbers 016-3-01-0029D and 0029E ("Property"), Dranesville District.

RECOMMENDATION:

The County Executive recommends Board approval of a parking reduction for the Property pursuant to Paragraph 5A of Sect. 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia (Code)* based on a reasonable walking distance from the Property to the planned Metro Station within a designated Transit Station Area, subject to the following conditions:

1. A minimum of one and four-tenths (1.4) parking spaces per unit shall be maintained on-site at all times to serve up to 295 multi-family residential dwelling units within Building A.
2. Any additional uses not listed in Condition #1 shall provide parking at rates required by the Zoning Ordinance.
3. A minimum of one parking space shall be maintained on the site at all times to serve each residential dwelling unit. Parking spaces for resident use shall be identified and secured by either controlled access or via signage. The site plan shall clearly identify how parking spaces for residents will be secured for residential use. In addition, spaces may be reserved to meet accessibility requirements and/or for electric-vehicle charging stations.
4. At least 15 percent of the total parking spaces provided shall be clearly designated or accounted for as parking for guests of the residential uses, on-site staff, car-share vendors and/or residential vanpools.
5. The conditions of approval for this parking reduction shall be incorporated into any site plan or site plan revision submitted to the Director of Land Development Services (Director) for approval.

Board Agenda Item  
July 25, 2017

6. The current owners, their successors, or assigns of the parcels identified as Tax Map Numbers 016-3-01-0029D and 0029E shall submit a parking space utilization study for review and approval by the Director at any time in the future that the Zoning Administrator or the Director so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Director may require alternative measures to satisfy the property's on-site parking needs, which may include, but not be limited to, compliance with the full parking space requirements of the Zoning Ordinance.
7. All parking utilization studies prepared in response to such a request shall be based on applicable requirements of the Code and the Zoning Ordinance in effect at the time of its submission.
8. All parking provided shall comply with the 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 (ADA) and the Virginia Uniform Statewide Building Code.
9. These conditions of approval shall be binding on the current owners, successors, assigns and/or other applicants and shall be recorded in the Fairfax County Land Records in a form acceptable to the County Attorney. If these conditions have not been recorded and an extension has not been approved by the Director, approval of this parking reduction request shall expire without notice six months from its approval date.

TIMING:

Board action is requested on July 25, 2017.

BACKGROUND:

The proposed Woodland Park Waterview development is located east of Centreville Road and north of Woodland Park Drive, within the Herndon Transit Station Area. The subject property is an 11.95 acre site that was the subject of rezoning application RZ/FDP 2016-DR-001, Special Exception Amendment SEA 97-H-070-03, and Proffer Condition Amendment PCA 1999-HM-037, approved by the Board on December 6, 2016, which rezoned the property to the Planned Development Housing, 30 dwelling units per acre (PDH-30) district, subject to the proffers dated October 7, 2016. The applicant, Trammell Crow Residential, proposes to build the five-story multi-family building with 295 residential dwelling units (referred to as Building A) on the western portion of the site, with the parking provided in a centralized parking structure that is surrounded by the residential building. The remaining single-family attached and two-



over-two residential dwelling units planned for the eastern portion of the site would be built by other developers and are not part of this parking reduction request.

The applicant requests a parking reduction of up to 12.5 percent of the Code required parking, which equates to a parking reduction of up to 59 fewer spaces for the proposed multi-family units within Building A. Trammel Crow proposes a minimum of 413 parking spaces to serve 295 dwelling units. If fewer units are construction, parking will be provided at the minimum rate of 1.4 spaces per unit. The reduction request does not include the single-family attached or the two-over-two dwelling units on the eastern portion of the site. A comparison of the Code required parking and proposed parking at full buildout is summarized in the table below.

**Comparison Table of the Code Required and Proposed Parking**

Land Use	Size	Rate Required by Code	Minimum Number of Spaces Required by Code	Proposed Reduction	Proposed Minimum Number of Spaces	Proposed Minimum Rate
Residential	Up to 295 Dwelling Units (DU)	1.6 spaces per DU	472 (If 295 DU are constructed)	Up to 12.5% (Up to 59 fewer spaces)	413 (If 295 DU are constructed)	1.4 spaces per DU

The parking reduction request is based on the site's proximity to the existing transit facility and future programmed Metrorail station. Pursuant to Paragraphs 5A and 5C of Sect. 11-102 of the Zoning Ordinance, the Board may reduce the number of parking spaces otherwise required by the strict application of the Ordinance when the development is within a reasonable walking distance to: a mass transit station and/or within an area designated in the adopted comprehensive plan as a Transit Station Area wherein the station either exists or is programmed for completion within the same time frame as the completion of the subject development; or a bus stop when service to this stop consists of more than three routes and at least one route serves a mass transit station or transportation facility and provides high frequency service. To further justify the request, the applicant has provided additional information regarding the locations of bus routes and stops near the proposed development. There are four existing Fairfax Connector bus routes (Routes 927, 937, 950 and 985) near the site, three of which provide service to the existing Herndon-Monroe Park and Ride, and one (Route 985) provides service to the existing Wiehle-Reston East Metro station. Based on the Comprehensive Transit Plan, it is recommended that the alignment of at least some of

Board Agenda Item  
July 25, 2017

these, and other bus routes in the area, will be changed to connect to the Silver Line Phase 2 Metro Rail stations.

The parking analysis indicates the proposed parking rate would adequately accommodate the Property's parking demand and there would be no adverse impact to either the site or adjacent areas. This recommendation reflects a coordinated review by the Fairfax County Department of Transportation (FCDOT), Department of Planning and Zoning, Office of the County Attorney and Land Development Services (LDS).

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENT:  
Attachment A – Parking reduction request and study (5518-PKS-002-1) from Wells and Associates dated March 8, 2017 (without attachments).

STAFF:  
Robert A. Stalzer, Deputy County Executive  
Thomas P. Biesiadny, Director, Department of Transportation  
William D. Hicks, P.E., Director, Land Development Services



## WELLS + ASSOCIATES

### MEMORANDUM

**To:** Jan Leavitt, P.E., Chief  
Site Code Research & Development Branch  
Department of Public Works and Environmental Services

**From:** Michael J. Workosky, PTP, TOPS, TSOS  
John F. Cavan, PE, PTOE  
Cole Jamison, E.I.T.

**Re:** RZ 2016-DR-001, Woodland Park Waterview  
Fairfax County Tax Map Parcels: 16-3 ((1)) 29D and 29E  
Fairfax County, Virginia

**Subject:** Parking Reduction Request

**Date:** March 8, 2017

1420 Spring Hill Road  
Suite 610  
Tysons, Virginia 22102  
703-917-6620  
703-917-0739 FAX  
[www.mjwells.com](http://www.mjwells.com)



### INTRODUCTION

This memorandum presents a parking reduction study conducted in support of the planned Woodland Park Waterview development. The Applicant (Trammell Crow Residential) proposes to develop the western portion of the site with 295 multifamily apartment units. The project site is identified as Fairfax County 2017 Tax Map Parcels 16-3 ((1)) 29D and 29E, which is located in the Dranesville Magisterial District at the northeast quadrant of the Centreville Road (Route 657)/Woodland Park Road (Route 7806) intersection. It is located approximately one mile from the future Innovation Center Metrorail station and the existing Herndon-Monroe Park & Ride station (See Figure 1). The approximate 11.95-acre site is zoned PDH-30 (Planned Development Housing) district and is currently undeveloped (See Figure 2).

The Woodland Park Waterview development was the subject of a rezoning case (RZ 2016-DR-001), a Proffered Condition Amendment (PCA 1999-HM-037), and a Special Exception Amendment (SEA 97-H-070-03) approved by the Fairfax County Board of Supervisors on December 6, 2016. The approved zoning applications permit development of 295 multifamily dwelling units, 56 two-over-two dwelling units and 32 townhomes. The Applicant has acquired the western portion of the property and proposes to construct the 295 multifamily dwelling units (referred to as Building A). The remaining residential units would be constructed later by others and are not included in this parking reduction request.

Transportation Consultants  
INNOVATION + SOLUTIONS



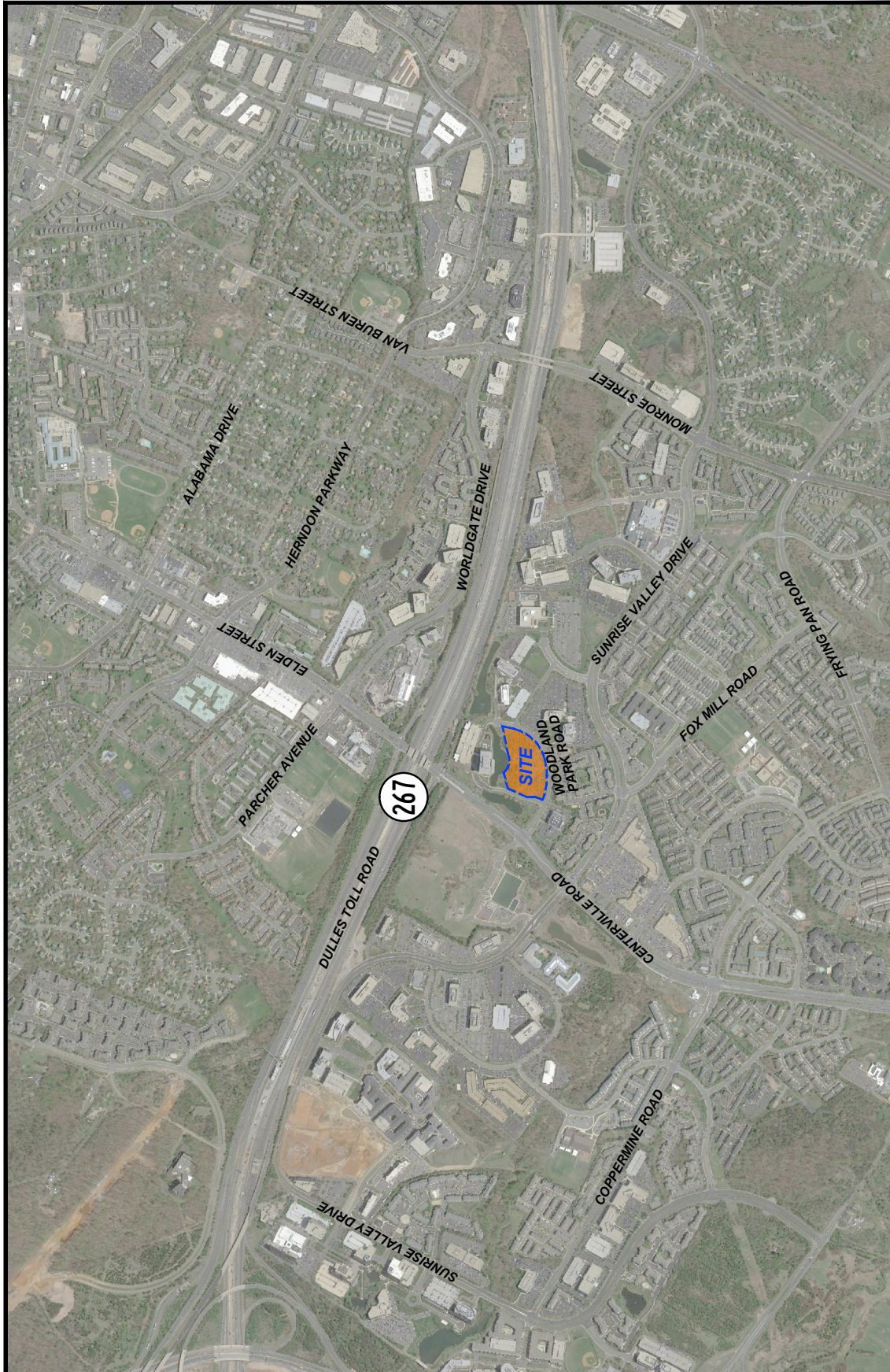


Figure 1  
Site Location  
Woodland Park Waterview  
Fairfax County, Virginia





Figure X  
 Aerial of Existing Site  
 Woodland Park Waterview  
 Fairfax County, Virginia





## WELLS + ASSOCIATES

### MEMORANDUM

The development program is consistent with the rezoning approval and consists of 295 multifamily residential dwelling units (DUs) in one (1) building that would be served by a parking garage (Building A). The development is proposed to be served by a minimum of 413 parking spaces including accessible parking spaces, or approximately 1.40 spaces per DU. The conceptual site plan reduction is shown on Figure 3. Access to the garage would be provided via Verisign Way on the west side of the building. It is expected that the project be constructed and occupied by the second quarter of 2019.

Although a formal parking reduction was not pursued during the course of the rezoning application, the proffers accepted by the Board did reserve the right for the Applicant to seek a reduction of the requirements, subject to the provisions of the Zoning Ordinance. Proffer 20 (see **Attachment I**) states the following:

*"Parking Reductions". The Applicant reserves the right to submit and pursue approval of a parking reduction for Building A from the Board of Supervisors prior to site plan approval for Building A. Thereafter, the Applicant may request approval of further parking reductions for Building A from the Board as permitted by the Zoning Ordinance. Any modification to the parking requirement or layout resulting from a reduction approved by the Board shall not require a PCA, CDP A or FDP A, but shall be in substantial conformance with the approved CDP/FDP."*

A full size copy of the plan is also provided for staff's convenience as **Attachment II**.

In furtherance of this plan, the Applicant has requested a reduction in the number of parking spaces that would be required by a strict application of the Fairfax County Zoning Ordinance. Specifically based on the "...proximity to a mass transit station..." (Article 11. Section 11-102.5). **Specifically, a residential parking reduction of approximately 12.5 percent from the 472 spaces (1.60 per DU) as required by the County's Zoning ordinance to 413 spaces (1.40 per DU) resulting in a total reduction of 59 parking spaces is hereby requested.** This parking reduction request applies only to the 295 proposed multifamily residential units (Building A) and does not include the adjacent planned two-over-two dwelling units and townhomes on the eastern portion of the site.

Consistent with other nearby residential parking reductions, the subject parking reduction request is based on the site's proximity to an existing transit facility and a future programmed Metrorail station. Trends in auto ownership in such transit rich environments, Transportation Demand Management (TDM) program elements, and the target market for this type of housing further support the reduction requested.

Sources of data for this analysis include, but are not limited to, the files and library of Wells + Associates (W+A), Trammell Crow Residential, NVR, Inc., WCL&W, PC,



## WELLS + ASSOCIATES

### MEMORANDUM

Gordon, the Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), and Fairfax County.

#### 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 parking spaces. A copy of the relevant Ordinance text is provided herein as **Attachment III**.

Article 11, Section 11-103 of the Ordinance outlines the parking requirements for multi-family residential uses as follows:

Dwelling, Multiple Family – “One and six-tenths (1.6) spaces per unit”

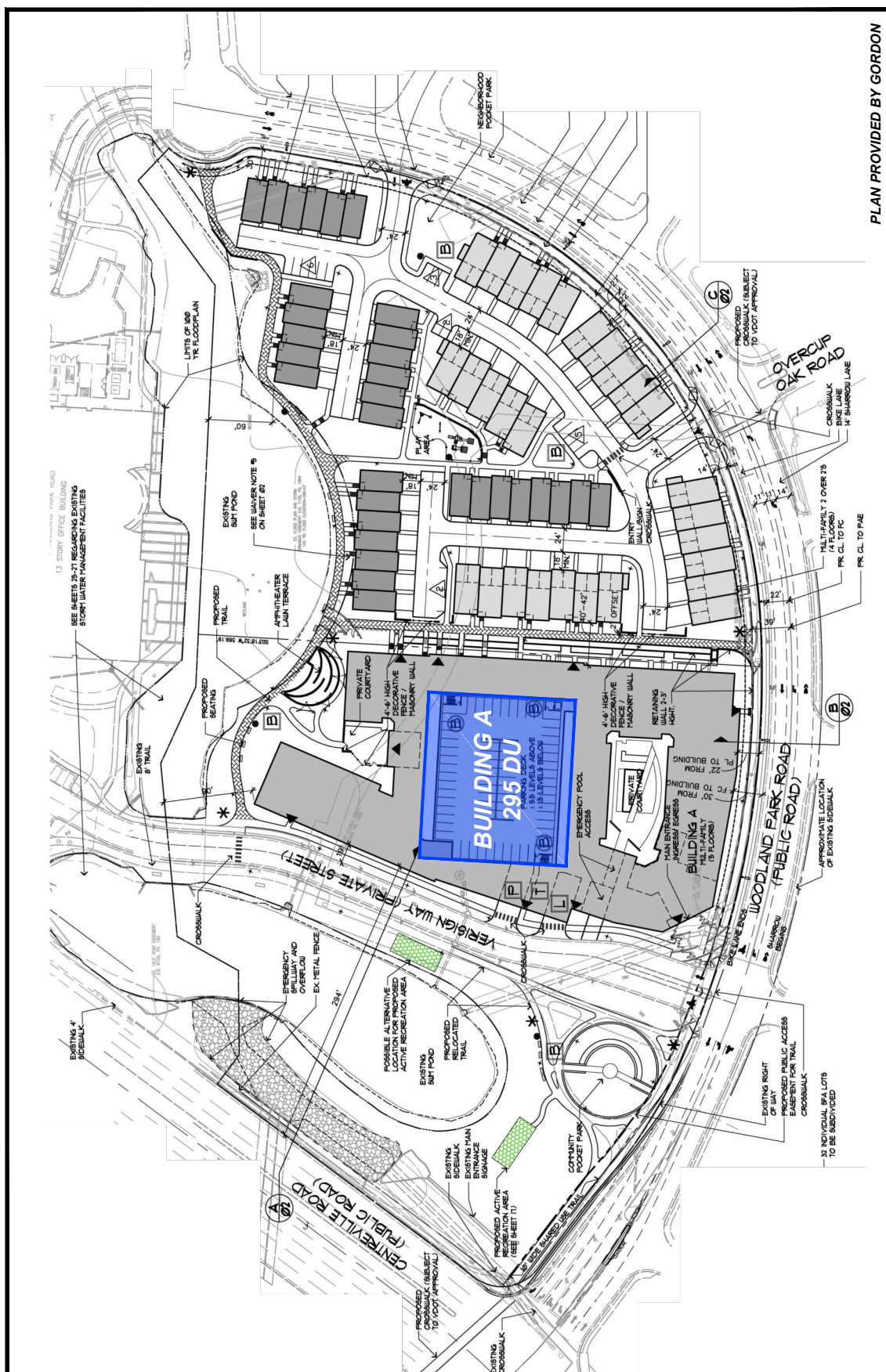
Based on a strict application of the Zoning Ordinance, 472 parking spaces would be required to accommodate the parking demand associated with the proposed 295 multi-family dwelling units.

#### REQUESTED PARKING REDUCTION

The proposed development would require a minimum of 472 parking spaces to meet a strict application of the Ordinance parking requirements for the project’s maximum number of proposed units. The Applicant is requesting a 12.5 percent reduction (or up to 59 fewer spaces) than would be required by the Ordinance.

This represents an effective reduction in the minimum required parking rate from 1.60 spaces per unit (Zoning Ordinance requirement) to 1.40 spaces per unit (proposed requirement). Based on 295 dwelling units, a minimum of 413 parking spaces would need to be provided. The basis for such a request is the provision as established in the Ordinance of, “the site’s proximity to a mass transit station” (Section 11-102.5). Copies of the relevant Ordinance text are also included in **Attachment III**.

The following sections evaluate the requested parking reduction with respect to this provision.



**Figure 3**  
**Conceptual Site Plan**

Woodland Park Waterview  
Fairfax County, Virginia





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### MEMORANDUM

#### RESIDENTIAL PARKING REDUCTION ANALYSIS

##### Provision: Proximity to a Mass Transit

The Fairfax County Zoning Ordinance (“the Ordinance”) provides for a reduction in required off-street parking for sites located in proximity to transit. Article 11, Section 11-102.5 states:

*“Within the area in proximity to a mass transit station, which station either exists or is programmed for completion within the same time frame as the completion of the subject development, or along a corridor served by a mass transit facility, which facility is conveniently accessible to the proposed use and offers a regular scheduled service, 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. Such reduction may be approved when the applicant has demonstrated to the Board’s satisfaction that the spaces proposed to be eliminated are unnecessary based on the projected reduction in the parking demand resulting from the proximity of the transit station or mass transit facility and such reduction in parking spaces will not adversely affect the site or the adjacent area.”*

The proposed residential uses would be well served by public transportation both existing and programmed for completion within the general time frame of the subject development. The proposed development is scheduled to be constructed and occupied by the second quarter of 2019, while the future Innovation Center Metrorail station is predicted to be completed and operational by 2020. As shown on Figure 4, the site is approximately one mile from the future Innovation Center Metrorail station and the existing Herndon-Monroe Park & Ride station (straight line distances). Figure 5 also provides the location of most proximate on-street bus stop and the pedestrian/bicyclist route to the existing and future Metrorail stations and transit hub.

##### Metrorail Station/Bus Transit Facilities

The nearest existing transit station is the Herndon-Monroe Park & Ride that provides transit bus service to the existing Silver Line Wiehle-Reston East Metrorail station and other destinations. Pedestrian and bicycle access to the station is provided via sidewalks and asphalt paths along Sunset Hills Road and Monroe Street. In addition, bus lines with service to the station have bus stops located one block from the site on Sunrise Valley Drive. Bicycle parking is provided at the Herndon-Monroe Park and Ride lot via nine (9) bicycle racks and ten bicycle lockers.



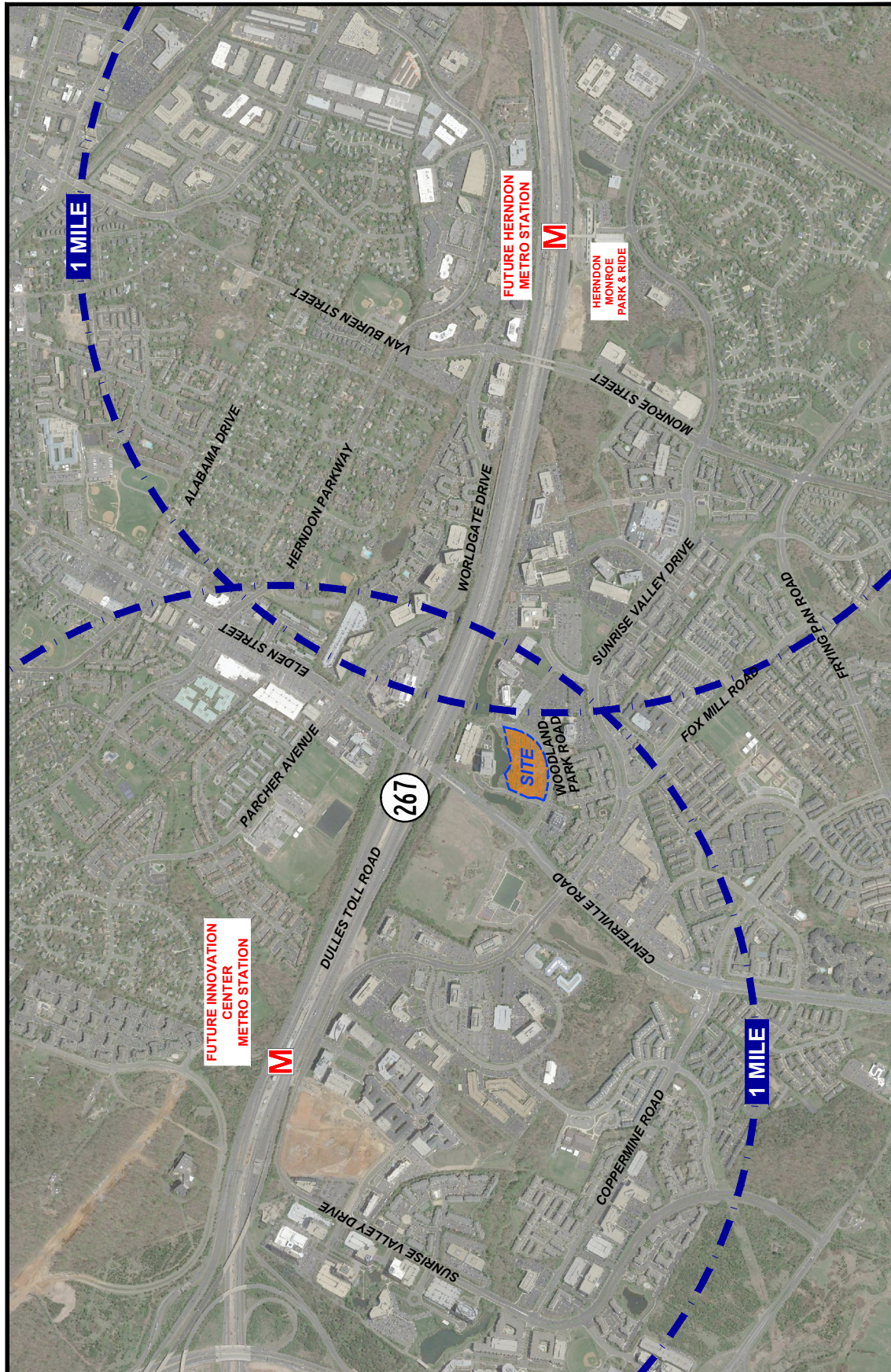


Figure 4  
Distance from Future Metrorail Stations  
Woodland Park Waterview  
Fairfax County, Virginia



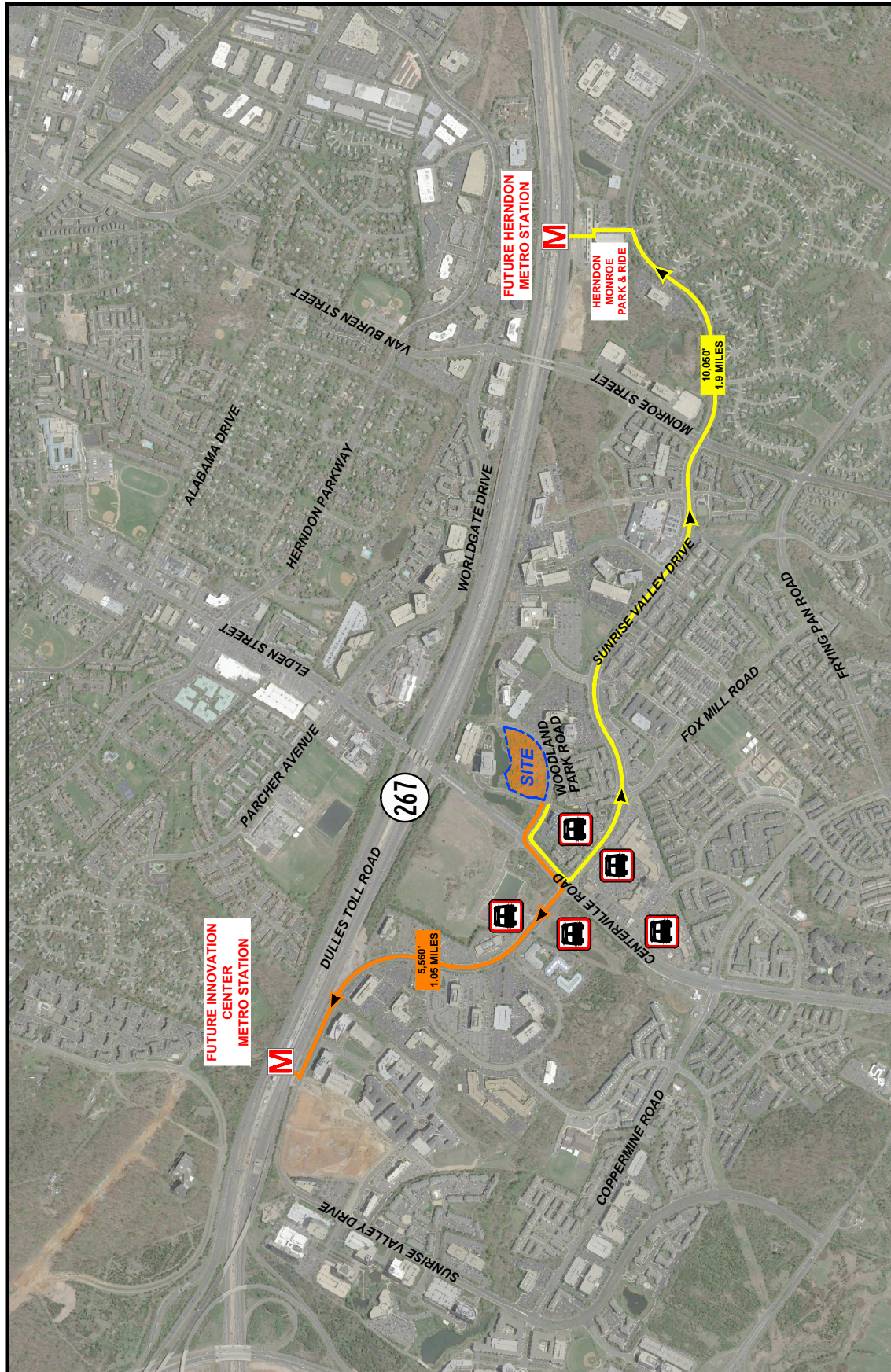
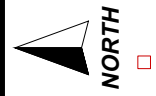


Figure 5  
Pedestrian & Bicycle Travel Distances

Woodland Park Waterview  
Fairfax County, Virginia







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### MEMORANDUM

The station serves as a transit hub for multiple bus routes including the following 13 bus routes. A map showing the existing bus routes serving the area is shown on Figure 6.

#### ■ Fairfax Connector

- South Lakes Drive (551)
- Dranesville – Herndon Parkway (924)
- Dranesville – Worldgate Drive (926)
- Dulles Corner – McNair Farms (927)
- Centreville Road (929)
- Coppermine – Elden (937)
- Herndon – Reston (950)
- Sunrise Valley (951)
- Sunset Hills (952)
- Herndon-Monroe – Wiehle-Reston East (980)
- Dulles Airport – Wiehle-Reston East (981)
- Udvar-Hazy Center – Dulles Airport – Wiehle-Reston East (983)

#### ■ Metrobus

- D.C. – Dulles Line (5A)

As mentioned previously, the proposed development is located within one mile of the future Innovation Center Metrorail station that will be located west of the site and will be part of the Phase II Silver Line extension that is currently under construction. The Herndon-Monroe Park & Ride will be replaced by the Herndon Metrorail Station and will be located just over one mile east of the site. Ultimately, Phase II will provide a total of six (6) new Metrorail stations along a 23.1 mile Metrorail route extending from the existing Orange Line to Dulles International Airport and travel beyond along the Dulles Greenway into Loudoun County, Virginia.

In the vicinity of the site, bus stops are located on both sides of Sunrise Valley Drive. These bus stops serve the following Fairfax Connector routes and provide bus service to/from the site area to other existing mass transit facilities such as the Wiehle-Reston East Metrorail station, Reston Town Center and Dulles Airport. Each bus line listed above is described below:

#### ■ Dulles Corner – McNair Farms (927)

- Weekday Service: 35 minute peak period headways
- Connects the site from the Herndon-Monroe Park & Ride to various stops along Sunrise Valley Drive and Frying Pan Road. AM service operates only westbound along Sunrise Valley Drive and PM service operates only eastbound along Sunrise Valley Drive.



## WELLS + ASSOCIATES

### MEMORANDUM

#### ■ Coppermine – Elden (937)

- Weekday Service: 35 minute peak period headways
- Weekend Service: 30 to 40 minute headways
- Connects the site from the Herndon-Monroe Park & Ride to the Town of Herndon with various stops along Centreville Road and Elden Street.

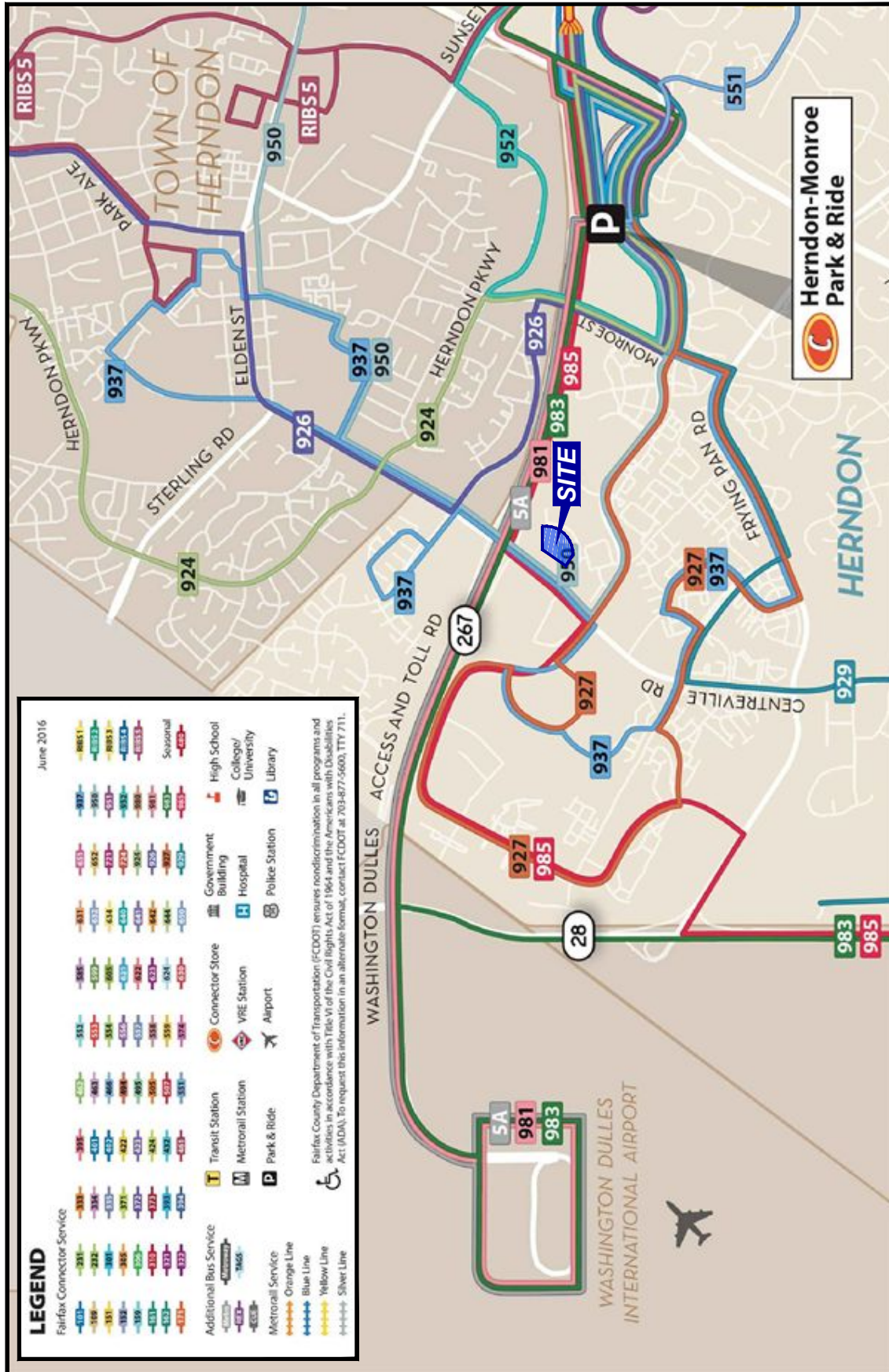
#### ■ Herndon - Reston (950)

- Weekday Service: 20 minute peak period headways
- Weekend Service: 30 minute peak period headways
- Connects the site from the Wiehle Reston East Metrorail Station, Herndon Monroe Park & Ride, the Town of Herndon, and the Reston Town Center Transit Station.

#### ■ Dulles Corner – Wall Road (985)

- Weekday Service: 20 to 25 minute peak period headways
- Connects the site from the Wiehle-Reston East Metro Station to the intersection of Wall Road and the Air & Space Museum Parkway.

Given the proximity of the Herndon-Monroe Park & Ride to the proposed residential development, the convenient bus connections to the existing Wiehle-Reston East Metrorail Station and surrounding area, and the proximity to the future Innovation Center Metrorail Station, the proposed reduction in the parking spaces could be accommodated.





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### MEMORANDUM

#### Access to Transit Services

As mentioned above and shown on Figure 4, the proposed development is located within one mile (straight line distance) from the future Innovation Center Metrorail Station. The shortest walking/biking route to the future Innovation Center Metrorail station portal is approximately 5,560 feet or 1.05 miles in length measured from the proposed building area, as shown on Figure 5. A connected network of sidewalks and asphalt trails are provided along the north side of Woodland Park Road, the east side of Centreville Road, and the south side of Sunrise Valley Drive providing a pedestrian/bicycle friendly route to the future Innovation Center Metrorail Station. While marked crosswalks are not provided at some minor streets and private driveways, they are provided at major intersections. Pedestrian access would not be adversely impacted with the absence of some marked crosswalks.

In addition to the future Innovation Center Metrorail Station, the site is also in proximity to the existing Herndon-Monroe Park & Ride which is located just over one mile (straight line distance) to the east. The shortest walking/biking route to the future Innovation Center Metrorail station portal is approximately 1.9 miles (10,500 feet) in length measured from the proposed building area, as shown on Figure 5. Pedestrian/bicycle access to the Herndon-Monroe Park & Ride is also served by a connected network of sidewalks or paved trails provided along the south side of Woodland Park Road, the east side of Centreville Road, and the south side of Sunrise Valley Drive. With the future expansion of Metrorail network, the existing Herndon-Monroe Park & Ride will be upgraded to facilitate a Metrorail station as well.

Crosswalks with signalized pedestrian heads are provided at the following nearby signalized intersections:

- Centreville Road/Woodland Park Road (East, West and South legs)\*
- Centreville Road/Sunrise Valley Drive (East, West and South legs)
- Sunrise Valley Drive/Glen Echo Road (West leg)
- Sunrise Valley Drive/Fox Mill Road (North, West, and South leg)
- Sunrise Valley Drive/Corporate Park Drive (All legs)
- Sunrise Valley Drive/Woodland Pointe Avenue (All legs)
- Monroe Street/Sunrise Valley Drive (All legs)
- Sunrise Valley Drive/Herndon-Monroe Park & Ride (North, West and South legs)

*\*The installation of new marked crosswalk with pedestrian count down signal heads is included in the subject site proffers for north leg of the intersection.*

Based on the connected system of pedestrian/bicycle facilities surrounding the site and adjacent area, residents would have convenient access to the transit facilities described herein.



## WELLS + ASSOCIATES

### MEMORANDUM

#### Residential Unit Mix

In harmony with the transit-oriented nature of the Woodland Park Waterview project and taking advantage of existing transit services, the proposed residential units will be marketed toward a demographic inclined to use transit on a regular basis and to own fewer or no vehicles than a typical residential project. The Applicant is intending to provide the following unit type ratios:

- Studio/One (1) Bedroom Units: 207 Units (70.2 percent)
- Two (2) Bedroom Units: 83 Units (28.1 percent)
- Three (3+) Bedroom Units: 5 Units (1.7 percent)

The current zoning ordinance parking requirement of 1.6 spaces per DU does not differentiate based on the number of bedrooms provided. As shown above, the proposed project would provide mostly studio/one-bedroom units. The Applicant is proposing a parking supply to effectively provide, at a minimum, approximately 1.40 parking spaces per unit.

#### Auto Ownership Based on Census Tract Information

Average auto ownership was determined based on data from the 2015 American Community Survey (ACS) published by the U.S. Census Bureau. 2015 data for the census block encompassing the subject site and the immediate surrounding area indicates that the average auto ownership for rental units in the area was 1.24 vehicles per household. The ACS data is summarized in Table 1.

Table 1  
Reston Residential Parking Reduction  
2015 American Community Survey Data

Number of Households (Renter Occupied)	Total	Percent
	844	100%
<b>Renter Occupied</b>		
No vehicle Available	18	2.1%
1 Vehicle Available	609	72.2%
2 Vehicles Available	217	25.7%
3 Vehicles Available	0	0.0%
4 or more Vehicles Available	0	0.0%
<b>Total Vehicles Available</b>	<b>1,043</b>	<b>n/a</b>
<b>Average Auto Ownership (Vehicles/Unit)</b>		<b>1.24</b>





## WELLS + ASSOCIATES

### MEMORANDUM

The census data results suggest that a parking ratio of 1.40 parking spaces per unit would be adequate to serve the residents' parking needs in the area. It should be noted that most of this data was generally collected before the Phase I of the Silver Line opened in July 2014. It is anticipated that vehicle dependency would likely decline with the future extension of Metro to the west.

### Local Experience

Locally, Wells + Associates completed a survey of similar sites in June 2001 to assess the impact of transit proximity on parking demands associated with multifamily projects. The scope of that study was developed in close consultation with staff from the Department of Public Works & Environmental Services (DPW&ES) and the Fairfax County Department of Transportation (FCDOT). Steps undertaken in that study included, but were not limited to the following:

- Nine (9) comparable sites were identified and parking demand counts conducted on a series of typical weekdays and Saturdays
- Demographic data was collected for each of the comparable sites in terms of number and type of units, tenant characteristics, auto ownership, parking spaces provided, availability of off-site parking and local ordinance requirements
- A description of parking controls/operations were provided, if available, for each of the comparable sites
- A review of national and local data sources to determine the impact of mass transit on area parking requirements

Specifically, the data indicated auto ownership at multifamily developments was lower than other types of residential units, especially proximate to transit facilities. The data collected by Wells + Associates in 2001 was supplemented with demographic data from the Development – Related Ridership Survey II prepared for WMATA. Both the Development – Related Ridership Survey II and the 2005 Development – Related Ridership Survey assessed the impact of auto-ownership and metro ridership. Both reports found locating residential units in close proximity to transit services resulted in reduced auto ownership and increased mode splits.

Auto ownership, as measured in the Wells study taken together with the Ridership Survey II data, ranged from a low of 0.25 vehicles per unit to a high of 1.87 vehicles per unit (as measured at Fairfax Towers, a non-TOD product). Average auto ownership was calculated at 1.07 vehicles per unit.



## WELLS + ASSOCIATES

### MEMORANDUM

Based on the above average auto ownership rate, the projected number of occupied parking spaces associated with the maximum proposed 295 units at Woodland Park Waterview would be 316 spaces (1.07 spaces per unit \* 295 units) at buildout. In addition to auto ownership, parking demand counts were collected at a number of metro and non-metro related sites. Excerpts from the June 2001, Wells study are included as **Attachment IV**.

#### Recently Approved Parking Reductions

A number of similar residential projects along the Reston-Dulles corridor have received approval of parking ratios less than required by the Fairfax County Zoning Ordinance. Below is a summary of the approved residential parking reductions including their planned residential parking ratio.

**Innovation Center South.** The planned residential portion of the development would include 1,005 DUs with an approved parking ratio of 1.31 spaces/DU. The residential buildings would be approximately ¼ mile from the future Innovation Center Transit Station.

**Reston Excelsior.** The planned residential building with 457 DUs was approved with a parking ratio of 1.34 spaces/DU. This property is located within ½ mile to both the Reston Town Center Transit Center and the proposed Reston Town Center Metro Station.

**Reston Town Center – Block 4.** The planned residential building with 549 DUs was approved with a parking ratio of 1.25 spaces/DU. The building is approximately ¼ mile from the Reston Town Center Transit Station and ½ mile from the future Reston Town Center Metrorail Station.

**Parc Reston.** The recently constructed residential building with 360 DUs was approved with a parking ratio of 1.32 spaces/DU. This property is located within ½ mile to both the Reston Town Center Transit Center and the proposed Reston Town Center Metro Station.

It should be noted that while the developments listed above are located closer to future Metrorail stations than the subject site, the proposed parking ratio 1.40 spaces per unit is higher than these recently approved sites.



## **WELLS + ASSOCIATES**

### **MEMORANDUM**

#### **Fairfax County Comprehensive Plan – Reston Transit Areas**

In response to the extension of Metrorail, the Fairfax County Board of Supervisors authorized the Reston Master Plan Special Study to review Plan guidance for the Reston area. Additionally, the Reston Master Plan Special Study Task Force was appointed to work with County staff to develop recommendations for the Transit Station Areas. Phase I evaluated areas around the three planned Metrorail Stations while Phase II evaluated residential neighborhoods and commercial areas located within the neighborhoods. Based on recommendations of the study, the Fairfax County Board of Supervisors approved amendments to the Comprehensive Plan on February 11, 2014 for the Phase I and June 2, 2015 for Phase II.

The subject site is located within the Woodland Park subdistrict of the Herndon Transit Station area. The areawide recommendations outline a Transportation Demand Management (TDM) trip reduction goal of 15 to 25 percent for residential developments beyond ½-mile from Metrorail stations. To facilitate the TDM goals, the Plan identifies the need for parking management strategies such as shared parking, paid parking, unbundled parking, and other parking reduction strategies. For residential uses, the Plan recommends that the number of bedrooms per unit be accounted for when establishing the amount of parking to supply.



## WELLS + ASSOCIATES

### MEMORANDUM

#### FCDOT: Draft Recommended Parking Requirements for Transit Station Areas

The Fairfax County Department of Transportation initiated a study beginning in 2007 to better evaluate TDM measures with the purpose to reduce peak hour vehicle trips. A component of that effort evaluated parking strategies to establish recommended minimum and maximum parking requirements for (non-Tyson) transit-oriented developments (TOD). The findings and recommendations of that study were presented in a draft technical report prepared by Cambridge Systematics, Inc. titled “Increasing the Integration of TDM into Land Use and Development Process” dated August 2011. The recommended parking ratios were based on unit type (number of bedrooms) rather than overall number of dwelling units.

As described previously, the subject site is located within the Herndon Transit Area and located approximately one mile from the existing Herndon-Monroe Park & Ride Station and the future Innovation Center Metrorail Station. While the draft Cambridge Systematics study does not provide recommendations for site beyond ½ mile from a Metrorail station, the study recommends that sites ¼ to ½ miles from a Metrorail station provide for a minimum of 1.1 parking spaces per studio/one-bedroom unit, 1.35 parking spaces per two-bedroom unit, and 1.6 parking spaces per three-bedroom unit. The draft recommendations also recommended a maximum of 1.4 parking spaces per studio/one-bedroom unit, 1.7 parking spaces per two-bedroom unit, and 2.0 parking spaces per three-bedroom unit. A table and bar chart comparison based on these recommendations versus the proposed reduction and the County code requirement is shown in Table 2 below and on Figure 7. Excerpts from the referenced draft document is included as **Attachment V**.



## WELLS + ASSOCIATES

### MEMORANDUM

Table 2

Fairfax County Draft Parking Ratio Comparison for Sites ¼ to ½ Mile from Transit

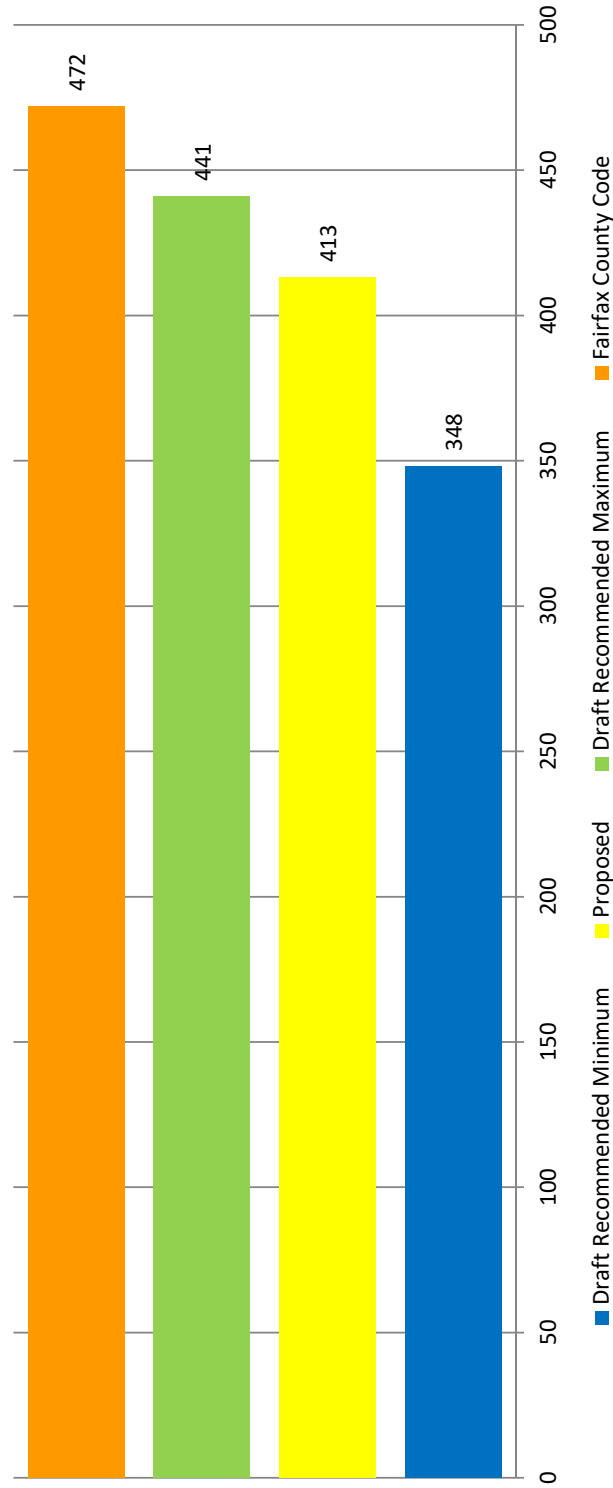
Dwelling Units	Number of Bedrooms	Non-TOD Parking Ratio	Units by Number of Bedrooms	Parking Spaces
Recommended Minimum Parking Ratios (1)	0-1 Bedroom	1.1	207	228
	2 Bedroom	1.35	83	112
	3+ Bedroom	1.6	5	8
<b>Total (Minimum)</b>			295	<b>348</b>
Proposed Parking Ratios	0-1 Bedroom	1.4	209	290
	2 Bedroom	1.4	83	116
	3+ Bedroom	1.4	5	7
<b>Total (Proposed)</b>			295	<b>413</b>
Recommended Maximum Parking Ratios (1)	0-1 Bedroom	1.4	209	290
	2 Bedroom	1.7	83	141
	3+ Bedroom	2.0	5	10
<b>Total (Maximum)</b>			295	<b>441</b>
County Code Required Parking Ratios (2)	0-1 Bedroom	1.6	207	331
	2 Bedroom	1.6	83	133
	3+ Bedroom	1.6	4	8
<b>Total (County Code)</b>			295	<b>472</b>

(1) Based on Fairfax County's DRAFT (non-Tyson's) parking requirement recommendations for TOD areas as presented in the "Increasing the Integration of TDM into Land Use and Development Process" dated August 2011 (prepared for Fairfax County Department of Transportation and prepared by Cambridge Systematics, Inc.)

(2) Taken from Fairfax County Zoning Ordinance Parking Requirements

Based on these parking recommendations, the residential parking demand for the maximum proposed multi-family DUs (295 DUs) would range from 348 parking spaces to 441 parking spaces. This would correspond to a parking reduction range of approximately 26.3 percent to 6.8 percent from code requirements. The approximate 1.40 parking spaces/DU (or 12.5 percent reduction) proposed to serve the Project's 295 DUs exceeds the minimum recommended parking requirement by 65 parking spaces and is only 28 parking spaces less than the maximum recommended parking requirement.

**Figure 7**  
**Parking Requirement Comparisons**  
**Draft FCDOT Recommendations (Min,Max)**  
**vs Proposed vs Fairfax County Code**



\* Based on draft recommendations from the "Increasing the Integration of TDM into Land Use and Development Process" (August 2011) prepared for FCDOT, prepared by Cambridge Systematics, Inc.



## WELLS + ASSOCIATES

### MEMORANDUM

#### Visitor Parking

According to ULI, the total residential visitor parking demand is approximately 0.15 spaces per DU. Based on the census data; residents would have access to an average of 1.24 vehicles per unit. If in the interest of conservatism no further parking reductions were assumed for proximity to future transit, the total parking demand for both residents and visitors would be 1.39 spaces per unit. The proposed parking supply of 1.40 spaces per unit is anticipated to accommodate both residential and visitor demand.

#### Transportation Demand Management (TDM) and Non-Auto Transportation Improvements

In conjunction with the approved residential use, a comprehensive TDM program was proffered in general accordance with the County's TDM Policy. As provided for in Proffer 26, the TDM program, once established, is intended to achieve a 20 percent PM peak hour trip reduction goal. A copy of the proffers is included in **Attachment I**.

It should be noted however, that the requested parking reduction is not predicated on the TDM program provision stipulated in the Ordinance. However, the TDM program will support the encouragement of non-auto modes of travel by residents of the site, promote the usage of available transit options, and further reduce auto ownership thus reducing the demand for parking spaces.

In addition to the TDM program, the Applicant proffered a number of improvements to improve non-auto modes of transportation around the site. These improvements include:

- Construct a sidewalk and/or shared use path on the north side of Woodland Park Road.
- If approved by VDOT, provide a marked crosswalk across Centreville Road north of Woodland Park Road.
- Provide a bike lane on the north side of Woodland Park Road. Provide bike sharrows on the south side of the road.
- Provide parking for bicycles at a rate of one (1) interior bicycle space for every three (3) units and one (1) short-term bicycle space for every 25 units.
- If approved by FCDOT, construct bus shelter along the site frontage.

Together with the TDM program, the above non-auto improvements are likely to assist in reducing the potential for households within the site owning multiple vehicles.



## WELLS + ASSOCIATES

### MEMORANDUM

#### Nearby Neighborhood Amenities

Numerous amenities are located in the immediate vicinity of the Woodland Park Waterview site reducing the need for residents to own an automobile. The Village Center at Dulles shopping center is located  $\frac{1}{4}$  mile south of the site while the Woodland Park Crossing shopping center is located approximately  $\frac{1}{2}$  mile east of the site. Additional amenities would be provided with the development of the Arrowbrook project on the west side of Centreville Road. Specifically, the following amenities and uses are provided near the site:

- Grocery stores
- Restaurants ranging from quick service to sit-down
- Gym/fitness facilities/athletic fields
- Pharmacy/drug stores
- Banks/ATMs
- Coffee shops
- Shops and other general retail uses

In order to provide an assessment of the site's access to pedestrian facilities and nearby amenities, the Walk Score was calculated for the site and is included in **Attachment VI**. The Walk Score is an analysis provided by the website [www.walkscore.com](http://www.walkscore.com) and provides scores from 0 (worst) to 100 (best) for walkability. Based on its location, the subject site received a walkability score of 71 which was classified as "Very Walkable – Most errands can be accomplished on foot".

#### BASIS FOR THE PARKING REDUCTION REQUEST (Z.O. 11-102.5)

The following summarizes the basis for the parking reduction request:

- The site is located approximately one (1) mile from the future Innovation Center Metrorail station and the existing Herndon-Monroe Park & Ride Station (straight line distance).
- The site is served by existing established Fairfax Connector bus routes along Sunrise Valley Drive and Centreville Road and at nearby transit stations.
- The pedestrian/bicycle infrastructure that exists in the vicinity of the site provides relatively direct walking/biking routes to/from transit and area amenities. The approximate walking/biking distances to the Innovation Center





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### MEMORANDUM

Metrorail station and the Herndon-Monroe Park & Ride Station are approximately 5,560 feet and 10,050 feet, respectively.

- The majority (approximately 70 percent) of the proposed dwelling units would be studio or one bedroom models.
- 2015 census tract information and local experience for sites in the vicinity of mass transit facilities supports fewer vehicles per household than current code requirements.
- The proffers include a TDM plan that would include elements to help reduce the number of household vehicles.
- The proximity to neighborhood amenities would allow residents convenient alternatives to driving.
- The methodologies and recommendations of the parking study are consistent with the guidance provided in the Comprehensive Plan.

### IMPACT TO ADJACENT PROPERTIES (Z.O. 11-102.5)

The proposed residential project is located in proximity to the future Innovation Center Metrorail Station and the existing Herndon-Monroe Park & Ride station as well as various bus routes. The proposed site will predominantly offer one-bedroom units whose parking supply will be provided through structured parking. The project is anticipated to attract one and no-car individuals and families based on its TDM program and proximity to mass transit. The project has TDM proffers that will reduce the need for vehicle ownership. Additionally, pedestrian and bicycle improvements along Woodland Park Road are proffered. Numerous nearby neighborhood amenities would allow residents to conduct daily errands without the use of an automobile. The adjacent planned development would consist of two-over-two and single family attached dwelling units that are anticipated to meet code parking requirements and are not anticipated to be affected by the parking reduction request. In summary, if the parking reduction request were granted, there would be no impact on the site or surrounding areas.



## WELLS + ASSOCIATES

### MEMORANDUM

#### CONCLUSIONS

Based on the documentation provided herein, the following can be concluded:

1. Under a strict application of the Zoning Ordinance, 472 parking spaces would be required to accommodate the proposed 295 multi-family dwelling units (Building A) and their visitors.
2. Based on the proximity to transit, the **Applicant requests a residential parking reduction of approximately 12.5 percent from the 472 spaces (1.6 per DU) as required by the County's Zoning ordinance to 413 spaces (1.40 per DU) resulting in a total reduction of 59 parking spaces.** This parking reduction request applies only to the 295 multifamily residential units in Building A and excludes the planned two-over-two and single family attached units to the east.
3. The location of the site is approximately one mile from the existing Herndon-Monroe Park & Ride and the future Innovation Center Metrorail station. Multiple Fairfax Connector bus routes are provided in the vicinity of the site.
4. The proposed 295 multifamily residential dwelling units would generally consist of approximately 70.2 percent studio/one-bedroom units, approximately 28.1 percent two-bedroom units, and approximately 1.7 percent three-bedroom units with minor modifications based on final design. The ultimate mix of units will be determined at the time of site plan submission and is to allow minor potential changes that would not reduce the parking ratio below the requested 1.40 parking spaces per unit.
5. Census tract data from 2015 shows an average auto ownership of 1.24 vehicles per unit suggesting that the proposed parking supply would more than adequately serve residents and visitors.
6. The TDM program and other proffered non-auto improvements would benefit the proposed residential multi-family dwelling units and assist in encouraging use of modes other than the automobile. The proffered TDM program complements the site's proximity to mass transit and reduces residential parking needs while supporting County goals to reduce peak hour vehicle trips.
7. The proximity of neighborhood amenities would allow residents the conduct daily errands without driving, reducing the need for auto ownership.
8. The proposed residential parking reduction is consistent with the recommendations outlined in the Comprehensive Plan.



## **WELLS + ASSOCIATES**

### **MEMORANDUM**

#### **RECOMMENDATIONS**

It is requested the Board approve a parking reduction of 12.5 percent for Woodland Park Waterview multi-family residential project (Building A) pursuant to Paragraph 5, Section 11-102 of the Zoning Ordinance, based on an analysis of the parking requirements for the use on the site presented herein.

The following conditions are recommended with the subject request:

1. A minimum of 413 parking spaces (or 1.40 parking spaces per unit) must be maintained on site at all times for the residential uses.
2. The residential uses permitted per this parking reduction are a maximum of 295 multifamily dwelling units. Any other uses must be parked at Code and these uses must not exceed the approved development program.
3. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
4. At least 0.15 parking spaces per multifamily unit shall be clearly designated or accounted for as parking for guests of the residential uses, future residents, on-site staff, and/or car-share vendors.
5. The Transportation Management Plan proffered as part of RZ/FDP 2016-DR-001 shall be implemented.
6. The current owners, their successors or assigns of the parcels identified as Fairfax County 2017 Tax Map Parcels 16-3 ((1)) 29D and 29E, the subject of RZ/FDP 2016-DR-001, 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 space 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 shall be based on applicable requirements of The Code of the County of Fairfax, Virginia, and the Zoning Ordinance in effect at the time of said parking utilization study submission.



## **WELLS + ASSOCIATES**

### **MEMORANDUM**

8. All parking provided shall be in accordance with the 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 (ADA).
9. 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.
10. Unless an extension has been approved by the Board, this parking reduction shall expire without notice 6 months from the date of Board approval if recommended Condition #9 has not been satisfied.

Questions regarding this document should be directed to Wells + Associates, Inc.

ACTION – 3

Approval of a Joint Funding Agreement – Fairfax County Partnership with the United States Geological Survey for the Continuation of the Water Resources Monitoring Network and Publication of Scientific Investigations Reports

ISSUE:

Board of Supervisors authorization is requested for Fairfax County (County) to enter into the five-year Joint Funding Agreement (JFA) with the United States Geological Survey (USGS) for the continuation of the existing water resources monitoring network established in Fairfax County, and a separate JFA for the subsequent publication of two Scientific Investigations Reports (SIR).

RECOMMENDATION:

The County Executive recommends that the Board authorize the County Executive to sign a JFA between the County and the USGS to fund (\$361,500) the continuation of the water resources monitoring network established in 2007. At the County's option, the agreement may be extended annually through 2022 to continue the monitoring with an inflation rate of 2.5% for the subsequent four years. The breakdown of costs and a detailed explanation of the network can be found in Attachment 1.

The County Executive also recommends that the Board authorize the County Executive to sign a JFA between the County and the USGS to fund the publication of two SIRs in the amount of \$225,000. This amount will be paid as work is completed over the course of the five year agreement. Further discussion of the costs and the intent of the reports can be found in Attachment 2.

TIMING:

Board action is requested on July 25, 2017 to ensure continued monitoring of the existing network and the initiation of the reports.

BACKGROUND:

On June 18, 2007, the County authorized the initial five-year JFA between Fairfax County and the USGS to construct and operate a long-term water resources monitoring network. In June of 2012, the County re-authorized the continuation of this long-term study and an expansion of the monitoring network. The monitoring network collects

Board Agenda Item  
July 25, 2017

water quality and pollutant load data in numerous waterbodies in the County. The JFA expires in June 2017.

The data collected by the monitoring network is used to:

- Expand our established baseline characterizations of water quality and stream flow conditions in County streams. The original monitoring network has 5 years (2007 – 2012) of characterizations completed – the SIRs in this agreement would incorporate the next 5 years (2012-2017) and include the additional sites initiated in a second agreement.
- Determine nutrient and sediment trends and loadings in those streams.
- Evaluate relations between the observed stream/watershed conditions and Best Management Practices (BMPs) implementation activities in the monitored watersheds.

Details of the continuation of the monitoring network for all 20 monitoring sites are discussed in Attachment 1.

Analysis of these long-term water quality and pollutant loading trends is critical to assessing the effectiveness of Best Management Practices (BMP). BMPs have been employed and constructed throughout the County for the past several decades and will continue to be implemented as part of the County's ongoing stormwater management efforts to improve aquatic resources and meet various regulatory requirements. These mandates include the Municipal Separate Storm Sewer System (MS4) permit and impaired waters with assigned Total Maximum Daily Loads (TMDLs).

The USGS analysis of the long-term data should provide critical feedback as to the following:

- How well are the current BMPs working?
- How might they be improved?
- How can we create more cost effective BMPs?
- Can we quantify the effects of the projects being implemented out of the current watershed planning process?
- Can these results be transferred to other watersheds with similar characteristics?
- How can we effectively implement BMPs and retrofits in older, less-protected watersheds?

The monitoring also satisfies an element of the County's MS4 Permit.

Board Agenda Item  
July 25, 2017

In addition to the collection of monitoring data, a separate JFA will also fund two official USGS publications. The first USGS publication will characterize watershed conditions over a 10-year period for all 20 sites in the network and numerous trend analyses. The second will evaluate the monitoring data in relation to BPM implementation and land-use change over time. Please see Attachment 2 for greater detail on each proposed report.

Publication by the USGS increases the credibility of the monitoring program, facilitates outreach to stakeholders and the general public, and enables the comparison of actual data to modeled projections of pollutant loads used in the development of TMDL allocations. For example, the sediment and nutrient pollutant contributions from our urban watersheds may be used by regulatory authorities to improve their understanding of the impact of urban basins on the Chesapeake Bay.

The County has successfully partnered with USGS twice before (including the Accotink Creek Fecal Coliform Source Tracking Studies) and has continued to build on this productive partnership through the establishment and operation of this countywide water monitoring network.

FISCAL IMPACT:

Funding for this project will be provided on a cost-share basis with the USGS and Fairfax County. Funding is available to award this Joint Funding Agreement in Fund 40100, Stormwater Services in Project 2G25-006-000, Stormwater Regulatory Program. The County will contribute 76 percent of the operating costs, while USGS will be responsible for the remaining 24 percent, which includes primary data collection, processing, and analysis. The USGS will continue to be responsible for facility repair costs as ownership responsibilities reside with them. This agreement will be extended annually at the County's option for the five-year term described in the attachment.

The County will also be providing in-kind services as follows:

1. Laboratory services for nutrient analysis (nitrogen and phosphorus) of up to 520 water samples per year will be performed by the County's Wastewater Management Division at the Noman M. Cole Lower Potomac Pollution Control Plant's laboratory.
2. Staff ecologists will provide support in water quality sample collection and biological sampling and processing.
3. Maintenance and payment of electrical service at the Long Branch intensive monitoring site (gage).

Board Agenda Item  
July 25, 2017

ENCLOSED DOCUMENTS:

- Attachment 1: USGS Proposal: Continuation of the Water Resources Monitoring Network for Fairfax County
- Attachment 2: USGS Proposal: Watershed-scale Assessment of In-Stream Responses to Management Practice Implementation and Landscape Change
- Attachment 3: USGS Joint Funding Agreement: Continuation of the Water Resources Monitoring Network for Fairfax County
- Attachment 4: USGS Joint Funding Agreement: Watershed-scale Assessment of In-Stream Responses to Management Practice Implementation and Landscape Change

STAFF:

Robert A. Stalzer, Deputy County Executive  
James W. Patteson, Director, Department of Public Works and Environmental Services  
Randy Bartlett, Deputy Director, Department of Public Works and Environmental Services

ASSIGNED COUNSEL:

Marc Gori, Assistant County Attorney, Office of the County Attorney





## Continuation of the Water-Resources Monitoring Network for Fairfax County

Virginia and West Virginia Water Science Center

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### **Introduction**

In 2007, Fairfax County initiated a cooperative water-resources monitoring program with the US Geological Survey (USGS). The goals of this effort are to establish baseline characterizations of water-quality and streamflow conditions in County streams, to determine sediment and nutrient trends and loadings in those streams, and to evaluate relations between the observed water-resources conditions and Best Management Practice (BMP) implementation activities in the monitored watersheds. In this initial phase of the monitoring program fourteen monitoring sites were established and operated.

In 2012, recognizing that the monitoring program established in 2007 successfully provided the expected baseline water-resources characterizations and constituent loads, and realizing the value of expanding the monitoring program to improve its spatial coverage, an additional six monitoring stations were funded. This expanded monitoring program, now consisting of a 20-station network, was funded through a pair of 5-year Joint Funding Agreements (JFAs) between Fairfax County and USGS – those JFAs will expire on June 30, 2017. It is proposed that a single new 5-year JFA be established to continue funding the operation of this 20-station monitoring network.

### **Rationale**

The Fiscal Year 2018 Fairfax County Advertised Budget Plan provides current estimates of the cost to implement sufficient Best Management Practices (BMPs) to bring the Fairfax County stormwater system into compliance with the Chesapeake Bay Total Maximum Daily Load (TMDL) of approximately \$23 million per year. Earlier research has demonstrated that these implemented BMPs are effective at the plot-scale and the field-scale; however, less information is available to document the effectiveness of these BMPs at the watershed scale - precisely the scale at which water-quality compliance and water-quality improvements are typically judged. Because of the costs associated with the implementation of these BMPs, Fairfax County and other agencies are asking:

1. Are the implementation activities working?
2. How long will it take for the BMPs to work?
3. Are there more time-efficient, cost-effective methods for detecting these improvements?

Answers are needed to these questions to support the development of watershed implementation plans, to motivate BMP implementation by stakeholders, and to inform investments in implementation.

Detailed, data-rich water-quality monitoring is being conducted to quantify improvements in water-quality that are related to implementation activities. This monitoring effort will reach the 10-years of record required for trend analysis within the coming year, and a substantial data analysis and reporting effort to begin addressing the questions posed above is proposed separately; however, continuation of this monitoring program is necessary to continue to build the dataset required to understand the yet observed and/or long-term effects of BMP implementation as well as to provide the fundamental hydrologic data required to support restoration design and other County-operated monitoring programs.

## **Objectives**

The objectives of the monitoring program remain unchanged — operate a water-resources monitoring network within Fairfax County to describe surface-water quantity and quality in numerous County streams to satisfy three specific objectives:

1. Generate long-term monitoring data to describe current water-quality (sediment and nutrients) and quantity conditions, trends in water-quality and quantity, and nutrient and sediment loads and yields;
2. Evaluate relations between observed conditions/trends and BMP implementation within the monitored watersheds; and
3. Transfer the understanding gained to other less-intensively monitored watersheds.

## **Approach**

The approach for this program remains unchanged and includes:

- 1- Operate five intensive water-resources monitoring stations throughout the County to monitor streamflow and water quality in selected County streams. Each water-resources monitoring station includes the following.

### **Continuous-record streamgauge**

A standard USGS stream gage is operated at each intensive site for the collection of water level and streamflow at 5-minute intervals. Both water level and streamflow data are served on the internet approximately 1 hour after the data are collected (<https://waterdata.usgs.gov/va/nwis/rt>).

### **Continuous-record water-quality monitor**

A water-quality monitoring sonde is deployed to measure turbidity, pH, specific conductance, dissolved oxygen, and water temperature at 15-minute intervals. These water-quality parameters are also served on the internet approximately 1 hour after the data are collected. These continuous data are critical to understanding water-quality conditions in these highly dynamic urban streams, and when coupled with surrogate approaches allow the computation of a continuous record of nutrient and sediment concentrations which captures events that would be missed by traditional approaches relying solely on discrete sample collection. Further, use of these computed concentration data in load computations results in load estimates with greatly reduced uncertainty — a factor critical to the detection of change over time.

### **Automated stream sampling**

Because these relatively small basins rise and fall very quickly with storm events (commonly termed “flashy”), manual storm sampling is not a reasonable long-term sampling option. Therefore, each intensive monitoring station is equipped with an automated stream sampler to collect stream-water samples during storm-flow periods; in general, the goal is to collect wet-weather samples over a wide range of flow conditions. The automated samplers are configured to activate during storm events, and approximately 12 storm events are targeted for sampling each year (with 5-10 samples collected during each event). These automated stream samples are analyzed for both suspended sediments and nutrients.

### **Monthly sampling**

Monthly sampling is conducted to provide data appropriate for trend analysis. A monthly sampling approach in which approximately 25% of the monthly samples are collected during targeted wet weather conditions is employed. It is expected that such targeting will result in a

better representation of the range of hydrologic conditions, and thereby support a trend analysis that is more representative of changes over that range. To minimize the potential of introducing a seasonal bias when using this approach, the months in which wet-weather flows are targeted are randomly selected at the beginning of the sampling year, and regardless of the success of the targeting in a selected month those data will be included in the data set. In other words, it is likely that conditions may change after the decision is made to target an event, but those data are used as the monthly sample regardless of the magnitude of flow they represent.

- 2- To evaluate the transferability of the results from the intensive water-resources monitoring stations, additional data are collected in other less-intensively monitored basins - hereafter referred to trend stations. These trend stations will be used to determine whether (and how) the inferences drawn in the intensively monitored basins are applicable to other County basins. To cost-effectively monitor these trend basins the trend network is operated as follows:
- At these additional 15 sites, monthly water-quality monitoring is performed and these data will be evaluated for water-quality trends. To perform trend analyses, streamflow data also are needed.
  - Streamflow measurements are made at the trend monitoring stations to support the development of stage-streamflow relations. Streamflow measurements at these stations are made during visits independent of the sampling visits, as the time required to measure streamflow would inhibit the ability to sample the entire network in a single day. However, once defined, these relations will be used to associate a streamflow value with each water-quality sample to permit the computation of flow-adjusted trends.
  - These expanded data will provide an improved platform for predicting how water-quality conditions may change and improve in other un-monitored County basins with BMP implementation.

Cumulatively, inclusion of these 15 trend monitoring stations results in a significantly greater number of water-quality trend sites. These monitoring locations greatly enhance our ability to evaluate whether observed responses are transferable to other basins and provide opportunities to identify and explore spatial water-quality conditions found throughout the county. This 20 site water-quality monitoring network (fig. 1) is regarded as the most robust urban-focused water-quality monitoring network in the entire Chesapeake Bay Watershed and is one of very few such networks in the nation.

### **In-kind Contributions by Fairfax County**

As a collaborative study, several in-kind contributions from Fairfax County are required to improve data collection protocols, reduce project costs, and increase overall study efficiency. In-kind project contributions from Fairfax County remain unchanged and include:

- Assistance with the collection of water-quality samples, and delivery to the laboratory within the appropriate holding times, including the removal of storm samples from the automated samplers and shared responsibility for collection of monthly samples. Approximately 12 storm events are anticipated to be sampled each year, at each intensive site.
- All nutrient samples are to be processed and analyzed by the Fairfax County Environmental Services Lab at the Norman M. Cole, Jr. Pollution Control Plant. It is anticipated that as many as 100 nutrient samples may be collected from each of the 5 intensively monitored sites, while only 12 samples will be collected from each of the less intensively monitored sites. Under these plans, Fairfax County would be responsible for over 600 nutrient analyses per year (USGS performs all sediment analyses). Nutrient analyses include total nitrogen, total phosphorus, particulate nitrogen, particulate phosphorus, total dissolved nitrogen, total dissolved phosphorus, dissolved nitrate, and dissolved orthophosphorus. It is the intention at the intensively monitored sites to

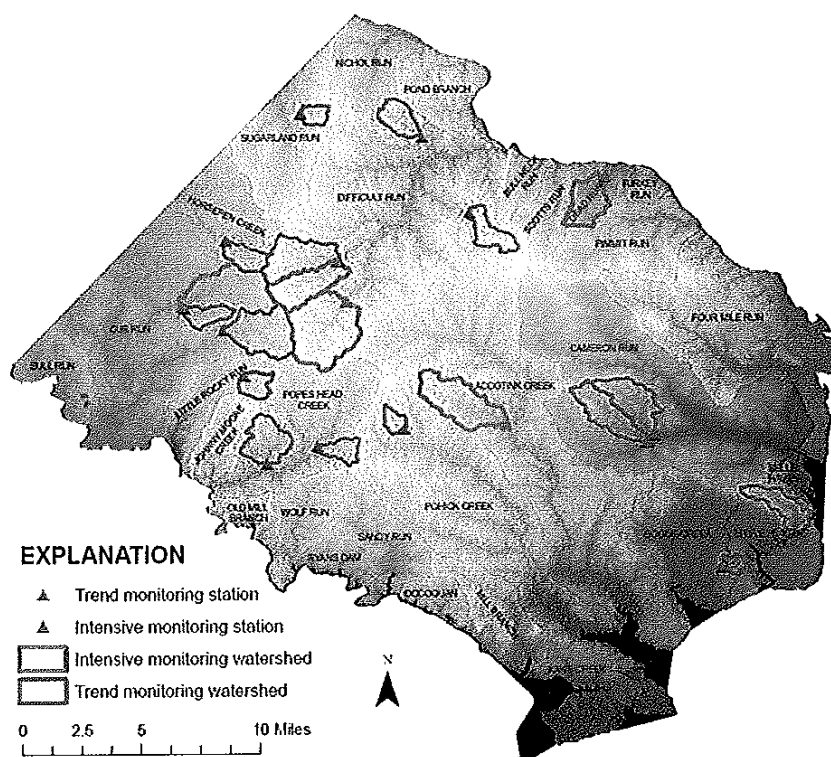


Figure 1. Map of monitoring stations and watersheds and major watersheds of Fairfax County, Virginia.

collect as much detailed data as possible because these detailed data will improve our ability to detect improvements in water quality. In the longer term, this sampling design can be evaluated to determine whether a reduced number of samples would permit observation of similar loads and trends. Throughout the study, quality assurance samples will be submitted to the lab to ensure that project data-quality objectives are met.

- All sites will be sampled as part of the County's ongoing benthic sampling program. USGS will assist with collecting benthic samples as needed, following methods used by Fairfax County. Fairfax County will process the samples and perform the taxa counts in a manner consistent with other benthic sampling activities conducted by the County. Collection of these supporting benthic data will further permit a holistic approach for evaluating improvements in flow, water quality, and ecological health.

### **Monitoring Program Products**

To date, this monitoring program has been primarily focused on data collection in support of the ultimate goal of trend analysis and relation of observed trends to implementation of management actions. This data collection effort has resulted in the manual collection of approximately 3,500 discrete water-quality samples yielding over 50,000 measurements of water-quality constituents. Approximately 750 manual streamflow measurements have been made and 15-million individual measurements of water-quality and streamflow parameters have been collected by continuous sensors.

In addition to data collection, work has been done to communicate the understanding gained through precursory analysis of the data collected. This communication has been achieved through:

**Stakeholder Meetings** – regular meetings have been held with stakeholders in multiple County departments to provide updates on the status of the monitoring program and findings of preliminary analyses. Additionally, USGS scientists conducting research of interest within and around Fairfax County have shared findings at these meetings and at a series of meetings on “USGS Water Science in Fairfax County” coordinated by USGS for County staff.

**Project Website** – A project website (<http://va.water.usgs.gov/fairfax/>) has been developed to communicate the study design and objectives, monitoring data, results, and related publications. This resource provides easy access to a wealth of hydrologic data collected in Fairfax County for County ecologists, engineers, managers, and others, as well as for the general public.

**USGS Report** – A USGS Scientific Investigations Report entitled “Streamflow, Water Quality, and Aquatic Macroinvertebrates of Selected Streams in Fairfax County, Virginia, 2007 to 2012” was published in 2014 (available at <https://pubs.er.usgs.gov/publication/sir20145073>). This report describes the study design and provide analyses of the data collected within the first five years of the program, including general characterizations of streamflow and water quality, sediment and nutrient loading rates, and comparisons of conditions in County streams with other urban/suburban landscapes and nearby areas.

### **Additional Benefits**

This monitoring network is unique in its scope and setting and has consequently attracted interest from other researchers within USGS and in academia. A great amount of additional associated water-resources research has been conducted in Fairfax County over the past decade as a direct result of the availability of the fundamental hydrologic data being generated by this program. Hundreds of thousands of dollars of such research has been conducted by researchers from the USGS National Research Program, Chesapeake Bay Science Program, and other USGS program areas at no additional cost to the County. This work has produced numerous scientific publications – the findings of which have been communicated to County staff and have resulted in an improved understanding of County streams and best approaches to managing them. A listing of the publications produced in association with the monitoring network is provided at <http://va.water.usgs.gov/fairfax/pubs.html>. Academic interest in this network has resulted in multiple research proposals by various university faculty and the use of data from the network in graduate theses. The continued, and likely expanded, use of data generated by this program for associated research is expected as the long-term data being generated is unparalleled.

### **Deliverables**

All data will continue to be made publicly available on the USGS National Water Information Service Website (NWISWeb) and through the USGS-maintained project-specific web site. Additionally, annual progress reports will be prepared.

It should be noted that the work described herein includes the data collection efforts and annual summarization or basic analysis of the data. Accomplishment of the overall study goal of evaluating water-quality response to BMP implementation will require support for in-depth data analysis and report production – this effort is described in an accompanying proposal.

### **Funding**

The funding required to operate this monitoring program in fiscal year 2018 is \$474,500 (Table 1), with Fairfax County responsible for \$361,500 (Table 2) – a savings of 6% as compared to the inflation-adjusted fiscal year 2017 cost. This cost reduction was realized through an increase in the USGS contribution and efficiencies gained in the operation of this network as a result of the recent expansion of other USGS water programs in Fairfax County. USGS will now contribute 24% of the funding required for this program, up from 23%, and will attempt to increase this contribution in out-years of the agreement if federal funds are available to do so.

This budget is based solely on cost-recovery, therefore it is necessary to apply an annual inflationary increase to offset actual increases in the costs of materials, instrumentation, salary, and travel – continued operation of the monitoring network without reduction in scope requires that the inflation rate of 2.5% be maintained (Table 2). Further, it should be noted that costs are fixed at the beginning of this 5-year agreement and will not increase to account for additional needs of the currently-scoped program, such as the cost of repairing or replacing instrumentation that reaches end-of-life or is damaged or destroyed by flood events and lightning strikes – such events have occurred numerous times over the life of this network. The continuous water-quality monitoring instruments deployed at the onset of this monitoring program, valued at \$75,000, have reached end-of-life and are anticipated to be replaced within the next two years within the operational budget for the network.

Annual costs for the monitoring effort described herein are specific to this network as currently implemented – any changes to the network may result in changes to the itemized costs. The Fairfax County contribution will be billed in equal quarterly billings.

### **Contact**

Questions or comments, please contact:

John Jastram  
804-261-2648  
[jdjastra@usgs.gov](mailto:jdjastra@usgs.gov)

Table 1. Itemized costs for County Fiscal Year 2018.

<b>Fiscal Year 2018 Data Collection Costs - Intensive Stations</b>			
<b>Item</b>	<b>Cost</b>	<b># of Sites</b>	<b>Total</b>
<b>Stage-Discharge Streamgages</b> - includes technician salary, travel, and equipment/supplies for the operation and maintenance of continuous-record streamgages in accordance with USGS protocols. Tasks include scheduled maintenance and measurement visits (every 8 weeks), unscheduled visits for stormflow measurements, surveying for datum maintenance and indirect peak flow measurements, maintenance of real-time data relay, and streamflow record computation. Deliverable is continuous (5-minute interval) streamflow and water level data, and basic summary statistics, publicly available in online in near real-time.	\$15,000	4	\$60,000
<b>Index-Velocity Streamgage</b> - includes all items listed for Stage-Discharge Streamgages plus operation of a continuous velocity sensor and computation of streamflow using USGS protocols for index-velocity streamgages. This approach is required at Long Branch because of variable backwater from Accotink Creek during high flows.	\$25,000	1	\$25,000
<b>Continuous Water Quality Monitors</b> - includes technician salary, travel, and equipment/supplies for the operation and maintenance of continuous-record 5-parameter water-quality monitor in accordance with USGS protocols. Tasks include scheduled maintenance and measurement visits (monthly), unscheduled visits for sensor fouling, maintenance of real-time data relay, and record computation. Deliverable is continuous (15-minute interval) temperature, dissolved oxygen, specific conductance, pH, and turbidity data, and basic summary statistics, publicly available in online in near real-time. These data are required to support computation of nutrient and sediment loads in these flashy urban streams.	\$30,000	5	\$150,000
<b>Automated Samplers</b> -includes technician salary, travel, and equipment/supplies for the operation and maintenance of refrigerated autosamplers in accordance with USGS protocols, laboratory analysis of suspended sediment samples, and hydrologist salary for sampler activation, storm sample selection, and laboratory data review. Technician tasks include routine maintenance and occasional repair of autosamplers. Hydrologist tasks include routine enabling/disabling of autosamplers in accordance with Fairfax County scheduling requirements, selection of storm samples for analysis, and review/approval of laboratory results. Deliverable is 40+ storm event samples per year.	\$13,000	5	\$65,000
<b>Monthly Sampling</b> - includes technician salary, travel, and equipment/supplies for the manual collection of monthly nutrient and sediment samples in accordance with USGS protocols, technician salary for data entry, laboratory analysis of suspended sediment samples, and hydrologist salary for laboratory data review. Technician tasks include routine maintenance and occasional repair of autosamplers. Annual deliverable is 8 routinely scheduled samples collected jointly with a Fairfax County sampling team and 4 storm event samples collected by a pair of USGS sampling teams.	\$3,000	5	\$15,000
<b>Sub-total</b>	<b>\$61,000</b> ( <b>\$71000 Long Branch</b> )		<b>\$315,000</b>

Table 1(continued). Itemized costs for County Fiscal Year 2018.

<b>Fiscal Year 2018 Data Collection Costs - Trend Stations</b>			
<b>Item</b>	<b>Cost</b>	<b># of Sites</b>	<b>Total</b>
<b>Streamflow Data</b> - includes technician salary, travel, and equipment/supplies for the operation and maintenance of periodic streamflow stations in accordance with USGS protocols. Tasks include maintenance and streamflow measurement visits as needed, surveying for datum maintenance and indirect flow measurements, maintenance of water-level loggers for continuous slope-area measurements, and computation of stage-discharge relations. Deliverable is streamflow estimates to inform discrete water-quality samples.	\$3,500	15	\$52,500
<b>Monthly Sampling</b> - includes technician salary, travel, and equipment/supplies for the manual collection of monthly nutrient and sediment samples in accordance with USGS protocols, technician salary for data entry, laboratory analysis of suspended sediment samples, and hydrologist salary for laboratory data review. Technician tasks include routine maintenance and occasional repair of autosamplers. Annual deliverable is 8 routinely scheduled samples collected jointly with a Fairfax County sampling team and 4 storm event samples collected by a pair of USGS sampling teams.	\$3,000	15	\$45,000
<b>Sub-total</b>	<b>\$6,500</b>		<b>\$97,500</b>

<b>Fiscal Year 2018 Program Costs</b>	
<b>Project Chief Administrative</b> - includes hydrologist salary for budgeting, staffing, reporting, and administrative oversight of program.	\$25,000
<b>Project Chief Scientific</b> - includes hydrologist salary and travel for data evaluation and communication, cooperator meetings, scientific oversight of program, presentations at scientific meetings & conferences.	\$37,000
<b>Sub-total</b>	<b>\$62,000</b>

**Total Program Cost    \$474,500**

Table 2. Annual costs for County Fiscal Year 2018-22.

<b>Fiscal Year</b>	<b>Total Cost</b>	<b>USGS Contribution</b>	<b>Fairfax County Contribution</b>
<b>2018</b>	\$474,500	\$113,000	\$361,500
<b>2019</b>	\$486,000	\$116,000	\$370,000
<b>2020</b>	\$498,000	\$119,000	\$379,000
<b>2021</b>	\$510,000	\$122,000	\$388,000
<b>2022</b>	\$523,000	\$125,000	\$398,000





## Watershed-scale Assessment of In-stream Responses to Management Practice Implementation and Landscape Change

Virginia and West Virginia Water Science Center

### Introduction

In 2007, Fairfax County initiated a cooperative water-resources monitoring program with the US Geological Survey (USGS). The goals of this effort are to establish baseline characterizations of water-quality and streamflow conditions in County streams, to determine sediment and nutrient trends and loadings in those streams, and to evaluate relations between the observed water-resources conditions and Best Management Practice (BMP) implementation activities in the monitored watersheds. In this initial phase of the monitoring program fourteen monitoring sites were established and operated. In 2012, recognizing that the monitoring program established in 2007 successfully provided the expected baseline water-resources characterizations and constituent loads, and realizing the value of expanding the monitoring program to improve its' spatial coverage, an additional six monitoring stations were funded.

To date, funding for this program has primarily supported data collection across the now 20-station network. Data analysis and publication was funded in 2012, resulting in the report entitled "Streamflow, Water Quality, and Aquatic Macroinvertebrates of Selected Streams in Fairfax County, Virginia, 2007 to 2012" (available at <https://pubs.er.usgs.gov/publication/sir20145073>). Now, with nearly 10-years of monitoring data and substantial implementation of management practices in some watersheds, comprehensive analysis and reporting is proposed.

### Objectives

The objectives of this analysis effort are to:

1. Analyze water-quality, streamflow, and benthic macroinvertebrate community data from the 20-station monitoring network to provide:
  - a. Characterizations of spatial and temporal patterns, including temporal trend analyses, for all stations with appropriate data, and
  - b. Loads and yields of water-quality constituents for the intensive monitoring stations;
2. Evaluate spatial and temporal patterns in BMP implementation and land-use change in the monitored watersheds; and
3. Evaluate relations between patterns observed in the monitoring data and patterns observed in BMP implementation and land-use change.

### Approach

A two-phased analysis and reporting approach is proposed to accomplish the objectives of this effort. Under this approach, analysis and reporting for objective 1 will be performed as the first phase and analysis and reporting for objectives 2 and 3 will be performed as the second phase. This two-phased approach will permit timely release of results as the analyses are carried out and will produce a pair of companion reports. The first report will characterize water-quality, streamflow, and benthic macroinvertebrate communities in a similar manner to the 2014 report, though with substantial expansion to include the 5 additional years of data, 6 additional sites, and the addition of numerous trend analyses. The second report will describe landscape changes and relations between those changes and in-stream responses. Splitting these objectives into two publications provides an opportunity for detailed analytical work described through focused discussions and avoids a single lengthy publication that readers are less

likely to fully engage in. The phases of work are further described below and additional details are provided in the Data Analysis Outline (Attachment 1).

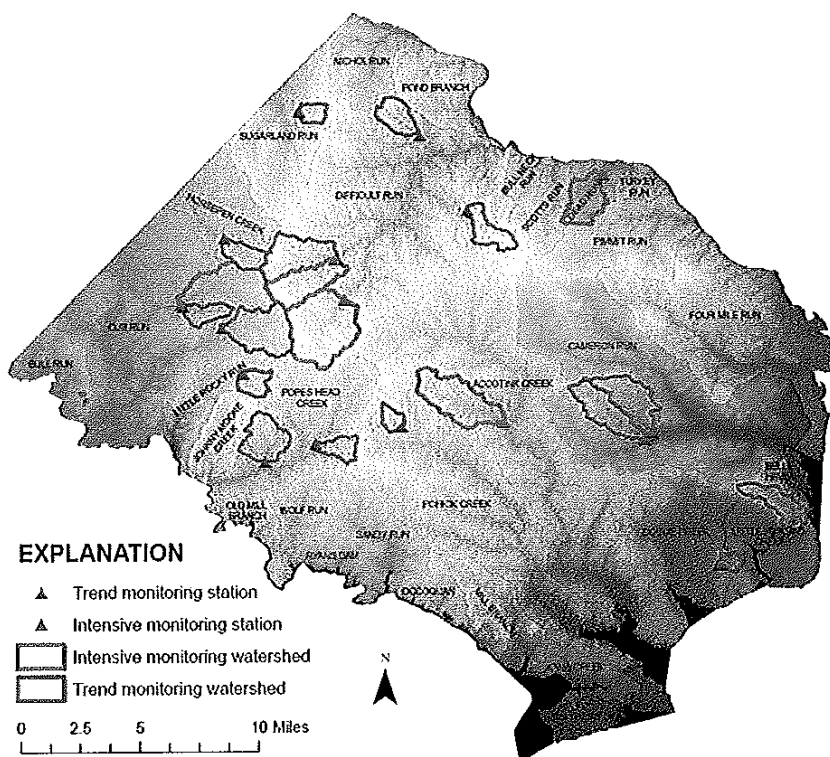


Figure 1. Map of monitoring stations and watersheds and major watersheds of Fairfax County, Virginia.

### Phase 1

This first phase of the effort will focus on analyzing the extensive monitoring data that have been collected to date, which includes approximately 3,500 discrete water-quality samples yielding over 50,000 measurements of water-quality constituents, approximately 750 manual streamflow measurements, 176 site-years of benthic macroinvertebrate data, and 15-million individual measurements of water-quality and streamflow parameters collected by continuous sensors. This voluminous dataset will be used to characterize the hydrology of each watershed, evaluate spatial patterns in water-quality characteristics and benthic macroinvertebrates, evaluate temporal trends in water-quality characteristics and benthic macroinvertebrates, and to compute loads of nutrients and suspended-sediment for the intensively monitored watersheds.

Hydrology will be characterized through an analysis of temporal patterns in precipitation over the study period and in-depth analysis of streamflow. Streamflow analyses will include quantification and trend analysis of base flow vs runoff (streamflow separation), stream flashiness, streamflow yield, and other pertinent streamflow statistics.

Multiple analyses of water-quality characteristics will be conducted. Spatial patterns in conditions across sites will be performed to assess relations between static measures of landscape factors (geology, development, etc.) and water quality. Temporal trends will be evaluated for nutrients, sediment, and physicochemical parameters using two methods – trends in concentration and trends in flow-adjusted

concentration – as appropriate for each constituent. Trends in concentration are useful for assessing trends in relation to water-quality criteria and to place trends in the context of aquatic organism exposures, whereas flow-adjusted trends are used to remove the variability associated with streamflow conditions to assess responses to management practices and other landscape-level changes. A substantial number of water-quality trend analyses are envisioned. Two analyses (concentration and flow-adjusted concentration) for each of the nutrient and sediment constituents, resulting in 10+ analyses, as well as a single trend analysis for each of the five physicochemical parameters, yielding 15+ trend analyses for each of the 14 stations with a decadal record – over 210 total trend analyses for water-quality measures will be performed. This number of trend analyses represents a substantial workload, and therefore accounts for much of the difference in funding required when compared to the previously produced report.

Computation of loads and yields will be performed for the intensive monitoring sites using the continuous monitoring data and surrogate relations. Additionally, changes over time in these surrogate relations will be evaluated as this may provide information about how constituent transport is responding to landscape changes.

Benthic macroinvertebrates provide an integrated metric of ecosystem conditions. These data will be analyzed to assess changes in community composition over time and across sites, and will be evaluated in the context of water-quality and streamflow conditions.

## Phase 2

The second phase of this effort will focus on objectives 2 and 3 - evaluating spatial and temporal patterns in BMP implementation and land-use change and evaluating relations between those patterns and patterns observed in the monitoring data. These analyses will rely on implementation data provided by Fairfax County, spatial data representing land-use provided by Fairfax County, USGS, and other sources, and the results of the analyses of monitoring data generated in Phase 1 of this effort.

Implementation of BMPs has been ongoing over the course of the monitoring effort, with greater rates of implementation occurring in the most recent years. As the primary entity responsible for implementation, it is expected that Fairfax County holds records for the majority of the practices implemented during the period of study. These records, which are expected to include a variety of useful metrics, such as location, date of completion, modeled load reductions, watershed area treated, dimensions, etc., will be obtained from the County to support the analysis of temporal and spatial patterns in implementation activities. Efforts will be made, with County assistance, to acquire similar records from other entities (*i.e.* VDOT) that may have completed additional BMP implementation.

In addition to implementation of management practices, land-use changes have occurred on the landscape that may be expected to result in hydrologic, water quality, and ecologic responses. These changes will be assessed using a variety of spatial datasets, including land-use and tax record data from the County, land-use data from USGS (in particular, 1-meter land-use and land-use change datasets recently developed by the USGS Chesapeake Bay Science program), and numerous other datasets representing relevant landscape features. The measures of land-use change will be used to determine the expected change in yield from the Chesapeake Bay Watershed Model for comparison with overserved changes in yields.

The specific analyses to be performed in the assessment of watershed responses to landscape changes are difficult to preconceive because they will be driven largely by the findings of Phase 1 – with increased numbers of detectable trends more detailed analyses of relations to landscape factors will be supported. In general, though, the approach will progress in complexity as permitted by the data and as required to identify the predominant factors affecting responses. The analyses will begin with simple correlations and univariate models and will progress into multivariate statistical approaches such as clustering, component analysis, multidimensional scaling, and/or other appropriate techniques. These analyses will

evaluate watershed-scale responses of the cumulative effects of changes within the watershed as the monitoring program was not designed for analysis of the effects of specific practices. Further, these analyses will rely on the statistical power of the monitoring network as a whole utilizing site classifications to group similar sites for analysis.

### **In-kind Contributions by Fairfax County**

As a collaborative study, in-kind contributions from Fairfax County are anticipated. It is expected that County staff will provide the County-level BMP implementation data and spatial data needed to perform the analyses proposed in phase 2, and will assist with securing data from other sources as needed. Additionally, it is proposed that appropriately skilled County Ecologists assist with the analysis of benthic macroinvertebrate data. Incorporation of such expertise would serve to reduce costs, improve understanding, and strengthen the collaborative element of this effort. Co-authorship of resulting publications will be granted to such contributors as appropriate.

### **Deliverables**

Phase 1 of this effort will result in the publication of a USGS Scientific Investigations Report (SIR) and a USGS Fact Sheet to summarize the information contained within that report. Phase 2 will also result in the publication of an SIR and a Fact Sheet. USGS SIRs are subject to rigorous review according to the USGS Fundamental Science Practices and are professionally edited and printed. USGS Fact Sheets are subject to the same practices and will be two-sided single-sheet documents that provide a broad overview of the SIRs in a concise and easily readable format.

### **Timeline**

The proposed work will begin in County FY 18 and is expected to require approximately three years to complete (fig. 1). Phase 1 will begin with compilation of the implementation data and spatial data needed for the effort. Data analysis for Phase 1 will begin in the third quarter of FY 18 (spring 2018) – discrete sampling records will reach a full 10-year period in March 2018 and there is benefit in having the analysis cover a complete decadal period. The report is anticipated to reach completion by the end of FY 19 and the fact sheet is expected at about the same time or shortly thereafter. As the products for Phase 1 are nearing completion, work will begin on data analysis for Phase 2, followed by report writing and production of products. It is anticipated that products developed in Phase 2 will be completed around the end of FY2020.

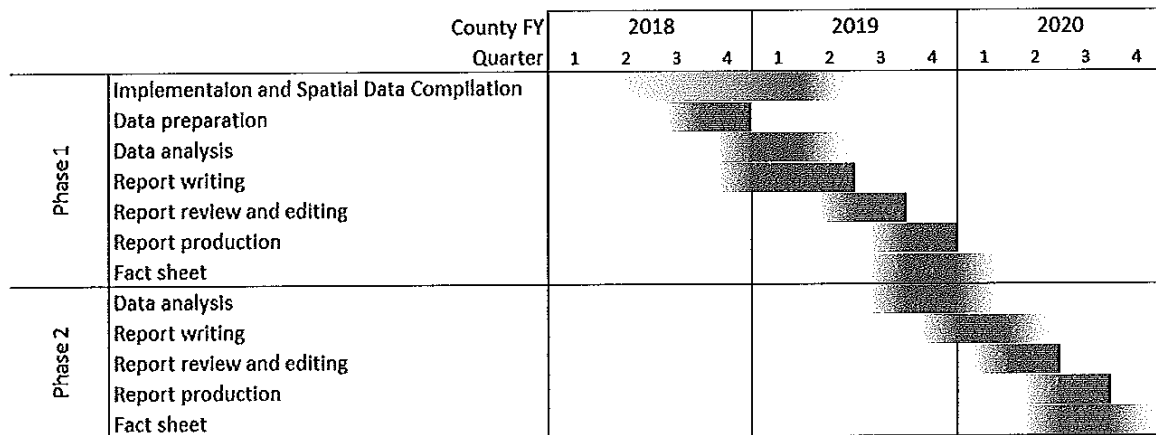


Figure 2. Anticipated timeline of tasks to be completed, by County fiscal year.

## **Budget**

The work outlined in this proposal is substantial – including numerous analyses of multiple million data points collected over the period of a decade at twenty locations throughout Fairfax County – thus, commensurate support is required to fund the effort. It is anticipated that the effort described will require contributions from multiple USGS Hydrologists over the 3-year period, representing a total of 1.5 FTE of Hydrologist salary in addition to that supported through the monitoring program – some portions of the required tasks overlap with basic data summarization and reporting that occurs annually as part of the monitoring program so this effort will draw on salary funded through that portion of the program as well. The budget for this effort includes salary for data analysis and report writing and funding for the production and printing of the products (Table 1). At this time, USGS has available \$75,000 to contribute to the overall effort. The agreement will be fixed-price with costs to Fairfax County billed quarterly in variable amounts reflective of current tasks.

Table 1. Budget for proposed work to be performed over the 5-year period of agreement.

<b>Task</b>	<b>Phase 1</b>	<b>Phase 2</b>
Hydrologist salary for data analysis	\$60,000	\$90,000
Hydrologist salary for report writing	\$50,000	\$60,000
Editing, Layout, and Printing of SIRs and Fact Sheets	\$20,000	\$20,000
<b>Total</b>	<b>\$130,000</b>	<b>\$170,000</b>

<b>Grand Total</b>	<b>\$300,000</b>
<b>USGS Contribution</b>	<b>\$75,000</b>
<b>Fairfax County Contribution</b>	<b>\$225,000</b>

Questions or comments, please contact:

John Jastram

804-261-2648

[jdjastra@usgs.gov](mailto:jdjastra@usgs.gov)



## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
VA/WV Water Science Center  
1730 E. Parham Rd  
Richmond, VA 23228

June 9, 2017

Shannon Curtis

Fairfax County, VA  
12000 Government Center Parkway Suite 449  
Fairfax, VA 22035

Dear Mr. Curtis,

Enclosed is a copy of our standard joint-funding agreement for the proposal titled *Continuation of the Water-Resources Monitoring Network for Fairfax County* during the period of July 1, 2017 through June 30, 2018 in the amount of \$361,500.00 cash from your agency. U.S. Geological Survey contributions for this agreement are \$113,000 for a combined total of \$474,500. Please sign and return the agreement to [pnossaman@usgs.gov](mailto:pnossaman@usgs.gov).

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement by July 1, 2017. If, for any reason, the agreement cannot be signed and returned by the date shown above, please contact John Jastram by phone number (804) 261-2648 or email [jdjastra@usgs.gov](mailto:jdjastra@usgs.gov) to make alternative arrangements.

This is a fixed cost agreement to be billed quarterly via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Paige Nossaman at phone number (304) 347-5130 Ext 230 or email at [pnossaman@usgs.gov](mailto:pnossaman@usgs.gov).

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

Douglas L. Moyer  
Acting Director

Enc.: I7ENVALM0000085

Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17ENVALM0000085  
Customer#: 6000000666  
Project #: LM009RO  
TIN #: 54-0787833  
USGS DUNS #: 137784646

Fixed Cost Agreement YES[ X ] NO[ ]

THIS AGREEMENT is entered into as of the July 1, 2017, by the U.S. GEOLOGICAL SURVEY, VAMV Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Fairfax County, VA party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for the proposal *Continuation of the Water-Resources Monitoring Network for Fairfax County*, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$113,000 by the party of the first part during the period  
July 1, 2017 to June 30, 2018
- (b) \$361,500 by the party of the second part during the period  
July 1, 2017 to June 30, 2018
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of :

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request; be furnished by the party of the first part; at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.).

Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17ENVALM0000085  
Customer#: 6000000666  
Project #: LM009RO  
TIN #: 54-0787833  
USGS DUNS #: 137784646

USGS Technical Point of Contact

Name: John Jastram  
Hydrologist  
Address: 1730 East Parham Road  
Richmond, VA 23228  
Telephone: (804) 261-2648  
Fax: (804) 261-2657  
Email: jdjastra@usgs.gov

Customer Technical Point of Contact

Name: Shannon Curtis  
Address: 12000 Government Center Parkway  
Suite 449  
Fairfax, VA 22035  
Telephone: (703) 324-5811  
Fax: (703) 802-5955  
Email: Shannon.Curtis@fairfaxcounty.gov

USGS Billing Point of Contact

Name: Paige Nossaman  
Budget Analyst  
Address: 11 Dunbar Street  
Charleston, WV 25301  
Telephone: (304) 347-5130 Ext 230  
Fax: (304) 347-5133  
Email: pnossaman@usgs.gov

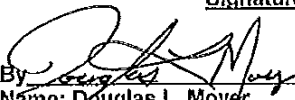
Customer Billing Point of Contact

Name: Drea Curry  
Address: 12000 Government Center Parkway  
Suite 449  
Fairfax, VA 22035  
Telephone: (703) 324-5887  
Fax: (703) 802-5955  
Email:

U.S. Geological Survey  
United States  
Department of Interior

Fairfax County, VA

Signature

By  Date: Jun 9, 2017  
Name: Douglas L. Moyer  
Title: Acting Director

Signatures

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
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Form 9-1366  
(April 2015)

U.S. Department of the Interior  
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FOR  
Water Resource Investigations

Agreement#: 17ENVALM0000085  
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TIN #: 54-0787833  
USGS DUNS #: 137784646

Fixed Cost Agreement YES[ X ] NO[ ]

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1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for the proposal *Continuation of the Water-Resources Monitoring Network for Fairfax County*, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

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July 1, 2017 to June 30, 2018
- (b) \$361,500 by the party of the second part during the period  
July 1, 2017 to June 30, 2018
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of :

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

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Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17ENVALM0000085  
Customer#: 6000000666  
Project #: LM009RO  
TIN #: 54-0787833  
USGS DUNS #: 137784646

USGS Technical Point of Contact

Name: John Jastram  
Hydrologist  
Address: 1730 East Parham Road  
Richmond, VA 23228  
Telephone: (804) 261-2648  
Fax: (804) 261-2657  
Email: jdjastra@usgs.gov

Customer Technical Point of Contact

Name: Shannon Curtis  
Address: 12000 Government Center Parkway  
Suite 449  
Fairfax, VA 22035  
Telephone: (703) 324-5811  
Fax: (703) 802-5955  
Email: Shannon.Curtis@fairfaxcounty.gov

USGS Billing Point of Contact

Name: Paige Nossaman  
Budget Analyst  
Address: 11 Dunbar Street  
Charleston, WV 25301  
Telephone: (304) 347-5130 Ext 230  
Fax: (304) 347-5133  
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Email:

U.S. Geological Survey  
United States  
Department of Interior

Fairfax County, VA

Signature

By  Date: Jun 9, 2017  
Name: Douglas L. Moyer  
Title: Acting Director

Signatures

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:



## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
VA/WV Water Science Center  
1730 E. Parham Rd.  
Richmond, VA 23228

June 15, 2017

Shannon Curtis

Fairfax County, VA  
12000 Government Center Parkway Suite 449  
Fairfax, VA 22035

Dear Mr. Curtis,

Enclosed is a copy of our standard joint-funding agreement for the proposal titled *Watershed-scale Assessment of In-stream Responses to Management Practice Implementation and Landscape Change* based on monitoring data collected through the Water-Resources Monitoring Network Program for Fairfax County, VA, during the period July 1, 2017 through June 30, 2022 in the amount of \$225,000.00 cash from your agency. U.S. Geological Survey contributions for this agreement are \$75,000 for a combined total of \$300,000. Please sign and return the agreement to [pnoossaman@usgs.gov](mailto:pnoossaman@usgs.gov).

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement by July 1, 2017. If, for any reason, the agreement cannot be signed and returned by the date shown above, please contact John Jastram by phone number (804) 261-2648 or email [jdjastra@usgs.gov](mailto:jdjastra@usgs.gov) to make alternative arrangements.

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The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

Douglas L. Moyer  
Acting Director

Enc.: 17ENVALM0000086

Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17ENVALM0000086  
Customer#: 6000000666  
Project #: LM009RO  
TIN #: 54-0787833  
USGS DUNS #: 137784646

Fixed Cost Agreement YES ☒ NO ☐

THIS AGREEMENT is entered into as of the July 1, 2017, by the U.S. GEOLOGICAL SURVEY, VAWV Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Fairfax County, VA party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation and in accordance with the proposal titled *Watershed-scale Assessment of In-stream Responses to Management Practice Implementation and Landscape Change* based on monitoring data collected through the Water-Resources Monitoring Network Program for Fairfax County, VA, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$75,000 by the party of the first part during the period  
July 1, 2017 to June 30, 2022
- (b) \$225,000 by the party of the second part during the period  
July 1, 2017 to June 30, 2022
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of :

Description of the USGS regional/national program:

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Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17ENVALM0000086  
Customer#: 6000000666  
Project #: LM009RO  
TIN #: 54-0787833  
USGS DUNS #: 137784646

USGS Technical Point of Contact

Name: John Jasstra  
Hydrologist  
Address: 1730 East Parham Road  
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Telephone: (804) 261-2648  
Fax: (804) 261-2657  
Email: jdjastra@usgs.gov

Customer Technical Point of Contact

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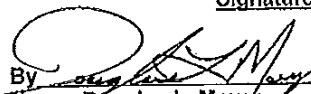
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Telephone: (703) 324-5887  
Fax: (703) 802-5955  
Email:

U.S. Geological Survey  
United States  
Department of Interior

Fairfax County, VA

Signature

By  Date: Jun 7, 2017  
Name: Douglas L. Moyer  
Title: Acting Director

Signatures

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
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Water Resource Investigations

Agreement#: 17ENVALM0000086  
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TIN #: 54-0787833  
USGS DUNS #: 137784646

Fixed Cost Agreement YES[ X ] NO[ ]

THIS AGREEMENT is entered into as of the July 1, 2017, by the U.S. GEOLOGICAL SURVEY, VAWV Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Fairfax County, VA party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation and in accordance with the proposal titled *Watershed-scale Assessment of In-stream Responses to Management Practice Implementation and Landscape Change* based on monitoring data collected through the Water-Resources Monitoring Network Program for Fairfax County, VA, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50h.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$75,000 by the party of the first part during the period  
July 1, 2017 to June 30, 2022
- (b) \$225,000 by the party of the second part during the period  
July 1, 2017 to June 30, 2022
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of :

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part; at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.

9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.).

Form 9-1366  
(April 2015)

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations

Agreement#: 17ENVALM0000086  
Customer#: 6000000666  
Project #: LM009RO  
TIN #: 54-0787833  
USGS DUNS #: 137784646

USGS Technical Point of Contact

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Email:

U.S. Geological Survey  
United States  
Department of Interior

Fairfax County, VA

Signature

By  Date: Jun 7, 2017  
Name: Douglas L. Moyer  
Title: Acting Director

Signatures

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

ACTION – 4

Authorization to: 1) Approve Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt and/or Taxable Bonds in an Amount not to Exceed \$20,000,000; and 2) For the FCRHA to Submit an Application to Virginia Department of Housing and Community Development for Tax-Exempt and/or Taxable Bond Allocation for Murraygate Village Apartments (Lee District)

ISSUE:

Board of Supervisors approval of the issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of tax-exempt and/or taxable bonds in an amount not to exceed \$20 million for the benefit of Murraygate Village Apartments (the Property) in the Lee District. In addition, Board authorization is requested for the FCRHA to submit an application to the Virginia Department of Housing and Community Development (VADHCD) for tax-exempt and/or taxable bond allocations for the Property. Approval of this action is necessary to finance the renovation of the Property.

RECOMMENDATION:

The County Executive recommends: 1) approving FCRHA's issuance of private activity tax-exempt and/or taxable bonds in an amount not to exceed \$20 million for the rehabilitation of Murraygate Village Apartments; and 2) authorizing the FCRHA to submit an application to VADHCD for tax-exempt and/or taxable bond allocation for Murraygate Village Apartments rehabilitation, as part of the overall financing for the renovation of the Property.

TIMING:

Immediate. The architectural and engineering consultants for the project have been selected and design work is in progress. The Virginia Housing Development Authority (VHDA) has a rolling submission for its applications for four (4) percent, by-right, Low Income Housing Tax Credits (LIHTC). However, in order to get a competitive interest rate on the bonds and first mortgage, and due to the lengthy process of applying for a Federal Housing Administration (FHA) first mortgage, the FCRHA will issue either tax-exempt and/or taxable bonds for the Property at the earliest possible date.



BACKGROUND:

The FCRHA purchased Murraygate Village, located off of the Richmond Highway corridor in the Lee District in 1991. The Property is located equidistant between the Capital Beltway (I-495) and Fort Belvoir in south eastern Fairfax County. The Property was originally built in 1971 using U.S. Department of Housing and Urban Development (HUD) Section 236 financing, and consists of 200 residential units and four (4) units for office and community space, located in eight (8) buildings. The original private developer executed a Regulatory Agreement and agreed, among other things, to keep the Property affordable for 40 years. HUD provided an interest rate payment subsidy which lowered the interest rate on the Section 236 loan, thereby decreasing the debt service and allowing the rents to be affordable to low and moderate-income households. The FCRHA assumed the HUD 236 loan when it purchased the Property in 1991 and the loan subsequently matured in 2011. Other sources used to acquire the Property included a Community Development Block Grant Section 108 loan.

In 1994, the FCRHA rehabilitated the Property utilizing Low Income Housing Tax Credits (LIHTC). In order to finance the rehabilitation, a limited partnership (Fairfax County Redevelopment and Housing Authority/HCDC Two, L.P.) was formed and tax credits were syndicated to generate private equity (See Attachment 5). Other sources of funds included a tax exempt note purchased by Fannie Mae, as well as County and State funds.

The 15-year LIHTC compliance period ended in 2008, and the FCRHA purchased the limited partner's interest in 2011. The Property is currently in the LIHTC extended use period which ends in 2023. In 2011, HOME Investment Partnerships Program funds were used for roof replacement and minor common area rehabilitation.

In March 2013, the FCRHA approved a financing plan for the renovation of the Property, which included amending the rent structure for current and new residents to increase rents; utilizing Housing Blueprint Funds for energy conservation and modernization. The Board has approved a total of \$8.9 million from Fund 300-C30300, Affordable Housing Fund and, Fund 400-C40300, Housing Trust Fund for the renovation of Murraygate.

A comprehensive needs assessment was completed by third-party consultants to determine the scope of work and estimate the construction cost for the project. A third-party market study analyst assessed competitiveness of the project and new rents. The rents have been artificially low for many years, making the Property financially unsustainable. (More information about the Property including current rents, anticipated post-rehabilitation rents, and accessibility features, are included in Attachment 3)

Board Agenda Item  
July 25, 2017

In December 2015, the FCRHA approved a financing plan and authorized a commitment of approximately \$7.54 million from Fund 300-C30300, Affordable Housing and \$1.38 million from Fund 400-C40300, Housing Trust Fund. The FCRHA submitted an application to VHDA for nine (9) percent tax credits in March 2016, but was ultimately unsuccessful in winning an award. As a result, HCD explored other financing options to rehabilitate the Property. In the course of the subsequent underwriting the project, an updated financing plan was developed. This new financing plan is complex, but has several benefits such reduced reliance on funding already approved for Murraygate, thereby freeing up those resources for other affordable housing projects and needs. The revised plan has been designed to utilize a short-term tax-exempt and/or taxable bond structure with FHA taxable financing and four (4) percent tax credits. The four (4) percent tax credits are by-right and non-competitive. This structure allows us to save \$5.1 million in Housing Blueprint funds.

On March 23, 2017, the FCRHA approved issuance of up to \$20 million in Multifamily Housing Revenue bonds. It also approved using up to \$3.8 million of the \$8.9 million in funds already authorized for Murraygate by the Board, freeing up \$5.1 million for other affordable housing projects. The FCRHA also allowed the current partnership to provide a \$7.9 million Seller Takeback Loan for the rehabilitation of the project. The FCRHA authorized a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing for issuance of the bonds and authorized HCD to pay off the two (2) loans on the Property from the net sales proceeds of the Property to the new limited partnership, Murraygate Village Limited Partnership (MVLN); see Attachment 5. The FCRHA also allowed MVLN to secure a \$5 million bridge loan, to be repaid from tax credit equity and/or FHA financing at rehabilitation completion, for the rehabilitation of the project.

Proposed Scope of Rehabilitation

The proposed rehabilitation is comprehensive in nature and will promote long term sustainability and energy efficiency. Moseley Architects was engaged to conduct a needs assessment of the Property and prepare a cost estimate. Moseley Architects was also selected for full design and production of construction documents for the work. They have completed the design development phase (approximately 35 percent complete) and are working to complete the construction documents.

The proposed scope of construction work will be completed in two phases:

**Phase I** will consist of upgrading the electrical services in each unit and the replacement of the existing transformers with larger ones to accommodate the larger electric loads. The electric services upgrade will be completed under a county construction contract. The transformer replacements will be completed by Dominion

Board Agenda Item  
July 25, 2017

Virginia Power. With the exception of the electric panel replacement in each unit, the construction activities in Phase I will take place outside of the units. It should be noted that Phase I was separated from the overall rehabilitation to create efficiencies such that Phase II could be completed in a more timely manner.

**Phase II**, which is the subject of this action, will include the following:

- Replace existing central plant HVAC system with individual heat pumps for each unit that will allow for improved energy efficiency and individually metered utilities;
- Replace kitchen cabinets, countertops, and installation of dishwashers;
- Replace toilets, sinks, and floor-to-ceiling finishes in bathrooms;
- Increase the number of accessible apartments from eight (8) to ten (10) in order to comply with the applicable accessibility standards;
- Replace flooring, windows, doors, interior paint of all units;
- Replace canvas awnings at the entry to each building;
- Install landscaping and limited parking lot improvements.

The total estimated Design and Construction cost of the rehabilitation is \$12,075,000, including Phase I. HCD will submit all necessary documents and specifications to VHDA for the four (4) percent, by-right, LIHTC application and to the FCRHA for the issuance of bonds, and will oversee the rehabilitation.

#### Relocation

The scope of rehabilitation for Phase II cannot be completed with the residents in place. It is the FCRHA's goal to relocate families within Murraygate using vacant units in order to minimize disruption. However, some families may be required to temporarily relocate off-site prior to rehabilitation commencing. Staff will conduct family surveys to determine housing needs and identify comparable units in the Murraygate Property for relocation and, if needed, to other properties. A minimum of 24 units will need to be vacant after required project notification is made and 120-day notices are sent; currently, 31 units are being held vacant.

Murraygate families will have priority at other Fairfax County Rental Program (FCRP) properties, per FCRHA policy. When rehabilitation is complete, families may return to newly rehabilitated units, subject to continued compliance with their lease. Upon return, each family will be required to pay post-rehabilitation rents and utilities. If a family chooses to remain at the alternate FCRP property after project completion, they will have to pay the standard rent at that particular property, and their Murraygate unit will be leased to another eligible family.

Board Agenda Item  
July 25, 2017

All families will receive relocation assistance to cover moving costs, and for families moving off-site, assistance will be provided for a second move back to Murraygate. Budgeted relocation expenses are estimated at \$696,000. Community meetings will be held to explain relocation plans and address family questions and concerns. A detailed relocation plan will be submitted to VHDA with the four (4) percent, by-right, tax-credit application in 2017.

Financing Plan

The Murraygate rehabilitation will be financed using tax-exempt and/or taxable bonds that are fully cash-collateralized by the proceeds of a 221(d)(4) FHA Short-Term Loan, a Housing Blueprint loan, and four (4) percent, by-right, LIHTC equity. An FHA-approved lender will be selected for the Loan. Additional sources of funds include Seller Takeback financing, Deferred Developer Fee, and capitalized operating cash flow. The four (4) percent, by-right LIHTC/ short-term bond structure with FHA financing was successfully utilized for the Residences at the Government Center project. The reason for this complicated plan is that it saves the County \$5.1 million in Blueprint Funds that can be allocated for other projects, while at the same time providing substantial bond funds to rehabilitate the Murraygate property. For a more detailed account of the proposed financing plan, please see Attachment 4.

It is important to note that the bonds will be structured so that the FCRHA, the County, and the bond holders will not be at risk. No mortgage lien will secure the bonds. The bonds will be 100 percent cash-collateralized at all times by the proceeds of the FHA-Insured Mortgage Loan (the FHA Loan) made available by the FHA lender, a Housing Blueprint loan, and/or tax credit equity. This structure allows the developer to bring additional equity to the project through four (4) percent, by-right, low-income housing tax credits (LIHTC). The short-term, tax-exempt bonds will be paid off at the completion of the rehabilitation.

Sources and Uses

<b>SOURCES</b>	
FHA 221(d)(4) Loan	\$15,800,000
Second Mortgage Loan (Housing Blueprint Loan)	\$3,780,766
Third Mortgage Loan (Seller Takeback Loan)	\$7,860,121
Four Percent Tax Credit Equity	\$11,013,000
Capitalized Operating Cash Flow	\$593,722
Deferred Developer Fee	\$1,029,770
<b>Total Sources</b>	<b>\$40,077,379</b>

Board Agenda Item  
July 25, 2017

<b>USES</b>	
Acquisition	\$19,700,000
Construction	\$12,075,000
Construction-Related Costs	\$1,306,000
Relocation	\$696,000
Market Studies/Appraisal	\$15,000
Legal/Nixon Peabody LLP	\$150,000
FHA Costs	\$491,400
Bond Cost of Issuance and Negative Arbitrage	\$840,000
Tax Credit Fees	\$85,656
Taxes and Insurance/Soft Costs	\$225,000
Operating Reserve	\$680,223
Working Capital Reserve HUD	\$316,000
Interest Expense on First Mortgage Loan	\$1,159,491
Bridge Loan Interest and Fees	\$138,609
Developer Fee	\$1,864,000
Soft Cost Contingency	\$335,000
<b>Total Uses</b>	<b>\$40,077,379</b>

HCD has ordered an appraisal from Novogradac; it is expected to be ready before the Board of Supervisors meeting on July 25, 2017.

In order to get acquisition credits, the Property is being sold from the old ownership structure to the new partnership for \$19.7 million; this expense will be covered by multiple sources of funds, including the FHA financing, Housing Blueprint loan, seller takeback loan, and tax credit equity.

Benefits of Financing Plan

1. Save approximately \$5.1 million of the \$8.9 million in funds already allocated to this project by the Board of Supervisors. The funds saved can be reallocated to other affordable housing projects. These savings are based on the current development budget. Should the development budget change, the savings will be adjusted accordingly per the approval of the Board of Supervisors.
2. Four (4) percent tax credits are by-right and non-competitive (assuming HCD receives the requested tax-exempt and/or taxable activity bond volume cap from VADHCD), which reduces the uncertainty of getting tax credit equity, as compared to nine (9) percent tax credits which are competitive.
3. As a result of the sale of the Property by the current limited partnership to the new limited partnership, MVLP (See Attachment 5), the FCRHA will receive a net

Board Agenda Item  
July 25, 2017

of \$11.8 million in sale proceeds after taking into account the seller takeback note of \$7.9 million. These proceeds can be used for other FCRHA development activities, including the rehabilitation of additional FCRHA properties.

4. The proceeds of \$11.8 million will be used to pay off \$707,719 of debt to the FCRHA and to pay off an outstanding FCRHA loan of \$611,251, which includes an outstanding loan balance of \$500,000 plus accrued interest of \$111,251 on the Murraygate Village Apartments Property.

Timeline

Certain formal actions need to be undertaken by the FCRHA in connection with the issuance of private activity tax-exempt and/or taxable bonds. HCD's Loan Underwriting Committee (LUC) approved the project on February 2, 2017. As a result, the Declaration of Intent was executed on February 2, 2017 evidencing the FCRHA's intent to issue the bonds. Pursuant to federal law, the FCRHA held the federally required TEFRA Hearing on May 4, 2017. For the issuance of the bonds, an application will be made by the FCRHA to VADHCD for a tax-exempt and/or taxable financing allocation under the state volume cap. With receipt of this allocation, MVLP will be eligible for four (4) percent, by-right, federal low-income housing tax credits. Prior to actually issuing the bonds, the FCRHA must authorize a final bond resolution.

The estimated timetable of the proposed actions is as follows:

Issuance of a Declaration of Intent (Inducement Resolution)	February 2, 2017 <b>DONE</b>
Authorization to conduct the TEFRA Hearing by FCRHA	March 23, 2017 <b>DONE</b>
Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing and FCRHA Meeting	May 4, 2017 <b>DONE</b>
Board authorization of bond issuance and application for bond allocations	July 25, 2017
Tax Credit application submitted and reservation received	July 2017
FHA Loan Application submitted	October 2017
FHA commitment received	January 2018
FHA interest rate lock	January 2018
Private activity bond application approved and allocation awarded by VADHCD	January 2018
Final FCRHA Bond Resolution	January 2018
Underwriter prices and contracts to purchase/sell the bonds and Bond purchase agreement executed	March 2018
Issuance of Bonds/Financing Closing	March 2018

STAFF IMPACT:

None.

FISCAL IMPACT:

Murraygate Village Apartments total development cost is estimated at \$40.1 million. Project financing will include up to \$20 million from the sale of bonds repaid by a \$15.8 million FHA 221 Mortgage Loan, \$3.8 million from Fund 300-C30300, Affordable Housing Fund, \$11.0 million from four percent tax equity financing that are by-right, \$0.6 million from Property cash flow and \$1.0 million from developer fees. Financing will include the issuance by the FCRHA of tax-exempt and/or taxable bonds for \$20 million to be held by a bank trustee with initial short term interest rate of 1.5 percent. The new limited partnership entity, MVLP, will further obtain funds through an FHA 221(d)(4) first trust mortgage loan for \$15.8 million at a 4.5 percent interest rate amortizing over 40 years, combined with funds from a four (4) percent, by-right, tax credit equity of \$11.0 million, which are by right and non-competitive.

The purchase price under the ground lease (as explained in Attachment 4), if supported by the appraisal, is anticipated to be \$19.7 million. Because MVLP does not have the funds to fully pay the full cost of acquisition, a seller take back loan from the FCRHA will be issued to the MVLP for \$7,860,121 obligating MVLP to pay this debt from operational cash flow to the FCRHA in the future. The seller take back note will have an interest rate of 2.78 percent, or Applicable Federal Rate (AFR), compounded annually. Interest and principal payments for the Note will go into Fund 810-C81000, FCRHA General Operating Fund. The loan itself of \$7,860,121 and the sales price of the Property of \$19.7 million, will leave \$11.8 million in net proceeds from this transaction. The proceeds of \$11.8 million will be used to pay off debt of \$707,719 to the FCRHA and also to pay off an outstanding FCRHA loan of \$611,251 which includes an outstanding loan balance of \$500,000 plus accrued interest of \$111,251 on the Murraygate Apartment Property. Debt payments will be made by MVLP to Fund 810-C81000, FCRHA General Operating which will in-turn pay off the line of credit related to the \$707,719 that backs this loan. Any remaining net proceeds from this transaction after debt payoff can be used for other affordable housing projects, such as rehabilitation for FCRHA properties.

A bridge loan of \$5.0 million at zero percent interest rate from the net sales proceeds of \$11.8 million, or from a bridge lender at an interest rate of 4.5 percent, may be necessary during the rehabilitation of the Property. Such a bridge loan will be paid back to the FCRHA by the final endorsement of HUD's FHA Note and/or tax credit equity received at rehabilitation completion.

Board Agenda Item  
July 25, 2017

Approximately \$3,780,766 in permanent financing will be needed from Fund 300-C30300, Affordable Housing, to partially finance the cost of construction. A simple interest rate of two (2) percent will be paid annually from cash flow after payment of the Deferred Developer's Fee. Phase I costs of this project are approximately \$1.75 million which will be expended first from Fund 300-C30300, Affordable Housing. These funds will be reimbursed by bond proceeds at closing.

In addition, \$550,000 in Replacement Property Reserves will be used to fund predevelopment expenses, and will be reimbursed at rehabilitation completion. Any other predevelopment expenses, including but not limited to the FHA application fee, lender's fee, lender's legal, a bond counsel, underwriters, trustee's legal, etc., in excess of \$550,000 will be paid out of Fund 300-C30300, Affordable Housing. Such expenses will be reimbursed at rehabilitation completion. The cash flow from 2018 and 2019 is expected to be held by HUD until construction completion and final endorsement of the FHA Note. HUD will also be holding Working Capital of \$316,000 until construction completion and final endorsement of the FHA Note. At that time, it will be released to pay for items listed in the Partnership Agreement.

The FCRHA will receive a Bond Issuance Fee of \$140,000 (based on a bond issuance of \$20 million) at closing which will go into Fund 810-C81000, FCRHA General Operating. The FCRHA will also receive an upfront one-time monitoring fee of \$130,000. Following the construction period, an annual monitoring fee of \$5,000 will be paid to Fund 810-C81000, FCRHA General Operating.

Approximately \$1,029,770 of the \$1,864,000 developer fee will be deferred and used solely for additional rehabilitation of the Property and reserves. This portion of the fee will be paid to the FCRHA out of the cash flow of the Property over time. The balance of \$834,230 will be paid to Fund 810-C81000, FCRHA General Operating, out of equity received from the syndication of tax credits. Should additional funds be needed to complete the rehabilitation, all or a portion of the remaining \$834,230 would be available for such purpose. If the additional funds are not needed for rehabilitation of the Property, the balance of \$834,230 will be deposited into Fund 810-C81000, FCRHA General Operating.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution

Attachment 2 – Map

Attachment 3 – Rents and Accessibility



Board Agenda Item  
July 25, 2017

Attachment 4 – Revised Financing Plan  
Attachment 5 – Organizational Structure

STAFF:

Thomas E. Fleetwood, Director, Department of Housing and Community Development,  
(HCD)

Hossein Malayeri, Deputy Director, Real Estate, Finance and Development, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division  
(REFGM), HCD

Debashish Chakravarty, Senior Real Estate Finance Officer, REFGM, HCD

## RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, July 25, 2017, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (Authority) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt and/or taxable Multifamily Housing Revenue Bonds (Murraygate Village Project) Series A and B 2017 (Bonds) in an aggregate principal amount not to exceed \$20,000,000; and

WHEREAS, the Authority was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Va. Code Ann., the Authority is authorized, among others, to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation project, or a rehabilitation district; and

WHEREAS, the proceeds of the Bonds will be used to finance the rehabilitation of 204 units at Murraygate Village Apartments (the Project); and

WHEREAS, the Authority held a public hearing at 4500 University Drive, Fairfax, Virginia, on May 4, 2017 for which public notice was duly given on March 24, 2017, and March 31, 2017, being no fewer than 14 days prior to the date of the public hearing as required under the regulations applicable to Section 147(f) of the Internal Revenue Code of 1986, as amended. The Board of Supervisors has received from the Authority a summary of statements made at the hearing and an extract of minutes of the meeting of the Authority relative to its proposed issuance of tax-exempt revenue bonds to pay all or a portion of the cost of the Project.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors:

1. For the purposes and only for the purposes of compliance with Section 147(f)(2)(B) of the Internal Revenue Code of 1986, as amended, the Board of Supervisors does hereby approve the issuance of tax-exempt and/or taxable bonds for the Project in an aggregate principal amount not to exceed \$20,000,000.

The Board of Supervisors in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the Authority and payable from the revenues pledged thereto pursuant to the Trust Indenture pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County,

Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

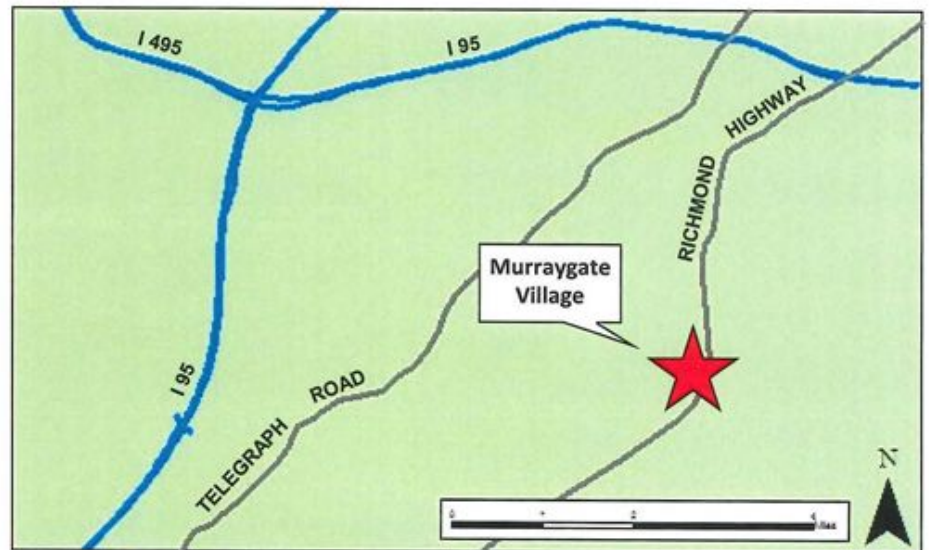
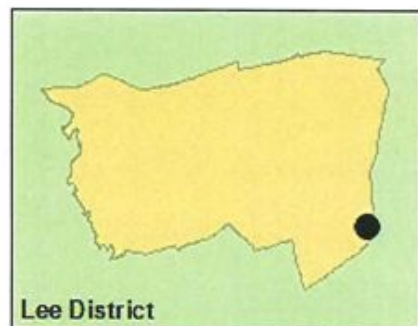
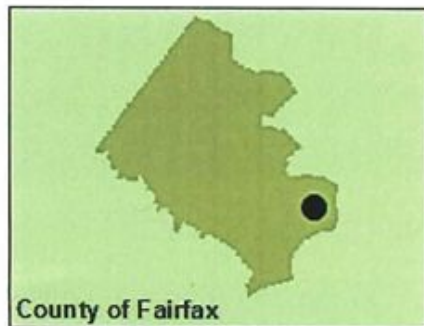
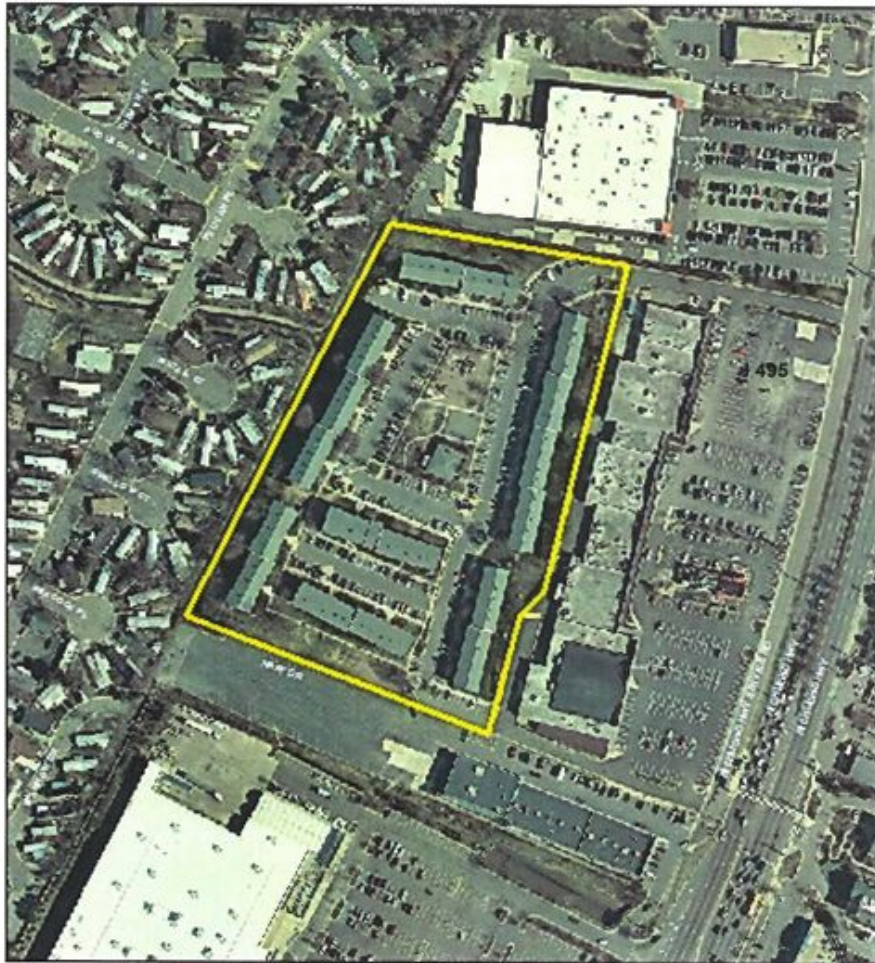
Adopted this 25<sup>th</sup> day of July, 2017, Fairfax, Virginia

A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors

# Murraygate Village



### Rents and Accessibility

#### Project Description

Built in 1971, the subject property is a multifamily rental apartment property consisting of 200 residential units and four (4) units used for office and community space in eight (8) buildings: 72 one-bedroom units; 56 two-bedroom units; 43 three-bedroom units; 29 four-bedroom units; and four (4) two-bedroom units offline for office/community space. There are currently 40 Project-Based Section 8 Vouchers. The property includes a tot-lot, basketball court and a community center operated by The Boys and Girls Club. The property is located within minutes of public transportation and shopping. The average household income at the property is \$39,222.

#### **Accessibility**

Ten of the 200 rental units (5 percent) will be fully handicapped accessible after the renovation. The property currently has eight (8) units that are handicapped accessible and two (2) additional units will be converted to be fully accessible units as part of the rehabilitation. The rehabilitation of these units will be completed in accordance with Section 504 requirements.

#### **Affordability**

##### **Current Rent Mix**

Number of Units	Percentage of Units	Rent Levels
78	38%	30% or below AMI
52	26%	50% or below AMI
36	18%	50% or below AMI (PBV)
3	1%	60% or below AMI
31 (4 PBV's)	15%	Vacant
4	2%	Office and Community Center
<b>204</b>	<b>100%</b>	<b>TOTAL</b>

It should be noted that the project has a comparatively high vacancy rate because units are being held open in anticipation of the renovations.



### Current Rents

Unit Type	Number of Units	Square Footage	Gross Rents*	AMI Levels (%)
1BR/1BA	72	583	\$495-835	30-60
2BR/1BA	56	747	\$672-1,325	30-60
3BR/1BA	43	987	\$718-1,650	30-60
4BR/1BA	29	987	\$756-1,680	30-60

*\*Shown above are the current rents at the property. For purposes of calculating the budget and cash flow at the property, projected rents were used.*

### Proposed Post-Rehab Rents

Unit Type	Number of Units	Square Footage	Gross Rents*	AMI Level (%)
1BR/1BA	72	583	\$611-1,222	30-60
2BR/1BA	56	747	\$733-1,467	30-60
3BR/1BA	43	987	\$847-1,694	30-60
4BR/1BA	29	987	\$945-1,890	30-60

*\*Gross Rents are subject to change depending upon the completion date of the rehab to ensure the amounts are in accordance with the market and the Low Income Housing Tax Credit Program. Tenants will pay utilities for all units, but they will receive an utility allowance to offset the costs of those utilities. The utility allowance for 1 BR units is \$57, for 2 BR units it is \$74, for 3 BR is \$90, and for 4 BR is \$106.*

The affordability mix for the property upon rehabilitation is as such: Twenty percent of the units will be affordable to households that are not receiving any subsidies with incomes at or below 30 percent of area median income (AMI), sixty percent of the units will be affordable to households with incomes at or below 50 percent of AMI, and twenty percent of the units will be affordable to households with incomes at or below 60 percent of AMI. Twenty percent of the units have Project-Based Vouchers and their rents are a part of the 50 percent of AMI or below category.

### Post-Rehabilitation Rents/Tenant Payment of Utilities

In March 2013, the FCRHA approved rent increases for current residents. Starting August 2013, residents at the time received an annual rental increase of five (5) percent to ten (10) percent. Households earning at or below 80 percent AMI received a five (5) percent rent increase; and households with incomes above 80 percent of AMI received a ten (10) percent increase. As part of the rehabilitation, individual electric meters will be installed for each unit and as such, tenants will be responsible for individual electric service accounts upon completion of the rehabilitation.

There are currently 31 vacant units at the property and HCD's goal is to have no less than 24 vacant units at the time of the start of construction. The property stopped leasing in 2014 to minimize the cost of relocation during rehabilitation. The vacancy turnover rate is less than five (5) percent annually. Vacant units will be rented to new, income-qualified tenants at tax credit rents post-rehabilitation. Post-rehabilitation rents will be based on the rental market and Low-Income Housing Tax Credit program requirements at the time of construction completion.

Financing Plan: Detailed Summary

Murraygate Village Limited Partnership (MVLP) will need a minimum bond amount of \$18,648,275 (50 percent of eligible tax credit basis plus land) to fund the project. However, in order to provide flexibility in the event of cost increases, MVLP will request that the Fairfax County Redevelopment and Housing Authority (FCRHA) approve a bond issuance of \$20 million. The final bond amount will be determined before the closing and upon completion of full underwriting. The \$18,648,275 in short-term, tax-exempt bonds will be fully cash-collateralized by the proceeds of the Federal Housing Administration (FHA) mortgage, Housing Blueprint Funds, and tax credit equity, obtained through the syndication of four (4) percent tax credits, which are by-right and non-competitive. It is expected that the FCRHA will request an allocation for private activity tax-exempt bond volume cap from the Virginia Department of Housing and Community Development. The tax credit equity provider may not fund a major portion of the tax credit equity until after the project is placed in service with a final endorsement of the U.S. Department of Housing and Urban Development (HUD) Note for the FHA mortgage; therefore, the Department of Housing and Community Development (HCD) may seek a bridge loan of \$5 million from a lender. Such a bridge loan is expected to be paid from the tax credit equity. HCD will issue a Request for Financial Services (RFS) for a first mortgage lender, bond underwriter, and tax credit syndicator.

If this action is approved, the FCRHA will issue the requested bonds in the original principal amount not to exceed \$20 million. Furthermore, these bonds will be nonrecourse to the FCRHA. The bonds will bear interest at an initial short-term fixed interest rate, currently estimated to be 150 basis points (1.5 percent). The tax-exempt bonds will be publicly offered by a to-be-selected underwriter. The bonds will be rated by a rating agency.

An FCRHA loan of \$500,000, plus accrued interest at one (1) percent, or a current total of \$111,251, for a total balance of \$611,251, that is currently secured by the property, will be paid off from the net sales proceeds of \$11.8 million. A line of credit of \$707,719 was provided by United Bank to the FCRHA, and the FCHRA lent that \$707,719 to the original partnership as a loan to pay off a balloon payment on the property. The FCRHA will pay off that loan with the same sales proceeds obtained from the sale of the property to the new partnership.

At the same time as the bonds are issued, MVLP will secure from an FHA lender additional financing for the project in the form of the FHA Loan in the approximate amount equal to \$15.8 million. This will be evidenced by a mortgage note and mortgage recorded in first lien position on the project. The mortgage interest rate,



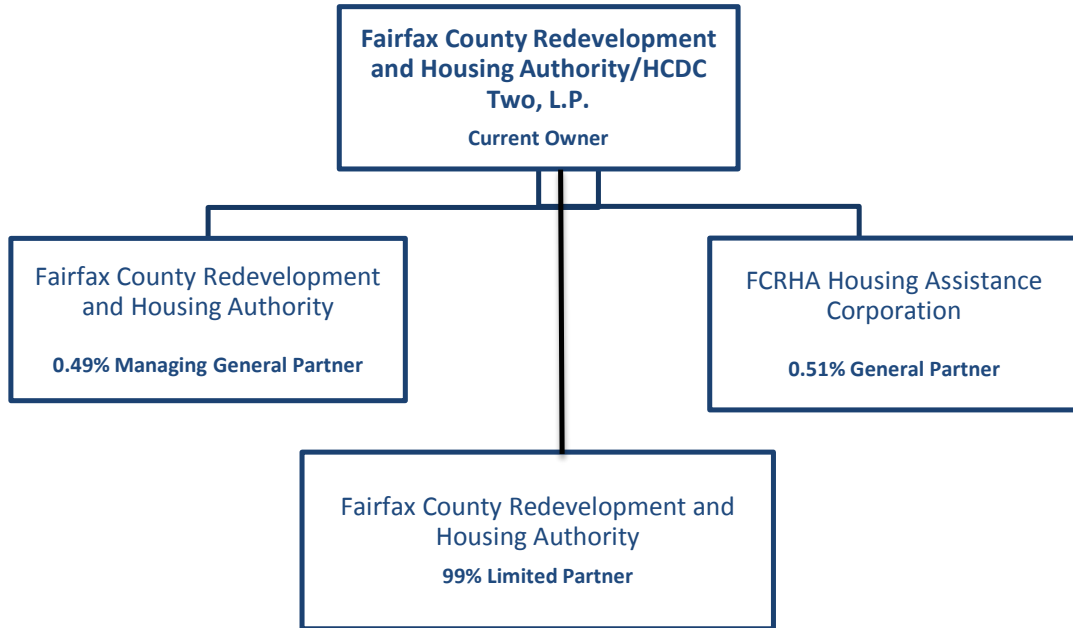
currently estimated to be 4.5 percent, on the FHA-insured loan amortizing over the 40 years, will be locked in shortly before the closing of the bond transaction, based on an agreement to purchase Government National Mortgage Association (GNMA) Securities. These securities will be issued during the construction period as draws are made on the FHA Loan to a third-party purchaser (the "GNMA Purchaser") arranged by the FHA Lender and agreed to by MVLP. MVLP will submit an application for the FHA Loan and a commitment is expected in January 2018. As the bond proceeds are drawn upon from the construction account, an equal amount of proceeds of the FHA Loan derived from the sale of GNMA Securities will be issued and deposited into the collateral account held by the bond trustee under the bond indenture. The bond proceeds construction account and the collateral account combined will always equal the amount of bonds issued. This financing structure allows the bonds to be 100 percent cash-collateralized ensuring that the bond holders will never be at risk. This structure also allows MVLP to secure a low interest rate on the FHA Loan. The bonds will be redeemed at the time the project is placed in service. Keeping the bonds outstanding until the project is placed in service allows MVLP to receive an estimated \$11,013,000 in tax credit equity through four (4) percent LIHTCs. Given the fact that, in the current interest rate environment, the taxable rates of FHA Loans are lower than long-term, fixed, tax-exempt rates, the proposed financing structure allows the use of tax credit equity (because four (4) percent tax credits are available so long as at least 50 percent of the project costs are financed with tax-exempt bond proceeds) while taking advantage of the lower taxable interest rates.

The FCRHA may pursue a possible ground lease ownership structure, in connection with the FHA financing, in order to avoid the possible scenario whereby the FHA lender or HUD could foreclose on the first mortgage and take title to the property. Under this ground lease scenario, the Seller would convey fee simple title to the Project to the FCRHA, and the FCRHA would lease the Project to MVLP for a term of 50 years, where MVLP would hold a leasehold interest and the FCRHA would retain fee title to the land. The draft ground lease is subject to HUD final approval and therefore, it may need to be revised to accommodate HUD requirements. In the event of a foreclosure, it is contemplated that the lender or its assignee would only succeed to the leasehold interest in the land, but following expiration of the ground lease, the FCRHA would own the entire land and buildings free of encumbrances. It is also contemplated in the ground lease scenario that the FCRHA would provide the Seller Takeback Loan to MVLP. However, the lease sale price and the corresponding Seller Loan would need to be supported by an appraisal of the value of the ground lease. Under this scenario, the three (3) mortgages referenced herein would be leasehold mortgages/deeds of trust, but the borrower of the loans would still be MVLP.

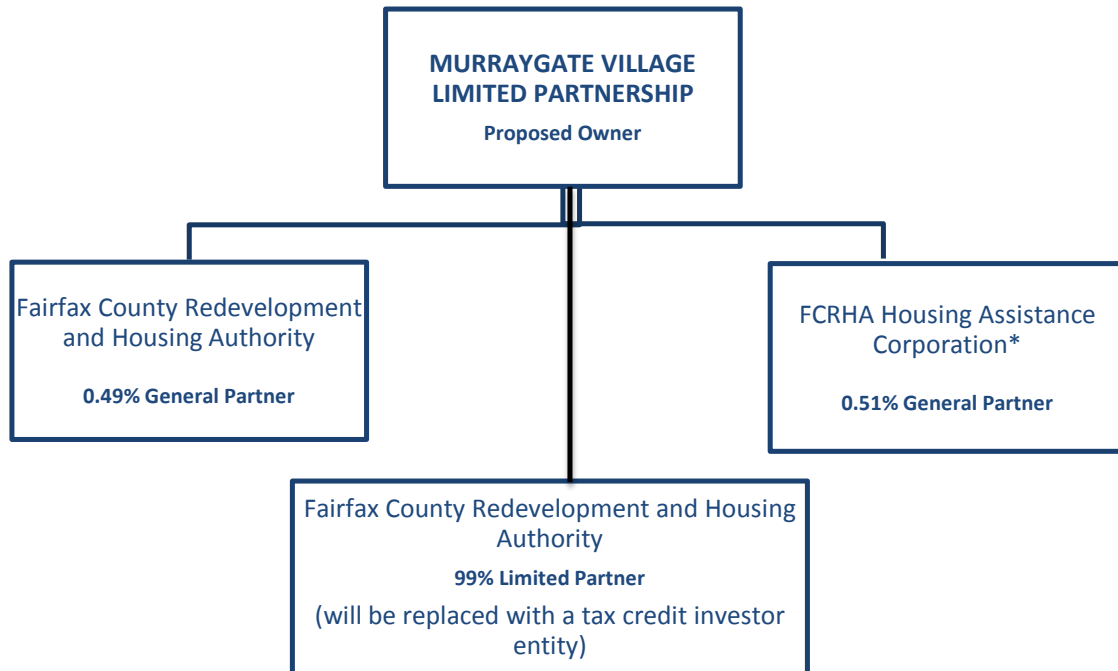
The current structure has Fairfax County Redevelopment and Housing Authority/HCDC Two, L.P., as the owner. The FCRHA is the limited partner with 99 percent ownership,

as well as the managing general partner with 0.49 percent ownership. The FCRHA Housing Assistance Corporation (HAC) is a general partner with 0.51 percent ownership. HCD proposes to replace this current structure with a new one in order to apply for tax credits, and that would establish Murraygate Village Limited Partnership (MVLP) as the new owner. The FCRHA would continue to be the limited partner with 99 percent ownership until it is replaced with a tax credit investor entity. The tax credit investor will hold a 99.99 percent limited partner ownership interest in MVLP, leaving a 0.01 percent general partner interest remaining. Specifically, the FCRHA will have 49 percent of the 0.01 percent general partner interest as the Managing General Partner and HAC will have 51 percent of the 0.01 percent general partner interest as a General Partner. HAC would continue to be the general partner with a 51 percent of the general partner ownership interest until the expiration of the current Extended Use Regulatory Agreement (EURA) in 2023, at which time HAC would withdraw from MVLP and the FCRHA would be the sole general partner in MVLP.

Murraygate Village Apartments  
Current Organizational Chart



Murraygate Village Apartments  
Proposed Organizational Chart



\*It is the intent of FCRHA Housing Assistance Corporation to withdraw as a general partner of the Partnership upon the termination of the Extended Use Regulatory Agreement and Declaration of Restrictive Covenants, dated as of November 18, 1992, as amended.

Board Agenda Item  
July 25, 2017

ACTION – 5

Approval of the Proposed Consolidated Plan One-Year Action Plan for FY 2018

ISSUE:

Final action by the Fairfax County Board of Supervisors on the Proposed Consolidated Plan One-Year Action Plan for FY 2018 as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (1) adopt the Proposed Consolidated Plan One-Year Action Plan for FY 2018 as issued by the CCFAC with funding allocations outlined below; and (2) authorize signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the U.S. Department of Housing and Urban Development (HUD) by August 12, 2017.

TIMING:

Board action is requested on July 25, 2017, in order to maintain the schedule for the Consolidated Plan process, which is included in the Grantee Unique Appendices section of the revised Proposed Consolidated Plan One-Year Action Plan for FY 2018, and to ensure timely submission of the Plan to HUD.

BACKGROUND:

The revised Proposed Consolidated Plan One-Year Action Plan for FY 2018 (One-Year Action Plan for FY 2018) has been issued by the CCFAC for approval by the Board of Supervisors. The One-Year Action Plan for FY 2018 contains the proposed uses of funding for programs to be implemented in the third year of the Five-Year Consolidated Plan for FY 2016 - 2020. An annual action plan is required by HUD for three federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG). The document also describes the Continuum of Care for homeless services and programs in the Fairfax community, and the Consolidated Community Funding Pool (CCFP).

The One-Year Action Plan for FY 2018 includes the second year of the two-year funding cycle for the Fiscal Year (FY) 2017- FY 2018 CCFP. The CCFP was established by the Board to provide funding for community-based programs by non-

Board Agenda Item  
July 25, 2017

profit organizations through a competitive solicitation process. The FY 2018 CCFP funding awards were approved by the Board on April 26, 2016, contingent on the availability of funding.

In accordance with federal requirements, the One-Year Action Plan for FY 2018 contains several certifications, including drug-free workplace, affirmatively furthering fair housing, prohibition of excessive force, and lobbying requirements. Each of the certifications will be signed by the County Executive following Board approval of the One-Year Action Plan for FY 2018.

Funding levels incorporated in the Proposed One-Year Plan for FY 2018 and released for public comment were based on the funding levels of FY 2017 because the County had not received notification from HUD of the actual grant levels at the time of the CCFAC's action to release the documents. HUD notified the County of the actual grant levels on June 14, 2017. The funding levels incorporated into the revised Proposed One-Year Action Plan for FY 2018 are based the actual funding levels. Total entitlement funding for the three programs of \$6,948,364 has been recommended in this item for: CDBG (\$4,974,689), HOME (\$1,530,449), and ESG (\$443,226). It is estimated that there will be approximately \$499,341 in CDBG program income and \$183,264 in HOME program income available for FY 2018.

In accordance with the Board-adopted Citizen Participation Plan for the Consolidated Action Plan process, the Plan was made available and was circulated for review and comment by citizens, service providers, and other interested parties during the formal public comment period which ended on March 14, 2017. Following the public hearing and the public comment period, the CCFAC considered all comments it received and now forwards it to the Board with a recommendation for final approval on July 25, 2017.

STAFF IMPACT:

None. No positions will be added as a result of this action.

FISCAL IMPACT:

Total anticipated entitlement funding of \$6,948,364 has been recommended in this item for CDBG (\$4,974,689), HOME (\$1,530,449), and ESG (\$443,226). The FY 2018 Adopted Budget Plan included estimated funding of \$6,864,255, to include CDBG (\$4,923,230), HOME (\$1,509,811) and ESG (\$431,214). Based on HUD notification of actual awards, the FY 2018 Adopted Budget Plan will be increased by \$84,109, to include increases for CDBG (\$51,459), HOME (\$20,638), and ESG (\$12,012). The funding increases for CDBG and HOME will be requested for appropriation at the *FY 2017 Carryover Budget Review*. Since the actual ESG award received is not

Board Agenda Item  
July 25, 2017

significantly different from what was included in Fund 50000, Federal-State Grant fund in the FY 2018 Adopted Budget Plan, staff will process the award administratively as per Board policy.

In addition, as part of the *FY 2017 Carryover Review* a total estimated amount of \$3,472,452 in CDBG and HOME funds is recommended to be carried forward for ongoing CDBG (\$2,219,781) and HOME (\$1,005,586) projects.

The estimated FY 2017 CDBG program income is \$499,341 and HOME program income is \$183,264. This program income will be appropriated as part of the FY 2017 Carryover Budget Review for allocation and use in FY 2018.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Consolidated Plan One-Year Action Plan for FY 2018

The Proposed Consolidated Plan One-Year Action Plan for FY 2018 is also available on line at <http://www.fairfaxcounty.gov/rha>

STAFF:

Patricia D. Harrison, Deputy County Executive

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)

Hossein Malayeri, Deputy Director, Real Estate, Finance and Development, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management, (REFGM), HCD

Laura O. Lazo, Associate Director, REFGM, HCD

Beverly Moses, Senior Program Manager, REFGM, HCD

# **Attachment 1**

## **CONSOLIDATED PLAN ONE-YEAR ACTION PLAN**

**FOR  
FY 2018  
(July 1, 2017 – June 30, 2018)**



A Publication of Fairfax County, VA

**Fairfax County, Virginia**



## Table of Contents

Executive Summary.....	2
AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b) .....	2
PR-05 Lead & Responsible Agencies – 91.200(b).....	8
AP-10 Consultation – 91.100, 91.200(b), 91.215(l).....	10
AP-12 Participation – 91.105, 91.200(c) .....	34
Expected Resources .....	37
AP-15 Expected Resources – 91.220(c) (1, 2) .....	37
Annual Goals and Objectives .....	43
AP-35 Projects – 91.220(d) .....	49
Projects .....	51
AP-38 Projects Summary.....	51
AP-50 Geographic Distribution – 91.220(f).....	65
Affordable Housing .....	66
AP-55 Affordable Housing – 91.220(g) .....	66
AP-60 Public Housing – 91.220(h).....	67
AP-65 Homeless and Other Special Needs Activities – 91.220(i).....	69
AP-75 Barriers to affordable housing – 91.220(j) .....	72
AP-85 Other Actions – 91.220(k) .....	74
Program Specific Requirements.....	79
AP-90 Program Specific Requirements – 91.220(l)(1,2,4) .....	79
Attachments.....	83

## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

The Executive Summary of the Fairfax County Consolidated Plan One-Year Action Plan for FY 2018 (FY 2018 One-Year Action Plan) is intended to help facilitate citizen review and comment. This One-Year Action Plan indicates Fairfax County's intended use of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG) funds. It represents the third year's operationalization of the County's Five-Year Consolidated Plan for these sources of federal funds and is based on the goals and strategies in the Five-Year Plan.

A One-Year Action Plan is required for each of the five years of the Consolidated Plan. This FY 2018 One-Year Action Plan covers the period July 1, 2017, through June 30, 2018 and contains a description of how Fairfax County intends to utilize funds from the programs included in the Consolidated Plan in order to meet the needs identified.

#### 2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The priority housing needs identified for the FY 2016-FY 2020 Five-Year Consolidated Plan and continued in this FY 2018 One-Year Action Plan are consistent with the priority needs identified in the Housing Blueprint. The Blueprint identifies those with the greatest need as: 1) individuals and families who are homeless; 2) persons with low- and extremely-low incomes; 3) persons with disabilities; and 4) low-income seniors.

The identified affordable housing priorities respond to three critical elements of the affordable housing crisis in Fairfax County. The first is severity of need. The second is the limited and dwindling supply of affordable housing, in both the owner occupied and renter occupied sectors. The overall shortage of housing is pushing more units out of the affordable supply, through rent and price escalation. The third is the increase in the number of low-income households who need these units. Low-income households with the most need often are unable to find housing because affordable housing is occupied by households with higher incomes.

The severity of the housing problem for people experiencing homelessness and the need for renewed vigor in providing basic shelter warrants placing a high priority on people experiencing homelessness.

Low-income households, particularly those below 30 percent Area Median Income (AMI) which is defined by the U.S. Department of Housing and Urban Development (HUD) defined to be extremely-low income, are the most disadvantaged in finding and keeping housing in the current market. The economic

downturn contributes to putting hard-working families at risk of homelessness as they struggle with multiple jobs and uncertain income. Service providers and housing advocates are being challenged more than ever to prevent homelessness.

The elderly are the fastest growing age segment in Fairfax County and are projected to comprise 21.6 percent of the County's population by the year 2020. Elderly homeowners make up a significant portion of the low-income elderly households experiencing housing problems (including housing cost burden).

Persons with physical or mental disabilities require special attention as this group is likely to have both service and housing needs. Housing cost burden, overcrowding and inadequate living facilities are common problems faced by renters and owners with disabilities across income levels. Over two-thirds of renters and nearly two-thirds of owners with disabilities whose incomes are greater than 80 percent AMI had at least one housing problem (greater than 30 percent housing cost burden, overcrowding, or lack of complete kitchen or bathroom facilities). As with other segments, the lower the household income for persons with disabilities, the greater the disadvantages in finding and keeping housing in the current market. In addition, the Americans with Disabilities Act (ADA) and the Olmstead decision provide legal protections for persons with physical or mental disabilities that must be honored.

Finding ways to ensure that housing is affordable for all residents is essential to the long term economic health of Fairfax County. An adequate supply of "workforce housing" (housing that is affordable to essential workers) is especially critical to meet the demands of projected job growth and to ensure that the County can keep workers that provide services crucial to all citizens.

### **3. Evaluation of past performance**

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Fairfax County's Consolidated Annual Performance and Evaluation Report (CAPER) for FY 2016 is available at: <http://www.fairfaxCounty.gov/rha/caper.htm>. This document includes major initiatives and highlights that were proposed and executed during the period of July 1, 2015-June 30, 2016.

Highlights of accomplishments in FY 2016 include:

- Housing Blueprint: The Fairfax County Redevelopment and Housing Authority (FCRHA) implemented the FY 2017 Housing Blueprint, which set specific goals in the areas of preventing and ending homelessness, providing affordable housing to persons with special needs, providing housing for low-income working families and producing workforce housing. Through implementation of the Housing Blueprint, the FCRHA played a critical role in meeting the 2016 goals of Fairfax County's Ten-Year Plan to Prevent and End Homelessness. A total of 287 formerly homeless households received permanent housing in FY 2016. Of the 287 formerly homeless households provided with permanent housing, a total of 172 (65 percent) came from either FCRHA or Fairfax County Department of Housing and Community Development (HCD) resources.

- Moving to Work (MTW): In FY 2016, the FCRHA continued to implement several activities that required MTW flexibility. These activities included reducing the frequency of reexaminations for continued participation in the Public Housing and Housing Choice Voucher (HCV) programs, eliminating the Earned Income Disregard Calculation and beginning streamlined inspections of HCV units. The FCRHA also established a gateway for clients to move from Bridging Affordability to the HCV program.
- Bridging Affordability: Implementation of the Bridging Affordability program, which provides rental subsidies to households experiencing homelessness and persons on the County's affordable housing waiting lists, continued in FY 2016. The program is operated by a collaborative of non-profit organizations, led by Northern Virginia Family Service (NVFS), under contract with Fairfax County. In FY 2016, a total of 68 new households were leased up under the program. The average income of all households under the program is \$16,858 or 15.5 percent AMI for a family of four.
- Affordable Housing Preservation: As of June 30, 2016, a total of 2,786 units had been preserved under the Board of Supervisors' Affordable Housing Preservation Initiative. Purchases in FY 2016 by non-profit affordable housing providers financed utilizing CDBG and HOME funds preserved 23 of the affordable units/beds. All properties will remain affordable for at least 30 years.
- Multifamily Rental Housing and Tenant Subsidy Programs: The FCRHA and HCD operate four principal affordable housing programs: the federal Public Housing and HCV programs, the Fairfax County Rental Program (FCRP) and the Bridging Affordability Program. The average household income served in these programs in FY 2016 was \$23,795 which was approximately 24 percent of the AMI for a family of three and met the federal definition of "extremely low income". A total of 18,209 individuals were housed in the Public Housing, HCV, and FCRP programs in FY 2016.

#### **4. Summary of Citizen Participation Process and consultation process**

Summary from citizen participation section of plan.

A Citizen Participation Plan was adopted by the Fairfax County Board of Supervisors on December 8, 1997 and was revised and amended by the Board of Supervisors on April 30, 2007. The purpose of the Citizen Participation Plan is to serve as a guide for public input and participation in the Consolidated Plan process. The full Citizen Participation Plan may be found in the Grantee Unique Appendices section.

Per the Citizen Participation Plan, the County provided for and encouraged citizen participation from all sectors of the community in developing this FY 2018 One-Year Action Plan. Particular emphasis was placed on participation by residents whose household incomes are below the federal poverty line, residents with low and moderate household incomes who reside in areas that are blighted or in which federal funds are used or are proposed to be used, and residents who are minority and non-

English speaking, as well as participation by residents with mobility, visual, speech or hearing impairments.

The County provided citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to this FY 2018 One-Year Action Plan and the use of assistance provided by federal funding sources in prior years. Information was shared through a variety of communication channels to include the County website, a press release and stakeholder newsletter. Outreach also was conducted through various community newspapers, which included minority and foreign language publications.

Citizens had opportunities to comment on housing, community development, public services, and the population and program priority needs identified to be addressed by community-based organizations and this FY 2018 One-Year Action Plan at public hearings and meetings, as well as by directly contacting the appropriate County agency, prior to the submission of this FY 2018 One-Year Action Plan to the U.S. Department of Housing and Urban Development (HUD).

Citizen input on housing, community development and needs for public services to be provided by community-based organizations was received at a public hearing held by the Consolidated Community Funding Advisory Committee (CCFAC) on November 2, 2016. The CCFAC is composed of representatives from a variety of boards, authorities and commissions. Membership may also include representation from human services provider groups, and consumer and community organizations, as appropriate. Members are appointed by the County Executive and serve for a term of three years.

A second public hearing was held by the Board of Supervisors on March 14, 2017, to allow citizens an additional opportunity to comment on the FY 2018 One-Year Action Plan. Citizens were encouraged again to express their views on housing and community development needs, fair housing and the proposed community development programs. A Draft Proposed Consolidated One-Year Action Plan for FY 2018 was released on February 10, 2017, to meet the federal requirement of a 30-day comment period which ended on March 14, 2017.

## **5. Summary of public comments**

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

The CCFAC held a public hearing testimony on November 2, 2016, at which testimonies were presented by the following speakers on behalf of residents with low household incomes adult residents with disabilities, residents who are ex-offenders, residents who are immigrants with limited English language proficiency, residents who are experiencing homelessness, and residents who are parents with after-school age children and youth:

- Annandale Christian Community for Action (by submitted written testimony)

- Asian American LEAD Program, Annandale High School
- Big Brothers Big Sisters
- Boys and Girls Club of Greater Washington
- Community Residences Inc.
- Fairfax-Falls Church Community Services Board (by submitted written testimony)
- Northern Virginia Community College Adult Career Pathways
- OAR, Fairfax, VA
- Resident client of Britepaths (formerly, Our Daily Bread)
- Service Source
- The Literacy Council of Northern Virginia
- Vietnamese Resettlement Association

Needs and concerns discussed at the November 2, 2016, include the following:

- language challenges, emotional problems, financial barriers, over-medicated children, health care issues and learning disabilities;
- consistent mentorship for youth;
- affordable housing beyond group homes or institutional settings for adults with disabilities;
- accessible and affordable single family homes or condominiums located near amenities and public transportation;
- availability of affordable housing and the retention of affordable housing units that are targeted for redevelopment by market rate developers;
- more affordable housing for extremely low-income families;
- FCRHA on-line listing of when and where applications are being accepted for available affordable housing units;
- lack of adequate mental health services and comprehensive rehabilitative services to prepare ex-offenders for re-entry to the community, the absence of which increases the probability of recidivism;
- higher commitment from the business community to employ ex-offenders;
- more housing and continuum of wrap-around services for ex-offenders;
- more affordable housing for low-income families;
- lower income-to-housing thresholds for those in need of affordable housing;
- more sources of financial aid and financial assistance for college students;
- more financial counseling services;
- more workforce development and apprenticeship programs;
- recognizing the connection between lack of English proficiency and poverty;
- more adult language and literacy programs;
- employment readiness programs and employment opportunities for adults and teens with autism;
- collaboration (joint-proposals for funding) between non-profits and higher education institutions to promote targeted training, English skills development and work opportunities for college students who lack English proficiency;
- programs to teach confidence and self-sufficiency skills to Asian American youth;
- resources for after school mentoring and tutoring programs for students from limited-English proficient households;
- affordable housing and comprehensive crisis intervention services;

Annual Action Plan  
2018

6

- funding for emergency assistance to residents facing eviction or graduating from shelter programs to permanent supportive housing; and
- a health care safety net, prevention and wellness services, and crisis intervention services.

Testimony received at the March 14, 2017 Public Hearing included the following:

At the Public Hearing on March 14, 2017, Board of Supervisors Chairman Sharon Bulova invited all interested persons to present testimony about the Draft FY 2018 One-Year Action Plan. No testimony was presented at the Public Hearing.

## **6. Summary of comments or views not accepted and the reasons for not accepting them**

There was no written nor oral testimony presented before or during the Public Hearing for inclusion in the final version of the FY 2018 One-Year Action Plan submitted to the Board of Supervisors for approval.

## **7. Summary**

### **Summary of Response to Comments Received at the Public Hearing Held on November 2, 2016.**

The priorities are set for the Consolidated Community Funding Pool (CCFP) in a two-year funding cycle. During the course of the CCFP priority-setting process for FY 2016-2017, the CCFAC received information from Fairfax County staff on the trends and emerging needs affecting the human services system in its delivery of services. Based on the data provided by staff, the CCFAC revised the CCFP priorities framework to identify targeted focus areas within each priority area for which competitive CCFP funding proposals are solicited bi-annually. The identified targeted focus areas represent growing needs within the human services system. Many of comments shared at the November 2, 2016 public hearing on the Draft FY 2018 One-Year Action Plan are addressed by the new targeted focus areas identified in the competition for CCFP funding. The CCFAC emphasizes the targeted focus areas as it continues to encourage all applicant organizations to apply solely or jointly for funding of programs which will help meet the priority needs of the Fairfax County.

## PR-05 Lead & Responsible Agencies – 91.200(b)

### 1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	FAIRFAX COUNTY	Department of Housing and Community Development
HOME Administrator	FAIRFAX COUNTY	Department of Housing and Community Development
ESG Administrator	FAIRFAX COUNTY	Office to Prevent and End Homelessness

**Table 1 – Responsible Agencies**

### Narrative (optional)

*About the Lead Agency:* Fairfax County's affordable housing and community development programs are administered by the Fairfax County Department of Housing and Community Development (HCD). In addition to its role as a department of County government, reporting to the County Executive and the Board of Supervisors, HCD also serves as the staff for the FCRHA. The FCRHA is a separate political body whose members are appointed by the Board of Supervisors and which possesses specific powers granted by state code.

Every five years, the Board of Supervisors adopts a Consolidated Plan describing the County's needs, gaps in service and priorities for affordable housing, community service, homeless assistance, community development, neighborhood preservation and revitalization, employment and economic opportunity services, as well as the resources and strategies to be used to meet these needs. Each year, the Board also approves a Consolidated Plan - One Year Action Plan which sets forth how the County will utilize several large federal grants, including the Community Development Block Grant and the HOME Investment Partnerships Program grant, to meet the needs and priorities identified in the Consolidated Plan. These grants are administered by HCD. The Consolidated Plan and One-Year Action Plan are prepared by HCD staff through an intensive citizen involvement process under the leadership of the CCFAC. Annually, a Consolidated Annual Performance Evaluation Report (CAPER) is submitted to HUD detailing how these funds have been spent.



**Consolidated Plan Public Contact Information**

Fairfax County Department of Housing and Community Development

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## **AP-10 Consultation – 91.100, 91.200(b), 91.215(l)**

**Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))**

The County worked closely with the FCRHA to solicit the input of area housing and service providers through a variety of means. Examples include:

- **Housing Blueprint:** The County and the FCRHA coordinated the development of the Housing Blueprint with the interagency Housing Options Group, which is comprised of a variety of County agencies and non-profit organizations, and is focused on developing housing opportunities for people experiencing homelessness. The main body overseeing the development of the Housing Blueprint is the Affordable Housing Advisory Committee, which includes representatives of the FCRHA, the Community Services Board, the Disability Services Board, the County's Homelessness Governing Board, representatives of a number of non-profit housing providers, the business community and others.
- **Moving to Work/THRIVE Initiative:** The FCRHA has convened a THRIVE Advisory Committee, which assists in the development and implementation of activities related to the FCRHA's Moving to Work designation. Most recently, the THRIVE Advisory Committee was instrumental in creating the strategic framework for the FCRHA's response to federal budget sequestration in the Housing Choice Voucher and Public Housing programs.
- **Consolidated Community Funding Pool Steering Committee:** In response to concerns about the responsiveness of the CCFP process which governs the award of CDBG and other funds to community service programs, the County convened a steering committee to develop recommendations for process improvements. This committee was a cross-cutting group of representatives from community service providers, members of the CCFAC, County staff and others.

These three venues, and numerous others like them, provided opportunities for input into the development of this FY 2018 One-Year Action Plan.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

The Fairfax County Office to Prevent and End Homelessness (OPEH) was administratively established within the Fairfax County government to manage, coordinate, and monitor day-to-day implementation of the plan to end homelessness. As part of this responsibility, OPEH assures coordinated execution of the work of the Continuum of Care (CoC) and the many interagency workgroups functioning within the CoC. Workgroups have specifically been formed to address the specific needs of families and individuals who chronically experience homeless, families with children, veterans and unaccompanied youth. These

workgroups typically consist of professional and volunteer staff from relevant organizations across all sectors, including government, nonprofit, businesses and faith communities. Significant initiatives have been implemented by these workgroups, including the local 100k Homes campaign, the redesign of the intake and assessment system, and the national Mayors Challenge to End Veteran Homelessness.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

As stated above, the Fairfax County OPEH was established to manage, coordinate and monitor day-to-day implementation of the plan to end homelessness. As part of this responsibility, OPEH assures coordinated execution of the work of the CoC and leads collaborative decision-making efforts in the use of federal homeless assistance funding, including the ESG. Important partners in the process of using ESG funds, include the HCD and a number of community-based nonprofit organizations that provide emergency shelter, homelessness prevention and rapid rehousing assistance. Through collaborative discussions this partnership makes important decisions around the type of programs to be supported, the organizations that will utilize the funding and what policies and procedures must be developed in line with federal regulations to ensure effective and efficient use of ESG funding. Performance standards and evaluation outcomes are developed by OPEH and community partners to support and complement homeless system performance measures as defined by HUD.

**Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities**

Table begins on next page.

**Table 2 – Agencies, groups, organizations who participated**

1	<b>Agency/Group/Organization</b>	Fairfax County Redevelopment and Housing Authority
	<b>Agency/Group/Organization Type</b>	PHA
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
2	<b>Agency/Group/Organization</b>	Fairfax County Community Action Advisory Board
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
3	<b>Agency/Group/Organization</b>	Fairfax County Public Schools/PTA/Schools Community
	<b>Agency/Group/Organization Type</b>	Child Welfare Agency Other government - County
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
4	<b>Agency/Group/Organization</b>	Fairfax-Falls Church Community Partnership on Ending Homelessness

	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
5	<b>Agency/Group/Organization</b>	Fairfax County Health Care Advisory Board
	<b>Agency/Group/Organization Type</b>	Services-Health Health Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
6	<b>Agency/Group/Organization</b>	Fairfax-Falls Church Community Services Board

	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Persons with Disabilities Health Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy Lead-based Paint Strategy
7	<b>Agency/Group/Organization</b>	Fairfax County Alliance for Human Services
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
8	<b>Agency/Group/Organization</b>	Fairfax County Human Services Council
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims



	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy
9	<b>Agency/Group/Organization</b>	Fairfax Area Disability Services Board
	<b>Agency/Group/Organization Type</b>	Services-Persons with Disabilities
	<b>What section of the Plan was addressed by Consultation</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy
10	<b>Agency/Group/Organization</b>	Fairfax Area Commission on Aging
	<b>Agency/Group/Organization Type</b>	Services-Elderly Persons

	<b>What section of the Plan was addressed by Consultation</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy
11	<b>Agency/Group/Organization</b>	FCRHA Resident Advisory Council
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
12	<b>Agency/Group/Organization</b>	SkillSource Group, Inc.
	<b>Agency/Group/Organization Type</b>	Services-Employment Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Economic Development
13	<b>Agency/Group/Organization</b>	Northern Virginia Affordable Housing Alliance
	<b>Agency/Group/Organization Type</b>	Housing Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
14	<b>Agency/Group/Organization</b>	Cornerstones Housing Corporation

	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
15	<b>Agency/Group/Organization</b>	GOOD SHEPHERD HOUSING AND FAMILY SERVICES INC.
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	<b>Agency/Group/Organization</b>	Shelter House, Inc.

16	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Victims of Domestic Violence Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
17	<b>Agency/Group/Organization</b>	FAIRFAX AREA CHRISTIAN EMERGENCY & TRANSITIONAL SERVICES (FACETS)
	<b>Agency/Group/Organization Type</b>	Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs

18	<b>Agency/Group/Organization</b>	NEW HOPE HOUSING, INC.
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
19	<b>Agency/Group/Organization</b>	Madison Homes, Inc.
	<b>Agency/Group/Organization Type</b>	Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
20	<b>Agency/Group/Organization</b>	WESLEY HOUSING DEVELOPMENT CORPORATION
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
21	<b>Agency/Group/Organization</b>	Insight Property Group LLC
	<b>Agency/Group/Organization Type</b>	Housing Business Leaders Business and Civic Leaders
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
22	<b>Agency/Group/Organization</b>	INOVA Health System
	<b>Agency/Group/Organization Type</b>	Services-Health Publicly Funded Institution/System of Care
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
23	<b>Agency/Group/Organization</b>	Federal Home Loan Mortgage Corporation
	<b>Agency/Group/Organization Type</b>	Housing Private Sector Banking / Financing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs

24	<b>Agency/Group/Organization</b>	Advisory Social Services Board
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
25	<b>Agency/Group/Organization</b>	Fairfax County School Board
	<b>Agency/Group/Organization Type</b>	Services-Education Child Welfare Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
26	<b>Agency/Group/Organization</b>	Fairfax County Professional Fire Fighters and Paramedics, IAFF Local 2068
	<b>Agency/Group/Organization Type</b>	Employee Member Organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
27	<b>Agency/Group/Organization</b>	Northern Virginia Association of REALTORS
	<b>Agency/Group/Organization Type</b>	Housing Regional organization

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
28	<b>Agency/Group/Organization</b>	Tetra Partnerships
	<b>Agency/Group/Organization Type</b>	Commercial Real Estate
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
29	<b>Agency/Group/Organization</b>	Fairfax County Federation of Citizens Associations
	<b>Agency/Group/Organization Type</b>	Civic Leaders
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
30	<b>Agency/Group/Organization</b>	AHOME
	<b>Agency/Group/Organization Type</b>	Housing Regional organization Business and Civic Leaders
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
31	<b>Agency/Group/Organization</b>	HABITAT FOR HUMANITY OF NORTHERN VIRGINIA
	<b>Agency/Group/Organization Type</b>	Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
32	<b>Agency/Group/Organization</b>	Northern Virginia Regional Commission
	<b>Agency/Group/Organization Type</b>	Regional organization Planning organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Non-Homeless Special Needs



33	<b>Agency/Group/Organization</b>	Virginia Housing Development Authority (VHDA)
	<b>Agency/Group/Organization Type</b>	Housing Other government - State
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs
34	<b>Agency/Group/Organization</b>	City of Alexandria, Virginia
	<b>Agency/Group/Organization Type</b>	Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
35	<b>Agency/Group/Organization</b>	ARLINGTON COUNTY
	<b>Agency/Group/Organization Type</b>	Other government - County Other government - Local

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
36	<b>Agency/Group/Organization</b>	Prince William County Department of Housing and Community Development
	<b>Agency/Group/Organization Type</b>	Housing Other government - County Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy

37	<b>Agency/Group/Organization</b>	LOUDOUN COUNTY
	<b>Agency/Group/Organization Type</b>	Other government - County Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
38	<b>Agency/Group/Organization</b>	MONTGOMERY COUNTY GOVERNMENT
	<b>Agency/Group/Organization Type</b>	Other government - County Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy

39	<b>Agency/Group/Organization</b>	PRINCE GEORGE'S COUNTY-DHCD
	<b>Agency/Group/Organization Type</b>	Other government - County Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
40	<b>Agency/Group/Organization</b>	DISTRICT OF COLUMBIA DEPT OF HOUSING AND COMMUNITY DEV
	<b>Agency/Group/Organization Type</b>	Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy

41	<b>Agency/Group/Organization</b>	City of Falls Church
	<b>Agency/Group/Organization Type</b>	Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
42	<b>Agency/Group/Organization</b>	TOWN OF VIENNA
	<b>Agency/Group/Organization Type</b>	Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
43	<b>Agency/Group/Organization</b>	TOWN OF HERNDON
	<b>Agency/Group/Organization Type</b>	Other government - Local

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
44	<b>Agency/Group/Organization</b>	City of Fairfax
	<b>Agency/Group/Organization Type</b>	Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
45	<b>Agency/Group/Organization</b>	Town of Clifton
	<b>Agency/Group/Organization Type</b>	Other government - Local

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
46	<b>Agency/Group/Organization</b>	Metropolitan Washington Council of Governments
	<b>Agency/Group/Organization Type</b>	Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
47	<b>Agency/Group/Organization</b>	Virginia Department of Housing and Community Development
	<b>Agency/Group/Organization Type</b>	Housing Other government - State





**Other local/regional/state/federal planning efforts considered when preparing the Plan**

<b>Name of Plan</b>	<b>Lead Organization</b>	<b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>
Continuum of Care	Fairfax County Office to Prevent and End Homelessness	The metrics set forth in the County's homelessness plan are tied directly to the Housing Blueprint and are reflected in this Action Plan.
Housing Blueprint (local)	FCRHA/Department of Housing and Community Development	The Strategic Plan goals are directly driven by the goals and metrics identified in the Housing Blueprint.
Moving to Work (federal)	FCRHA/Department of Housing and Community Development	The Strategic Plan is consistent with the THRIVE Housing Continuum, which is the central concept behind the FCRHA's Moving to Work program.
FCRHA Strategic Plan/Action Plan (local)	FCRHA/Department of Housing and Community Development	The activities described in the FCRHA's annual Strategic Plan/Action Plan are largely derived from the Housing Blueprint, and serve as a yearly work plan for the agency.
10-Year Plan to Prevent & End Homelessness (local)	Fairfax County Office to Prevent and End Homelessness	The metrics set forth in the County's homelessness plan are tied directly to the Housing Blueprint and are reflected in this Action Plan.
Fairfax County Comprehensive Plan/Zoning Ordinance	Fairfax County Department of Planning and Zoning	The Comprehensive Plan and Zoning Ordinance provide, respectively, the policy and regulatory underpinnings for land use issues related to affordable housing, as described in this Action Plan. This includes elements such as the Affordable Dwelling Unit and Workforce Housing programs.

**Table 3 – Other local / regional / federal planning efforts**

## **AP-12 Participation – 91.105, 91.200(c)**

### **1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting**

A Citizen Participation Plan was adopted by the Fairfax County Board of Supervisors on December 8, 1997 and was revised and amended by the Board of Supervisors on April 30, 2007. The purpose of the Citizen Participation Plan is to serve as a guide for public input and participation in the Consolidated Plan process. The full Citizen Participation Plan may be found in the Grantee Unique Appendices section.

Per the Citizen Participation Plan, the County provided for and encouraged citizen participation from all sectors of the community in developing this FY 2018 One-Year Action Plan. Particular emphasis was placed on participation by residents whose household incomes are below the federal poverty line, residents low and moderate household incomes who reside in areas that are blighted or in which federal funds are used or are proposed to be used, and residents who are minority and non-English speaking, as well as participation by residents with mobility, visual, speech or hearing impairments.

The County provided citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to this FY 2018 One-Year Action Plan and the use of assistance provided by federal funding sources in prior years. Information was shared through a variety of communication channels to include the County website, a press release and stakeholder newsletter. Outreach also was conducted through various community newspapers, which included minority and foreign language publications.

Citizens had opportunities to comment on housing, community development, public services, and the population and program priority needs identified to be addressed by community-based organizations and this FY 2018 One-Year Action Plan at public hearings and meetings, as well as by directly contacting the appropriate County agency, prior to the submission of this FY 2018 One-Year Action Plan to the U.S. Department of Housing and Urban Development (HUD).

Citizen input on housing, community development and needs for public services to be provided by community-based organizations was received at a public hearing held by the Consolidated Community Funding Advisory Committee (CCFAC) on November 2, 2016. The CCFAC is composed of representatives from a variety of boards, authorities and commissions. Membership may also include representation from human services provider groups, and consumer and community organizations, as appropriate. Members are appointed by the County Executive and serve for a term of three years.

A second public hearing was held by the Board of Supervisors on March 14, 2017, to allow citizens an additional opportunity to comment on the FY 2018 One-Year Action Plan. Citizens were encouraged again to express their views on housing and community development needs, fair housing and the proposed community development programs. A Draft Proposed Consolidated Plan One-Year Action Plan for FY 2018 was released on February 10, 2017, to meet the federal requirement of a 30-day comment period which ended on March 14, 2017.

### Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish, Vietnamese</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p>	Representatives of the CCFAC, the FCRHA and the public attended public hearing on 11/2/16	Oral and written testimony was received about the need for increased services for low-income residents who are (a) unaccompanied youth, (b) persons with disabilities, (b) persons with limited English language proficiency, (c) extremely low income residents, (d) parents with school-age children, and/or (e) ex-offenders.		

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish, Vietnamese</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p>	Board of Supervisors Public Hearing on the FY 2018 One-Year Action Plan was held on March 14, 2017.	There was no written nor oral testimony presented for inclusion in the final version of the FY 2018 One-Year Action Plan submitted either before or at the Public Hearing.		

**Table 4 – Citizen Participation Outreach**

## Expected Resources

### AP-15 Expected Resources – 91.220(c) (1, 2)

#### Introduction

The funding levels incorporated in the Draft FY 2018 One-Year Action Plan and released for public comment were based on the funding allocation awarded to Fairfax County in FY 2017 until formal notification was received from HUD. This is customary and allows the County to meet citizen participation requirements and to plan for future HUD grants prior to official notification from HUD, which has typically occurred in March. Contingency language is included below to explain how adjustments are to be made to the advertised draft proposed allocation amounts.

If there is greater than a 10 percent difference between the estimated and actual CDBG, ESG and/or HOME funding allocations, Fairfax County reserves the right to reconsider the proposed funding allocations. If there is no more than a 10 percent difference, Fairfax County will utilize the following contingency provision governing the use of CDBG, HOME and ESG funds, and will request citizen comment on this planned process for the allocation of federal funding for FY 2018:

#### CDBG

All CDBG funded activities are proportionally increased or decreased from the estimated funding levels to match the actual allocation amount with the following exceptions:

- The Section 108 Loan Payment will remain as represented in the plan.
- General Administration, Planning, and Fair Housing are capped at 20 percent of the CDBG allocation based on HUD limits. Total allocation for these three activities will be 20 percent of the actual CDBG allocation.
- The Targeted Public Services allocation is capped at 15 percent of the CDBG allocation based on HUD limits. Targeted Public Services allocation will be 15 percent of the actual CDBG allocation.
- The Affordable Housing Fund in the CCFP will be funded at \$704,500, as previously awarded for the second year of the FY 2017 - FY 2018 CCFP funding cycle.

Percentages allocated for Section 108 Loan, General Administration, Planning, Fair Housing, Targeted Public Services, and the Affordable Housing Fund are made prior to all other proportional adjustments to remaining CDBG funded activities.

#### HOME

All HOME funded activities are proportionally increased or decreased from the estimated funding levels to match the actual allocation amount with the following exceptions:

- The HOME Administration is capped at 10 percent of the HOME allocations. The HOME Administration allocation will be 10 percent of the actual HOME allocation.

- Federal regulations require that jurisdictions set-aside a minimum of 15 percent of the HOME allocation each year for Community Housing Development Organization (CHDO) investment. The CHDO set-aside will be 15 percent of the actual HOME Allocation.

Percentages allocated for HOME Administration and CHDO are made prior to all other proportional adjustments to remaining HOME funded activities.

#### **ESG**

All ESG funded activities are proportionally increased or decreased from the estimated funding levels to match the actual allocation amount.

**Notification of actual HUD FY 2017 / County FY 2018 allocation amounts were originally received on June 14, 2017 and have been incorporated below. These final amounts were made part of the item for Board action on July 25, 2017.**

**Priority Table**

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	4,974,689	499,341	2,419,781	7,893,811	15,839,500	Annual allocation based on HUD FY 2017 / County FY 2018 grant allocations received from HUD on June 14, 2017.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	1,530,449	183,264	1,005,586	2,719,299	5, 699,796	Annual allocation based on HUD FY 2017 / County FY 2018 grant allocations received from HUD on June 14, 2017.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	443,226	0	0	443,226	886,452	Annual allocation based on HUD FY 2017 / County FY 2018 grant allocations received from HUD on June 14, 2017.

**Table 5 - Expected Resources – Priority Table**



**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Fairfax County meets and exceeds its HOME Match requirement through a variety of local resources. Matching funds are provided through a General Fund allocation for the direct cost of supportive services provided by the Fairfax-Falls Church Community Services Board to residents of HOME-assisted group housing. These supportive services facilitate independent, community based, housing for individuals with intellectual and developmental disabilities.

Additionally, the County created a Housing Trust Fund (HTF) in FY 1990 and continues to use the HTF to encourage and support the acquisition, preservation, development and redevelopment of affordable housing by the FCRHA, non-profit sponsors and private developers. The majority of all units developed with HTF financing are HOME-eligible. Housing Trust Fund awards are anticipated in FY 2018.

Fairfax County matches ESG funding with a one-to-one match of local General Fund financing which is appropriated on an annual basis as a part of the normal Fairfax County budget cycle, typically in April.

**If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

Fairfax County and the FCRHA have a long and successful track record of utilizing public land for the development of housing to meet a continuum of needs identified in the Consolidated Plan. Projects that are expected to be completed, under construction or in planning during the time covered by this FY 2018 One-Year Action Plan include the following:

**Lincolnia Residences Renovation:** Phase I of the Lincolnia Center renovation was completed in 2016. Phase II, which includes trim work, cabinetry replacement, and addition of electrical circuits, is on schedule for completion in FY 2018. Funding is available to complete Phase II of the project. The building complex provides space for three separate operations, including Senior Housing and Assisted Living managed by the HCD, a Senior Center operated by the Department of Neighborhood and Community Services, and an Adult Day Health Care Center managed by the Health Department. The Senior Housing and Assisted Living portion of the complex is comprised of 26 affordable apartments, 52 beds of licensed assisted living, and common areas for the residents, and a commercial kitchen, which supports all on-site activities. The renovation included extensive interior renovations and replacements of the HVAC system, emergency generator, fire pump and alarm system, and roof, modernization of the elevators, numerous modifications to improve accessibility, and various other site enhancements, including drainage improvements.

**Lewinsville Senior and Daycare Center Redevelopment:** The planned redevelopment of the 8.6 acre in McLean, Virginia. The project construction, started in December 2016, includes the demolition of the existing facility and construction of two buildings. The first building will include 82 apartments of independent living housing for seniors. The site infrastructure and the affordable senior housing project are being developed through a PPEA agreement. This building will be constructed and operated using LIHTC under a long-term ground lease. The second building will include space for the Health

Department's Adult Day Health Care facility, two child daycare centers and the Senior Center operated by the Department of Neighborhood and Community Services. The costs of construction and operation of the second building will be funded by the County.

**North Hill:** The FCRHA has selected a private developer, under PPEA, for the development of the approximately 35 acre North Hill site, which was acquired by the FCRHA in the 1980s. A Rezoning and Comprehensive Plan amendment was approved in 2016 for development of 278 affordable mixed-income rental units, 175 ownership townhomes (a portion of which will offer affordability below market prices), and an approximately 12 acre park. Successful completion of this project will depend on the award of LIHTC by VHDA as well as negotiation of several agreements including a Master Development Agreement with the Developer. LIHTC applications were submitted to VHDA in March 2017. If successful, the development will start by mid-2019.

**Route 50/West Ox Road:** This project involves the development of affordable housing serving persons with special needs and may use the supportive housing studio apartment model of the FCRHA's recently-completed Mondloch Place. A potential development concept for the property is to construct up to 30 units of permanent supportive housing for formerly homeless individuals, including formerly homeless veterans.

**Crescent Redevelopment:** This project involves the redevelopment of The Crescent Apartments, a 181-unit apartment complex acquired by the County in FY 2006, located adjacent to Lake Anne in Reston and currently managed by the FCRHA on behalf of the Board of Supervisors. The redevelopment of the property is closely coordinated with broader Lake Anne area revitalization efforts. A feasibility study is underway to evaluate other development options.

**Murraygate Renovation:** This project consists of the renovation of the 200-unit Murraygate Village Apartment complex. Planned renovations include heating and cooling system replacement, site improvement, kitchens and baths renovation, accessibility, adding two accessible units, and insulation. In March 2017, the FCRHA approved the Murraygate financing plan, which calls for the use of LIHTC and tax exempt bonds. Currently, efforts are underway to implement the financing plan. In the meantime, the construction of Phase I of the project, which includes the electrical services upgrade, is scheduled to start in summer 2017.

**Wedgewood Renovation:** This project consist of the limited renovation that would address the immediate health and safety items in order to sustain the Wedgewood property for the next 10 years while preserving the FCRHA's flexibility for future redevelopment. Immediate renovations include structural foundation repairs, waterproofing, site grading, environmental remediation, concrete and asphalt work, and roof and gutter replacement. The renovation effort started in FY 2017 will be continued in FY 2018.

**Oakwood:** This project consists of the development of the County-owned 6.2 acre property site located at the intersection of Oakwood Road and South Van Dorn Street. The site has the potential for the construction of up to 150 affordable senior residences in a multi-family style development. Potential funding is LIHTC. The project is in the conceptual stage of development.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3) & (e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Homelessness	2016	2020	Homeless	Countywide	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing Community Services	CDBG: \$4,000,000 HOME: \$700,000 ESG: \$431,214	Rental units rehabilitated: 10 Household Housing Unit Tenant-based rental assistance / Rapid Rehousing: 50 Households Assisted
2	Special Needs	2016	2020	Affordable Housing Non-Homeless Special Needs	Countywide	Affordable Rental Housing Homeownership Access and Rehabilitation Community Services	CDBG: \$1,200,000 HOME: \$500,000	Public service activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 20 Households Assisted Rental units rehabilitated: 5 Household Housing Unit Tenant-based rental assistance / Rapid Rehousing: 20 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Working Families	2016	2020	Affordable Housing	Countywide	Affordable Rental Housing Homeownership Access and Rehabilitation Community Services	CDBG: \$300,000 HOME: \$300,000	Rental units rehabilitated: 2 Household Housing Unit Tenant-based rental assistance / Rapid Rehousing: 20 Households Assisted
4	Workforce Housing	2016	2020	Affordable Housing	Countywide	Affordable Rental Housing Homeownership Access and Rehabilitation	CDBG: \$200,000 HOME: \$200,000	Rental units constructed: 200 Household Housing Unit Homeowner Housing Added: 25 Household Housing Unit
5	Human Service System	2016	2020	Non-Housing Community Development	Countywide	Community Services Administration and Planning	CDBG: \$0 HOME: \$0 ESG: \$0	Other: 1 Other
6	Poverty Reduction/Self Sufficiency	2016	2020	Non-Housing Community Development	Countywide	Community Services	CDBG: \$0 HOME: \$0 ESG: \$0	Public service activities other than Low/Moderate Income Housing Benefit: 50 Persons Assisted
7	Reinvestment	2016	2020	Non-Housing Community Development	Countywide	Administration and Planning	CDBG: \$0 HOME: \$0 ESG: \$0	Other: 1 Other
8	Community Input	2016	2020	Institutional	Countywide	Administration and Planning	CDBG: \$250,000	Other: 1 Other

**Table 6 – Goals Summary**

## Goal Descriptions

1	<b>Goal Name</b>	Homelessness
	<b>Goal Description</b>	<p><b><i>To End Homelessness in 10 Years (by 2018)</i></b></p> <p>The County will address the 10-year need for 2,650 additional units/permanent housing opportunities for individuals and families who are experiencing homelessness.</p> <p><u>Projected Outcomes:</u></p> <ul style="list-style-type: none"> <li>• Housing opportunities created by turnover in federal resources: 121</li> <li>• New housing opportunities (non-turnover): 26</li> </ul> <p>New homeless households served in local Bridging Affordability program: 40</p>
2	<b>Goal Name</b>	Special Needs
	<b>Goal Description</b>	<p><b><i>To Provide Affordable Options to Special Needs Populations</i></b></p> <p>The County will provide affordable housing options to special needs populations including households with low to extremely-low income, seniors and persons with physical or mental disabilities through several means. (<b>Note:</b> Persons with special needs are also served throughout the other goals identified in the Housing Blueprint and the Consolidated Plan.)</p> <p><u>Projected Outcomes:</u></p> <ul style="list-style-type: none"> <li>• Housing opportunities created by turnover in federal resources: 5</li> <li>• New housing opportunities (non-turnover): 30</li> </ul> <p>New special needs households served in the local Bridging Affordability program: 15</p>
3	<b>Goal Name</b>	Working Families
	<b>Goal Description</b>	<p><b><i>To Meet the Affordable Housing Needs of Low-income Working Families</i></b></p> <p>The County will work to address the current need, estimated at about 31,000 units, for affordable housing among working families with low-income via a variety of means.</p> <p><u>Projected Outcomes:</u></p> <ul style="list-style-type: none"> <li>• New low-income households served in the local Bridging Affordability program: 28</li> <li>• Housing opportunities created by turnover in federal resources: 190</li> <li>• Housing opportunities created by turnover in local housing resources: 200</li> </ul> <p>New housing opportunities (non-turnover): 100</p>

4	<b>Goal Name</b>	Workforce Housing
	<b>Goal Description</b>	<p><b><i>To Increase Workforce Housing through Creative Partnerships and Public Policy</i></b></p> <p>The County will address the need for nearly 50,000 net new housing units affordable to households earning up to 120 percent of AMI based on projected job growth through 2032 (source: George Mason University) through bolstering existing resources and initiating other efforts.</p> <p><u>Projected Outcomes:</u></p> <p>New housing opportunities: 225</p>
5	<b>Goal Name</b>	Human Service System
	<b>Goal Description</b>	<p><b><i>Maintain and strengthen a safe, healthy and vibrant community through a human service system that is responsive to all populations and their diverse needs including children, the elderly, persons with disabilities, or those with other special needs, with emphasis on benefiting low and moderate income persons and families</i></b></p> <p>The County will promote healthy child and youth development, identify strategies to meet current and emerging service needs, and encourage and support public and private network of community services that fosters stability and maximizes self-sufficiency.</p> <p><u>Specific Objectives:</u></p> <p>1.1 Promote healthy, positive child and youth development through a community support system that meets the diverse needs of all children and provides positive alternatives that help in the prevention of gang activity.</p> <p>1.2 Identify gaps and develop strategies to meet critical current and emerging service needs in the community.</p> <p>1.3 Encourage and support a coordinated public and private network of community services that fosters stability and maximizes independence of individuals and families.</p> <p>1.4 Promote a human service system that ensures residents are able to meet basic and emergency human needs, that emphasizes prevention and early intervention to minimize crises and that preserves individual and family stability.</p> <p>1.5 Encourage best practices, sensitivity to cultural differences and enhanced performances in service delivery to ensure residents receive high quality services as needed.</p>

6	<b>Goal Name</b>	Poverty Reduction/Self Sufficiency
	<b>Goal Description</b>	<p><b><i>Reduce poverty and foster self-sufficiency by using public and private resources to provide essential training and support services, and by encouraging employment opportunities and development of business</i></b></p> <p>The County will strengthen self-sufficiency for program participants via a variety of means. Consistent with the FCRHA's Moving to Work/THRIVE program, particular emphasis will be placed on promoting self-sufficiency activities for those participating in the various affordable housing programs operated by the FCRHA and Fairfax County.</p> <p><u>Specific Objectives:</u></p> <p>2.1 Strengthen current job skill training and employment programs to prepare potential workers for better job opportunities and strengthen communication and partnerships with employers to remove barriers and to improve access to and increase the number of job placements in better employment, especially for families with low income.</p> <p>2.2 Promote training and educational opportunities for workers to gain skills necessary for jobs that provide wages for individuals and families to be self-sufficient and that support family stability.</p> <p>2.3 Strengthen the provision and flexibility of supportive services for individuals to begin new jobs or continue in existing jobs by ensuring they have access to affordable child care, disabled adult and elderly care, transportation, English as a Second Language programs and/or other needed support.</p> <p>2.4 Support community efforts in the development and assistance to micro-enterprises and small businesses to reduce small business failures and to retain and create more jobs.</p> <p>2.5 Ensure that the commercial revitalization program serves as a resource to achieve a portion of these objectives.</p> <p>2.6 Implement Fairfax County's Strategic Plan to Facilitate Economic Success, which has an overall focus on maintaining, diversifying, and enhancing the County's strong and vital community in order to sustain and foster economic prosperity.</p>

7	<b>Goal Name</b>	Reinvestment
	<b>Goal Description</b>	<p><b><i>In commercial and residential areas that are vulnerable to instability, facilitate reinvestment, encourage business development, promote public and private investment and reinvestment, preserve affordable housing and prevent or eliminate the negative effects of disinvestment</i></b></p> <p>The County will continue to implement the Strategic Plan to Facilitate Economic Success of Fairfax County, which focuses on four fundamentals – people, places, employment and governance. In terms of places, Fairfax County will focus on infrastructure, mobility, redevelopment and fostering the retail industrial and other emerging uses.</p> <p><u>Specific Objectives:</u></p> <p>3.1 Develop strategies of prevention and early intervention in communities in danger of deterioration to reduce the need for greater community investment and improvements in the future.</p> <p>3.2 Review existing plans for Conservation Areas, Redevelopment Areas, residential Revitalization Areas, Commercial Revitalization Districts and Commercial Revitalization Areas to promote a comprehensive and coordinated approach to meeting community development needs while maintaining the affordable housing stock and the unique character of each community.</p> <p>3.3 Build on community strengths and involve the residents in decision making on needs, priorities, plans, improvements, and solutions to community concerns, in cooperation with the County's Department of Code Compliance.</p>
8	<b>Goal Name</b>	Community Input
	<b>Goal Description</b>	<p><b><i>Ensure broad community input throughout the development and implementation of the Consolidated Plan, build public/private partnerships to implement the Plan, and monitor and evaluate the goals, strategies and program outcomes</i></b></p> <p><u>Overarching Objective:</u> The County will implement the Citizen Participation Plan and monitor and evaluate the effectiveness of community outreach and education on community needs, plans and priorities; funded programs and results; and the effectiveness of the citizen participation process under the Consolidated Plan.</p>

**Table 7 – Goal Descriptions**



## AP-35 Projects – 91.220(d)

### Introduction

The following sixteen projects will be the base for all investment of HOME, CDBG and ESG entitlement funds and any subsequent leverage of local and private resources for FY 2018. Project #7- Targeted Public Services also receives an allocation of local general and CSBG funds totaling approximately \$11m. The County General Funds figure reflects the County FY 2018 Adopted Budget amount, and includes estimated CSBG revenue to the General fund.

#	Project Name
1	Section 108 Loan Payments
2	Fair Housing
3	Planning
4	General Administration
5	HOME Administration
6	Affordable Housing Fund (CCFP)
7	Targeted Public Services (CCFP)
8	Home Repair for the Elderly & Community Rehabilitation Programs
9	Tenant Based Rental Assistance
10	FCRHA Properties - Rehabilitation and/or Acquisition
11	Homeownership Program
12	Relocation Program
13	CHDO Set-Aside
14	Special Needs Housing
15	Emergency Solutions Grant
16	HOME/CDBG Affordable Housing Request For Proposals
17	North Hill

**Table 8 – Project Information**

### **Describe the reasons for allocation priorities and any obstacles to addressing underserved needs.**

On January 26, 2010, the Fairfax County Board of Supervisors adopted a “Housing Blueprint”, which establishes the County’s affordable housing policy direction for FY 2011 and beyond. The Housing Blueprint reflects the philosophy of the Board that affordable housing is a continuum ranging from the needs of those who are homeless to first-time homebuyers. The goals and priority needs set forth in the Housing Blueprint are revised and updated each year, and have evolved over time as a product of ongoing input from the community.

The **housing goals** established in the Housing Blueprint incorporated into the Consolidated Plan for FY 2016-2020 are as follows:

- **Goal 1:** To end homelessness in 10 years
- **Goal 2:** To provide affordable housing options to special needs population
- **Goal 3:** To meet the affordable housing needs of low-income working families; and
- **Goal 4:** To increase workforce housing through creative partnerships and public policy

This FY 2018 One-Year Action Plan reflects the overarching goals of the Housing Blueprint and is the product of the input gathered through the process of bringing together County officials and staff, representatives from the nonprofit and for-profit development sectors, and the citizens of Fairfax County supplemented by data compiled from local sources, HUD and the U.S. Census Bureau. To accomplish these goals, Fairfax County will draw upon the community and private sector to leverage resources through partnerships. The County will complete projects already in the pipeline as well as embark on new initiatives.

As reflected in the Housing Blueprint, the philosophy driving the priority needs in the Consolidated Plan is that affordable housing is a continuum ranging from the needs of residents who are experiencing homelessness to first-time buyers. Included in this range are the diverse housing needs of hard-working, but low paid families, senior citizens, persons with physical or mental disabilities and the workforce across Fairfax County. This FY 2018 One-Year Action Plan is the third year of the County's Consolidated Plan for FY 2016-2020 and will continue as established in FY 2016.

The main obstacle facing the County is the affordable housing gap for residents who are low-and moderate-income. The bulk of all proposed projects endeavor to combat the shortage of affordable units in the County.

## Projects

### AP-38 Projects Summary

#### Project Summary Information

Table 9 – Project Summary

1	<b>Project Name</b>	Section 108 Loan Payments
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families Reinvestment
	<b>Needs Addressed</b>	Affordable Rental Housing Community Services
	<b>Funding</b>	CDBG: \$1,105,636
	<b>Description</b>	Annual payments on six loans under Section 108 of the Housing and Community Development Act of 1974, as amended. The proceeds of five of the loans have been used by the FCRHA to finance affordable housing development and preservation, the reconstruction of Washington Plaza in Reston and preservation of Olley Glen. The proceeds of the sixth loan were used to finance road and storm drainage improvements in five Conservation Areas: Bailey's, Fairhaven, Gum Springs, James Lee, and Jefferson Manor. Loan applications were approved by the Board of Supervisors, who pledged future CDBG funds for the payment of annual interest and principal premiums due on the notes.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	All beneficiary data related to the projects were reported at the time projects were completed.
	<b>Location Description</b>	Not applicable.
	<b>Planned Activities</b>	Matrix Code- 19F Planned Repayments of Section 108 Loans
2	<b>Project Name</b>	Fair Housing
	<b>Target Area</b>	Countywide

	<b>Goals Supported</b>	Homelessness Special Needs Working Families Workforce Housing Human Service System Poverty Reduction/Self Sufficiency Reinvestment Community Input
	<b>Needs Addressed</b>	Community Services Administration and Planning
	<b>Funding</b>	CDBG: \$233, 187 HOME: \$24,760
	<b>Description</b>	Funding to support the County's Human Rights Commission to contract for fair housing testing, to conduct fair housing outreach and education activities and to investigate fair housing complaints. In addition, funds will be used in FY 2018 for activities that affirmatively further fair housing for FCRHA clients and tenants, as well as for the preparation of an Analysis of Impediments.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	General fair housing outreach and education is made available to all County residents and businesses. Specific numbers and type of families is not known, but will be tracked as services are provided and will be included in the CAPER.
	<b>Location Description</b>	Not applicable.
	<b>Planned Activities</b>	Matrix Code- 21D Fair Housing Activities (subject to Admin Cap)
<b>3</b>	<b>Project Name</b>	Planning
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families Workforce Housing Human Service System Poverty Reduction/Self Sufficiency Reinvestment Community Input
	<b>Needs Addressed</b>	Administration and Planning
	<b>Funding</b>	CDBG: \$570,551

	<b>Description</b>	Continued funding to provide for planning and implementation of the County's housing and community development programs. Funding is required to meet CDBG and HOME regulations, local procedures, to prepare and process the County's Consolidated Plan and related citizen participation and public input processes, prepare community plans and implement housing and community development projects, as well as identify and pursue other non-entitlement funding to implement projects. Planning will include FCRHA activities that will affirmatively further fair housing.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Planning as a required administrative function of the CDBG entitlement is not limited to a specific number and type of beneficiaries.
	<b>Location Description</b>	Not applicable.
	<b>Planned Activities</b>	Matrix Code- 20 Planning
<b>4</b>	<b>Project Name</b>	General Administration
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families Workforce Housing Human Service System Poverty Reduction/Self Sufficiency Reinvestment Community Input
	<b>Needs Addressed</b>	Administration and Planning
	<b>Funding</b>	CDBG: \$791,970

	<b>Description</b>	Funding for the general administration of the County's CDBG and HOME-funded programs and projects, as well as projects funded under the Section 108 and Economic Development Initiative. Funding provides for administration of housing and community development programs and projects, including contract management for projects and programs funded through the Consolidated Community Funding Pool, required local, state, and federal reports and preparation of documents, provision of technical assistance, financial management, and administrative and professional support to the CCFAC and various citizen participation processes. General Administration will include FCRHA activities that will affirmatively further fair housing. Funding provides for salaries and fringe benefits plus related operating costs.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The required administrative function of the CDBG entitlement is not limited to a specific number and type of beneficiaries.
	<b>Location Description</b>	Not applicable.
	<b>Planned Activities</b>	Matrix Code- 21A General Program Administration
5	<b>Project Name</b>	HOME Administration
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families
	<b>Needs Addressed</b>	Administration and Planning
	<b>Funding</b>	HOME: \$325,194
	<b>Description</b>	Under the HOME Program, local jurisdictions may designate 10% of the annual HOME grant for administrative costs. Administrative funds will be used to support the operation of the HOME Program and the projects receiving HOME funding. Proposed funding provides for salaries and fringe benefits, plus related operating and equipment costs and eligible preliminary costs related to the planning and design of housing development proposed by the FCRHA.
	<b>Target Date</b>	6/30/2018

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Planning as a required administrative function of the HOME entitlement is not limited to a specific number and type of beneficiaries.
	<b>Location Description</b>	Not applicable.
	<b>Planned Activities</b>	See description.
<b>6</b>	<b>Project Name</b>	Affordable Housing Fund (CCFP)
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families
	<b>Needs Addressed</b>	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing
	<b>Funding</b>	CDBG: \$704,500
	<b>Description</b>	An allocation to the CCFP to provide funding to eligible nonprofit corporations or CDBG Participating Jurisdictions (Towns of Clifton, Herndon, and Vienna, and the City of Fairfax) for the provision, development and preservation of affordable housing in accordance with CDBG eligibility criteria and priorities and the CCFP priorities adopted by the Board of Supervisors. Funding for specific programs and projects are subject to appropriations by the Board of Supervisors.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The numbers of families and individuals assisted will vary depending on specific projects. All beneficiaries served will have incomes at or below 50% AMI. It is anticipated that a minimum of four housing units will be acquired and/or rehabilitated as a direct result of the planned investment.
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	Matrix Code- 14G Rehab: Acquisition
<b>7</b>	<b>Project Name</b>	Targeted Public Services (CCFP)
	<b>Target Area</b>	Countywide

	<b>Goals Supported</b>	Homelessness Special Needs Working Families Human Service System Poverty Reduction/Self Sufficiency Reinvestment Community Input
	<b>Needs Addressed</b>	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing Homeownership Access and Rehabilitation Community Services
	<b>Funding</b>	CDBG: \$746,203
	<b>Description</b>	An allocation to the CCFP will be determined by a HUD-required limit of 15% of CDBG award to be used for Targeted Public Services. Funds are provided for CCFP awards to eligible nonprofit corporations or CDBG Participating Jurisdictions (Towns of Clifton, Herndon, and Vienna, and the City of Fairfax) for the delivery of public services in accordance with CDBG eligibility criteria and priorities and the CCFP priorities adopted by the Board of Supervisors. Funding for specific programs and projects are subject to appropriations by the Board of Supervisors.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The number of families and individuals assisted will vary, but all will have incomes at or below 50% AMI. A majority of those served will be either experiencing homelessness or at-risk of homelessness.
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	Funding allocated to the Targeted Public Services project will fund the CCFP program in FY 2018. Programs typically provide a variety of direct financial assistance to families facing eviction and/or disconnection of utilities or having a need for security deposits, case management, credit counseling, life skills and employment counseling. Applications for the FY 2017- FY 2018 round were submitted in December 2015 with awards planned for July 2017 as funds become available.
<b>8</b>	<b>Project Name</b>	Home Repair for the Elderly & Community Rehabilitation Programs
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Special Needs Working Families
	<b>Needs Addressed</b>	Homeownership Access and Rehabilitation



	<b>Funding</b>	CDBG: \$490,978
	<b>Description</b>	<p>As in past fiscal years, funding of the Home Repair for the Elderly Program (HREP) provides minor repairs at no cost to the homeowner for an estimated 100 homes of eligible low-income elderly or disabled persons. The HREP provides up to one week of labor and \$500 in material expenses by the HREP crew. Proposed funding provides for salaries and fringe benefits, plus related operating and equipment costs. These funds are supplemented by County funds generated from payments on loans through the Home Improvement Loan Program for the costs of outside contracting and materials.</p> <p>In FY 2018, this project will be expanded to include a Community Rehabilitation Program to provide technical assistance, training and referral services to preserve affordable single and multi-family housing units in need of renovation to comply with local codes, to install accessibility features and/or correct other deficiencies necessary to preserve the housing and/or to prevent the occupants from experiencing homelessness.</p>
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Approximately 100 elderly households with low incomes will be served by the Home Repair for the Elderly Program. The Community Rehabilitation Program is expected to benefit approximately 115 households with special needs and/or low incomes as a result of renovations to approximately 100 multi-family and 15 single-family housing units in the Town of Herndon.
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	Matrix Codes- 14A Rehab: Single-Unit Residential; 14B Rehab: Multi-Unit Residential
9	<b>Project Name</b>	Tenant Based Rental Assistance
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families
	<b>Needs Addressed</b>	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing
	<b>Funding</b>	HOME: \$949,291

	<b>Description</b>	Rental assistance to prevent families/individuals from becoming homeless, assistance for families/individuals experiencing homelessness to obtain permanent housing, rental assistance for households with special needs, funding to respond to reasonable accommodation requests and funding to subsidize units for clients of the Progress Center.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Approximately 50 families or individuals will receive a TBRA voucher. All beneficiaries will have incomes at or below 50% AMI.
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	Provision of TBRA vouchers.
<b>10</b>	<b>Project Name</b>	FCRHA Properties - Rehabilitation and/or Acquisition
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Special Needs Working Families Workforce Housing
	<b>Needs Addressed</b>	Affordable Rental Housing
	<b>Funding</b>	CDBG: \$168,407 HOME: \$188,045
	<b>Description</b>	Funding will be used to rehab FCRHA residential properties and group homes to maintain safety and quality of life. A portion of which will also have the flexibility to be used to purchase Affordable Dwelling Units (ADU's) or other properties for rental.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The number of families and individuals will be determined by the projects. The majority of beneficiaries will have incomes at or below 30% AMI.
	<b>Location Description</b>	To be determined.
<b>11</b>	<b>Planned Activities</b>	Matrix Code- 14D Rehab: Other Public-Owned Residential Buildings
	<b>Project Name</b>	Homeownership Program
	<b>Target Area</b>	Countywide

	<b>Goals Supported</b>	Working Families Workforce Housing
	<b>Needs Addressed</b>	Homeownership Access and Rehabilitation
	<b>Funding</b>	CDBG: \$676,205
	<b>Description</b>	The proposed funding provides for salaries and fringe benefits to support full-time positions involved in homeownership activities related to the First-Time Homebuyer Program. Duties include application intake/data entry, waiting list maintenance, application processing, certifying applicant eligibility, marketing and conducting drawings for new and resale units, establishing resale prices, monitoring second trust loans, conducting required annual occupancy certifications, dissemination of program information, providing educational programs and/or counseling for applicants/homeowners and financial assistance (when available) to homebuyers.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	This program benefit approximately 50 families who are currently housed but not on the waiting list of certified eligible applicants and approximately 200-250 families who are on the waiting list. Approximately 6,000 additional families will be served through orientations and other marketing activities.
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	Matrix Code- 13 Direct Homeownership Assistance
12	<b>Project Name</b>	Relocation Program
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families Workforce Housing Human Service System Poverty Reduction/Self Sufficiency
	<b>Needs Addressed</b>	Affordable Rental Housing
	<b>Funding</b>	CDBG: \$427,312
	<b>Description</b>	Provision of relocation benefits to residents of FCRHA owned property as needed to facilitate rehabilitation of housing units. Funding may also be used to support staff to provide federally mandated relocation and advisory services or reviews and technical assistance for CDBG and HOME funded non-profit development.
	<b>Target Date</b>	6/30/2018

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The numbers of families assisted will vary depending on the project specific needs. Large-scale rehabilitation of FCRHA owned multi-family properties typically involves some level of relocation. Of those populations receiving benefit, most have incomes that are at or below 50% AMI.
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	Matrix Code- 08 Relocation
<b>13</b>	<b>Project Name</b>	CHDO Set-Aside
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families Workforce Housing
	<b>Needs Addressed</b>	Affordable Rental Housing Homeownership Access and Rehabilitation
	<b>Funding</b>	HOME: \$229,568
	<b>Description</b>	CHDO set-aside activities will serve to acquire and/or rehabilitate existing affordable housing or develop additional affordable housing units for homebuyers and renters with low incomes.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Based on past applications it is anticipated that the funding allocated to this project will have the potential to serve one family at or below 50% AMI.
	<b>Location Description</b>	To be determined based on applications.
	<b>Planned Activities</b>	Typical CHDO projects include the acquisition and rehabilitation of housing units to provide affordable housing to beneficiaries with income at or below 50% AMI.
<b>14</b>	<b>Project Name</b>	Special Needs Housing
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families
	<b>Needs Addressed</b>	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing

	<b>Funding</b>	CDBG: \$800,607 HOME: \$214,180
	<b>Description</b>	The development, preservation, acquisition, modification and rehabilitation of housing and facilities to serve a special needs population as defined by the Housing Blueprint include those who are experiencing homelessness, those with disabilities, the elderly who have low incomes, large families with severely limited housing options, those who are severely rent burdened and victims of domestic violence.
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Number and type of beneficiaries to be determined.
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	Typical projects will include the removal of architectural barriers that restrict the mobility and accessibility of elderly persons or person with disabilities, and acquisition of housing units for the purpose of providing deed restricted, long-term affordable housing options for residents with special needs. Funding in this category may be utilized by the FCRHA on property owned by the FCRHA or by non-profits. Funding will remain available for FCRHA projects until June 30, 2017. Any uncommitted funds in this activity would then be made available for the FY 2018 Affordable Housing Request For Proposal and awarded to non-profits on a competitive basis.
15	<b>Project Name</b>	Emergency Solutions Grant
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness
	<b>Needs Addressed</b>	Homelessness Prevention and Rapid Re-Housing
	<b>Funding</b>	ESG: \$443,226
	<b>Description</b>	The Emergency Solutions Grant program under the HEARTH Act has a greater emphasis on using funding to prevent homelessness and to rapidly re-house persons and families who become homeless. Funds will be used to support all eligible Emergency Solutions Grant Program activities.
	<b>Target Date</b>	6/30/2018

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Emergency Solutions Grant (ESG)-supported programs are estimated to serve in excess of 1,500 individuals in FY 2018.
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	The ESG program funds will support homelessness prevention and rapid rehousing assistance to people who are at-risk of homelessness and those experiencing homelessness. The ESG funds will be used specifically to provide housing relocation and stabilization services, as well as short-to medium-term rental assistance to help program participants regain stability in current permanent housing or move into other more suitable permanent housing in order to achieve stability. Services will include case management, housing search and placement, and financial assistance for rental application fees, security deposits, last month's rent, utility deposits and payments, and moving costs.
16	<b>Project Name</b>	HOME/CDBG Affordable Housing Request For Proposals
	<b>Target Area</b>	Countywide
	<b>Goals Supported</b>	Homelessness Special Needs Working Families Workforce Housing
	<b>Needs Addressed</b>	Homelessness Prevention and Rapid Re-Housing Affordable Rental Housing Homeownership Access and Rehabilitation
	<b>Funding</b>	CDBG: \$605,127 HOME: \$788,261
	<b>Description</b>	The FY 2018 HOME/CDBG Affordable Housing Request for Proposal will serve to preserve, acquire, rehabilitate existing affordable housing or develop additional affordable housing units for homebuyers and renters with low income. The notice of funding availability will coincide with the availability of the CHDO funding.
	<b>Target Date</b>	6/30/2018

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	<p>Number and type of beneficiaries to be determined based on applications. Scoring preference will typically be given to projects meeting criteria such as:</p> <ul style="list-style-type: none"> <li>• Include preservation and acquisition of affordable housing <b>AND</b></li> <li>• Incorporates Fairfax County's Consolidated Plan and Housing Blueprint goals; <b>AND/OR</b></li> <li>• Results in affordable housing that is accessible to persons with disabilities; <b>AND/OR</b></li> <li>• Serves households with extremely low incomes (at or below 30% AMI) ; <b>AND/OR</b></li> <li>• Provides housing for families or individuals who are experiencing homelessness or who are at-risk of homelessness; <b>AND/OR</b></li> <li>• Provides housing for Seniors (62 and above) ; <b>AND/OR</b></li> <li>• Provides housing for unaccompanied youth; <b>AND/OR</b></li> <li>• Provides beneficiaries with direct access to public transportation and/or community retail centers and/or supportive services; <b>AND/OR</b></li> <li>• Can be completed in an expedited manner.</li> </ul>
	<b>Location Description</b>	To be determined.
	<b>Planned Activities</b>	Typical projects include the acquisition and rehabilitation of housing units to provide affordable housing to beneficiaries with income at or below 50% AMI.
17	<b>Project Name</b>	North Hill
	<b>Target Area</b>	North Hill area in Mount Vernon District
	<b>Goals Supported</b>	Working Families Workforce Housing Reinvestment
	<b>Needs Addressed</b>	Affordable Rental Housing Community Services
	<b>Funding</b>	CDBG: \$573,128 Local: \$47,085

	<b>Description</b>	<p>The funding will support pre-development costs associated with the following projects:</p> <p>North Hill Affordable Multifamily Development: Under this Fairfax County Redevelopment and Housing Authority (FCRHA) activity, funding will support infrastructure work. The scope of work includes earth work, erosion and sediment control, utility installation, road improvements, storm water management, site improvements, removal of marine clay soils, and building of needed retaining walls.</p> <p>North Community Park: Under this FCRHA activity, approximately \$1.5 million will be made available for the initial phase of the development of the community park, which when complete, will be available for the residents of the new development as well as the existing residents of Woodley Hills Estates. The scope of work for this initial phase includes demolition, removal and disposal of existing improvements; treatment of invasive plants; site grading; and restoration and seeding of disturbed areas.</p>
	<b>Target Date</b>	6/30/2018
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	<p>North Hill Affordable Multifamily Development: 279 low-moderate income families</p> <p>North Hill Community Park: Approximately 3,260 persons with approximately 1,480 low-moderate income persons</p>
	<b>Location Description</b>	The North Hill Project is approximately 33 acres in the Mount Vernon District. The site is located within U.S. Census Tract (CT) 415401 Block Group (BG) 3 and the community park will serve persons from CT 415401 BG 3 as well as neighboring CT 415401 BG 2.
	<b>Planned Activities</b>	North Hill Affordable Multifamily Development and Community Park.



## **AP-50 Geographic Distribution – 91.220(f)**

### **Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

Fairfax County in general is opportunity-driven in the allocation of affordable housing resources, while at the same time working actively to promote the de-concentration of poverty, particularly in the programs operated by the FCRHA. With respect to the investment of capital resources for affordable housing development, the FCRHA finances the acquisition and development of properties in locations across the County and will continue to operate its program on a countywide basis.

### **Geographic Distribution**

<b>Target Area</b>	<b>Percentage of Funds</b>
Countywide	100

**Table 10 - Geographic Distribution**

### **Rationale for the priorities for allocating investments geographically**

Not applicable

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

The goals represented below are taken from the FY 2017 Housing Blueprint. A copy of this document is attached in the Grantee Unique Appendices section of this document.

One Year Goals for the Number of Households to be Supported	
Homeless	181
Non-Homeless	970
Special-Needs	390
Total	1,541

**Table 11 - One Year Goals for Affordable Housing by Support Requirement**

One Year Goals for the Number of Households Supported Through	
Rental Assistance	821
The Production of New Units	665
Rehab of Existing Units	0
Acquisition of Existing Units	55
Total	1,541

**Table 12 - One Year Goals for Affordable Housing by Support Type**

## **AP-60 Public Housing – 91.220(h)**

### **Actions planned during the next year to address the needs to public housing**

Fairfax County's current Moving to Work Plan highlights planned capital fund expenditures for Public Housing properties in FY 2018. The variety of need is portrayed through the different repairs needed and the estimated cost at these Public Housing properties.

Barros Circle - replace kitchen appliances at an estimated cost of \$46,000

Colchester - replace HVAC systems at an estimated cost of \$60,000

Greenwood II - replace kitchen appliances at an estimated cost of \$155,821

Kingsley Park - replace kitchen appliances at an estimated cost of \$110,000

Old Mill - replace windows at an estimated cost of \$170,000

Robinson Square - replace HVAC systems at an estimated cost of \$285,200

Rosedale Manor - replace kitchen appliances at an estimated cost of \$100,000

Tavenner Lane - replace HVAC systems at an estimated cost of \$55,000

Villages of Falls Church - replace HVAC systems at an estimated cost of \$180,000

Westford III - replace kitchen appliances at an estimated cost is \$65,000

In total, the planned capital funding expenditures for FY 2018 on Public Housing units is \$1,227,021.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

As a part of the THRIVE initiative, the Fairfax County Homeownership and Relocation Division (HRD) is developing an intake and counseling strategy for public housing residents who have homeownership as a goal. For example, HRD plans to make efforts to recruit PHA residents into the program early in order to get PHA residents on the waiting list for the opportunity to purchase a home through the FCRHA Affordable Dwelling Unit (ADU) Program, which increases the probability that they will have the opportunity to buy an affordable home before they earn too much money to be eligible for the ADU Program. PHA residents can earn up to 100% of AMI, while Affordable Dwelling Units are only available to those who earn up to 70% of AMI. Residents moving from public housing to homeownership will get

the best long term “deal” if they are able to purchase a unit provided through the ADU program.

**If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Not applicable.

## **AP-65 Homeless and Other Special Needs Activities – 91.220(i)**

### **Introduction**

Fairfax County is committed to the goal to ensure that every American has an affordable, stable place to call home as established by the Opening Doors: Federal Strategic Plan to Prevent and End Homelessness. This commitment is reflected in the Fairfax County Board of Supervisors' adoption of the local Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community. Our strategies are to prevent homelessness due to economic crisis and disability; preserve and increase the supply of affordable housing to prevent and end homelessness; deliver appropriate support services to obtain and maintain stable housing; and create a management system for plan implementation with the collaboration of the public and private sectors that ensures adequate financial resources and accountability. Federal housing programs, such as the Continuum of Care Program and the Emergency Solutions Grant, are essential resources for local efforts. Therefore, Fairfax County strives to utilize these resources in the most effective and efficient way possible.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs.**

The Fairfax County Continuum of Care (COC) will continue working to enhance its coordinated referral system in FY 2018. The efforts to create a more coordinated system will mean that people have fair, equal access to homeless assistance programs; that they will be assessed in standardized ways across the community; they will be assigned to the programs that best fit their needs; and a system will be in place to hold housing and service providers accountable to these processes. Regular monitoring and evaluation will be utilized to ensure continued system-wide improvement in effectiveness and efficiency. Assessment tools, such as the Vulnerability Index – Service Prioritization and Decision Assistance Tool (VI-SPDAT), will be used and replace some existing forms so that individuals and families' needs will be better understood and the appropriate intervention can be applied more quickly. The Homeless Management Information System (HMIS) will continue to be an important tool in coordinating the flow of individuals and families through the homeless system.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons.**

In FY 2017, a bond referendum was approved to renovate or relocate four of the County's emergency shelters as part of the Capital Improvement Program. Planned renovations will make necessary repairs and enhancements to the facilities so that they are in safe, suitable conditions and ensure that they can meet the emergency shelter needs for individuals and families in the future. In FY 2016, Fairfax County's Office to Prevent and End Homelessness executed new contracts for the management of emergency shelters by nonprofit organizations. The new contracts establish formal standards for the improvement of program performance with respect to shortening the lengths of stay and moving a greater percentage

of households to permanent housing.

Transitional housing programs will continue to be evaluated for effectiveness and efficiency as per the goals of the Ten-Year Plan. As appropriate, transitional housing programs will be converted to permanent housing or will adapt services to meet the changing needs of special populations in the community's homeless population.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.**

In FY 2018, the Fairfax COC will continue to invest in rapid rehousing, permanent supportive housing and other permanent housing opportunities for people experiencing homelessness. Investments in permanent housing for people experiencing homelessness has proven to be effective in increasing the number of people moving to permanent housing from homelessness and shortening the length of time that people experience homelessness since the adoption of the Ten-Year Plan.

The number of people exiting emergency shelters to permanent destinations increased from 599 people in FY 2012 to 1,031 people in FY 2016. The average length of stay in shelters for families with children has dropped from 96 days in FY 2012 to 77 days in FY 2016. Similarly, the average length of stay in shelters for single adults has been reduced from 51 days in FY 2012 to only 38 days in FY 2016.

As mentioned above, the continued development of a coordinated system of access, assessment and assignment will also facilitate rapid housing re-stabilization for individuals and families. Workgroups are currently being formed to focus on enhancing policies and procedures, written standards, housing inventories and the utilization of the Homeless Management Information System (HMIS).

Improvements to the homeless delivery system have also made significant reductions in the number of individuals identified as chronically experiencing homelessness. In the 2008 point in time count a total of 429 individuals were reported as chronically experiencing homelessness. By 2016, the number had decreased to 149 – a reduction of 65 percent.

The 100,000 Homes campaign was useful in learning new information about the vulnerability indicators of chronically homeless individuals and subsequently federal resources from the COC have been prioritized for permanent supportive housing (PSH). In addition to new CoC Program funding being dedicated to serve the chronically homeless, Fairfax County CoC has reallocated CoC Program

Funds from transitional housing to PSH for individuals and families who chronically experience homelessness during the last three competitions adding much needed capacity.

Fairfax County and the local COC joined the Mayors Challenge to End Veterans Homelessness in December 2014. Since that time, the COC has made significant improvements in its ability to identify homeless veterans and quickly move them into housing. The COC continues to work on achieving the benchmarks defined by the United States Interagency Council on Homelessness and partners. The COC is on average housing more veterans than are being newly identified as experiencing homelessness, the average length of time between identification and housing is less than 90 days and veterans experiencing homeless rarely utilize transitional housing. The Veterans Affairs Supportive Housing (VASH) vouchers and Supportive Services for Veterans Families (SSVF) resources have been particularly helpful in serving homeless veterans. However, there is a small group of chronically homeless veterans for which it has proven difficult to find and secure housing opportunities.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

Homelessness prevention remains a priority for the Fairfax COC. In FY 2017, resources were committed to homelessness prevention and shelter diversion assistance in the form of direct financial and rental assistance, as well as community case management and housing location. New contracts between the Fairfax County Office to Prevent and End Homelessness and nonprofit organizations providing homelessness prevention and rapid rehousing assistance began in FY 2016 and set standards for system-wide improvement, including in prevention efforts. Finally, the workgroups starting up to further the development of the coordinated referral system will also have opportunities to find better ways to help individuals and families avoid becoming homeless by reviewing intake and referral procedures in existing homeless assistance programs and connections with other systems of care.

## **AP-75 Barriers to affordable housing – 91.220(j)**

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

The Fairfax County Board of Supervisors has adopted the following affordable housing goals as part of the Housing Blueprint:

- **Goal 1:** To end homelessness in 10 years
- **Goal 2:** To provide affordable housing options to special needs population
- **Goal 3:** To meet the affordable housing needs of low-income working families; and
- **Goal 4:** To Increase workforce housing through creative partnerships and public policy

In implementing these goals, it is the intention that opportunities should be available to all who live or work in Fairfax County to purchase or rent safe, decent, affordable housing within their means. Affordable housing should be located as close as possible to employment opportunities without adversely affecting quality of life standards. Affordable housing should be a vital element in high density and mixed-use development projects, should be encouraged in revitalization areas, and encouraged through more flexible zoning wherever possible.

The following policies demonstrate the breadth and depth of the County's commitment to creating affordable housing opportunities for its citizens including those groups identified as having priority needs and to removing regulatory impediments. Examples include:

- Provide bonus densities in exchange for affordable housing via the Affordable Dwelling Unit and Workforce Housing programs and increase community acceptance of affordable housing
- Residential rezoning should not be approved above the low end of the Plan range unless an appropriate commitment of land, dwelling units, and/or a cash contribution to the Housing Trust Fund is provided
- Capitalize the Housing Trust Fund so that it can be used as a mechanism to fund the development of affordable housing
- Encourage affordable housing as a development option for infill sites, particularly in commercial areas and near employment concentrations
- Give priority for the use of County and other government-owned buildings and land as sites for the provision of affordable housing



- Promote and facilitate innovative site design and construction techniques, as well as encourage the use of manufactured housing and manufactured housing components, when aimed at providing affordable housing
- Support the efforts of the Fairfax County Redevelopment and Housing Authority in producing a portion of these affordable housing units through the use of County resources and the approval of suitable housing sites.

## **AP-85 Other Actions – 91.220(k)**

### **Introduction**

The following describes other actions to be taken as part of this Action Plan.

### **Actions planned to address obstacles to meeting underserved needs**

To increase the supply of housing available to special populations, including persons with physical and mental disabilities, who are experiencing homelessness, who are elderly with low-income and large families, the County employs the following policies:

- Locate housing resources for special populations in all parts of the County as a way of improving accessibility to employment opportunities, County services, as well as cultural and recreational amenities
- Facilitate the development of single room occupancy residences and other types of permanent housing for persons and families experiencing homelessness, as well as others in need of these housing options
- Enforce fair housing laws and nondiscriminatory practices in the sale and rental of housing to all citizens
- Promote multifamily housing for residents who are elderly and have disabilities that is conveniently located to public transportation and community services
- Encourage the creation of accessible housing for those with disabilities
- Participation in the Virginia Housing Development Authority (VHDA) Virginia Housing Registry, which serves as an information clearinghouse for landlords with accessible housing, and persons searching for accessible housing (see [https://www.socialserve.com/tenant/Search.html?ch=VA&type=rental&region\\_id=32931&accessibility=t](https://www.socialserve.com/tenant/Search.html?ch=VA&type=rental&region_id=32931&accessibility=t))
- Redesign of Domestic Violence service system making sheltering services community-based

Additionally, the County will utilize regional approaches to address the impact of government regulations on the overall supply of housing. Fairfax County advocates “fair growth” within the region, a strategy that requires regional cooperation to assure sufficient land is planned and zoned for residential development and reduces the reliance on land use planning and rezoning as a technique to control development.

Predicted job growth through 2032 will continue to strain the supply of new housing in Fairfax County. The challenge is to identify opportunities for increased housing development despite a decreasing supply of developable “green” land (i.e. vacant land suitable for development), as the County has

become more and more “built out”. In developing the remaining areas of green land, the County will seek to reduce development cycle times by limiting development in areas that require rezoning and the associated time-consuming processes for approval.

As Fairfax County becomes increasingly built-out, the County is promoting an increased supply of housing through redevelopment. Opportunities for redevelopment will mainly occur in older, commercial corridors, rather than in residential areas. Including mixed-income, transit-oriented residential development and mixed-use commercial redevelopment is a strategy that the County is using to generate a significant number of housing units.

### **Actions planned to foster and maintain affordable housing**

The County is committed to encouraging the provision of affordable housing in all parts of the County. Policies implementing this objective include:

- Expand housing opportunities in or near mixed-use Centers as a way of providing the opportunity for persons employed in the County to live near their jobs
- Promote the development of multifamily housing in both mixed-use Centers and existing residential areas, as appropriate, in an effort to diversify the housing stock and expand lower cost housing options (the County has adopted Locational Guidelines for Multifamily Residential Development as part of the Countywide Land Use)
- Promote affordable housing opportunities throughout the County, particularly in areas where existing supply is low
- Encourage the creation of affordable housing for persons with special needs via the Independent Living provisions in the Zoning Ordinance

Fairfax County strives to conserve stable neighborhoods and encourage rehabilitation and other initiatives that will help to revitalize and promote the stability of older neighborhoods. Policies implementing this objective include:

- Provide assistance to seniors with low and moderate incomes and homeowners with disabilities to stay in their homes, via the Home Repair for the Elderly and Community Rehabilitation Programs
- Encourage redevelopment through tax abatement
- Improve and maintain existing housing and neighborhood quality by upgrading substandard housing and improving physical community facilities (e.g., streets, sidewalks, lighting) in existing neighborhoods
- Maintain housing quality in existing neighborhoods and preserve neighborhood stability through the abatement of “spot” blight
- Facilitate improvement and maintenance of existing neighborhoods by initiating community development programs, in communities where needed, with as little displacement as possible;

- and incorporating affordable housing units as part of all major housing rehabilitation efforts
- Retain existing below market rental housing through acquisition, rehabilitation assistance and other subsidies
- Facilitate the retention of existing mobile home parks which are identified in the Area Plans as appropriate for mobile home park use (the County has adopted Guidelines for Mobile Home Retention as part of the Countywide Land Use)

### **Actions planned to reduce lead-based paint hazards**

The Fairfax County website displays a lead poisoning prevention page (<http://www.fairfaxCounty.gov/hd/eh/lead/>). The webpage defines some of the major sources of lead in people's homes: dust from deteriorating lead-based paint primarily due to opening and closing windows in older homes (built pre-1978), residual lead dust in residential soils, and lead pipes. In addition, the Fairfax County Health Department educates household members about reducing lead exposure. To reduce risk of lead poisoning, the County recommends that residents remove peeling paint and chips from the home, not allow for children to be present when scraping or cleaning up paint chips, minimize dust through frequent damp mopping of floors and using wet cloths to wipe down windows, and discourage children from playing in bare soil surrounding the home. In addition, the Fairfax County lead poisoning prevention website provides links to numerous websites with information on lead exposure. Telephone consultation, literature, and referrals to private lead testing companies are provided to citizens who call regarding lead-based paint or other potential environmental lead hazards in the community.

### **Actions planned to reduce the number of poverty-level families**

While the median household income in Fairfax County (estimated \$113,208 in 2015) is one of the highest in the nation and more than twice the national median income (estimated at \$55,775 in 2015), approximately 69,657 persons were living below the poverty level in 2015 (based on data from the 2015 American Community Survey 1-Year Estimates (ACS)). The 6.1 percent of the Fairfax County population estimated to be living below the poverty level in 2015 is among the lowest rates of poverty among all Virginia jurisdictions and is less than half of the national rate of poverty (14.7 percent). However, because Fairfax County has a relatively large population, the estimated number of persons living below the poverty level in Fairfax County is larger than any other jurisdiction in Virginia.

The Community Action Advisory Board (CAAB) serves as an advisory body to the Fairfax County Board of Supervisors and Director of Family Services regarding programs, projects and resources concerning the low-income populations of Fairfax County. The CAAB provides advice on the needs, concerns and aspirations of low-income persons and recommends policies that promote meaningful change. Mandated by Federal law, the CAAB provides oversight for state and federal Community Services Block

Grant (CSBG) funds. The CSBG funds, along with matching funds from Fairfax County, are used to support community-based initiatives identified through the CCFP competitive grant process. The CAAB has set the following goals:

- Identify review and develop policies as they relate to low-income residents.
- Support, when possible, increases in programs and services providing the greatest supports to families and individuals with low-incomes and, when necessary, actions that minimize reductions to such programs.
- Maximize opportunities to provide input based on identified priority areas.
- Oversee the disposition of Community Service Block Grant funds.

Specific programs administered by Fairfax County that help reduce the number of poverty-level families include Housing Choice Voucher, Transitional Housing, Permanent Supportive Housing, and the Unification Program. The FCRHA's PROGRESS (Partnership for Resident Opportunities, Growth, Resources and Economic Self-Sufficiency) Center undertakes family self-sufficiency initiatives and links Public Housing residents with County resources to prevent eviction, assist with family crises, meet lease obligations, access mental health services and participate in economic self-sufficiency programs.

The Fairfax County Department of Housing and Community Development also administers the Bridging Affordability Program, a locally-funded rental subsidy program operated through a consortium of nonprofit organizations. The collaborative provides rental subsidies as well as an array of supportive services to program participants. Bridging Affordability is intended to be a gateway to the County's Housing Continuum as part of the FCRHA's Moving to Work program. The Housing Continuum and the FCRHA's Total Housing Reinvention for Individual Success, Vital Services and Economic Empowerment (THRIVE) initiative is an approach that provides work incentives, service supports, and permanent housing to residents of FCRHA properties. The THRIVE Housing Continuum is focused on self-sufficiency and establishes goals to help residents move to their highest level of success.

### **Actions planned to develop institutional structure.**

The County plans the following actions:

***Strategy #1: Make a segment of Bridging Affordability rental assistance resources available to individuals with disabilities who have been admitted to residential programs for more than 90 days and no longer need this level of care but would be otherwise discharged to homelessness.***

As the gateway to the County's housing continuum, the Bridging Affordability program provides access to locally funded rental assistance for two to three years with a bridge to other County housing programs or market housing, depending on individual need. Currently, in order to be eligible for Bridging Affordability rental assistance, a household must be on a County or CSB housing waitlist. Rather than base eligibility on housing waitlist status, the County is looking at a new approach which makes eligibility for individuals with disabilities contingent upon achievement of service plan goals and no longer needing the level of care the residential program provides. This approach focuses on

those who have stabilized their medical, mental health, and substance abuse conditions and/or developed basic adaptive skills yet do not have enough income to move to more integrated housing to continue their recovery and growth. Those who would be discharged to homelessness but do not qualify for homeless services due to their length of stay in the residential program should receive priority. This process frees up resources for those waiting to receive more intensive residential services.

**Strategy #2: *Stimulate alternative affordable housing opportunities through development of a roommate referral program.***

Those with disabilities and very low incomes who live in precarious housing situations but are not homeless and who are unable to get on housing waitlists need other affordable alternatives. The County or a contracted entity could coordinate matches between individuals who need housing and persons with safe, decent rooms to rent. Individuals could receive guidance on what to look for in a housemate, what questions to ask, how to check references, and how to develop a rental agreement.

**Strategy #3: *Expand the Housing Locator program to serve non-homeless individuals with disabilities in precarious housing situations.***

Persons with low-incomes and disabilities who are living in precarious housing situations but are not homeless need assistance to find other affordable alternatives that meet their specific needs. The County's Housing Locator Network currently prioritizes work persons who are experiencing homelessness, which work generally keeps the program operating at capacity. Adding staff resources to serve non-homeless persons with disabilities living in unsafe, overcrowded or unaffordable housing would reduce the odds that these individuals become homeless.

**Actions planned to enhance coordination between public and private housing and social service agencies.**

Agencies in Fairfax County work together and coordinate services to help combat poverty and help residents with low-incomes to become self-sufficient. Funds from the CCFP support programs that target households with incomes below poverty. The CCFP is a competitive grant process for funding human services through community based organizations. Begun in 1997, the CCFP combines Fairfax County General Fund dollars along with the CDBG and the CSBG. The CCFP has provided funding for several projects that meet the priority to provide supports that assist individuals and families in achieving self-sufficiency. Programs funded through the CCFP with CSBG funds are specifically targeted toward households with incomes at or below the poverty program guidelines. The FCRHA/HCD, the Fairfax County Department of Family Services (DFS), and the Community Action Advisory Board (CAAB) share responsibilities in combating poverty.

HCD entered into a cooperative agreement with DFS to share information and/or target supportive services. Other coordination efforts between HCD and DFS include client referrals, information sharing regarding mutual clients (for rent determinations and otherwise), coordination of the provision of specific social and self-sufficiency services and programs to eligible families, and joint administration of programs.

## **Program Specific Requirements**

### **AP-90 Program Specific Requirements – 91.220(l)(1,2,4)**

#### **Introduction**

The use of CDBG, HOME and ESG entitlement funds in Fairfax County are guided by the following Vision and Mission:

#### **Vision**

- A community that cares about its children, the elderly, persons with physical or mental disabilities and those less able to meet their basic needs.
- A community that values creative endeavors, arts and diversity which creates a strong, diverse and vibrant community that cares about the strengths and needs of its residents, where all can live to the best of their abilities in thriving, supportive neighborhoods.
- A community which adequately supports its human services system to ensure optimal service delivery.
- A community which actively participates in the planning, needs assessment, priority setting and decision-making processes to allocate community resources to meet the needs of its citizens.
- A community which addresses these needs by building dynamic, flexible partnerships among the public, private, and non-profit sectors, and community volunteers.

#### **Mission Statement**

The mission of the County is to maximize the effective and efficient use of resources in the Consolidated Plan through a citizen-driven, staff-supported process to develop and preserve affordable housing, promote healthy, thriving and safe neighborhoods, and provide quality, accessible human services that meet essential existing and emerging needs throughout Fairfax County.

A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. For CDBG, Fairfax County uses a three-year average to ensure compliance with the low moderate-income benefit. The three years to which this FY 2018 One-Year Action Plan is applicable are: 2017, 2018 and 2019.

The County program specific requirements for CDBG, HOME and ESG are listed below.

**Community Development Block Grant Program (CDBG)  
Reference 24 CFR 91.220(I)(1)**

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	499,341
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>499,341</b>

**Other CDBG Requirements**

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	95.00%

**HOME Investment Partnership Program (HOME)  
Reference 24 CFR 91.220(I)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The County has no plan or required HUD approval to utilize other forms of investment not specifically eligible under Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

The County has no plan to utilize HOME funding in FY 2018 for homebuyer activities under 92.254.



3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The County has no plan to utilize HOME funding in FY 2018 for homebuyer activities under 92.254.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Fairfax County does not currently utilize HOME funds to refinance existing debt.

### **Emergency Solutions Grant (ESG) Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

The Fairfax County Office to Prevent and End Homelessness (OPEH) established a set of policies and procedures for the provision of financial and rental assistance that is funded by the federal ESG, as well as local tax dollars. These written standards were developed in collaboration with public and private partners from the Continuum of Care and designed to be in compliance with the authorizing laws, regulations and Federal Register Notices for the ESG program (see attached).

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Fairfax County CoC has developed into a well-coordinated system of ensuring that families and individuals who are experiencing homelessness can access the appropriate homeless assistance programs in a manner that is fair and efficient. Most people seeking assistance contact a centralized, telephone-operated information and referral hotline operated by the Fairfax County Department of Neighborhood and Community Services' Coordinated Services Planning office before being referred to emergency shelters or homelessness prevention and rapid rehousing assistance providers. Homeless outreach services, staffed by local nonprofit case managers as well as nurses from the Homeless Healthcare Program and social workers from the Fairfax-Falls Church Community Services Board, work to engage unsheltered individuals. All homeless families and individuals are assessed in a way that is consistent across programs with many standardized questions and tools, such as a housing barrier assessment and the Vulnerability Index – Service Prioritization Decision Assistance Tool (VI-SPDAT). The answers from the assessments provide valuable information to homeless assistance providers and the system in making decisions as to where families and individuals should be referred for assistance and who will be prioritized for the most resource-intensive programs.

More work continues to be done to improve the effectiveness and efficiency of the local housing crisis response system. Current initiatives are placing a particular emphasis on making improvements to quickly addressing the needs of veterans experiencing homelessness, and people who chronically experience homelessness.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The Fairfax County Office to Prevent and End Homelessness in consultation with the Fairfax County Department of Housing and Community Development has allocated ESG program funding to Northern Virginia Family Services, a private nonprofit organization that is contracted by the County to provide financial and rental assistance to families and individuals, along with case management and housing location services. Through this contract, NVFS provides homelessness prevention and rapid rehousing services to families and individuals throughout the community in collaboration with a group of community-based nonprofit organizations that includes Cornerstones, FACETS, Good Shepherd Housing and Family Services, New Hope Housing, Shelter House.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

Currently the Governing Board for the Fairfax-Falls Church Community Partnership to Prevent and End Homelessness, the executive-level leadership group that provides high-level policy direction and overall accountability necessary for the successful implementation of the plan to end homelessness includes a member who formerly experienced homelessness. The same board member also is the chairperson of the CoC's Consumer Advisory Council, which reviews important policy and procedure documents with staff from the County's Office to Prevent and End Homelessness and provides valuable feedback based on the perspective of individuals who formerly experienced homelessness.

5. Describe performance standards for evaluating ESG.

ESG program funding is only used to support homelessness prevention and rapid rehousing assistance in the Fairfax County Continuum of Care. A web-based Homeless Management Information System database application is used to record, measure and evaluate data related to ESG-funded programs. There are three primary performance standards used to evaluate ESG supported programs: (1) the number of families and individuals served over the course of a fiscal year; (2) the length of time that services are provided; (3) the housing destination of families and individuals exiting the program. In order to increase the effectiveness and efficiency of homeless assistance programs the goal is to increase the number of people assisted each year, reduce the length of time that services are provided and increase the number of people exiting programs to permanent housing destinations.

**Attachments**



## HOUSING BLUEPRINT: AT A GLANCE – FY 2018

HOUSING DEVELOPMENT: A FAIRFAIRCE - FY 2018

GOALS:	To End Homelessness in Ten Years (December 2018): 2,450 UNITS, OPPORTUNITIES NEEDED	To Provide Affordable Housing Options to Special Needs Population	Meet the Affordable Housing Needs of Low Income Working Families	To Increase Workforce Housing through Creative Partnerships and Public Policy
NEED	According to the 2016 Point in Time survey, there were 1,059 people who were homeless in the Fairfax-Falls Church community. This represents a 12 percent reduction from the number counted in January 2015, or 1,455 ten people. The total decrease in the homeless population from 2008 to 2016 is 42 percent, which represents 776 less people homeless on one night in January 2016 than were counted in January 2008. Ten Year Goal is 2,450 housing opportunities, through FY 2015, a total of 1,022 opportunities have been created through new housing development, new subsidy sources, and turnover in existing resources.	o CIB: 2011 report identified housing needs for 1,000 customers in total o Other High Priorities: <ul style="list-style-type: none"><li>• Seniors</li><li>• Domestic Violence Victims</li><li>• Large Families/Extremely Low Income</li><li>• Persons with Physical and/or Sensory Disabilities</li></ul>	According to the Center for Housing Research at Virginia Tech, the total affordable housing gap in Fairfax County for low- and moderate-income renters (earning 80 percent of the area median income (AMI) and below) is approximately 31,340 units.	About 50,000 and new homeless units, affordable to households earning up to approximately 120 percent of AMI are needed based on projected job growth through 2022.
NEW PROGRAM ADMISSIONS/TURNOVER	FCRMA Federal Resources: 35 Bidding Affordability: 60 Continuum of Care (Intersect): 60	FCRMA-Fairfax County Rental Program (Seniors) 53 FCRMA Federal Resources: 90 Bidding Affordability: 12 • Persons with physical/january disabilities • Persons with CIB eligible disabilities: 12 • Households facing domestic violence situations: 24 County Hill Apartments - seniors (Mount Vernon District) 55 Non-Profit: Federally-Funded Group Home Beds 12 State Rental Assistance Program 40 Construction of new Leesville Senior Facility (Dumfriesville District) - 82 units	FCRMA - Fairfax County Rental Program 247 FCRMA Federal Resources: 130 Bidding Affordability: 58 Non-profit acquisitions/federal resources 5	Workforce Dwelling Units (WODUs) (intermediate) 400 Affordable Dwelling Units (ADUs) (intermediate) 50
NEW UNITS DEVELOPED	New Group Home Beds: 10 Sejourn House - chronically homeless adults with disabling conditions (Springfield District) 6			
BLUEPRINT PROJECT	New Private Partner 100-unit Acquisition or Construction Goal of 10 percent to serve former homeless households - 10 units o Possible inclusion of Project Based Vouchers (if available)	New Private Partner 100-unit Acquisition or Construction Goal of 10 percent to serve person with special needs - 10 units o Possible inclusion of Project Based Vouchers (if available)	New Private Partner 100-unit Acquisition or Construction - \$4,000,000 Goal of approximately 80 units	
FY 2017 TARGETS	181	390	520	450
FY 2017 NET INCREASE	26	199	85	450
ON THE HORIZON	o Falls 30 West Cox (City District) - Permanent supportive housing: 20 - 30 units o Shelter rehabilitation and possible permanent supportive housing through bond referendum	o Residents of North Hill Park (Mount Vernon District) - 40 units o Colchester Ave. - approximately 120 units of senior/apartment needs housing (Lee District) o Domestic violence shelter expansion - and and South County o Little River Glen campus expansion - approximately 90 units of senior housing (Blandford District)	o Residents of North Hill Park (Mount Vernon District) - 219 units o Redevelopment of Colburn FCRMA Public Housing Properties under HUD Rental Assistance Demonstration (RAD) o FCRMA property acquisitions: Woodgrove, Manlygate, Mount Vernon Gardens, RAD properties	o Explore expansion of Workforce Dwelling Unit policy
CROSS-CUTTING INITIATIVES	Implementation of Division First Countywide Housing Strategic Plan Identify new funding opportunities for affordable housing development Establish working group and report card	o Apply for additional Family Unification Program and Veterans Affairs Supportive Housing vouchers o Explore increased flexibility in policies concerning serving persons graduating from permanent supportive housing	o Consider tax exemption for developers providing housing affordable to extremely low-income households (10 percent of area median income and below) o Develop and implement policy for use of Tyson's housing funds	o Continued implementation of FCRMA Moving to Work designation o Facilitate affordable studio development countrywide o Health and Human Services System Integration

COUNTY OF FAIRFAX, VIRGINIA

CITIZEN PARTICIPATION PLAN

FOR THE CONSOLIDATED PLAN

Adopted by the Board of Supervisors  
December 8, 1997

Amended by the Board of Supervisors  
February 11, 2002

Revised and Amended Citizen Participation Plan  
Approved by the Board of Supervisors  
April 30, 2007

Purpose of the Citizen Participation Plan

As an Urban County, Fairfax County, Virginia is eligible to apply for funds under the federal Community Development Block Grant (CDBG), Emergency Shelter Grants (ESG), HOME Investment Partnerships Program (HOME), and Housing Opportunities for Persons with AIDS (HOPWA) which are provided to the county through the U.S. Department of Housing and Urban Development (HUD). Federal regulations were revised in 1994 to provide for the consolidated submission of documents (the Consolidated Plan) which cover the planning and application aspects of the CDBG, ESG, HOME, and HOPWA programs (federal funding sources).

Beginning Fiscal Year (FY) 2000, the Consolidated Plan will also include local funding sources and federal Community Services Block Grant (CSBG) funds appropriated by the Board of Supervisors. In addition, the Consolidated Plan includes a description of the Continuum of Care for homeless services and programs, and may include federal funding for these programs at such time as these funds are made available through the federal funding allocation process for the Consolidated Plan.

The Fairfax County Citizen Participation Plan provides a guide for public input and participation in the Consolidated Plan process. The purpose of the Citizen Participation Plan is to encourage citizen participation in the definition of housing, community development and public services needs; services to be provided by community-based organizations; the funding priorities for programs and target populations to be served through resources available in the Consolidated Plan, and in any amendments, as well as to the Consolidated Plan and the annual performance report as may be required by HUD.

The Citizen Participation Plan includes the following objectives and describes how each will be met to ensure compliance with federal regulations. The objectives of the Citizen Participation Plan are to:

- Encourage citizen participation by providing citizens with adequate information concerning the amount of funds expected to be available for community development housing activities, public services, and services to be provided by community-based organizations through federal and local funding sources;
- The proposed range of activities that may be undertaken with those funds, including the amount that will benefit very low and low income persons, and the plans to minimize displacement, and to assist any persons displaced, other important program requirements, and proposed and approved uses of funds;
- Provide for and encourage citizen participation from all sectors of the community, with particular emphasis on participation by persons below the federal poverty line, low and moderate income residents of blighted areas, and of areas in which federal funds under federal funding sources are used or are proposed to be used;
- For the participation of minority and non-English speaking residents, as well as persons with mobility, visual, speech or hearing impairments;
- Provide citizens, public agencies, and all other interested parties with reasonable and timely access to information and records relating to the county's Consolidated Plan, and the use of assistance provided by federal funding sources included in the Plan for the preceding five (5) years;
- Provide technical assistance to groups representing very low and low income persons and to interested residents that request such assistance in developing proposals for funding assistance under federal and local funding sources covered by the Consolidated Plan, with the level and type of assistance to be determined by the county;
- Conduct public hearings to obtain the views of citizens on housing, community development, public services needs, needs for services to be provided by community-based organizations, proposed activities, and program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential and actual beneficiaries, with accommodation for persons with disabilities and non-English speaking residents;
- Gather community input, through a variety of methods such as, community meetings, focus groups, surveys, and other appropriate forums, regarding funding priorities for services provided by community-based organizations;
- Prepare a summary of comments or views received from citizens in writing or orally through public hearings, focus groups, community meetings, and other methods when preparing the final Consolidated Plan, and any amendments to the Plan or the performance report and attach the summary to the final Plan or report. In addition, provide for a timely written answer to written complaints and grievances within fifteen (15) working days, where practicable; and

- Provide criteria for determining what constitutes a substantial change in the planned or actual activities described in the approved Consolidated Plan which would require an amendment to the Plan.

#### Notice of Consolidated Plan Schedule

The county will encourage citizen participation by providing citizens with adequate information concerning the amount of funds expected to be available for community development and housing activities, public services, and services to be provided by community-based organizations through federal and local funding sources, the proposed range of activities that may be undertaken with those funds, including the amount that will benefit very low and low income persons and the plans to minimize displacement, and to assist any persons displaced, other important program requirements, and proposed and approved uses of funds.

The annual Consolidated Plan schedule will be mailed to neighborhoods, groups, associations, nonprofit, ecumenical, business, other community organizations, and other interested individuals which have been involved in past funding cycles for each program. Other neighborhoods, groups, associations, organizations, and individuals will be added to the list upon request to HCD.

Information which will be available will include the amount of funding expected to be available under all the federal funding sources and programs in the Consolidated Plan, including estimated program income, program and application requirements, the proposed activities which will benefit very low and low income persons, plans for minimizing displacement caused by proposed activities and assistance opportunities for persons displaced, opportunities for citizen input, submission of project proposals, and schedules for proposed and final applications. This information may be obtained from the HCD.

An advertisement of the Proposed Consolidated Plan will be published in a newspaper(s) of general circulation and a copy of the Proposed Consolidated Plan will be available to the public for review and comment at least 30 days prior to submission to HUD. The proposed Consolidated Plan will be available for review 1) at the HCD, 2) at the information desk of the county Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035; and 3) at the information desk of all branches of the Fairfax County Public Library system. The final submission to HUD will also be distributed to these locations.

#### Citizen Participation Process

The county will provide for and encourage citizen participation from all sectors of the community, with particular emphasis on participation by persons below the federal poverty line, low and moderate income residents of blighted areas and of areas in which federal funds are used or are proposed to be used; and for the participation of minority and non-English speaking residents, as well as persons with mobility, visual, speech or hearing impairments. The county will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the county's Consolidated Plan, and the

use of assistance provided by federal funding sources included in the Plan for the preceding five (5) years.

Citizens will have an opportunity to comment on housing, community development, public service needs, and population and program priority needs identified to be addressed by community-based organizations and the proposed Consolidated Plan prior to its submission to HUD at public hearings, meetings, or by directly contacting the appropriate county agency. Information on the Consolidated Plan schedule will be disseminated to local agencies and nonprofit organizations working with minority, non-English speaking, and physically impaired residents to afford as many people as possible the opportunity for full citizen participation.

The county will work closely with the FCRHA to encourage the participation of residents of public and assisted housing developments in the development and implementation of the Consolidated Plan. The county will apprise the FCRHA of housing and community development activities related to its developments and surrounding communities so the FCRHA can make such information available at the annual public hearing on the Comprehensive Grant program.

Citizen input on housing, community development, and needs for services to be provided by community-based organizations will be received annually at one or more public hearings to be held before the Consolidated Community Funding Advisory Committee. The Committee is composed of one representative each from the FCRHA, Human Services Council (HSC), Community Action Advisory Board, Fairfax-Falls Church Community Services Board, Homeless Oversight Committee, Fairfax-Falls Church United Way, Commission on Aging, Advisory Social Services Board, Fairfax Area Disabilities Services Board, Health Care Advisory Board, Fairfax County Alliance for Human Services, representatives from the business community, schools community, faith community, children younger than school age community, and youth needs and services community. Membership may include representation from human services provider groups, consumer and community organizations and Boards, Authorities and Commissions, which relate to the Human Services Community, as appropriate. Members shall be appointed by the County Executive and shall serve for a term of three years. The role and responsibilities of the Consolidated Community Funding Advisory Committee will be to:

- Solicit community input
- Advise the Board of Supervisors on the development and implementation of the federally required Consolidated Plan
  - Advise the Board of Supervisors on issues relating to the coordinated funding process:
    - Policy considerations
    - Funding priorities
    - Selection criteria
    - Performance measures
- Coordinate with the Community Action Advisory Board in implementation of the CSBG process
- Implement the combined solicitation process and, if deemed appropriate, make comments on Selection Advisory Committee recommendations forwarded by the County Executive to the Board of Supervisors



- Monitor the Consolidated Plan process and report to the Board of Supervisors on its effectiveness relative to defined goals
- Consider and evaluate the potential for including other county and community processes in the Consolidated Plan process.

Based on the comments received from citizens through needs hearing(s) and other community input strategies from interested Nonprofit, ecumenical, business and other civic organizations and county agencies, the Consolidated Community Funding Advisory Committee will prepare a Proposed Consolidated Plan. The Proposed Consolidated Plan will be submitted for review and comment to organizations and individuals on the mailing list. Comments received will be addressed by the Consolidated Community Funding Advisory Committee and included with the submission of the Proposed Consolidated Plan to the Board of Supervisors.

A public hearing will be held by the Board of Supervisors on the Proposed Consolidated Plan. Final approval of program priorities and funding recommendations included in the Consolidated Plan will be made by the Board of Supervisors.

Reasonable and timely access will be given to citizens, public agencies, and other interested parties to information and records relating to previous funding applications and allocations for the programs included in the Consolidated Plan for the preceding five (5) years.

#### Technical Assistance

The county will provide technical assistance to groups representing very low and low income persons, as well as to community-based organizations and interested residents that request such assistance in developing proposals for funding assistance under any of federal or local funding sources covered by the Consolidated Plan, with the level and type of assistance to be determined by the county.

This technical assistance could include activities such as training on grant writing, small/minority business support offered through the Purchasing and Supply Management agency, Internet information links, pamphlets and brochures/information packets on resources available in the community.

County staff will be available upon request to answer any questions concerning the requirements of federal and local funding sources included in the Consolidated Plan, such as available funding amounts, funding priorities, eligible activities, environmental review procedures, equal opportunity requirements, relocation provisions, citizen participation requirements and any other requirements of federal and local funding sources. In cases where staff can not answer questions pertaining to federal HUD funds, assistance will be requested from HUD.

As part of the on-going citizen participation effort, county staff will meet with citizen groups in Fairfax County which represent very low, and low and moderate income residents such as neighborhood conservation and redevelopment areas, and with citizen groups in other areas of the county which express interest in participating in federal and/or local funding sources included in the Consolidated Plan, to explain program and application procedures. These

meetings will be held in facilities convenient to the neighborhood or groups requesting the meetings.

County staff will provide technical assistance when requested to neighborhood groups, minority groups, community-based organizations, and other residents interested in participating in federal and local funding sources included in the Consolidated Plan. All such groups, including the disabled and elderly, and those serving non-English speaking ethnic/minority populations, will be encouraged and assisted as requested in submitting their views and proposals. County staff will be available to provide assistance in the development and submission of program funding requests and other input. Any persons requiring assistance should contact the Division of Real Estate Finance and Grants Management at HCD at 246-5170 or the TTY number 385-3578.

#### Public Hearings

The county will conduct public hearings to obtain the views of citizens on housing, community development, public services needs, needs for services to be provided by community-based organizations, proposed activities, and program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential and actual beneficiaries, with accommodation for persons with disabilities and non-English speaking residents.

A minimum of two public hearings will be held prior to the submission of the Consolidated Plan to HUD.

One or more public hearings will be held by the Consolidated Community Funding Advisory Committee at the beginning of the Consolidated Plan process to solicit citizen comments on housing and community development needs, needs for services to be provided by community-based organizations, proposed activities, and program performance. Testimony received at this hearing will be considered by the Consolidated Community Funding Advisory Committee in preparing the Proposed Consolidated Plan. In addition, the Consolidated Community Funding Advisory Committee may gather community input through a variety of means, such as forums and focus groups, in the development of funding priorities and criteria.

Prior to the submission of the Consolidated Plan to HUD, the Board of Supervisors will hold a public hearing on the Proposed Consolidated Plan as recommended by the Consolidated Community Funding Advisory Committee.

Public hearings will be held at times convenient to potential and actual beneficiaries of the programs to be funded. Public hearings will be held in the Fairfax County Government Center Board Auditorium located at 12000 Government Center Parkway, or in other locations which are convenient to potential and actual beneficiaries, and which are accessible to persons with disabilities. At public hearings where a significant number of non-English speaking residents are expected to participate, Fairfax County will address their needs by providing an interpreter.

Notice of public hearings on the Consolidated Plan will be advertised in a newspaper(s) of general circulation and at least one minority and non-English speaking publication 15 days prior

to the date of the public hearing. The notice will include sufficient information about the purpose of the public hearing to permit informed comment from citizens.

Notice of public hearings on the Consolidated Plan will also be advertised in all branches of the County Library system and press releases issued by the Fairfax County Office of Public Affairs.

#### Response to Citizen Comments

The county will prepare a summary of comments or views received from citizens in writing or orally through public hearings, focus groups, community meetings, and other methods when preparing the final Consolidated Plan, and any amendments to the Plan or the performance report and attach the summary to the final Plan or report. In addition, provide for a timely written answer to written complaints and grievances within fifteen (15) working days, where practicable.

Written or oral comments received from citizens as a result of public hearings or other activities to gather community input held on the Consolidated Plan will be given serious consideration in the preparation of the final Plan document, amendments to the Plan, or the performance report. A summary of the comments received from citizens, both accepted and not accepted, will be attached to the final Consolidated Plan, Plan amendments, or performance report.

Comments, complaints, or grievances concerning the Consolidated Plan should be addressed to the Division of Real Estate Finance and Grants Management, Department of Housing and Community Development, 3700 Pender Drive, Suite 300, Fairfax, Virginia 22030.

Every effort will be made to respond in writing to written complaints within 15 working days of receipt of the complaint. If additional time is required, written notice will be provided.

#### Amendment of the Consolidated Plan

The county will provide criteria for determining what constitutes a substantial change in the planned or actual activities described in the approved Consolidated Plan which would require an amendment to the Plan.

The Consolidated Plan may be amended with the approval of the Fairfax County Board of Supervisors.

The county will amend the approved Plan whenever it makes one of the following decisions representing a substantial change or adjustment:

- 1) To carry out a project, using funds from any of the four federal HUD programs covered by the Consolidated Plan (including program income) not previously described in the action plan; or
- 2) To eliminate a project from any of the four federal programs covered by the Consolidated Plan (including program income) for which funds were previously approved by the Board of Supervisors.

In general, any substantial change or adjustment to a Consolidated Plan project budget will be treated as an amendment subject to public notice, review, and comment through the county's quarterly budget review process. Adjustments required to Consolidated Plan project budgets will be included in the third quarter and carryover budget reviews, and will be subject to public comment during the public hearing process held on each of these reviews.

In some circumstances, Consolidated Plan program objectives may be addressed through the appropriation of funds outside of the quarterly budget review process for an activity not previously approved in the Consolidated Plan. In such cases, public notice will be given before the Board of Supervisors is scheduled to take action on such an appropriation.

Substantive amendments to the Consolidated Plan will be publicly advertised at least 30 days prior to consideration of the amendments by the Board of Supervisors to allow time for public comment.

#### Adoption and Amendment of the Citizen Participation Plan

Proposed changes to the Citizen Participation Plan will be publicly advertised at least 30 days prior to the adoption or amendment of the Citizen Participation Plan by the Board of Supervisors to allow time for public comment.

The proposed revisions to the Fairfax County Citizen Participation Plan for the Consolidated Plan will become effective upon the date of the Board of Supervisors' approval for the planning and implementation process of the Consolidated Plan.

## **FY 2018 CONSOLIDATED PLAN ONE-YEAR ACTION PLAN TIME LINE**

### **December 2016**

**12/1** *CCFAC / FCRHA Working Advisory Group meeting, 7:30 pm, Fairfax County Department of Housing and Community Development, HCD Center*

### **January 2017**

**1/10** *CCFAC meeting 7:30 p.m., Fairfax County Government Center, Room 9/10*

**1/19** *FCRHA meeting 7:00 p.m., One University Plaza*  
**Review of WAG Recommendations**

### **February 2017**

**2/1** *CCFAC meeting 7:30 p.m., Fairfax County Government Center, Room 9/10*

**Action:** Approval of release of Proposed Consolidated Plan One-Year Action Plan for FY 2018 (including adoption of recommendations for use of FY 2018 CDBG, HOME, and ESG funds) for Public Comment

**2/10** *Release of Proposed One-Year Action Plan for FY 2018*  
*30-day PUBLIC COMMENT PERIOD BEGINS for Proposed One-Year Action Plan for FY 2018*

**2/14** *Board meeting, 10:00 am, Board Auditorium, Fairfax County Government Center*

**Action:** Authorization to Advertise a Public Hearing for March 14, 2017 on the Proposed Consolidated Plan One-Year Action Plan for FY 2018

**2/23** *FCRHA meeting 7:00 p.m., One University Plaza*

## March 2017

3/14

*Board meeting, 10:00 a.m., Board Auditorium, Fairfax County Government Center*

**Action:** Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2018

***30-day PUBLIC COMMENT PERIOD ENDS for Proposed Consolidated Plan One-Year Action Plan for FY 2018***

3/21

CCFAC meeting 7:30 p.m., Fairfax County Department of Housing and Community Development, HCD Center

3/23

FCRHA meeting 7:00 p.m., One University Plaza

## April 2017

4/4

*Board meeting, 9:30 a.m., Board Auditorium, Fairfax County Government Center*

***Board Public Hearing on the County FY 2018 Budget, 4:00 p.m.***

4/5-6

*Board meeting, 1:00 p.m., Board Auditorium, Fairfax County Government Center*

***Board Public Hearings on the County's FY 2018 Budget, 1:00 p.m.***

4/11

***CCFAC meeting 7:30 p.m., Fairfax County Department of Housing and Community Development, HCD Center***

**Action:** Consideration of public comments on Proposed Consolidated Plan One-Year Action Plan for FY 2018 prior to forwarding of the Plan to the Board of Supervisors for approval.

**Action:** Adoption of the CCFAC/FCRHA Working Advisory Group recommendations for the Proposed Consolidated Plan One-Year Action Plan for FY 2018

## May 2017

5/2 *Board meeting, 10:00 a.m., Board Auditorium, Fairfax County Government Center*

**Action:** *Adoption of County FY 2018 Budget*

5/4 FCRHA meeting 7:00 p.m., One University Plaza

5/9 *CCFAC Meeting, 7:30 p.m., Fairfax County Government Center, Room 9/10*

## June 2017

6/13 *CCFAC Meeting, 7:30 p.m., Fairfax County Government Center, Room 9/10*

**Action:** Approval of draft Proposed Consolidated Plan One-Year Action Plan for FY 2018 to the Board of Supervisors for final approval and authorization to revise plan based on HUD notification of FY 2018 federal resource allocations

6/15 FCRHA meeting 7:00 p.m., One University Plaza

## July 2017

7/1 *CDBG Program Year 43 (County FY18/Federal FY17) begins*  
*HOME Program Year 26 (County FY18/Federal FY17) begins*

7/25 *Board meeting, 10:00 a.m., Board Auditorium, Fairfax County Government Center*

**Action:** Approval of Proposed Consolidated Plan One-Year Action Plan for FY 2018 and authorization to forward Proposed Consolidated Plan One-Year Action Plan for FY 2018 to HUD

## August 2017

8/2 Adopted Proposed One-Year Action Plan for FY 2018 forward to HUD

## CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** --The jurisdiction will affirmatively further fair housing.

**Uniform Relocation Act and Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**Anti-Lobbying** --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

**Authority of Jurisdiction** --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

### Specific Community Development Block Grant Certifications

Annual Action Plan  
2018

96



The Entitlement Community certifies that:

**Citizen Participation** -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

**Community Development Plan** -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

**Following a Plan** -- It is following a current consolidated plan that has been approved by HUD.

**Use of Funds** -- It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).
2. **Overall Benefit.** The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2017 shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.
3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

**Excessive Force** -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

**Compliance with Anti-discrimination laws** -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

**Lead-Based Paint** -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

**Compliance with Laws** -- It will comply with applicable laws.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

### **Specific HOME Certifications**

The HOME participating jurisdiction certifies that:

**Tenant Based Rental Assistance** -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

**Eligible Activities and Costs** -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

**Subsidy layering** -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

## **Emergency Solutions Grants Certifications**

The Emergency Solutions Grants Program recipient certifies that:

**Major rehabilitation/conversion/renovation** – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion.

In all other cases where ESG funds are used for renovation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

**Essential Services and Operating Costs** – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the recipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the recipient serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

**Renovation** – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

**Supportive Services** – The recipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for these individuals.

**Matching Funds** – The recipient will obtain matching amounts required under 24 CFR 576.201.

**Confidentiality** – The recipient has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

**Homeless Persons Involvement** – To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

**Consolidated Plan** – All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.

**Discharge Policy** – The recipient will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

## **APPENDIX TO CERTIFICATIONS**

### **INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:**

#### **Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ACTION - 6

Approval of Memorandum of Understanding Between the Fairfax County Board of Supervisors and the Fairfax County School Board Regarding Implementation of a Joint MS4 Program

ISSUE:

Fairfax County and Fairfax County Public Schools (FCPS) each operate a municipal separate storm sewer system (MS4) and are subject to separate permits. Upon submittal of an executed agreement between the County and FCPS and formal request for permit termination by FCPS, the Virginia Department of Environmental Quality (Virginia DEQ) will begin termination procedures for the FCPS general permit. Once the FCPS permit is terminated, the discharge of stormwater from the MS4 owned and operated by the School Board will be covered under the County's individual state permit.

RECOMMENDATION:

The County Executive recommends that the enclosed Memorandum of Understanding (MOU) between the Fairfax County Board of Supervisors and the Fairfax County School Board be approved by the Board and that he be authorized to sign the MOU. Implementation of a Joint MS4 program by the County and FCPS will improve program efficiency and simplify permit compliance. The MOU defines the roles and responsibilities of each entity for implementation of a Joint MS4 program.

TIMING:

Board action is requested no later than August 31, 2017. The current FCPS MS4 permit expires on June 30, 2018, and FCPS is required to reapply for permit coverage at least 90 days before the expiration date of the current permit. The reapplication process is time consuming and costly and it is not clear how long it will take Virginia DEQ to terminate the FCPS MS4 permit. Approval of the MOU by August 31, 2017 will allow sufficient time for FCPS to submit their request for permit termination no later than September 30, 2017, allowing Virginia DEQ six months to make their determination.

BACKGROUND:

County and FCPS staff have been negotiating this MOU since 2006. In 2007, the BOS approved \$0.4 million and 5/5.0 SYE positions for the County to support FCPS MS4 program implementation. However the MOU could not be finalized until the County's MS4 permit was reissued, which was significantly delayed by the state and EPA. The County already supports FCPS in compliance with many of their MS4 permit

Board Agenda Item  
July 25, 2017

requirements, including mapping of the FCPS MS4, dry weather screening to detect illicit discharges to the FCPS MS4, inspection and maintenance of stormwater management facilities on FCPS properties, identification of high priority facilities requiring development of a stormwater pollution prevention plan (SWPPP), identification of FCPS land where nutrients are applied to greater than one acre, and tracking of certified nutrient management plans (NMPs) for these lands. The County also supports FCPS with their MS4 program plan review and updates, annual reports, and TMDL Action Plans. Execution of the enclosed MOU will allow FCPS to request that their MS4 permit be terminated, allowing implementation of a Joint MS4 program. Currently the County and FCPS permits have different requirements and compliance deadlines, so termination of the FCPS permit will streamline MS4 program implementation.

FISCAL IMPACT:

None. The cost of implementing the FCPS MS4 program has been built into the Stormwater Service District fund and the SYEs needed for implementation were approved in 2007.

ENCLOSED DOCUMENTS:

Attachment 1 - Memorandum of Understanding between the Fairfax County Board of Supervisors and the Fairfax County School Board

STAFF:

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Randy Bartlett, Deputy Director, DPWES

Joseph Mondoro, Director, Department of Management and Budget

ASSIGNED COUNSEL:

Paul Emerick, Senior County Attorney, Office of the County Attorney



**MEMORANDUM OF UNDERSTANDING**  
**between the**  
**FAIRFAX COUNTY BOARD OF SUPERVISORS, VIRGINIA**  
**and the**  
**FAIRFAX COUNTY SCHOOL BOARD**

This Memorandum of Understanding ("MOU") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2017 by and between the Board of Supervisors of Fairfax County, Virginia (the "County") and the Fairfax County School Board (the "School Board").

**WHEREAS**, the County and the School Board share the common objective of achieving compliance with stormwater regulatory requirements and permitting obligations, as well as protecting water resources for the benefit of the residents of Fairfax County; and

**WHEREAS**, the County and the School Board are subject to the Virginia Stormwater Management Act (§62.1-44.15:24 et seq, Code of Virginia), the Erosion and Sediment Control Act (§62.1-44.15:51 et seq, Code of Virginia), and the Chesapeake Bay Preservation Act (§62.1-44.15:67 et seq, Code of Virginia), and their attendant regulations; and

**WHEREAS**, the County and the School Board each operate a municipal separate storm sewer system ("MS4") as defined in the Virginia Stormwater Management Program ("VSMP") Regulation (9VAC25-870); and

**WHEREAS**, the discharge of stormwater from the MS4 owned and operated by the County is subject to an individual state permit (Permit No. VA0088587), which became effective April 1, 2015 and will expire March 31, 2020; and

**WHEREAS**, the discharge of stormwater from the MS4 owned and operated by the School Board is subject to a general state permit (Permit No. VAR040104), which became effective July 1, 2013 and will expire June 30, 2018; and

**WHEREAS**, in accordance with the County's individual state permit, upon formal request for permit termination by the School Board and submittal of an executed agreement between the County and the School Board, the Virginia Department of Environmental Quality ("Virginia DEQ") will begin termination procedures for the School Board's general permit and once terminated, the discharge of stormwater from the MS4 owned and operated by the School Board will be covered under the County's individual state permit; and

**WHEREAS**, it is the intention of the School Board to request termination of the School Board general permit and to implement a joint MS4 program with the County;

**NOW THEREFORE**, the County and the School Board enter into this MOU to define the roles and responsibilities of each entity for implementation of a joint MS4 program both immediately upon execution of this MOU and upon termination of the School Board general permit.

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

The following acronyms are used in this document:

FCPS .....Fairfax County Public Schools  
ISD .....FCPS Instructional Services Department  
ODC .....FCPS Office of Design and Construction  
OFM.....FCPS Office of Facilities Management  
OSS .....FCPS Office of Safety and Security  
DPWES .....Fairfax County Department of Public Works and Environmental Services  
FRD .....Fairfax County Fire and Rescue Department  
LDS .....Land Development Services, Fairfax County DPWES  
STW .....Stormwater Management, Fairfax County DPWES  
VESCP .....Virginia Erosion and Sediment Control Program  
VPDES.....Virginia Pollutant Discharge Elimination System  
VSMP.....Virginia Stormwater Management Program

**RESPONSIBILITIES THAT WILL TAKE EFFECT IMMEDIATELY UPON  
EXECUTION OF THIS MOU:**

FCPS General Permit Element (VAR040104)	School Board		County	
	Lead	Activity	Lead	Activity
General	OFM	<p>Provide County staff points of contact through which to coordinate roles, address issues, and make approvals as needed.</p> <p>Allow County staff reasonable access to FCPS facilities to conduct all activities required by the applicable MS4 permit.</p> <p>Follow established County standard operating procedures (SOPs) applicable to FCPS MS4 activities.</p> <p>Implement the FCPS MS4 Program Plan submitted to Virginia DEQ. This includes providing adequate program funding, staffing and equipment maintenance to support program implementation.</p>	STW	<p>Provide the FCPS staff points of contact through which to coordinate roles, address issues, and make approvals as needed.</p> <p>Coordinate all FCPS facility visits with the authorized FCPS office or management staff. Reasonable notice will be provided for routine (e.g., planned) operations, however this may not be possible in emergency (e.g. unplanned) situations.</p> <p>All County activities on FCPS property shall be conducted consistent with FCPS rules and policies and its educational purpose.</p> <p>Provide FCPS with electronic copies of all established County SOPs applicable to FCPS MS4 activities.</p> <p>Prior to June 30 of each year, develop, with review and approval by FCPS, updates as necessary to the FCPS MS4 Program Plan.</p>
Special conditions for approved total maximum daily loads (TMDLs) other than the Chesapeake Bay (Section I.B)	OFM	Implement FCPS TMDL action plans submitted to Virginia DEQ.	STW	Fund and construct stormwater retrofit projects on FCPS property, at locations approved by FCPS, in accordance with the TMDL action plans, including securing all required permits.
	ODC	Coordinate the schematic design of all new FCPS capital improvement projects with County staff to consider opportunities to provide stormwater management controls beyond what is required to comply with the technical criteria for regulated land	STW	Participate in the design of FCPS capital improvement projects by reviewing schematic site plans to identify opportunities to enhance stormwater controls. Comments and suggested enhancements will be provided in a timely fashion in

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

FCPS General Permit Element (VAR040104)	School Board		County	
	Lead	Activity	Lead	Activity
		disturbing activities and with any proffered conditions.		accordance with the Partnership Project Process document.  At the discretion of the County, fund and provide engineering support to FCPS to enhance stormwater management facilities constructed to meet MS4 Permit requirements that exceed County development standards.
Special condition for the Chesapeake Bay TMDL (Section I.C)	OFM	Implement the FCPS Chesapeake Bay TMDL Action Plan submitted to Virginia DEQ.	STW	Fund and construct stormwater retrofit projects on FCPS property, at locations approved by FCPS, in accordance with the FCPS Chesapeake Bay TMDL Action Plan, including securing all required permits.
	ODC	Coordinate the schematic design of all new FCPS capital improvement projects with County staff to consider opportunities to provide stormwater management controls beyond what is required to comply with the technical criteria for regulated land disturbing activities and with any proffered conditions.	STW	Participate in the design of FCPS capital improvement projects by reviewing schematic site plans to identify opportunities to enhance stormwater controls. Comments and suggested enhancements will be provided in a timely fashion in accordance with the Partnership Project Process document.  At the discretion of the County, fund and provide engineering support to FCPS to enhance stormwater management facilities constructed to meet regulatory requirements.
Public education and outreach on stormwater impacts (Section II.B.1)	ISD, OFM	Implement actions identified in Section II.B.1 of the permit, including the adopted FCPS Public Education and Outreach Plan.	STW	Review and provide comments on draft updates to the FCPS Public Education and Outreach Plan.
Public involvement/participation (Section II.B.2)	ISD, OFM	Implement actions identified in Section II.B.2 of the permit.		
	OFM	Implement actions identified in Section II.B.3 of the permit, with the exception of actions	STW	Conduct dry weather screening to detect potential illicit discharges to the MS4 in accordance with

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

FCPS General Permit Element (VAR040104)	School Board		County	
	Lead	Activity	Lead	Activity
Illicit discharge detection and elimination (Section II.B.3)		that will be implemented by the County as set forth in this agreement.		Section II.B.3.c of the general permit. Any suspected illicit discharge will be reported to FCPS for source identification and elimination.
	ODC	Provide as-built plans for all new stormwater management infrastructure to the County.	STW	Maintain an accurate storm sewer system map and information tables for FCPS in accordance with Section II.B.3.a of the general permit.
Construction site stormwater runoff control (Section II.B.4)	ODC	Implement actions identified in Section II.B.4 of the permit.  Ensure that all land disturbing activities subject to the jurisdiction of Fairfax County comply with the Fairfax County Stormwater Management Ordinance and the Erosion and Sediment Control Ordinance (Chapters 124 and 104 of the Code of Fairfax County).  Compliance with the requirements laid out in the General VPDES Permit for Discharges of Stormwater from Construction Activities is the responsibility of the construction permit holder.	LDS	Review and inspect all FCPS land disturbing activities subject to the jurisdiction of Fairfax County for compliance with the Fairfax County Stormwater Management Ordinance and the Erosion and Sediment Control Ordinance (Chapters 124 and 104 of the Code of Fairfax County).
Post-construction stormwater management in new development and development on prior developed lands (Section II.B.5)	ODC	Implement actions identified in Section II.B.5 of the permit, with the exception of actions that will be implemented by the County as set forth in this agreement.  Ensure that all land disturbing activities subject to the jurisdiction of Fairfax County comply with the Fairfax County Stormwater Management Ordinance (Chapter 124 of the Code of Fairfax County).	LDS	Review and inspect all FCPS land disturbing activities subject to the jurisdiction of Fairfax County for compliance with the Fairfax County Stormwater Management Ordinance (Chapter 124 of the Code of Fairfax County)..

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

FCPS General Permit Element (VAR040104)	School Board		County	
	Lead	Activity	Lead	Activity
	OFM	<p>Implement actions identified in Section II.B.5 of the permit, with the exception of actions that will be implemented by the County as set forth in this agreement.</p> <p>Perform aesthetic maintenance of stormwater management facilities, including but not limited to: additional mowing beyond stormwater inspection requirements, maintenance of turf and vegetation, maintenance of fences, and litter collection.</p>	STW	<p>Prepare and maintain an inventory of stormwater management facilities on FCPS properties, including information required in Section II.B.5.c of the general permit.</p> <p>Perform and track required stormwater management facility inspections in accordance with the schedule established in the FCPS MS4 Program Plan.</p> <p>Perform and track minor and major rehabilitation and repair as defined in County policies and procedures that is required to ensure proper operation of all FCPS stormwater management facilities.</p>
Pollution prevention/ good housekeeping for municipal operations (Section II.B.6)	OFM	<p>Implement actions identified in Section II.B.6 of the permit, with the exception of actions that will be implemented by the County as set forth in this agreement.</p> <p>Implement approved stormwater pollution prevention plans (SWPPPs) for each high priority facility identified in the FCPS MS4 Program Plan.</p> <p>Develop and ensure implementation, either by FCPS or a third party, of approved nutrient management plans (NMPs) for each property where FCPS is responsible for nutrient applications.</p>	STW	<p>Develop SWPPPs, with review and approval by FCPS, for each high priority facility in accordance with the schedule identified in the FCPS MS4 Program Plan.</p> <p>Provide access to County training programs or materials that will meet the training requirements of the SWPPPs.</p> <p>Identify the total acreage that must come under NMPs in accordance with permit requirements.</p>
Annual reports (Section II.E.3)	OFM	Provide information required by the County to prepare FCPS annual reports.	STW	<p>Provide OFM with a list of information required by the County to prepare annual reports, including when the information is needed to facilitate timely review.</p> <p>Prepare annual reports for review and submittal by FCPS to Virginia DEQ.</p>

**RESPONSIBILITIES THAT WILL TAKE EFFECT UPON TERMINATION OF THE FCPS GENERAL PERMIT:**

County Permit Element (VA0088587)	School Board		County	
	Lead	Activity	Lead	Activity
General	OFM	<p>Provide County staff points of contact through which to coordinate roles, address issues, and make approvals as needed.</p> <p>Allow County staff reasonable access to FCPS facilities to conduct all activities required by the applicable MS4 permit.</p> <p>Follow established County SOPs applicable to MS4 activities.</p> <p>Implement the Fairfax County MS4 Program Plan submitted to Virginia DEQ. This includes providing adequate program funding, staffing and equipment maintenance to support program implementation.</p>	STW	<p>Provide FCPS staff points of contact through which to coordinate roles, address issues, and make approvals as needed.</p> <p>Coordinate all FCPS facility visits with the authorized FCPS office or management staff. Reasonable notice will be provided for routine (e.g. planned) operations, however this may not be possible in emergency (e.g. unplanned) situations.</p> <p>All County activities on FCPS property shall be conducted consistent with FCPS rules and policies and its educational purpose.</p> <p>Provide FCPS with electronic copies of all established County SOPs applicable to MS4 activities.</p> <p>Establish a process to obtain FCPS input into the development and update of the Fairfax County MS4 Program Plan.</p>
Planning (Section I.B.1)	ODC, OFM		STW	Implement actions identified in Section I.B.1 of the permit.
Construction Site Runoff and Post Construction Runoff from Areas of New Development and Development on Prior Developed Lands	ODC	<p>Ensure that all land disturbing activities subject to the jurisdiction of Fairfax County comply with the Fairfax County Stormwater Management Ordinance and the Erosion and Sediment Control Ordinance (Chapters 124 and 104 of the Code of Fairfax County).</p> <p>Fund stormwater management facilities required to meet</p>	LDS	<p>Implement actions identified in Section I.B.2.a of the permit.</p> <p>Review and inspect all FCPS land disturbing activities subject to the jurisdiction of Fairfax County for compliance with the Fairfax County Stormwater Management Ordinance and the Erosion and Sediment Control Ordinance (Chapters 124 and</p>

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

County Permit Element (VA0088587)	School Board		County	
	Lead	Activity	Lead	Activity
(Section I.B.2.a)		regulatory requirements and any proffered conditions.  Compliance with the requirements laid out in the General VPDES Permit for Discharges of Stormwater from Construction Activities is the responsibility of the construction permit holder.		104 of the Code of Fairfax County).
Retrofitting on Prior Developed Lands (Section I.B.2.b)	ODC, OFM	Designate individuals to participate in the County's project selection and implementation process for any projects located on FCPS property.	STW	Implement actions identified in Section I.B.2.b of the permit.
Roadways (Section I.B.2.c)	OFM	Provide, and update annually as needed, a list of FCPS maintained roads, streets, and parking lots with the information required in Section I.B.2.c of the permit.  Implement on FCPS property the written SOP developed by the County for roads, streets, and parking lots.  Implement on FCPS property the written SOP developed by the County for snow and de-icing operations.  Implement on FCPS property the County prohibition of the application of any deicing agent containing urea or other forms of nitrogen or phosphorus to FCPS parking lots, roads, and sidewalks or other paved surfaces.	STW	Implement actions identified in Section I.B.2.c of the permit.
Pesticide, Herbicide, and Fertilizer Application	OFM	Develop and ensure implementation, either by FCPS or a third party, of approved nutrient management plans (NMPs) for each property	STW	Implement actions identified in Section I.B.2.d of the permit.



MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

County Permit Element (VA0088587)	School Board		County	
	Lead	Activity	Lead	Activity
(Section I.B.2.d)		<p>where FCPS is responsible for nutrient applications.</p> <p>Implement on FCPS property SOPs or guidelines developed by the County for the application, storage, transport and disposal of pesticides, herbicides, and fertilizers.</p> <p>Track and annually report to the County the total number of acres of FCPS land upon which nutrients are applied, the acreage where NMPs are required, and the acreage where NMPs have been implemented.</p> <p>Track and annually report to the County the total number of acres managed under Integrated Pest Management (IPM) plans.</p>		
Illicit Discharges and Improper Disposal (Section I.B.2.e)	OFM, OSS	<p>Implement on FCPS property all plans, SOPs, policies, and other measures developed by the County to meet the requirements of Section I.B.2.e of the permit.</p> <p>Identify, and eliminate within 30 days, the source of any suspected illicit discharge or improper disposal reported by STW on FCPS property.</p> <p>Where elimination of an illicit discharge within 30 days is not possible, FCPS will propose an expeditious schedule for removal of the discharge. In the interim, FCPS shall take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.</p>	STW	<p>Implement actions identified in Section I.B.2.e of the permit.</p> <p>Any suspected illicit discharge from FCPS property will be reported to FCPS for source identification and elimination.</p>
Spill Prevention and Response (Section I.B.2.f)	OFM, OSS	Implement on FCPS property a program to prevent, contain, and respond to spills that may discharge into the MS4 that is	FRD	Implement actions identified in Section I.B.2.f of the permit.

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

County Permit Element (VA0088587)	School Board		County	
	Lead	Activity	Lead	Activity
		consistent with the County's program.  Track and report to the County a list of spills, the sources, and a description of follow-up activities taken.		
Industrial and High Risk Runoff (Section I.B.2.g)			STW	Implement actions identified in Section I.B.2.g of the permit.
Stormwater Infrastructure Management (Section I.B.2.h)	OFM	Provide full site plans and as-built drawings for all new stormwater management infrastructure to the County.  Provide additional information on new and existing stormwater management infrastructure to the County upon request and in a timely manner, or within one month of the initial request.  Maintain all on-site storm sewer infrastructure, including catch basins and pipes, that collects and conveys stormwater runoff originating from FCPS property.  Perform reasonable aesthetic maintenance of stormwater management facilities, including but not limited to: additional mowing beyond stormwater inspection requirements, maintenance of turf and vegetation, maintenance of fences, and litter collection.	STW	Implement actions identified in Section I.B.2.h of the permit.  Maintain an accurate storm sewer system map and information tables for FCPS properties in accordance with the permit.  Inspect and maintain all storm sewers that serve through-drainage located on FCPS property.  Prepare and maintain an inventory of stormwater management facilities located on FCPS property.  Perform and track required stormwater management facility inspections in accordance with the schedule established in the Fairfax County MS4 Program Plan.  Perform and track minor and major rehabilitation and repair needs as defined in County policies and procedures that are required to ensure proper operation of all FCPS stormwater management facilities.
County Facilities (Section I.B.2.i)	OFM	Implement on FCPS property the County prohibition of the discharge of wastewater or FCPS vehicle wash water into	STW	Implement actions identified in Section I.B.2.i of the permit.  Provide FCPS with a SOP that can be used to meet the

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

County Permit Element (VA0088587)	School Board		County	
	Lead	Activity	Lead	Activity
		<p>the MS4 without authorization from a separate VPDES permit and of the dumping of collected yard waste and grass clippings into the MS4.</p> <p>Implement procedures to prevent fluids leaked from FCPS vehicles from entering the storm drain system and to ensure that they are cleaned up and disposed of properly in accordance with the permit.</p> <p>Allow the County to install markings on all stormwater inlets located on high priority FCPS facilities and FCPS facilities with greater than two acres of impervious surface.</p> <p>Apply for all necessary VPDES permits determined to be required by Virginia DEQ for FCPS facilities.</p> <p>Implement approved SWPPPs for each high priority FCPS facility identified in the Fairfax County MS4 Program Plan.</p>		<p>requirement to implement procedures regarding FCPS vehicle leaks.</p> <p>Develop SWPPPs, with review and approval by FCPS, for each high priority FCPS facility in accordance with the schedule identified in the Fairfax County MS4 Program Plan.</p>
Public Education (Section I.B.2.j)	ISD, OFM	<p>Designate individuals to participate in the development of the County's public education and outreach plan.</p> <p>Implement items in the County's public education and outreach plan where FCPS is identified as a responsible party.</p> <p>Track and report to the County annually a list of all public education and outreach efforts completed in accordance with the County plan, including an estimate of the population reached for each effort.</p>	STW	<p>Implement actions identified in Section I.B.2.j of the permit.</p> <p>Integrate FCPS educational programs in the public education and outreach plan developed by the County.</p>
Training (Section I.B.2.k)	OFM	Provide training to FCPS employees or participate in	STW	Implement actions identified in Section I.B.2.k of the permit.

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

County Permit Element (VA0088587)	School Board		County	
	Lead	Activity	Lead	Activity
		<p>County training on all relevant topics in the permit.</p> <p>Annually provide documentation that FCPS employees and contractors applying pesticides and herbicides are properly certified per the Virginia Pesticide Control Act (§3.2-3900 et seq, Code of Virginia).</p> <p>Annually provide documentation that FCPS plan reviewers, inspectors, program administrators, and construction site operators have obtained the appropriate certifications required under the Virginia Erosion and Sediment Control Law.</p> <p>Track and report to the County annually the list of training events, the dates, and the estimated number of individuals attending each training event.</p>		Provide FCPS access to County training programs or materials that will meet the training requirements.
Water Quality Screening Programs (Section I.B.2.l)	OFM, OSS	Identify, and eliminate within 30 days, the source of any suspected illicit discharge or improper disposal reported by STW on FCPS property. Where elimination of an illicit discharge within 30 days is not possible, FCPS will propose an expeditious schedule for removal of the discharge. In the interim, FCPS shall take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.	STW	<p>Implement actions identified in Section I.B.2.l of the permit.</p> <p>Any suspected illicit discharge from FCPS property will be reported to FCPS for source identification and elimination.</p>
Infrastructure Coordination (Section I.B.2.m)			STW	Implement actions identified in Section I.B.2.m of the permit.

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

County Permit Element (VA0088587)	School Board		County	
	Lead	Activity	Lead	Activity
Monitoring Requirements (Section I.C)			STW	Implement actions identified in Section I.C of the permit.
TMDL Action Plan and Implementation (Section I.D)	OFM	Designate individuals to participate in the development of County TMDL action plans.  Implement County TMDL action plans in accordance with the actions specified in the individual plans.	STW	Implement actions identified in Section I.B.D of the permit.  Incorporate developed FCPS TMDL action plans into Fairfax County's TMDL action plans.  Fund and construct stormwater retrofit projects on School Board property in accordance with the TMDL action plans, including securing all required permits.
	ODC	Designate individuals to participate in the development of County TMDL action plans.  Coordinate the schematic design of all new FCPS capital improvement projects with County staff to consider opportunities to provide stormwater management controls beyond what is required to comply with the technical criteria for regulated land disturbing activities and with any proffered conditions.	STW	Participate in the design of FCPS capital improvement projects by reviewing schematic site plans to identify opportunities to enhance stormwater controls. Comments and suggested enhancements will be provided in a timely fashion in accordance with the Partnership Project Process document.  At the discretion of the County, fund and provide engineering support to FCPS to enhance stormwater management facilities constructed to meet regulatory requirements.
Annual Reporting (Section I.E)	OFM	Provide information required by the County to prepare annual reports in accordance with a schedule developed by the County.	STW	Implement actions identified in Section I.B.E of the permit.  Provide OFM with a list of information required by the County to prepare annual reports, including when the information is needed to facilitate timely review.

**DURATION, MODIFICATION, TERMINATION, AND ANNUAL REVIEW:**

This MOU shall remain in effect unless modified or terminated, as set forth below. Any modifications shall be in writing and signed by both parties. Either party may terminate this MOU with 180 days advance written notice to the other party and with advance written notice to Virginia DEQ in accordance with the permit conditions in force at that time; provided, however, that no such termination by the County shall be effective against the School Board unless/until the School Board obtains any required state permit coverage and that the School Board pursues such coverage with due diligence. To conform to local government charter and Code of Virginia requirements, the funding provisions of the MOU will be subject to annual review and appropriation as appropriate. The parties shall meet once per year on or about the anniversary of the date of this MOU, but no more than ten (10) business days after such anniversary date, for the purpose of reviewing the extent to which the terms of this MOU are being implemented successfully by the parties.

**OPERATIONAL AGREEMENTS:**

Operational agreements, such as the Partnership Project Process document, designed to facilitate the efficient and orderly implementation of this MOU, provided that they are not in conflict with the provisions contained herein, may be entered into between the Director of the Fairfax County Department of Public Works and Environmental Services and the Fairfax County Public Schools Assistant Superintendent of the Department of Facilities and Transportation Services.

**CONFLICT RESOLUTION:**

The terms, conditions, and covenants herein constitute the entire agreement and supersede all prior discussions, understandings, agreements, and negotiations between the parties hereto with respect to MS4 permit compliance activities. This MOU shall be governed by and construed and interpreted in accordance with the laws of the Commonwealth of Virginia, without regard to principles of conflicts of laws. Both parties participated in the preparation of the MOU, and no terms or interpretation of the MOU shall be construed against either party. Any dispute arising from the MOU, including but not limited to the scope of responsibilities assigned to the parties, and the discharge of same, shall be resolved at the appropriate staff level whenever possible. Any dispute that cannot be resolved at the staff level will be brought before the Director of the Fairfax County Department of Public Works and Environmental Services for resolution. All requests, proposals, notices and other communication hereunder shall be in writing unless otherwise specified herein.

MOU Between Fairfax County and Fairfax County School Board  
\_\_\_\_\_, 2017

**IN WITNESS THEREOF**, the County Executive of Fairfax County and the Superintendent of Fairfax County Public Schools hereby execute this agreement:

\_\_\_\_\_  
Edward L. Long Jr.  
County Executive  
County of Fairfax

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Dr. Steven Lockard  
Interim Division Superintendent  
Fairfax County Public Schools

\_\_\_\_\_  
(Date)

Board Agenda Item  
July 25, 2017

ACTION - 7

Approval of a Plain Language Explanation for the 2017 Bond Referendum for  
Improvements to Public Schools

ISSUE:

Board approval of an explanatory statement for the school bond referendum planned to be held in conjunction with the November general election.

RECOMMENDATION:

The County Executive recommends that the Board approve the plain language explanation and authorize staff to translate it, post it online, and print sufficient copies to make it available at County absentee voting sites and polling places.

TIMING:

Board action is recommended on July 25, 2017, so that staff can translate the explanation, post it on the County's website as soon as possible, and have it printed and available when absentee voting begins on September 22.

BACKGROUND:

At its last meeting on July 11, 2017, the Board adopted a resolution asking the Fairfax County Circuit Court to order a referendum on November 7, 2017, on the question whether the County should be authorized to issue general obligation bonds for public school improvements. The County Attorney filed the resolution with a Petition asking the Circuit Court to order the election, and the court is expected to enter the order promptly.

State law requires localities to provide for the preparation and printing of an explanation for each referendum question that involves the issuance of bonds by the locality. The statement must include the ballot question and a neutral explanation of not more than 500 words prepared by the locality's attorney. The Board approved the wording of the ballot question when it adopted the Resolution, and the County Attorney's Petition asked the Circuit Court to order that the ballot question be stated as approved by the Board. This Action Item presents only the explanation portion of the proposed statement for the Board's approval.

These plain language explanatory statements are frequently referred to as "plain English" statements, because State law requires them to be written in "plain English."



Board Agenda Item  
July 25, 2017

The law defines “plain English” to mean “written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.” The County translates these statements into numerous languages besides English. Section 203 of the federal Voting Rights Act requires political subdivisions designated by the Director of the U.S. Bureau of the Census to make all voting materials available in the language of the designated minority group. The Director of the Census designated Fairfax County in 2011 and in 2016 as a jurisdiction required to provide all election-related materials in Spanish and Vietnamese, respectively. As in the past, staff also will prepare translations of other common, non-English languages.

FISCAL IMPACT:

Expenses associated with printing and translating the explanation will be paid out of existing appropriations in Fund 20000, Consolidated County and Schools Debt Service Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Virginia Code § 24.2-687

Attachment 2 – Draft Explanation for 2017 School Bond Referendum

STAFF:

Joseph M. Mondoro, Chief Financial Officer

Joseph LaHait, Debt Coordinator, Department of Management and Budget

ASSIGNED COUNSEL:

Erin C. Ward, Senior Assistant County Attorney

Code of Virginia  
 Title 24.2. Elections  
 Chapter 6. The Election

## § 24.2-687. Authorization for distribution of information on referendum elections

A. The governing body of any county, city or town may provide for the preparation and printing of an explanation for each referendum question to be submitted to the voters of the county, city or town to be distributed at the polling places on the day of the referendum election. The governing body may have the explanation published by paid advertisement in a newspaper with general circulation in the county, city or town one or more times preceding the referendum.

The explanation shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county, city or town or, if there is no county, city or town attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.

If the referendum question involves the issuance of bonds by a locality, the locality shall provide for such printed explanation. The explanation shall (i) state the estimated maximum amount of the bonds proposed to be issued, and (ii) state the proposed use of the bond proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is expected to be used.

B. Nothing in this section shall be construed to limit a county, city or town from disseminating other neutral materials or advertisements concerning issues of public concern that are the subject of a referendum; however, the materials or advertisements shall not advocate the passage or defeat of the referendum question.

C. This section shall not be applicable to statewide referenda.

D. Any failure to comply with the provisions of this section shall not affect the validity of the referendum.

1996, c. 297;2004, cc. 21, 399;2006, c. 302;2011, c. 590.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

## **PUBLIC SCHOOL BONDS EXPLANATION**

### **Ballot Question**

#### **PUBLIC SCHOOL BONDS**

Shall Fairfax County, Virginia, contract a debt, borrow money, and issue capital improvement bonds in the maximum aggregate principal amount of \$315,000,000 for the purposes of providing funds, in addition to funds from school bonds previously authorized, to finance, including reimbursement to the County for temporary financing for, the costs of school improvements, including acquiring, building, expanding and renovating properties, including new sites, new buildings or additions, renovations and improvements to existing buildings, and furnishings and equipment, for the Fairfax County public school system?

### **Explanation**

This referendum asks Fairfax County voters whether the County government should be authorized to contract a debt and issue bonds in the maximum principal amount of \$315,000,000 for a range of planned improvements to the County's public schools. If a majority of the voters approves this referendum, then the County would be allowed to issue bonds to fund school facilities as described in the ballot question. Current plans for the use of the proceeds of bonds that may be authorized by this referendum are set forth below. The County may in the future alter these specific plans, but in any case the bonds can only be issued for purposes described in the ballot question.

Virginia law permits the Fairfax County government to borrow money to buy land and construct projects by issuing general obligation bonds. General obligation bonds are sold to investors and repaid over time with County revenues. Money received from the sale of bonds is used as a source of funding for many County facilities. Bond financing permits the costs of those County facilities to be repaid over a period of years. However, before the County may incur such a County general obligation debt, the voters of the County must authorize the County to borrow those funds.

The County currently plans to use the proceeds of bonds authorized by this bond referendum to construct new schools, plan and design projects, supervise construction, add onto and renovate existing school facilities, and make other physical repairs and improvements. More specifically, current plans for the proceeds of bonds that may be authorized by this referendum are to:

- Plan and/or construct two new elementary schools,
- Relocate one modular building,
- Plan additions at three existing high schools to add capacity,
- Plan and/or construct renovations of ten elementary schools, three middle schools, and two high schools.

These projects are intended to address needs created by increases in student enrollment, which have pushed some schools beyond capacity, as well as to improve the learning environment within certain schools that have become outdated, both technologically and instructionally. These projects will increase the student capacity of school buildings County-wide by more than 5,000 students in the aggregate and should reduce the need for the use of temporary or portable classrooms by approximately 225 such classrooms. The improvements will bring the buildings into compliance with the Americans with Disabilities Act. The renovation projects will upgrade the life safety, environmental, electrical, security, and telecommunications systems of each building. The improvements also will provide updated site features including, where practicable, additional parking, sport field area upgrades, additional site lighting and improved traffic patterns. These projects are designed to bring the sites into compliance with recently updated federal and state storm water quality and quantity requirements. These upgrades also will increase the energy efficiency of the buildings and improve the overall environmental sustainability of school facilities.

**This explanation was prepared, printed, and made available at  
election polling places in accordance with Virginia Code § 24.2-687**

Board Agenda Item  
July 25, 2017

ACTION - 8

Approval of a Resolution Authorizing Execution of a Project Land Rights Acquisition Administration Agreement with the City of Falls Church for the Acquisition of Land Rights Needed for Pedestrian Enhancement and Signal Improvements on North West Street (Dranesville District)

ISSUE:

Board approval of a resolution (Attachment I) authorizing the Director of the Department of Transportation to execute a project land rights acquisition administration agreement, in substantially the form of (Attachment II) – Agreement for the Joint Exercise of Power to Acquire Property Rights for Transportation Improvements, with the City of Falls Church for the acquisition of land rights within the City of Falls Church needed for pedestrian and signal improvements along North West Street in the City of Falls Church and Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution authorizing the Director of the Department of Transportation to execute a project land rights acquisition administration agreement for Fairfax County to administer the acquisition of land rights within the City of Falls Church needed for the pedestrian and signal improvements along North West Street, in substantially the form of Attachment II – Agreement for the Joint Exercise of Power to Acquire Property Rights for Transportation Improvements.

TIMING:

Board action is requested on July 25, 2017, to ensure that the project moves forward expeditiously.

BACKGROUND:

Fairfax County Department of Transportation staff has been working in coordination with staff from the City of Falls Church to advance projects that the Board approved January 28, 2014, as part of its Transportation Priorities Plan (TPP). The North West Street project, from Great Falls Street to Brilyn Place, began implementation in Summer 2015. This 300-foot-long sidewalk project includes approximately 50 feet of sidewalk within the City of Falls Church. The existing sidewalk at this intersection does not meet current Americans with Disabilities Act (ADA) standards. There is only one existing handicap

Board Agenda Item  
July 25, 2017

ramp and no crosswalks at the intersection. The existing signal requires upgrades to meet current design standards. The project, as originally scoped by County staff, would end at a ramp at the northeast corner of the intersection with no crosswalk or connecting ramp on the opposite side of the street. If the project were to end at the County/City boundary, the sidewalk would terminate 50 feet before the intersection.

At meetings with City staff in Summer 2015, the City requested that the County project also include design of signal improvements, crosswalks and ADA compliant handicap ramps at the intersection of North West Street and Great Falls Street, which is entirely within the City. Those components are the subject of a previously approved design administration agreement (Attachment III) between Fairfax County and the City of Falls Church, with acquisition being a portion of a possible Phase II. The City has requested that Fairfax County, through the Department of Public Works and Environmental Services Land Acquisition Division acquire land rights, in consultation with and on behalf of the City of Falls Church, on properties within the City of Falls Church needed for the portions of the project attributable to the City.

The City has agreed to compensate the County for its acquisition of land rights within the City of Falls Church attributable to the City's portion of the project in the initial amount of up to \$30,000 or such additional amount (up to a total of \$50,000) as may be appropriated by the Falls Church City Council. This funding is in addition to funding agreed upon for design in the previously approved design administration agreement. The attached agreement (Attachment II) is for Fairfax County to administer and perform the acquisition of the land rights needed for these improvements for the City of Falls Church and will supersede portions of the previous design agreement to allow the County to provide administrative support for the acquisition of land required for the City portion of the project. The Falls Church City Council considered this agreement at its July 10, 2017, Council meeting.

FISCAL IMPACT:

This project is part of the Third Four-Year Transportation Program approved by the Board of Supervisors on July 10, 2012, and on the list of proposed projects for the 2014 Transportation Bond Referendum approved by voters in November 2014. Total amount approved for this project in the Third Four-Year Transportation Program was \$300,000. County and City staffs have estimated the cost to acquire land rights for the pedestrian and signal improvements at the intersection of Great Falls Street and North West Street to be \$30,000 (City allocation payable by the City) and to be \$71,000 (County allocation). Funding for acquisition of land rights for this project is available in Project ST-000036, County Maintained Pedestrian Improvements in Fund 30050, Transportation Improvements.

Board Agenda Item  
July 25, 2017

The City bears cost overruns, unanticipated expenses, or funding shortages, if any, for the pedestrian and signal improvements at the intersection under this agreement, up to a total of \$50,000 or as agreed to by the City Council (Attachment II). There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment I – Resolution to Execute Agreement

Attachment II – Agreement for the Joint Exercise of Power to Acquire Property Rights for Transportation Improvements

Attachment III – Project Design Administration Agreement with the City of Falls Church

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eric M. Teitelman, P.E., Chief, Capital Projects and Traffic Engineering Division (CPTED), FCDOT

James Beall, Transportation Design Division (TDD), FCDOT

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

Carroll Johnson, Senior Transportation Planner, CFD, FCDOT

Janet Nguyen, Transportation Planner, CFD, FCDOT

Joe Mondoro, Chief Financial Officer, Department of Management and Budget

Julie B. Cline, Director, Land Acquisition Division

Dennis Cate, Branch Chief, Land Acquisition Division, Fairfax County Department of Public Works and Environmental Services (DPWES)

ASSIGNED COUNSEL:

Pamela K. Pelto, Assistant County Attorney

## **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia on Tuesday, July 25, 2017, at which meeting a quorum was present and voting, the following resolution was adopted.

### **AGREEMENT EXECUTION RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, the Agreement for the Joint Exercise of Power to Acquire Property Rights for Transportation Improvements with the City of Falls Church for the acquisition of land rights within the City of Falls Church needed for pedestrian enhancements and signal improvements on North West Street to be administered by the Fairfax County Department of Transportation.

Adopted this 25th day of July, 2017, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors



**AGREEMENT FOR THE JOINT EXERCISE  
OF POWER TO ACQUIRE PROPERTY RIGHTS FOR TRANSPORTATION  
IMPROVEMENTS**

THIS AGREEMENT is made and entered into on this \_\_\_\_ day of June, 2017, (“Effective Date”) by and between the City of Falls Church, Virginia, and the County of Fairfax, Virginia (Together, the City and the County are referred to herein as the “Parties.”)

**RECITALS:**

WHEREAS, the County and the City agreed in a “Project Design Administration Agreement between Fairfax County and the City of Falls Church” dated May 16, 2016, to work jointly to design certain transportation improvements on the north side of North West Street, between Brilyn Place and Great Falls Street and certain modifications to the traffic signal at the intersection of North West Street and Great Falls Street (which improvements and modifications are referred to herein as “Improvements”), which will be located partly within Fairfax County and partly within the City of Falls Church; and

WHEREAS, when the design of the Improvements is complete, certain property rights will need to be acquired (“Land Acquisition”) to enable the City and the County to construct the Improvements as designed (“Project”); and

WHEREAS, by the City and the County working jointly to complete the Land Acquisition for the Project, efficiencies can be achieved for both localities and the Parties can ensure that the Project is completed in a timely manner; and

WHEREAS, Section K of the May 16, 2016 “Project Design Administration Agreement” allowed the Parties to negotiate a supplement to the agreement for the acquisition of right of way; and

WHEREAS, the Parties have agreed that the County’s land acquisition staff will work with the property owners whose property lies wholly within the City or partly within the City and partly within the County, and from whose property certain rights are needed for the construction of the Improvements; and

WHEREAS, the Parties have agreed that the County’s land acquisition staff will, on behalf of the City, negotiate and agree upon the conveyance from the property owners to the City of the property rights that are located in the City and are needed for the Project, as generally

shown on the Land Rights Location Map, (Attachment A) and as more fully described below;  
and

WHEREAS, the Parties have agreed that the City will pay the costs for County staff, and its contractors, to undertake the Land Acquisition described in this Agreement with reference to property rights on property located in the City under the terms and conditions set forth in this Agreement and pursuant to the Project Budget and Scope, and the Concept Proposal Plan, (which are attached hereto as Attachments B-1 and B-2), in addition to the consideration to be paid to property owners for the needed property rights in the City; and

WHEREAS, the Parties desire to enter into this Agreement to set forth their respective obligations regarding the Land Acquisition for the Projects; and

WHEREAS, funds in the amount of up to \$50,000, as shown in Attachment B, have been allocated by the City to pay for the costs of its Land Acquisition for the Project; and

WHEREAS, the Improvements are located on North West Street from Brilyn Place to Great Falls Street, on properties that include: County Tax Map Parcels 40-4-((13))- 0002, -0012, and 00017B; County Tax Map parcel 40-4-((01))- 0030; and City parcels 51-121-008, 51-122-024, 51-132-001, and 51-209-013; all of which are more specifically shown on the Fairfax County Real Property Identification Map as Tax Map No. 40-4, and on the City of Falls Church Property Map and described on the Land Rights Location Map and Concept Proposal Plan in Attachments A and B-2, respectively; and

WHEREAS, the PARTIES' respective governing bodies have, by resolutions, which are attached hereto as Attachment C and D, authorized their respective designees to execute this Agreement.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

The Parties will work together cooperatively to acquire the property interests located within the City for the project, generally as listed below and shown on Attachment A, on behalf of the City of Falls Church.

<b>Address</b>	<b>City parcel</b>	<b>City easement area</b>	<b>County parcel</b>	<b>City or County portion of project</b>
2366 Great Falls Street;	51-209-013	168 square feet (Storm drainage easement)	040-4-01-0030	Fairfax County portion of project
2366 Great Falls Street;	51-209-013	77 square feet (grading agreement and temporary construction easement)	040-4-01-0030	City portion of project
701 North West Street	51-132-001	80 square feet (grading agreement and temporary construction easement)	040-4-13-0002	Fairfax County portion of project
543 Great Falls Street	51-122-024	419 square feet (grading agreement and temporary construction easement)	NA	City portion of project
540 Great Falls Street	51-121-008	180 SF dedication in fee	NA	City portion of project
540 Great Falls Street	51-121-008	124 square feet (grading agreement and temporary construction easement)	NA	City portion of project

The property at the four addresses noted as “City portion of the project” are referred to herein as the City Parcels.

The County will acquire any property rights for the Project that are located within the County, and shall do so at its own cost and expense.

- A. For acquisitions from the City Parcels, the County will, through its Land Acquisition Division, and contractors who perform certain tasks for the LAD on an ongoing basis, provide the following:
  1. Title Services, (including recordation in both Arlington and Fairfax Counties) if not performed by LAD staff, through its title contractor, and will provide sixty (60) year searches for the City Parcels. Because Falls Church land records are recorded in both Arlington and Fairfax, some searches may have an additional cost to reflect the need for additional work. Services for title work will be invoiced by the title contractor, and will be billed to the City at cost as provided below.
  2. The County will obtain appraisals for the City Acquisitions. The County will enter into contracts for such appraisals from its County-approved list of appraisers. The

County will provide the appraisal invoices to the City to be paid at cost. Waiver valuations may be used for low value acquisition, where possible, and the County will track staff time incurred in providing such valuations.

3. County staff will review plats and plans as needed for standards, impact and negotiation purposes, and will review title work and appraisals received (if there is no waiver valuation) and approve the appraisals and/or waiver valuations for negotiations. County tasks will also include providing waiver valuations if allowed; providing letters of intent; providing written offers to include valuation document, title abstract and plat. Upon receipt by the City of the County's valuation and proposed negotiating strategy, and acceptance of such by the City, the City will provide a Notice to Proceed for negotiations. County staff will then proceed with owner contacts, and conduct on-going negotiations to seek agreement for terms of the conveyance. The County will coordinate such negotiations with City staff, and keep City staff informed of the status of negotiations. The amount of time and therefore cost to negotiate is dependent on owner reactions and positions. Since County staff will coordinate with the City to receive approval for offers, the time may be greater than initially estimated. The County will offer the City staff a reasonable opportunity to attend any negotiations, but attendance by City staff shall not be a requirement. The County will not offer compensation amounts on behalf of the City in negotiations unless City staff has agreed to such. All offers and negotiations shall come through County staff so there is no confusion on the part of the property owner. The County will track its staff time to perform such work; if the County becomes aware that any particular negotiation may take extra time and therefore exceed the budget, it will so advise the City.
4. The County will bill the City monthly for costs of Title Services, Appraisals, and Waiver Valuations and for staff time to provide services provided for in this MOU. The County will include, with its billing, copies of any invoices from contractors and a statement of staff time incurred including identification of the property involved and the tasks that were performed.
5. Staff time will be billed at the same rate as the County's Land Acquisition Division's time is billed to other departments in the County. The County represents that it has estimated that the services called for hereunder attributable to City cost responsibility to be approximately thirty thousand dollars (\$30,000.00), including land rights value based on initial valuations based on assessed land value and not appraisals. If negotiations with owners results in higher valuations, the overall budget would need to be discussed and agreed to by City to move that forward. As set forth in Attachment B-1, the Budget, the County will have the opportunity to agree with the City Manager that additional amounts may be billed for services performed by the

County, up to a total of fifty thousand dollars \$50,000.00. The County shall not bill the City for any amount by which total costs exceed \$50,000.00, unless agreed to by the City Manager in writing, but prior to total costs reaching that amount, the City and County staff will confer to try to resolve any differences.

6. The County will track its work to be sure that all work can be done for the amounts in the Budget as set forth in Attachment B-1. If the County determines that work will be needed for which the billing exceeds the amount in Attachment B-1, it will give notice to the City and will not proceed with such work until so directed by the City.

B. The City will do the following:

1. The City will pay all correct and accurate invoices submitted to it by the County, for work done pursuant to this Agreement, on the terms set forth herein. Such payment will be made within thirty (30) days of receipt by the City of such invoice. In the event the City believes that an invoice from the County is incorrect or inaccurate, it will notify the County within fifteen (15) days after receipt of such invoice, and its obligation to pay such invoice shall not commence until the concern is resolved. For County work performed by consultants, the City's timing of payment should be responsive to the standard time to pay outside consultants. Fairfax County does not unreasonably delay payment once work has been accepted for use.
2. The City's obligations to pay for all work shall include the actual costs of contractors used for the Land Acquisition by the County as provided in this agreement, and the actual cost for County staff time, and reimbursement of other expenses, as set forth in Attachment B-1. The Amounts in Attachment B-1 are estimates; if costs are higher than the estimates, the County may notify the City of any difficulty in proceeding with the project at such cost, and the parties will work cooperatively to resolve the issue. The City shall approve the proposals for work to be performed by contractors prior to the County providing a Notice to Proceed. The City will reimburse the County for all costs paid to contractors for work performed pursuant to such proposals and on City parcels. Invoices shall be reviewed and approved by both Parties, as being for work actually performed and properly allocated to the City before any payment is made.
3. The City shall be responsible for payment to property owners of any amounts negotiated, with the City's consent, as payment for property rights. The City will make such payment directly at the time of the conveyance of the property rights to the City or as otherwise expressly and contractually agreed between the City and property owner.

4. The City has provided draft forms for deeds conveying the property interests to be conveyed under this Agreement, which forms are contained in Attachment E. Such forms will be used by County staff as the basis of negotiations with property owners. Any changes to the deeds necessitated by the negotiation process, or otherwise, will be subject to review and approval by the City.
5. The City will respond in a timely way to any questions from County staff regarding its requirements for easements, and negotiating position, or other matters requiring input from City staff.
6. The City will have no responsibility for acquisition by the County of property interests for the County portion of the project, including any portion of the project for which the County requires land that is located in the City. However, the acquisition of property interests in the City for the County portion of the project shall be in the City's name, with the City providing the County with the authority to obtain the land rights and to utilize the land rights to construct the Projects.

C. Both parties shall:

1. Maintain their respective records for the PROJECT for a period of not less than three years from PROJECT completion. Such records shall be subject to audit by either party.
2. Hold progress meetings or teleconferences at least monthly to review the PROJECT status.
3. Work cooperatively to complete the PROJECT in a timely, cost-effective and expeditious manner, and in accordance with all applicable laws and regulations.
4. Upon notification of discovery of any hazardous substances in or on any property to be acquired, immediately confer to determine the scope of any investigation and the requisite response action.
5. Meet and confer to resolve any dispute that may arise between the parties. Nothing herein limits the rights of either party to resolve disputes by means not described or provided for in this Agreement.
6. With respect to the property shown as County Tax Map Parcel no. 040-4-13-0002, over which the County will acquire a grading agreement and temporary construction easement located wholly within the County, and City Parcel 51-132-001, over which the City will acquire a grading agreement and temporary construction easement, the following will apply:

- a. The City hereby grants permission to the County to use the City's easement called for in this paragraph 6 for the purpose of constructing the sidewalk adjacent to the parcel upon which the easement will be located.
  - b. The County will oversee the construction of the sidewalk adjacent to the parcel upon which the easement is located. The construction will be in compliance with all applicable standards and details referenced in the approved Final Design Plans for the Project.
  - c. The County will not charge the City for the cost of staff work or for any compensation for acquiring this grading agreement and temporary construction easement.
  - d. The sidewalk within the City will be owned and maintained by the City after completion and acceptance of construction
7. With respect to the property shown as County Tax Map Parcel no. 040-4-01-0030, over which the County will acquire a proposed permanent storm drainage easement, located wholly within the County; and City parcel 51-209-13, over which the City will acquire a proposed permanent storm drainage easement, and a proposed grading agreement and temporary construction easement, the following will apply:
- a. The City hereby authorizes the City Manager to grant permission to the County to use the City's easement for purposes of installing a storm drainage pipe, which will connect to the City's storm drainage system, after which the City shall be solely responsible for the maintenance and repair of such storm drainage pipe. Such installation will comply with all applicable standards and details referenced in the approved Final Design Plans for the Project.
  - b. The County will not charge the City for the cost of acquiring the permanent storm drainage easement.
  - c. The storm drainage pipe within the City will be owned and maintained by the City after completion and acceptance by the City of construction.

#### D. Other Provisions

1. The City or the County may terminate this Agreement, with or without cause, at any time upon thirty (30) days written notice to the other party. On termination of the Agreement, the COUNTY shall cease all work on behalf of the City, and prepare a final invoice and submit to the CITY. The CITY shall process the invoice as described above within 30 days of receipt of the invoice.

Upon completion or near completion of Land Acquisition for the PROJECT, the PARTIES may negotiate a supplement to this Agreement for the construction of the PROJECT. The PARTIES each retain the right, but not the obligation, to enter into such a supplemental agreement.

2. The purpose of this Agreement is to provide for a cooperative, coordinated and efficient way to acquire all property rights needed for the Improvements, so that the Project can continue and be completed in a timely way.
3. Requirements for funds to be paid by the CITY shall be subject to annual appropriations by the Falls Church City Council and all requirements for funds to be paid by the COUNTY shall be subject to annual appropriations by the Fairfax County Board of Supervisors.
4. The property interests as described above are based on pre final plans for the project and provide a best estimate at this time of the property interests which will be required for the project. As the plans are finalized these may be modified slightly. The Parties will work together to coordinate any revisions required to finalize these property rights.
5. This Agreement shall not be construed as a waiver of either party's sovereign immunity and nothing herein shall create or vest any rights in any third parties.
6. This Agreement modifies Section H, and other provisions that reference right of way acquisition, of the May 16, 2016 "Project Design Administration Agreement" by modifying the City and County responsibilities for right of way acquisition, except that the City remains responsible for all costs associated with acquisitions from City Parcels. All other provisions of the May 16 Project Design Agreement remain in force.



7. Notices under this Agreement shall be sent via US. Mail, postage prepaid, and email for:

**Fairfax County to:**

Tom Biesiadny  
Director  
Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Tom.Biesiadny@fairfaxcounty.gov

Jim Beall, P.E.  
Section Chief  
Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
James.Beall@fairfaxcounty.gov

Dennis M. Cate  
Branch Chief, Land Acquisition Division  
Fairfax County Department of Public Works and Environmental Services (DPWES)  
12000 Government Center Parkway  
Fairfax VA 22035  
Dennis.Cate@fairfaxcounty.gov

**The City of Falls Church to:**

Michael Whitfield  
Director, Public Works  
City of Falls Church  
300 Park Avenue, Suite 100 West  
Falls Church, VA 22046  
mwhitfield@fallschurchva.gov

Wyatt Shields  
City Manager  
City of Falls Church  
300 Park Avenue, Suite 303 East  
Falls Church, VA 22046

8. This Agreement, when properly executed, shall be binding upon both parties, and their successors and assigns.
9. This Agreement may be modified only in writing and by mutual agreement of both parties.
10. This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of either party, nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.
11. This Agreement shall be construed and interpreted according to the laws of the Commonwealth of Virginia, and any litigation with respect thereto shall be brought in the courts of the Commonwealth of Virginia.

12. Nothing in this Agreement shall be construed as precluding further agreements between the City and the County to jointly undertake other aspects of work on the Project.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

**COUNTY OF FAIRFAX, VIRGINIA:**

\_\_\_\_\_  
Tom Biesiadny, Director,  
Fairfax County Department of Transportation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**CITY OF FALLS CHURCH, VIRGINIA:**

\_\_\_\_\_  
Wyatt Shields  
City Manager, City of Falls Church

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

Attachment A: Land Rights Location Map (Right of Way Data Sheet)

Attachment B-1: Scope of Work and Budget  
Attachment B-2: Concept proposal plan (drawing)  
Attachment C: City Resolution  
Attachment D: County Resolution  
Attachment E: Draft Deed Forms

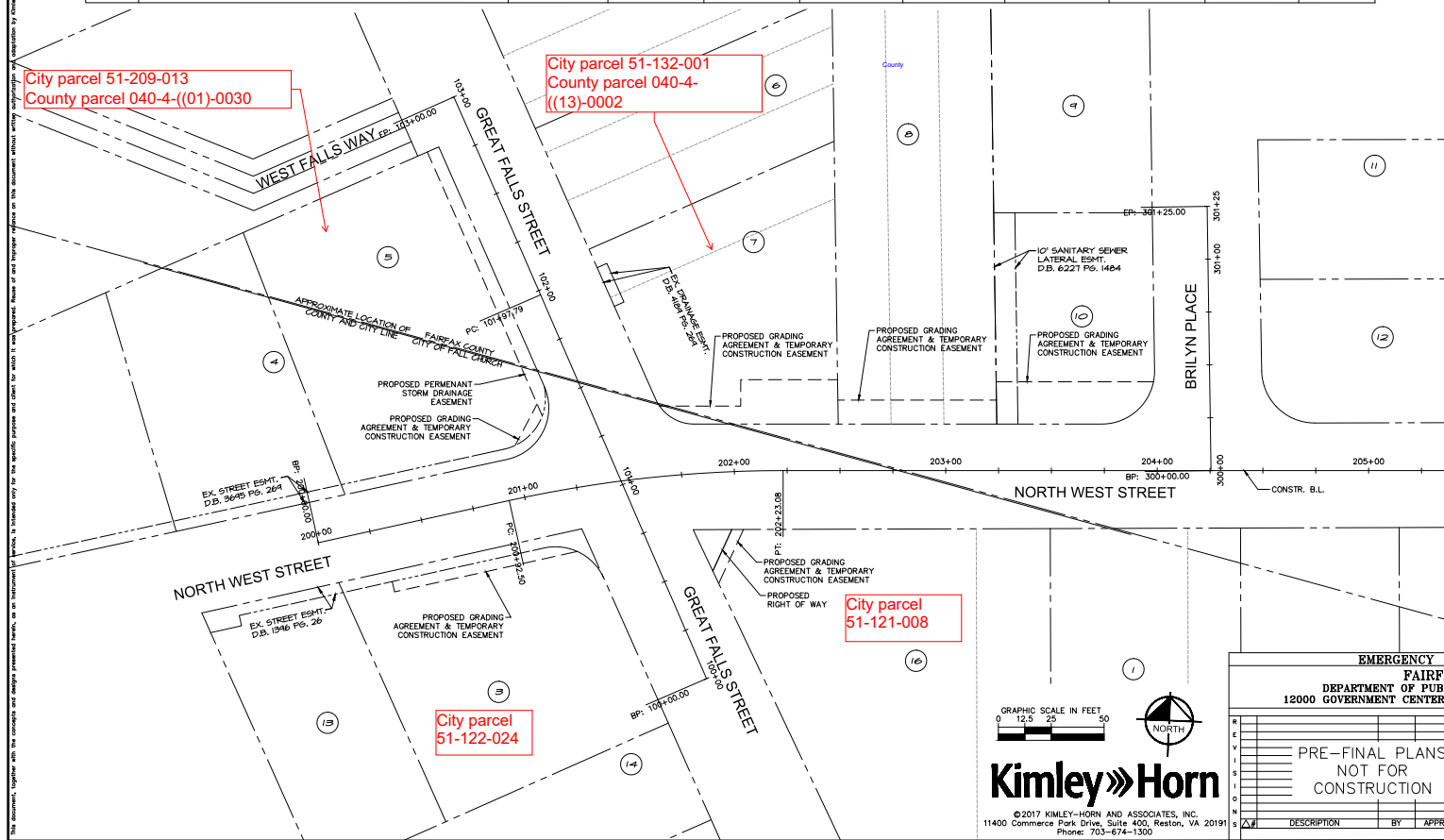
# ATTACHMENT A LAND RIGHTS LOCATION MAP

PROJECT MANAGER: JAMES BEALL, P.E. (703)877-5673  
 SURVEYED BY: FAIRFAX COUNTY (703)877-5600  
 DESIGN SUPERVISED BY: BRUCE BARNETT, P.E. (703)870-3599  
 DESIGNED BY: KIMLEY-HORN (703)674-1300

## RIGHT OF WAY DATA SHEET

PARCEL NUMBER	LANDOWNER	AREA								
		TOTAL	FEE TAKING	PRESCRIPTIVE R/W	FEE REMAINDER	EASEMENTS				PROFFER
						PERMANENT	UTILITY	TEMPORARY	TEMPORARY (ENTRANCES)	
		ACRES OR SQUARE FEET	ACRES OR SQUARE FEET	ACRES OR SQUARE FEET	ACRES OR SQUARE FEET	ACRES OR SQUARE FEET	ACRES OR SQUARE FEET	ACRES OR SQUARE FEET	ACRES OR SQUARE FEET	YES / NO
16	BRADLEY S. PARKER & DENA J. PARKER	20040	180		19860			124		NO
5	MICHAEL A. SHAW & PATRICIA J. SHAW	14750			14750	815		77		NO
7	DEBORAH L. GILPIN & KERRY S. GILPIN	11131			11131			1251		NO
8	SCOTT FREDERICK LISMAN & DENISE BLANCHER LISMAN	14999			14999			852		NO
10	JOHN JOSEPH DILLON & MIRIAM DILLON	7361			7361			1363		NO
3	FREDERICK H. DEGNAN & JUDITH B. DEGNAN	12932			12932			419		NO
	TOTAL	81213	180		81033	815		4086		

- ① DEPUTRON SUBDIVISION PART OF LOT 2 & PART OF LOT 3 D.B. 15-12-002 NP JASON C. ROBERTSON & JACLYN L. ROBERTSON D.B. 210 PS. 15-12-002
- ② DEPUTRON SUBDIVISION PART OF LOT 3 D.B. 15-12-002 NP REBECCA T. SATOSKAR & REBECCA T. SATOSKAR D.B. 4300 PS. 15-12-002
- ③ SHERWOOD SUBDIVISION BLOCK "N" D.B. 15-12-002 NP FREDERICK H. DEGNAN & JUDITH B. DEGNAN D.B. 6784 PS. 15-12-002
- ④ MAYNARD M. ERKIN PROPERTY SUBDIVISION LOT 2 D.B. 15-12-002 NP SCOTT A. GAMES & BONNIE A. GAMES D.B. 4147 PS. 15-12-002
- ⑤ MAYNARD M. ERKIN PROPERTY SUBDIVISION LOT 1 D.B. 15-12-002 NP MICHAEL A. SHAW & PATRICIA J. SHAW D.B. 14662 PS. 15-12-002
- ⑥ SPEED SUBDIVISION LOTS 3 & 4 PART OF LOT 5 D.B. 15-12-002 NP EUGENE P. GALVIN & MARY GALVIN D.B. 6784 PS. 15-12-002
- ⑦ SPEED SUBDIVISION LOT 1 D.B. 15-12-002 NP DEBORAH L. GILPIN & KERRY S. GILPIN D.B. 10448 PS. 15-12-002
- ⑧ SPEED SUBDIVISION LOT 12, 13 & LOT 14 D.B. 15-12-002 NP SCOTT FREDERICK LISMAN & DENISE BLANCHER LISMAN D.B. 24348 PS. 15-12-002
- ⑨ SPEED SUBDIVISION RESUBDIVISION OF LOTS 15, 16 & 17 D.B. 15-12-002 NP PAUL ALAN ZUCKER & JANICE ZUCKER D.B. 1760 PS. 15-12-002
- ⑩ SPEED SUBDIVISION RESUBDIVISION OF LOTS 18, 19 & 20 D.B. 15-12-002 NP JOHN JOSEPH DILLON & MIRIAM DILLON D.B. 11427 PS. 15-12-002
- ⑪ MERIDIAN PARK LOT 26 D.B. 15-12-002 NP MICHAEL THOMAS & JENNIFER T. THOMAS D.B. 15271 PS. 15-12-002
- ⑫ SHERWOOD SUBDIVISION BLOCK "N" D.B. 15-12-002 NP JERRY A. KOLFORD & CRYSTAL KOLFORD D.B. 4083 PS. 15-12-002
- ⑬ SHERWOOD SUBDIVISION BLOCK "N" D.B. 15-12-002 NP ROY JONES III D.B. 4526 PS. 15-12-002
- ⑭ SHERWOOD SUBDIVISION BLOCK "N" D.B. 15-12-002 NP SCOTT DEBEL & MICHELLE DEBEL D.B. 4711 PS. 15-12-002
- ⑮ DEPUTRON SUBDIVISION LOT 1 & PART OF LOT 2 D.B. 15-12-002 NP BRADLEY S. PARKER & DENA J. PARKER INST. 420181000004200
- ⑯ PETER M. IDE & MARIAN SIEGEL D.B. 15-12-002 NP JOHN D. LAWRENCE & MARY ANN LAWRENCE D.B. 15-12-002
- ⑰ MERIDIAN PARK LOT 26 D.B. 15-12-002 NP THU PHAM TRAN & TONY THUAN VAN TRAN D.B. 16712 PS. 15-12-002



GRAPHIC SCALE IN FEET  
 0 12.5 25 50  
 NORTH  
**Kimley»Horn**  
 ©2017 KIMLEY-HORN AND ASSOCIATES, INC.  
 11400 Commerce Park Drive, Suite 400, Reston, VA 20191  
 Phone: 703-674-1300

EMERGENCY POLICE - FIRE - RESCUE 911			
FAIRFAX COUNTY, VIRGINIA DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES 12000 GOVERNMENT CENTER PARKWAY, SUITE 449 FAIRFAX, VA., 22035-0052			
CAPITAL FACILITIES 703-324-5800		North West Street Sidewalk Improvements RIGHT OF WAY DATA SHEET	
PROJECT NO. ST-00036-003	FUND NO. 300-C30050	SCALE HORIZ = 1"=25' VERT = N/A	DESIGNED BY: DD DRAFTED BY: TC CHECKED BY: BB
DESCRIPTION	BY	APPROVED	DATE

**NORTH WEST STREET PROJECT LAND RIGHTS ACQUISITION  
ADMINISTRATION AGREEMENT  
ATTACHMENT B-1 Project Budget and Scope**

The project will complete a missing 5-ft concrete sidewalk link on the north side of North West Street between Great Falls Street and Brilyn Place. The project also will include installation of curb and gutter along the length of the project as well as mill and overlay of North West Street. Additional pavement overlay may be required at the northeast quadrant of the intersection of Great Falls Street and North West Street to address grading issues at this location. Utility relocations will be required. One drainage inlet along Great Falls Street will need to be relocated and additional drainage inlets may be needed to address drainage concerns along North West Street and at the intersection with Brilyn Place. Curb ramps are proposed at each end of the segment of sidewalk.

In addition to the sidewalk and curb and gutter, the City of Falls Church requests the project include reconstruction of the existing signal at the intersection of Great Falls Street and North West Street and construction of ADA handicap ramps and pedestrian crosswalks at all four legs of this intersection. The reconstructed signal heads shall be on mast arms, and shall include pedestrian walk indicators. No expansion of the existing roadway width is anticipated.

The design and construction components of this project are the subject of a previously-approved agreement between Fairfax County and the City of Falls Church. The City of Falls Church requests that Fairfax County, through the Fairfax County Department of Public Works and Environmental Services' Land Acquisition Division acquire in consultation with and on behalf of the City of Falls Church the land rights from properties located within the City of Falls Church needed for the project, with cost obligations allocated as provided within the attached agreement.

The preliminary project land rights acquisition budget is allocated as follows:

Fairfax County Responsibility (attributable to the Fairfax County portion of the project):

Land rights acquisition – staff time for acquisition within the City of Falls Church	\$11,000
Estimated value of land rights needed	\$46,000
Contingency	<u>\$14,000</u>
<b>Preliminary total, Fairfax County Responsibility:</b>	<b>\$71,000</b>

City of Falls Church Responsibility:

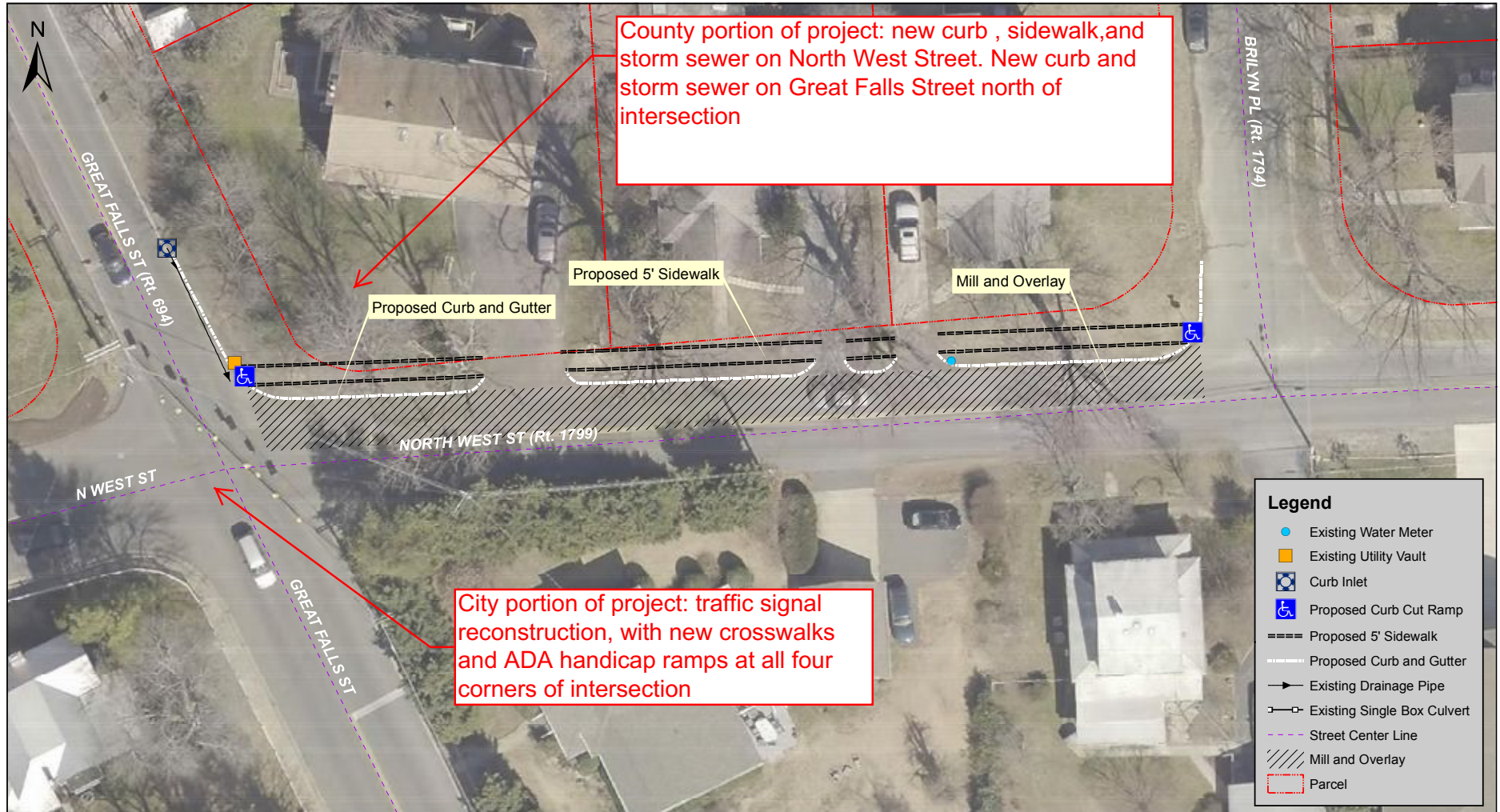
Estimated Land Acquisition Division staff time, appraisals/waiver valuations, title searches, and estimated value of land rights attributable to City of Falls Church portion of the project	<u>\$30,000</u>
<b>Preliminary total, City of Falls Church Responsibility:</b>	<b>\$30,000</b>

\*With consultation and agreement by City of Falls Church, cost responsibility may increase to \$50,000.00 depending on values and negotiation issues.

This preliminary budget is an estimate of land rights acquisition cost only and does not establish either minimum or maximum amounts for which either the CITY or COUNTY shall be responsible. Acquisition shall be done in accordance with the terms of the proposed “Agreement for the Joint Exercise of Power to Acquire Property Rights for Transportation Improvements”, attached hereto.

Fairfax County has allocated \$71,000 to the project from local revenues.

The City of Falls Church has allocated \$30,000 to the project from local revenues.



North West Street Walkway from Great Falls Street to Brilyn Place	
Date 03.19.2015	Designed by MQ
<b>CONCEPT PROPOSAL ONLY NOT TO BE USED FOR CONSTRUCTION</b>	

0 12.5 25 50 Feet  
1 in = 25 ft

County of Fairfax-City of Falls Church Agreement Attachment B-2

Attachment C: City Resolution

(Attachment C to be provided after Falls Church City Council meeting, July 10, 2017.)



## **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia on Tuesday, July 25, 2017, at which meeting a quorum was present and voting, the following resolution was adopted.

### **AGREEMENT EXECUTION RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, the Agreement for the Joint Exercise of Power to Acquire Property Rights for Transportation Improvements with the City of Falls Church for the acquisition of land rights within the City of Falls Church needed for pedestrian enhancements and signal improvements on North West Street to be administered by the Fairfax County Department of Transportation.

Adopted this 25th day of July, 2017, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

Attachment E: Draft Deed Forms

(Attachment Es to be provided after Falls Church City Council meeting, July 10, 2017.)

**PROJECT DESIGN ADMINISTRATION AGREEMENT**  
**BETWEEN FAIRFAX COUNTY and the CITY OF FALLS CHURCH**

For the design of pedestrian enhancement and signal improvements on North West Street in the City of Falls Church, Virginia and the County of Fairfax, Virginia.

THIS AGREEMENT, is made and entered into on this the 16 day of May, 2016, ("Effective Date") between the COUNTY OF FAIRFAX, VIRGINIA (the "COUNTY"), and the CITY OF FALLS CHURCH, VIRGINIA (the "CITY"), and collectively referred to as the ("PARTIES").

WITNESSETH

WHEREAS, the COUNTY's 2014 Transportation Bond Referendum, approved on November 4, 2014, includes funding that may be used for the design, construction, and implementation of pedestrian enhancement improvements on the north side of North West Street, between Brilyn Place and Great Falls Street, which are located partly within Fairfax County and partly within the City of Falls Church; and

WHEREAS, the CITY has requested that the COUNTY include in this project work that is located entirely within the CITY; specifically, the design for reconstruction of the traffic signal and three new pedestrian crosswalks with Americans with Disabilities Act (ADA) compliant ramps at the intersection of North West Street and Great Falls Street; and

WHEREAS, the PARTIES have agreed that the COUNTY will perform, or will engage third parties to perform, the design services for the pedestrian enhancement improvements, traffic signal, and crosswalks on North West Street (including but not limited to administration, scoping, surveying, preliminary engineering, and layout) (the "PROJECT"), substantially in accordance with the narrative scope shown in Appendix A ("Scope and Budget"); and

WHEREAS, the PARTIES desire to enter into this Agreement to set forth their respective obligations regarding the PROJECT; and

WHEREAS the COUNTY has procured a qualified Engineering firm ("CONSULTANT") to provide engineering design services (including plans, cost estimates, easement plats, and Right of Way plats) for the PROJECT with costs allocated to the COUNTY and CITY components of the PROJECT; and

WHEREAS, funds in the amount of \$128,500 as shown in Appendix A have been allocated by the COUNTY to finance its portion of the PROJECT (the COUNTY Contribution); and

WHEREAS, funds in the amount of \$39,700 as shown in Appendix A have been appropriated by the CITY to finance its portion of the PROJECT (the CITY Contribution); and

WHEREAS, the pedestrian enhancement improvements are located on North West Street from Brilyn Place to Great Falls Street, including County Tax Map Parcels 40-4-((13))- 001, -012, and 0017B; County Tax Map parcel 40-4-((1))- 030; and City parcels 51-121-008, 51-122-024, and 51-209-013; which is more specifically shown on the Fairfax County Real Property Identification Map as Tax Map No. 40-4, and described on the tax map and conceptual layout in Appendix B1 and B2, respectively; and

WHEREAS, the PARTIES' governing bodies have, by resolutions, which are attached hereto as Appendix C and D, authorized their respective designees to execute this Agreement;

NOW THEREFORE, in consideration of the premises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

A. The CITY portion of the project shall include:

1. Traffic signal and pedestrian crosswalks at the intersection of North West Street and Great Falls Street
2. ADA handicap ramps in the northwest, southwest and southeast quadrants of the intersection of North West Street and Great Falls Street
3. Relocation of existing utilities as may be required for the CITY portion of the project
4. Relocation or improvement of storm sewer facilities, as may be required for the CITY portion of the project
5. All costs for preparation of right of way or easement plats as may be required for the CITY portion of the project

B. The COUNTY portion of the project shall include:

1. ADA handicap ramps in the northeast quadrant of the intersection of North West Street and Great Falls Street
2. The sidewalk on the north side of North West Street between Great Falls Street and Brilyn Place
3. Relocation of existing utilities as may be required for the COUNTY portion of the project

4. Relocation or improvement of storm sewer facilities, as may be required for the COUNTY portion of the project
5. All costs for preparation of right of way or easement plats as may be required for the COUNTY portion of the project

C. The COUNTY shall:

1. Manage CONSULTANT's provision of services as identified in Appendix A. All work shall be completed in accordance to scheduled activities established by both parties, and all applicable federal, state, and local laws and regulations
2. Provide coordination of the PROJECT and act as liaison to the CONSULTANT. Funding for the COUNTY's share of the PROJECT will be paid out of COUNTY revenues. No federal funds are intended to be used on the PROJECT. All direction of the CONSULTANT will be provided by the County.
3. Be responsible for all invoice tracking and budgeting tasks and work with CITY staff as follows:
  - a. COUNTY will require that the CONSULTANT's task order contract and invoices will provide separate costs for the CITY and COUNTY portions of the PROJECT.
  - b. COUNTY staff will review all design consultant invoices and make payments as appropriate, after input and reimbursement from the City as called for in this Agreement. COUNTY shall submit consultant invoices to the CITY with documentation indicating the amount due for reimbursement to the COUNTY.
  - c. Once the COUNTY has submitted any PROJECT invoices to the CITY, the CITY will have 30 days to review, approve or reject, and submit reimbursement, where appropriate. CITY may reject invoices only for work that is not in accordance with the contract, or not within the CITY's portion of the project as defined in this Agreement. If the CITY rejects the invoice, CITY and COUNTY shall work cooperatively with consultant to resolve the dispute.
4. Manage the design aspects for the CITY portion of the PROJECT in accordance with all applicable design standards of the Virginia Department of Transportation (VDOT), and the CITY.

5. Be responsible for all PROJECT cost overruns directly related to the COUNTY portion of the PROJECT.
6. Provide for the design of the PROJECT in accordance with the most recent edition of VDOT's "Locally Administered Project" (LAP) Manual. The LAP Manual outlines requirements for locally funded projects and is in accordance with all applicable federal and state laws and regulations.
7. Work with the CITY in good faith to resolve any feasibility issues that may develop.
8. Provide a monthly summary of progress and expenditures for the CITY portion of the PROJECT.
9. Participate with the City in joint Plan Review meetings at the 25%, 65%, and 90% plan stage.
10. Provide to the CITY, in sufficient time to permit the City to complete review, a copy of the plan and cost estimate at each design phase submittal, and the final site plan and cost estimate for the PROJECT upon completion of final design, for the CITY portion of the PROJECT.
11. Notify the CITY as soon as practicable upon determining that additional funding may be necessary to complete design of the CITY portion of the PROJECT.

D. The CITY shall:

1. Reimburse the COUNTY in an amount up to \$39,700, or such additional amount as may be appropriated by the Falls Church City Council for that purpose, for the contract costs for design of infrastructure facilities related to the CITY portion of the PROJECT.
2. Provide funds to the COUNTY for the PROJECT in accordance with this Agreement and the payments outlined in Appendix A.
3. Be responsible for all PROJECT cost over runs directly related to the CITY portion of the PROJECT.
4. Support and assist the COUNTY in obtaining site surveys, copies of design and as built plans, plan approvals and construction permits for the PROJECT. The CITY shall waive any plan review fees or permit fees for the PROJECT.

5. Be responsible for obtaining any land (whether purchased or easement rights) required for the CITY portion of the PROJECT. As noted in the recitals, the CONSULTANT shall prepare plats for easements and land acquisitions.
6. Review design plans and cost estimates and provide comments to the COUNTY within 30 days after the receipt from the COUNTY of the plans and cost estimates.
7. As noted in Section C.3. above, approve or reject the City's portion of Consultant invoices, and submit reimbursement to the COUNTY where appropriate, within 30 days of receipt of the invoice.
8. Participate in monthly, or as needed, meetings with the designated COUNTY Project Manager, to discuss PROJECT progress.
9. Upon notice from the COUNTY that additional funding is anticipated or required to be needed to complete design, work cooperatively with the COUNTY to revise scope, provide additional funding, or cease design work.

E. Both parties shall:

1. Maintain their respective records for the PROJECT for a period of not less than three years from PROJECT completion. All such records shall be subject to audit by either party.
2. Develop a project schedule outlining project deliverables, public meetings, utility relocations, land acquisition, and times required for CITY, COUNTY and/ or VDOT plan reviews or approvals. The PARTIES will coordinate on major milestones that may require modifications to the schedule. The schedule will be reviewed and adjusted from time to time based on project progress and unforeseen delays.
3. Hold progress meetings or teleconferences at least monthly to review the project status.
4. Work cooperatively to complete the PROJECT in a timely cost effective and expeditious manner, and in accordance with all applicable laws and regulations.

5. Upon notification of discovery of any hazardous substances in or on the property, immediately confer to determine the scope of any investigation and the requisite response action.
  6. Meet and confer to resolve any dispute that may arise between the parties. Nothing herein limits the rights of either party to resolve disputes by means not described or provided for in this Agreement.
- F. As provided in paragraph C.9, the CITY will be accorded the opportunity to review the design plans, for the CITY portion of the PROJECT at each stage of PROJECT development. The CITY shall provide any comments within 30 days. The CITY's comments shall be addressed concurrently with VDOT's comments. In the event the CITY and VDOT make varying comments, the COUNTY will coordinate to resolve the differences, giving both VDOT and the CITY an opportunity to provide input.
- G. If the PARTIES determine that the PROJECT may not be feasible as a result of the standard design process or may require additional funding to continue, the PARTIES will meet, confer and consider alternatives that would move the PROJECT to the next stage, in accordance with CITY and COUNTY procedures, and discuss such other alternatives as may be in the mutual best interest of both parties.
- H. Except as specifically provided for in this AGREEMENT, The COUNTY will have no responsibility for utility relocations and right of way acquisitions required for the CITY portion of the PROJECT. The CITY will have no responsibility for utility relocations and right of way acquisitions required for the COUNTY portion of the PROJECT. The PARTIES will coordinate and assist each other in such right of way acquisitions and utility relocations.
- I. The PARTIES shall retain joint ownership and rights to all data, designs, models, and any other products generated by the CONSULTANT for the PROJECT.
- J. The PARTIES retain the right to terminate this agreement, with or without cause, at any time upon thirty (30) days written notice to the other party. On termination of the agreement, the COUNTY shall prepare a final invoice and submit to the CITY. The CITY shall process the invoice as described above within 30 days of receipt.
- K. Subject to the conditions set forth in paragraph D.5, upon approval of final design of the PROJECT, the PARTIES may negotiate a supplement to this agreement for the acquisition of right of way and construction of the PROJECT. The PARTIES each retain the right, but not the obligation, to enter into such a supplemental agreement.



- L. All requirements for funds to be paid by the COUNTY shall be subject to annual appropriations by the Fairfax County Board of Supervisors, and all requirements for funds to be paid by the CITY shall be subject to annual appropriations by the Falls Church City Council.
- M. THIS AGREEMENT shall not be construed as a waiver of either party's sovereign immunity and nothing herein shall create or vest any rights in any third parties.
- N. All notices under this Agreement shall be sent via U.S. Mail, postage prepaid, and email for:

Fairfax County to:

Tom Biesiadny  
Director  
Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
[Tom.Biesiadny@fairfaxcounty.gov](mailto:Tom.Biesiadny@fairfaxcounty.gov)

Jim Beall, P.E.  
Section Chief  
Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
[James.Beall@fairfaxcounty.gov](mailto:James.Beall@fairfaxcounty.gov)

The City of Falls Church to:

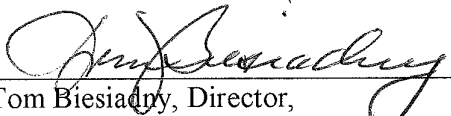
Mike Collins, P.E.  
Director, Public Works  
City of Falls Church  
300 Park Avenue, Suite 100 West  
Falls Church, VA 22046  
[mcollins@fallschurchva.gov](mailto:mcollins@fallschurchva.gov)

Wyatt Shields  
City Manager  
City of Falls Church  
300 Park Avenue, Suite 303 East  
Falls Church, VA 22046

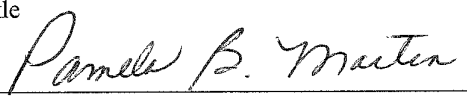
- O. THIS AGREEMENT, when properly executed, shall be binding upon both parties, and their successors and assigns.
- P. THIS AGREEMENT may be modified only in writing and by mutual agreement of both parties.
- Q. THIS AGREEMENT shall not be construed as creating any personal liability on the part of any officer, employee, agent of either party, nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

**COUNTY OF FAIRFAX, VIRGINIA:**


  
\_\_\_\_\_  
Tom Biesiadny, Director,  
Fairfax County Department of Transportation

5/3/16  
\_\_\_\_\_  
Date


\_\_\_\_\_  
Title  
  
\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date  
5/3/16  
\_\_\_\_\_  
Date

**CITY OF FALLS CHURCH, VIRGINIA:**

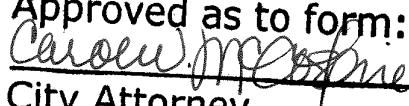
  
\_\_\_\_\_  
Wyatt Shields  
City Manager, City of Falls Church

5-16-16  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Title  
  
\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date  
5-16-16  
\_\_\_\_\_  
Date

Attached:  
APPENDIX A Project Budget and Scope  
APPENDIX B1 Tax Map  
APPENDIX B2 Conceptual Layout  
APPENDIX C County Resolution  
APPENDIX D City Resolution

**Approved as to form:**  
  
\_\_\_\_\_  
**City Attorney**

**NORTH WEST STREET PROJECT DESIGN ADMINISTRATION AGREEMENT**  
**APPENDIX A Project Budget and Scope**

The project will complete a missing 5-ft concrete sidewalk link on the north side of North West Street between Great Falls Street and Brilyn Place. The project also will include installation of curb and gutter along the length of the project as well as mill and overlay of North West Street. Additional pavement overlay may be required at the northeast quadrant of the intersection of Great Falls Street and North West Street to address grading issues at this location.

Utility relocations will be required.

One drainage inlet along Great Falls Street will need to be relocated and additional drainage inlets may be needed to address drainage concerns along North West Street and at the intersection with Brilyn Place.

Curb ramps are proposed at each end of the segment of sidewalk.

In addition to the sidewalk and curb and gutter, the City of Falls Church requests the project include reconstruction of the existing signal at the intersection of Great Falls Street and North West Street and construction of ADA handicap ramps and pedestrian crosswalks at all four legs of this intersection. The reconstructed signal heads shall be on mast arms, and shall include pedestrian walk indicators. No expansion of the existing roadway width is anticipated.

The preliminary project design budget is allocated as follows:

**Fairfax County Responsibility:**

Base Design Fee	\$68,600
Plats (3), monuments and reimbursable expenses	\$8,700
Allowance for meetings, coordination, and additional design	\$35,900
Design Contingency	\$15,300
<u>Preliminary total, Fairfax County Responsibility:</u>	<u>\$128,500</u>

**City of Falls Church Responsibility:**

Traffic signal design, plats (1), coordination with City,	\$39,700
<u>Preliminary total, City of Falls Church Responsibility:</u>	<u>\$39,700</u>

This preliminary budget is an estimate of design cost only and does not establish either minimum or maximum amounts for which either the CITY or COUNTY shall be responsible. The estimated costs do not include right of ways acquisition, utility relocation or construction.

Fairfax County has allocated \$128,500 to the project from local revenues.

The City of Falls Church has allocated \$39,700 to the project from local revenues.

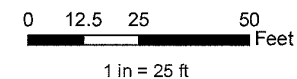
**NORTH WEST STREET PROJECT DESIGN ADMINISTRATION AGREEMENT**  
**APPENDIX B1 Tax Map**



**NORTH WEST STREET PROJECT DESIGN ADMINISTRATION AGREEMENT**  
**APPENDIX B2 Conceptual Layout**



North West Street Walkway from Great Falls Street to Brilyn Place	
Date 03.19.2015	Designed by MQ
<b>CONCEPT PROPOSAL ONLY</b> <b>NOT TO BE USED FOR CONSTRUCTION</b>	



County of Fairfax-City of Falls Church Agreement Appendix B-2

**NORTH WEST STREET PROJECT DESIGN ADMINISTRATION AGREEMENT**  
**APPENDIX C Fairfax County Board of Supervisors Resolution**



### **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia on Tuesday, April 26, 2016, at which meeting a quorum was present and voting, the following resolution was adopted.

#### **AGREEMENT EXECUTION RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, a Project Design Administration Agreement with the City of Falls Church for the design of pedestrian enhancements and signal improvements on North West Street to be administered by the Fairfax County Department of Transportation.

Adopted this 26th day of April 2016, Fairfax, Virginia

ATTEST:



Catherine A. Chianese

Clerk to the Board of Supervisors

**NORTH WEST STREET PROJECT DESIGN ADMINISTRATION AGREEMENT**  
**APPENDIX D City of Falls Church Resolution**

RESOLUTION 2016-16

RESOLUTION AUTHORIZING THE CITY MANAGER TO  
EXECUTE, ON BEHALF OF THE CITY OF FALLS CHURCH, A  
PROJECT DESIGN ADMINISTRATION AGREEMENT WITH  
FAIRFAX COUNTY FOR THE DESIGN OF PEDESTRIAN  
ENHANCEMENTS AND SIGNAL IMPROVEMENTS ON NORTH  
WEST STREET

WHEREAS, improvements to the traffic signal and pedestrian infrastructure at the intersection of Great Falls Street and North West Street have been included in the City's Capital Improvement Program and the City has applied for and received Revenue Sharing funds from VDOT, in order to improve the reliability and functionality of the traffic signal by removing it from Dominion Virginia Power utility poles and providing ADA compliant pedestrian facilities; and

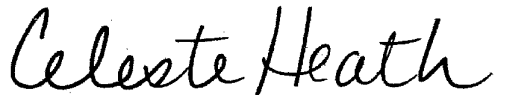
WHEREAS, part of the improvements will be within the City, and most of the improvements will be in the County; and

WHEREAS, for the purpose of having a coordinated, effective and efficient project, the design for the parts of the project in the City and the County should be prepared by a single engineer/design firm; and

THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of Falls Church, Virginia, that the City Manager is authorized to execute, on behalf of the City, a Project Design Administration Agreement between the City and the County of Fairfax, in substantially the form and substance presented to the City Council on March 28, 2016, subject to approval as to form by the City Attorney, and that the City Manager is further authorized to work with the Fairfax County Department of Transportation to administer the design services pursuant to that Agreement.

Reading: 3-28-16  
Adoption: 3-28-16  
(TR16-11)

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Falls Church, Virginia on March 28, 2016 as Resolution 2016-16.



Celeste Heath  
City Clerk

## PROJECT DESIGN ADMINISTRATION AGREEMENT

BETWEEN FAIRFAX COUNTY and the CITY OF FALLS CHURCH

For the design of pedestrian enhancement and signal improvements on North West Street in the City of Falls Church, Virginia and the County of Fairfax, Virginia.

THIS AGREEMENT, is made and entered into on this the \_\_\_\_ day of \_\_\_\_\_, 2016, ("Effective Date") between the COUNTY OF FAIRFAX, VIRGINIA (the "COUNTY"), and the CITY OF FALLS CHURCH, VIRGINIA (the "CITY"), and collectively referred to as the ("PARTIES").

WITNESSETH

WHEREAS, the COUNTY's 2014 Transportation Bond Referendum, approved on November 4, 2014, includes funding that may be used for the design, construction, and implementation of pedestrian enhancement improvements on the north side of North West Street, between Brilyn Place and Great Falls Street, which are located partly within Fairfax County and partly within the City of Falls Church; and

WHEREAS, the CITY has requested that the COUNTY include in this project work that is located entirely within the CITY; specifically, the design for reconstruction of the traffic signal and three new pedestrian crosswalks with Americans with Disabilities Act (ADA) compliant ramps at the intersection of North West Street and Great Falls Street; and

WHEREAS, the PARTIES have agreed that the COUNTY will perform, or will engage third parties to perform, the design services for the pedestrian enhancement improvements, traffic signal, and crosswalks on North West Street (including but not limited to administration, scoping, surveying, preliminary engineering, and layout) (the "PROJECT"), substantially in accordance with the narrative scope shown in Appendix A ("Scope and Budget"); and

WHEREAS, the PARTIES desire to enter into this Agreement to set forth their respective obligations regarding the PROJECT; and

WHEREAS the COUNTY has procured a qualified Engineering firm ("CONSULTANT") to provide engineering design services (including plans, cost estimates, easement plats, and Right of Way plats) for the PROJECT with costs allocated to the COUNTY and CITY components of the PROJECT; and

WHEREAS, funds in the amount of \$128,500 as shown in Appendix A have been allocated by the COUNTY to finance its portion of the PROJECT (the COUNTY Contribution); and

WHEREAS, funds in the amount of \$39,700 as shown in Appendix A have been appropriated by the CITY to finance its portion of the PROJECT (the CITY Contribution); and

WHEREAS, the pedestrian enhancement improvements are located on North West Street from Brilyn Place to Great Falls Street, including County Tax Map Parcels 40-4-((13))- 001, -012, and 0017B; County Tax Map parcel 40-4-((1))- 030; and City parcels 51-121-008, 51-122-024, and 51-209-013; which is more specifically shown on the Fairfax County Real Property Identification Map as Tax Map No. 40-4, and described on the tax map and conceptual layout in Appendix B1 and B2, respectively; and

WHEREAS, the PARTIES' governing bodies have, by resolutions, which are attached hereto as Appendix C and D, authorized their respective designees to execute this Agreement;

NOW THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

A. The CITY portion of the project shall include:

1. Traffic signal and pedestrian crosswalks at the intersection of North West Street and Great Falls Street
2. ADA handicap ramps in the northwest, southwest and southeast quadrants of the intersection of North West Street and Great Falls Street
3. Relocation of existing utilities as may be required for the CITY portion of the project
4. Relocation or improvement of storm sewer facilities, as may be required for the CITY portion of the project
5. All costs for preparation of right of way or easement plats as may be required for the CITY portion of the project

B. The COUNTY portion of the project shall include:

1. ADA handicap ramps in the northeast quadrant of the intersection of North West Street and Great Falls Street
2. The sidewalk on the north side of North West Street between Great Falls Street and Brilyn Place
3. Relocation of existing utilities as may be required for the COUNTY portion of the project
4. Relocation or improvement of storm sewer facilities, as may be required for the COUNTY portion of the project
5. All costs for preparation of right of way or easement plats as may be required for the COUNTY portion of the project

C. The COUNTY shall:

1. Manage CONSULTANT's provision of services as identified in Appendix A. All work shall be completed in accordance to scheduled activities established by both parties, and all applicable federal, state, and local laws and regulations
2. Provide coordination of the PROJECT and act as liaison to the CONSULTANT. Funding for the COUNTY's share of the PROJECT will be paid out of COUNTY revenues. No federal funds are intended to be used on the PROJECT. All direction of the CONSULTANT will be provided by the County.
3. Be responsible for all invoice tracking and budgeting tasks and work with CITY staff as follows:
  - a. COUNTY will require that the CONSULTANT's task order contract and invoices will provide separate costs for the CITY and COUNTY portions of the PROJECT.
  - b. COUNTY staff will review all design consultant invoices and make payments as appropriate, after input and reimbursement from the City as called for in this Agreement. COUNTY shall submit consultant invoices to the CITY with documentation indicating the amount due for reimbursement to the COUNTY.
  - c. Once the COUNTY has submitted any PROJECT invoices to the CITY, the CITY will have 30 days to review, approve or reject, and submit reimbursement, where appropriate. CITY may reject invoices only for work that is not in accordance with the contract, or not within the CITY's portion of the project as defined in this Agreement. If the CITY rejects the invoice, CITY and COUNTY shall work cooperatively with consultant to resolve the dispute.
4. Manage the design aspects for the CITY portion of the PROJECT in accordance with all applicable design standards of the Virginia Department of Transportation (VDOT), and the CITY.
5. Be responsible for all PROJECT cost overruns directly related to the COUNTY portion of the PROJECT.
6. Provide for the design of the PROJECT in accordance with the most recent edition of VDOT's "Locally Administered Project" (LAP) Manual. The LAP Manual outlines requirements for locally funded projects and is in accordance with all applicable federal and state laws and regulations.
7. Work with the CITY in good faith to resolve any feasibility issues that may develop.

8. Provide a monthly summary of progress and expenditures for the CITY portion of the PROJECT.
  9. Participate with the City in joint Plan Review meetings at the 25%, 65%, and 90% plan stage.
  10. Provide to the CITY, in sufficient time to permit the City to complete review, a copy of the plan and cost estimate at each design phase submittal, and the final site plan and cost estimate for the PROJECT upon completion of final design, for the CITY portion of the PROJECT.
  11. Notify the CITY as soon as practicable upon determining that additional funding may be necessary to complete design of the CITY portion of the PROJECT.
- D. The CITY shall:
1. Reimburse the COUNTY in an amount up to \$39,700, or such additional amount as may be appropriated by the Falls Church City Council for that purpose, for the contract costs for design of infrastructure facilities related to the CITY portion of the PROJECT.
  2. Provide funds to the COUNTY for the PROJECT in accordance with this Agreement and the payments outlined in Appendix A.
  3. Be responsible for all PROJECT cost overruns directly related to the CITY portion of the PROJECT.
  4. Support and assist the COUNTY in obtaining site surveys, copies of design and as built plans, plan approvals and construction permits for the PROJECT. The CITY shall waive any plan review fees or permit fees for the PROJECT.
  5. Be responsible for obtaining any land (whether purchased or easement rights) required for the CITY portion of the PROJECT. As noted in the recitals, the CONSULTANT shall prepare plats for easements and land acquisitions.
  6. Review design plans and cost estimates and provide comments to the COUNTY within 30 days after the receipt from the COUNTY of the plans and cost estimates.
  7. As noted in Section C.3. above, approve or reject the City's portion of Consultant invoices, and submit reimbursement to the COUNTY where appropriate, within 30 days of receipt of the invoice.
  8. Participate in monthly, or as needed, meetings with the designated COUNTY Project Manager, to discuss PROJECT progress.

9. Upon notice from the COUNTY that additional funding is anticipated or required to be needed to complete design, work cooperatively with the COUNTY to revise scope, provide additional funding, or cease design work.

E. Both parties shall:

1. Maintain their respective records for the PROJECT for a period of not less than three years from PROJECT completion. All such records shall be subject to audit by either party.
2. Develop a project schedule outlining project deliverables, public meetings, utility relocations, land acquisition, and times required for CITY, COUNTY and/ or VDOT plan reviews or approvals. The PARTIES will coordinate on major milestones that may require modifications to the schedule. The schedule will be reviewed and adjusted from time to time based on project progress and unforeseen delays.
3. Hold progress meetings or teleconferences at least monthly to review the project status.
4. Work cooperatively to complete the PROJECT in a timely cost effective and expeditious manner, and in accordance with all applicable laws and regulations.
5. Upon notification of discovery of any hazardous substances in or on the property, immediately confer to determine the scope of any investigation and the requisite response action.
6. Meet and confer to resolve any dispute that may arise between the parties. Nothing herein limits the rights of either party to resolve disputes by means not described or provided for in this Agreement.

F. As provided in paragraph C.9, the CITY will be accorded the opportunity to review the design plans, for the CITY portion of the PROJECT at each stage of PROJECT development. The CITY shall provide any comments within 30 days. The CITY's comments shall be addressed concurrently with VDOT's comments. In the event the CITY and VDOT make varying comments, the COUNTY will coordinate to resolve the differences, giving both VDOT and the CITY an opportunity to provide input.

G. If the PARTIES determine that the PROJECT may not be feasible as a result of the standard design process or may require additional funding to continue, the PARTIES will meet, confer and consider alternatives that would move the PROJECT to the next stage, in accordance with CITY and COUNTY procedures, and discuss such other alternatives as may be in the mutual best interest of both parties.

H. Except as specifically provided for in this AGREEMENT, The COUNTY will have no responsibility for utility relocations and right of way acquisitions required for



the CITY portion of the PROJECT. The CITY will have no responsibility for utility relocations and right of way acquisitions required for the COUNTY portion of the PROJECT. The PARTIES will coordinate and assist each other in such right of way acquisitions and utility relocations.

I. The PARTIES shall retain joint ownership and rights to all data, designs, models, and any other products generated by the CONSULTANT for the PROJECT.

J. The PARTIES retain the right to terminate this agreement, with or without cause, at any time upon thirty (30) days written notice to the other party. On termination of the agreement, the COUNTY shall prepare a final invoice and submit to the CITY. The CITY shall process the invoice as described above within 30 days of receipt.

K. Subject to the conditions set forth in paragraph D.5, upon approval of final design of the PROJECT, the PARTIES may negotiate a supplement to this agreement for the acquisition of right of way and construction of the PROJECT. The PARTIES each retain the right, but not the obligation, to enter into such a supplemental agreement.

L. All requirements for funds to be paid by the COUNTY shall be subject to annual appropriations by the Fairfax County Board of Supervisors, and all requirements for funds to be paid by the CITY shall be subject to annual appropriations by the Falls Church City Council.

M. THIS AGREEMENT shall not be construed as a waiver of either party's sovereign immunity and nothing herein shall create or vest any rights in any third parties.

N. All notices under this Agreement shall be sent via U.S. Mail, postage prepaid, and email for:

Fairfax County to:

Tom Biesiadny  
Director  
Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Tom.Biesiadny@fairfaxcounty.gov  
Jim Beall, P.E.  
Section Chief  
Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895

James.Beall@fairfaxcounty.gov

The City of Falls Church to:

Mike Collins, P.E.	Wyatt Shields
Director, Public Works	City Manager
City of Falls Church	City of Falls Church
300 Park Avenue, Suite 100 West	300 Park Avenue, Suite 303 East
Falls Church, VA 22046	Falls Church, VA 22046
mcollins@fallschurchva.gov	

O. THIS AGREEMENT, when properly executed, shall be binding upon both parties, and their successors and assigns.

P. THIS AGREEMENT may be modified only in writing and by mutual agreement of both parties.

Q. THIS AGREEMENT shall not be construed as creating any personal liability on the part of any officer, employee, agent of either party, nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

COUNTY OF FAIRFAX, VIRGINIA:

_____	_____
	Date
_____	_____
Typed or Printed Name of Signatory	Date
_____	_____
Title	Date
_____	_____
Signature of Witness	Date

CITY OF FALLS CHURCH, VIRGINIA:

\_\_\_\_\_

Date

\_\_\_\_\_  
Typed or Printed Name of Signatory

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

Board Agenda Item  
July 25, 2017

ACTION - 9

Approval of Fairfax County's Title VI Program Update for 2017-2019 for the Federal Transit Administration (FTA)

ISSUE:

Board of Supervisors approval of Fairfax County's updated Title VI Program for 2017-2019, so that the County will maintain its FTA compliance and eligibility to apply for and receive federal funding for transportation.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Fairfax County's Title VI Program Update for 2017-2019 (Attachment I).

TIMING:

The Board of Supervisors is requested to act on this Title VI Program Update 2017-2019 on July 25, 2017, so that Fairfax County can remain eligible for United States Department of Transportation (USDOT) financial assistance, particularly from FTA.

BACKGROUND:

All recipients of federal financial assistance (e.g., states, local governments, transit providers) are subject to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and USDOT implementing regulations. In order to document their compliance with Title VI, all recipients of federal financial assistance must maintain a valid Title VI Program or Plan that demonstrates how the recipient is complying with Title VI requirements, including prohibiting discrimination on the basis of race, color, or national origin. Although not directly prohibited by Title VI, preventing discrimination on the basis of economic status is also part of a Title VI Program. [See Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by President Clinton on February 11, 1994.]

On July 1, 2014, the Board approved Fairfax County's current Title VI Program. FTA formally approved Fairfax County's Title VI Program on November 19, 2014. On July 12, 2016, the Board approved an amendment to the original Title VI Plan that further clarified the County's Major Service Change, Disparate Impact, and Disproportionate Burden policies, in response to feedback from FTA. These policies help ensure that the needs of minority and low-income communities are fully and fairly evaluated when changes to Fairfax Connector are being considered.

Board Agenda Item  
July 25, 2017

In preparation for this Title VI Program Update for 2017-2019 submittal to FTA, the Board again considered and approved the Major Service Change, Disparate Impact, and Disproportionate Burden policies on May 2, 2017. The Board recently has also reviewed and approved Title VI equity analyses for service changes and fare increases for Fairfax Connector on March 14, 2017, and June 20, 2017, respectively. Fairfax Connector fare increases are done in concert with fare increases being implemented by the Washington Metropolitan Area Transit Authority. Upon approval by the Board, the Title VI Program Update for 2017-2019 will be submitted to FTA for review and approval.

Although much of the updated plan remains unchanged from last time, there have been a few significant changes:

- Fairfax Connector has implemented a new Computer-Aided Dispatch/Automatic Vehicle Locator (CAD/AVL) system, which more accurately tracks on-time performance and improves customer service;
- Fairfax County Department of Transportation (FCDOT) communications staff has refined transit marketing strategies and is utilizing social media more than in the previous plan; and
- FCDOT is creating an on-line training for staff, supervisors, and operators

FISCAL IMPACT:

Remaining Title VI compliant will allow Fairfax County to continue to receive FTA grant and other USDOT funding, including Transportation Infrastructure Finance and Innovation Act (TIFIA) funding. However, there is no direct financial impact of this action.

ENCLOSED DOCUMENTS:

Attachment I: Draft Fairfax County Title VI Program Update for 2017-2019

STAFF:

Robert A. Stalzer, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Kenneth Saunders, Director, Office of Human Rights and Equity Programs  
Dwayne Pelfrey, Division Chief, Transit Services Division, FCDOT  
Randy White, Countywide Transit Services Coordinator, FCDOT  
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT  
Brent Riddle, Coordination and Funding Division, FCDOT

ASSIGNED COUNSEL:

Patricia McCay, Assistant County Attorney



# County of Fairfax, Virginia

## Attachment 1

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

### FAIRFAX COUNTY TITLE VI PROGRAM

<b>CHAPTER 1: INTRODUCTION.....</b>	<b>1</b>
1.1 TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 .....	1
1.2 DESCRIPTION OF SERVICE .....	2
1.3 FCDOT TITLE VI DIVISION UPDATES .....	2
 <b>CHAPTER 2: REQUIREMENTS AND GUIDELINES .....</b>	<b>4</b>
2.1 TITLE VI PUBLIC NOTICE .....	4
2.2 TITLE VI COMPLAINT PROCEDURES AND FORM .....	6
2.3 SERVICE AREA PROFILE .....	11
2.4 MINORITY REPRESENTATION ON RELEVANT NON-ELECTED COMMISSIONS, COMMITTEES, AND BOARDS.....	16
2.5 SUMMARY OF TITLE VI COMPLAINTS, INVESTIGATIONS, AND LAWSUITS .....	18
2.6 LAND ACQUISITION FOR PURPOSES OF FACILITY CONSTRUCTION .....	18
2.7 SUB-RECIPIENTS OF FEDERAL TRANSIT ADMINISTRATION FUNDING .....	19
2.8 PUBLIC PARTICIPATION PLAN .....	19
2.9 LANGUAGE ACCESS PLAN .....	25
 <b>CHAPTER 3: SERVICE STANDARDS AND POLICIES.....</b>	<b>56</b>
3.1 TRANSIT SERVICE STANDARDS.....	56
3.2 TRANSIT SERVICE POLICIES .....	57
3.3 TRANSIT SERVICE MONITORING .....	59
3.4 MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES .....	60
3.5 MAJOR SERVICE CHANGES IMPLEMENTED FROM FY 2015 TO FY 2017.....	66
3.6 MAJOR FARE CHANGES IMPLEMENTED FROM FY 2015 TO FY 2017.....	73
3.7 ANALYSIS OF TRANSIT SERVICE STANDARDS .....	80
3.8 ANALYSIS OF TRANSIT SERVICE POLICIES.....	86
 <b>APPENDIX A: FAIRFAX COUNTY TITLE VI ACCOMPLISHMENTS QUESTIONNAIRE .....</b>	<b>89</b>
<b>APPENDIX B: MAPS OF LINGUISTICALLY ISOLATED POPULATIONS IN FAIRFAX COUNTY BY LANGUAGE .....</b>	<b>93</b>
<b>APPENDIX C: POWERPOINT PRESENTATION: DISPARATE IMPACT, DISPROPORTIONATE BURDEN, AND MAJOR SERVICE CHANGE PROPOSED POLICIES.....</b>	<b>105</b>
<b>APPENDIX D: MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN POLICIES – PUBLIC COMMENTS RECEIVED .....</b>	<b>115</b>

## **CHAPTER 1: INTRODUCTION**

### **1.1 Title VI of the Civil Rights Act of 1964**

The County of Fairfax, Virginia, is a Federal Transit Administration (FTA) grant recipient and is required by the FTA to conform to Title VI of the Civil Rights Act of 1964 and its amendments. Title VI of the Civil Rights Act of 1964 prohibits discrimination against an individual or group, intentional or unintentional, on the basis of race, color, and national origin in any program or activity receiving federal financial assistance. This applies to the Fairfax Connector (fixed route bus service) and other County transit-related activities. The FTA Title VI Circular 4702.1B also includes requirements that address Presidential Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority and Low Income Populations.” The FTA Circular integrates the requirements found in Presidential Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency,” which addresses services to those individuals with Limited English Proficiency (LEP).

The County works to ensure that its transit services are provided in a nondiscriminatory manner and the opportunity for full and fair participation is offered to riders and others in the community. The County also meets the needs for services and materials for persons with limited English speaking ability. As part of the County’s provision of Title VI assurances that no person is excluded from participation in, or denied the benefits of, or subjected to discrimination in the receipt of any of the County’s services on the basis of race, color or national origin, the contents of this program have been prepared in accordance with Section 601 of the Title VI of the Civil Rights Act of 1964 and Executive Order 13116.

The County’s Title VI Program is governed by the Federal Transit Administration (FTA). FTA works to ensure nondiscriminatory transportation in support of its mission to enhance the social and economic quality of life for all Americans. The FTA Office of Civil Rights is responsible for monitoring Fairfax Connector (Connector) and County Title VI programs and ensuring our compliance with Title VI requirements. The Federal Transit Administration Title VI requirements for the County are delineated in FTA’s Title VI Circular 4702.1B. FTA’s revised circular provides guidance to grantees on how to comply with Title VI regulations, as well as to ensure grantees provide meaningful language access to persons who are limited English proficient. The circular provides specific compliance information for each type of grantee and provides comprehensive appendices, including additional guidance and examples to ensure recipients understand the requirements.

## 1.2 Description of Service

Fairfax County is located in the Commonwealth of Virginia. It is Virginia's most populous county with a 2010 population of 1,081,726, estimated at 1,142,234 in 2015. This is about 13.5% of the state's population. Fairfax County provides transit service through the Department of Transportation's (FCDOT) Transit Services Division. The Transit Services Division manages the Fairfax Connector, a locally owned fixed-route bus transit system operated by a contractor. Since its inception in 1985, the Connector system has grown significantly and now has the third largest bus fleet in the Washington, D.C. region and largest public bus fleet in Virginia.<sup>1</sup> As of 2015, the Fairfax Connector system consists of 85 routes that provide over 619,000 revenue hours annually, representing 57 percent of the total bus service in the County.

In addition to Fairfax Connector services, the Washington Metropolitan Area Transit Authority (WMATA) provides approximately 43 percent of the total bus service revenue hours in the County through Metrobus. Metrobus service is regionally focused, providing service across County lines, while Connector service is non-regional in nature and operates largely within the County boundaries. The County initiated Fairfax Connector in September 1985 as a cost-effective alternative to the provision of non-regional fixed-route/fixed-schedule bus service by WMATA, and significant expansion of the system has occurred since then.

The County also is served by two rail systems, WMATA's Metrorail and the Virginia Railway Express (VRE) commuter rail. The County is served by four Metrorail lines and 10 stations: the Orange Line along the I-66 corridor (three stations); the Blue Line from the Springfield area (one station); the Yellow Line (one station) from the Huntington area / Richmond Highway corridor; and the Silver Line (five stations) through Tysons to Reston. An extension to Washington Dulles International Airport and Loudoun County is expected to open in 2020, with three more stations in Fairfax County. VRE provides service to the County on two lines. The Manassas Line connects three stations in the Burke area to Alexandria, Arlington, and Washington DC, while the Fredericksburg Line connects two stations, in Lorton and Springfield respectively, to those locations.

## 1.3 Fairfax County Title VI Division Updates

The County, in its commitment to Title VI adherence, conducted a survey of FCDOT staff in June 2016. Title VI accomplishment Questionnaires were sent to all FCDOT heads of all divisions including Transit Services, Site Analysis and Transportation Planning, Capital Projects and Traffic Engineering, Transportation Design, and Special Projects (Dulles rail). The goal was to review FCDOT's outreach activities following the 2014 adoption of the Title VI Program by the Fairfax County Board of Supervisors and to identify accomplishments, issues, or determine where any improvements can be made. (The questionnaire is included as *Appendix A*)

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<sup>1</sup> National Transit Database, 2013 data



The overall responses demonstrate FCDOT's commitment to promoting inclusiveness. For example, meeting planners routinely consult the language map prior to public meetings to determine if interpreters will be needed. They also contact the relevant supervisor offices and the Department of Neighborhood and Community Services (NCS) staff to seek information such as awareness of any special language requirements or groups that would potentially need to be addressed. Language assistance and Americans with Disabilities Act (ADA) statements are always included when announcing public events through various media including newspaper, web advertisements, and mailings.

For example, over two years, the Capital Projects and Traffic Engineering Division held 28 community meetings. These were organized in cooperation with local Homeowners Associations, civic associations, or task force members. The local community members provided input on advertising strategies for the events. An attempt was made to invite all community members. Meetings were attended by residents living in the communities. No special languages were requested or provided, even though they were available. No Title VI concerns or issues were raised at any of the community meetings.

The Site Analysis and Transportation Planning Division also recently completed the *Countywide Transit Network Study (CTNS)* for which the Draft Final report has been made available for public viewing at: <http://www.fairfaxcounty.gov/fcdot/2050transitstudy/> The CTNS is a High-Quality Transit Network intended to better serve the county. The study included an online survey about transit service preferences with 1,376 responses. Survey respondents were self-selected and the survey included both demographic and attitudinal questions. The average respondent was more likely to be Caucasian, have a higher household income, and more likely to own their own home than the Countywide average. Several questions were, therefore, stratified based on household income to better understand the range of opinions expressed by the County residents. The study consisted of a total of eight public meetings. Efforts were made to hold public meetings in different areas of the county that were accessible via frequent transit service and included geographic and economic diversity. Subsequent outreach efforts for public meeting notification included coordination with the NCS's Community Interfaith Coordination unit.

No major issues or corrective actions were identified following this questionnaire. However, through the development of this Title VI program, FCDOT has identified certain methods and areas that can allow better consistency and thus improve outreach efforts. Section 2.8 of this program features a public participation plan which outlines FCDOT's outreach strategies as well as an outcomes evaluation process to review the overall effectiveness of the strategies.

## CHAPTER 2: REQUIREMENTS AND GUIDELINES

### 2.1 Title VI Public Notice

The following language will be used to notify the public of their rights under Title VI:

**Notifying the Public of Rights under Title VI**  
**Fairfax County Department of Transportation and Fairfax Connector**

The Fairfax County Department of Transportation and Fairfax Connector operate programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Fairfax County Office of Human Rights and Equity Programs within 180 days of the date of the alleged discrimination. The Office of Human Rights and Equity Programs is located at 12000 Government Center Parkway, Fairfax, Virginia 22035. This office can also be reached by calling 703-324-2953, TTY 711, or Fax: 703-324-3570.

For more information on the Fairfax County Department of Transportation and Fairfax Connector civil rights program and the procedures to file a complaint, please contact: 703-339-7200 (703-339-1608 TTY), email [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov); or visit the department's administrative office at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033. Information on the procedures to file a complaint or to file a complaint contact: 703-324-2953 (TTY 711) or <http://www.fairfaxcounty.gov/ohrep/epd/>. Complaints can be mailed to: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

If information is needed in another language, please contact: 703-877-5687

The final line of the notice, informing the public of the availability of language assistance, has been translated, on the notice, into the following languages: Spanish (see *Figure 1* below), Korean, Vietnamese, Chinese, Amharic,<sup>2</sup> Hindi,<sup>3</sup> Arabic, Urdu, Farsi, and Tagalog.

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<sup>2</sup> The U.S. Census simply lists "African languages" for all African languages. However, Amharic speakers, born in Ethiopia, make up the largest African immigrant population in Fairfax County. (U.S Census Bureau, American Community Survey, 2011-2015, five year estimates)

<sup>3</sup> "Other Indic Languages" fell higher in the top ten languages (e.g. Telugu at 8) while Hindi was at 10 with individuals in all cases speaking English "less than very well". For the reason that many speakers of other Indic languages may also speak or have knowledge of Hindi, it was included on this list.

Figure 1: Public Notification of Rights under Title VI (Spanish Version)



## **Aviso público**

### **Departamento de transporte del Condado de Fairfax y Fairfax Connector**

#### **Notificación al público sobre los derechos bajo el Título VI**

El Departamento de transporte del Condado de Fairfax y Fairfax Connector dirigen programas y servicios sin importar raza, color ni nacionalidad en conformidad con el Título VI de la Ley de los derechos civiles. Cualquier individuo que considere que ha sido ofendido por alguna práctica ilícita discriminatoria puede presentar una queja bajo el Título VI ante la Oficina de derechos humanos y programas de equidad del Condado de Fairfax en un plazo de 180 días a partir de la fecha de la presunta acción discriminatoria. La Oficina de derechos humanos y programas de equidad se encuentra en 12000 Government Center Parkway, Fairfax, Virginia 22035.

También puede comunicarse a la oficina al 703-324-2953, usuarios de la línea TTY al 711 o por Fax: 703-324-3570. Para mayor información sobre el Departamento de transporte del Condado de Fairfax, el programa de derechos civiles de Fairfax Connector y los procedimientos para presentar una queja, llame al: 703-339-7200 (usuarios de la línea TTY al 703- 339-1608 TTY), envíe un correo electrónico a [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov) o visite la oficina administrativa del departamento en 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033.

Para mayor información sobre los procedimientos para presentar una queja o para presentar una queja llame al: 703-324-2953 (usuarios de la línea TTY al 711) o <http://www.fairfaxcounty.gov/ohrep/epd/>. Puede enviar su queja por correo a: Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, Virginia 22035.

Para presentar una queja directamente ante la Administración federal de tránsito, el demandante puede enviar su queja a Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

**Si requiere información en otro idioma, por favor llame al: 703-324-2953, usuarios de la línea TTY al 711.**



**Suscríbese hoy  
PARA RECIBIR  
NOTICIAS DEL  
CONDADO DE  
FAIRFAX**

[fairfaxcounty.gov/news/subscribe](http://fairfaxcounty.gov/news/subscribe)



Para solicitar esta información en un formato alternativo, llame al Departamento de transporte, 703-877-5600, usuarios de la línea TTY al 711.

Condado de Fairfax,  
Virginia



FCDOT Title VI Notice - Spanish

The languages above were selected based on the fact they 1) constitute the ten most prevalent non-English languages spoken in Fairfax County, and 2) they correlate with the ten highest numbers of individuals who speak English “less than very well.” Together, speakers of the ten languages selected for numbers of individuals who speak English “less than very well.” Together, speakers of the ten languages selected for use on the Notice comprise 80 percent of all the speakers of languages other than English in Fairfax County.

The County’s Title VI Notice references both FCDOT and Fairfax Connector to ensure that it is understood that Title VI applies both to the Fairfax Connector service and to other FCDOT transit-related activities. The notice will be printed in each of the ten languages listed above and posted in the following places:

- FCDOT Administrative Offices at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033, at the front desk and reception area

- Fairfax Connector Webpage at: <http://www.fairfaxcounty.gov/connector/>
- All Fairfax Connector Stores:
  - Franconia-Springfield Metrorail Station, 6880 Frontier Drive, Springfield, Virginia 22150
  - Herndon-Monroe Park-and-Ride, 12530 Sunrise Valley Drive, Herndon, Virginia 20171
  - Reston Town Center Transit Station, 12051 Bluemont Way, Reston, Virginia 20190
  - Stringfellow Park-and-Ride, 4920 Stringfellow Road, Centreville, Virginia 20120
  - Tysons West\*Park Transit Station, 8300 Jones Branch Drive, McLean, Virginia 22102
- All Fairfax Connector buses (English and Spanish only)
- At all Fairfax Connector and transit-related FCDOT public meetings
- Each month, a link to the Title VI Notice on the Fairfax Connector website will be tweeted through Fairfax Connector's Twitter account: @ffxconnector
- On Fairfax Connector's Facebook "About" page at: <https://www.facebook.com/fairfaxconnector/info>

## 2.2 Title VI Complaint Procedures and Form

Fairfax County's Title VI Complaint Procedures have been posted on Fairfax Connector's website and are available in Fairfax Connector Stores, on Fairfax Connector buses, at major Fairfax Connector transit hubs, and at FCDOT's Administrative Offices.

The following text has been produced as part of FCDOT's Title VI Complaint Procedures:

Title VI of the Civil Rights Act of 1964 prohibits discrimination against an individual or group, intentional or unintentional, on the basis of race, color, and national origin in any program or activity receiving federal assistance, including Fairfax Connector and Fairfax County Department of Transportation's transit operations and activities.

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by Fairfax Connector or Fairfax County Department of Transportation may file a Title VI complaint by completing and submitting the "Fairfax Connector" complaint form available on Fairfax County's Office of Human Rights and Equity Programs (OHREP) website at the following URL:

<http://www.fairfaxcounty.gov/ohrep/epd/>

A complaint form can also be obtained by writing the Office of Human Rights and Equity Programs, Equity Programs Division, 12000 Government Center Parkway, Fairfax, Virginia 22035 or by calling 703-324-2953, TTY 711, Fax: 703-324-3570.

Fairfax County investigates complaints received no more than 180 days after the alleged incident. Fairfax County can only process complaints that provide sufficient information to begin an investigation.

Within 48 hours of receiving a complaint, the Fairfax County Office of Human Rights and Equity Programs staff will contact the complainant and elicit all pertinent information with regard to the alleged discriminatory act(s) from the individual via an intake form. The complainant is required to cooperate with the intake process. Within 48 hours of completing an intake form, OHREP staff will use the information in the form to determine whether or not the complainant may establish a *prima facie*, or a clear case of possible discrimination.

If OHREP determines that there is a *prima facie* case of discrimination, an investigation will be initiated. Investigations may include, but shall not be limited to, on-site visits, interviews of witnesses and collection of documents. The accused party (ies) in the allegation(s) of discrimination will be interviewed and provided an opportunity to rebut the allegations and provide relevant information for investigation. Additionally, witnesses will be interviewed as deemed necessary. After an investigation is initiated all information obtained is confidential. Within seven work days of the initiation of an investigation all of the investigation documentation for the case must be completed. If additional time is necessary to prepare the documentation requested, the staff responsible for the investigation will request an extension from OHREP leadership.

After the completion of the investigation a report will be produced, and OHREP staff will submit a final recommendation to the OHREP Executive Director. The OHREP Executive Director will review the investigative file and make a final determination. OHREP will inform the complainant whether the allegations of discrimination were substantiated. Upon completion of the investigation and notification of the parties in the complaint, the file will be closed. All documentation, including audio tapes (if applicable), will be kept in the complaint file.

If OHREP determines that a *prima facie* case of discrimination has not occurred, no investigation will be initiated. However, OHREP's findings in the matter will be documented in a report. OHREP's findings fall under the purview of the Equity Programs Division, and there is no right of appeal.

If probable cause is determined or misconduct by an employee is identified, OHREP will instruct FCDOT to consult with the Fairfax County Department of Human Resources regarding corrective or disciplinary actions. If, in the course of the investigation, the investigator has reason to believe that a criminal act or violation of law may have occurred, OHREP will contact the Fairfax County Police Department for appropriate action.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue, SE, Washington DC 20590.

Fairfax County utilizes the form presented below as its current Title VI complaint form for citizens. The form is available on Fairfax County's website in PDF format at: <http://www.fairfaxcounty.gov/ohrep/epd/>. The form can also be obtained at the following locations:

- Fairfax County Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Fairfax, Virginia 22035
- Fairfax County Department of Transportation Administrative Offices at 4050 Legato Road, 4th Floor, Fairfax, Virginia 22033
- All Fairfax Connector Stores:
  - Franconia-Springfield Metrorail Station, 6880 Frontier Drive, Springfield, Virginia 22150
  - Herndon-Monroe Park-and-Ride, 12530 Sunrise Valley Drive, Herndon, Virginia 20171
  - Reston Town Center Transit Station, 12051 Bluemont Way, Reston, Virginia 20190
  - Stringfellow Park-and-Ride, 4920 Stringfellow Road, Centreville, Virginia 20120
  - Tysons West\*Park Transit Station, 8300 Jones Branch Drive, McLean, Virginia 22102

Fairfax County has two complaint procedures providing for prompt resolution of complaints by individuals alleging discrimination prohibited by Federal, State and local law or policy in the provision of services, activities, programs, or benefits. This complaint form is to be utilized for filing complaints of discrimination on the basis of age, sex, sexual harassment, race, religion, creed, national origin, marital status, color, political affiliation or veteran's status.

An individual wishing to file a complaint based on *disability* will need to use the complaint form identified in the Fairfax County Government Complaint Procedure under the Americans with Disabilities Act. An individual may obtain a copy of the complaint form by contacting staff at the Office of Human Rights and Equity Programs.

To contact the Fairfax County Office of Human Rights and Equity Programs call 703-324-2953, TTY 711 on any Fairfax County workday between the hours of 8:00 a.m. and 4:30 p.m., or email [EPDEmailComplaints@FairfaxCounty.gov](mailto:EPDEmailComplaints@FairfaxCounty.gov).

**INSTRUCTIONS:** Complaints should be filed in writing within 60 workdays (180 calendar days for transit related complaints) from the day the alleged discriminatory act took place. The term “workday” shall mean any Monday through Friday that is not a county holiday. An investigation will follow the filing of the complaint. This form should be used in conjunction with the Fairfax County Policy and Procedure for Individuals Alleging Discrimination in County Programs and Services.

**Person Filing Complaint**

**Name:**

**Telephone No.:**

**E-mail:**

**Home:**

**Work:**

**Mobile:**

**Best time to call:**

**Address:**

**Street:**

**City:**

**State:**

**Zip Code:**

**Person and Department Alleged to have Discriminated:**

**Name:**

**Department:**

**Street:**

**City:**

**State:**

**Zip Code:**

**Phone:**

**Basis (es) of Discrimination (check all that apply):**

- |  |                          |                              |
|--|--------------------------|------------------------------|
| <input type="checkbox"/> Race _____            | <b>Veteran's Status</b>  | <b>Political Affiliation</b> |
| <input type="checkbox"/> Color _____           | <b>Retaliation</b>       | <b>Age – Date of Birth:</b>  |
| <input type="checkbox"/> National Origin _____ | <b>Sex or Gender</b>     | <b>Other: _____</b>          |
| <input type="checkbox"/> Religion _____        | <b>Sexual Harassment</b> | <b>Other: _____</b>          |
| <input type="checkbox"/> Creed _____           | <b>Marital Status</b>    | <b>Other: _____</b>          |

**Date(s) Discrimination Occurred:** \_\_\_\_\_

**Summary of Complaint: (attach additional pages if necessary)**

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**Action Requested:**

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**I affirm that I have read the above complaint and that it is true to the best of my knowledge, information or belief.**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Signature of Complainant                      Date



**This form will be made available in an alternative format upon request. Direct your request to the Equity Programs Division of the Office of Human Rights and Equity Programs, 12000 Government Center Parkway, Suite 318, Fairfax, VA 22035; 703-324-2953, TTY 711 or 703-324-3305 (Fax).**

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.



## 2.3 Service Area Profile

### ***Demographic Ridership and Travel Patterns***

The FY2016-FY2022 Fairfax County Transit Development Plan<sup>4</sup> included an on-board customer survey that was administered to a random sample of Fairfax Connector bus riders. The survey consisted of 23 questions and was administered in three phases: Fall 2013, Spring 2014, and Fall 2014. Survey results were collected from 11,701 respondents, and the results were weighted to represent actual ridership. Totals presented in this section may not add to 100 percent, due to rounding, and any numbers in italics total to the net number above them.

A total of 60 percent, of survey respondents identified as minorities (i.e., Black, Hispanic, Asian, and Native American) (*Table 1*).

**Table 1 Race / Ethnicity of Fairfax Connector Riders**

Race / Ethnicity <sup>5</sup>	Percent of Total Riders
White	40
Minority (Non-White)	60
Black / African American	34
Hispanic	4
Asian	12
Native American	1
Other	2

The survey was available in both English and Spanish. Ten percent of all surveys were taken in Spanish (*Table 2*)

**Table 2 Survey Questionnaire Administered in English and Spanish**

Questionnaire Type	Percent of Total Surveys Administered
English	90
Spanish	10

More than half, a total of 55 percent, of all Fairfax Connector riders make a household income of \$50,000 or less and are considered low-income<sup>6</sup> (*Table 3*)

<sup>4</sup> FY2016-FY2022 Fairfax County Transit Development Plan, available at <http://www.fairfaxcounty.gov/fcdot/tdp.htm>, as of March 16, 2017.

<sup>5</sup> Multiple responses accepted. For example, a respondent could respond by identifying as both white and Hispanic. The categories listed in Table 1 represent the top mentions from the survey responses.

<sup>6</sup> Fairfax County's Department of Planning and Zoning defines low-income households as households where the income is less than 50 percent of the Metropolitan Statistical Area (MSA) median household income, adjusted for family size. In keeping with that definition, FCDOT utilized the HUD Fair Market Rents (FMR) income limits to determine the area median income; for the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro FMR Area (which includes Fairfax County), the median household income is \$107,300. Therefore, low-income, defined as 50 percent of median household income for a family of three (the average family size in Fairfax County), is \$48,900.

**Table 3 Fairfax Connector Riders Household Income**

Income	Percent of Total Riders
\$10,000 or less	16
\$10,001 to \$20,000	13
\$20,001 to \$30,000	11
\$30,001 to \$40,000	8
\$40,001 to \$50,000	7
\$50,001 to \$60,000	6
\$60,001 to \$70,000	5
\$70,001 to \$80,000	5
\$80,001 to \$100,000	8
\$100,001 to \$125,000	8
\$125,001 to \$150,000	6
More than \$150,000	9

In addition to demographic information above that provides a snapshot of the race/ethnicity and relative wealth of Fairfax Connector riders, it is important also to understand their general travel patterns. Private vehicle availability and usage, other modes of travel (besides Fairfax Connector), reasons for using Fairfax Connector, frequency and purpose of Fairfax Connector use, trip origins and destinations, method of fare payment, number of transfers, and how riders access Fairfax Connector services, help paint a picture of why and how the system is utilized by riders. From this data, the County is better able to understand the needs of the Title VI community and how well Fairfax Connector meets those needs.

Forty percent of all riders did not have access to a vehicle to make a trip on the day they were surveyed. Fifty nine percent of low-income riders and 45 percent of minority riders lacked access to a vehicle (*Table 4*). These figures are reflected in the proportion of Fairfax Connector riders who do not have a usable vehicle available in their household (*Table 5*). Ten percent of riders would not be able to make their desired trip if the Fairfax Connector bus were not available, with 15 percent of low-income riders and 12 percent of minority riders unable to make their trip without Fairfax Connector (*Table 6*).

**Table 4 Availability of Usable Vehicle to Make the Trip Today**

Availability of Usable Vehicle to Make the Trip Today	Percent of Total Riders	Low-Income	Minority
Yes	60	41	55
No	40	59	45

**Table 5 Fairfax Connector Riders Availability of Vehicles**

Number of Usable Cars, SUVs, Vans or Trucks in Household	Percent of Total Riders	Low-Income	Minority
None	38	58	43
One	30	25	29
Two	23	12	20
Three or More	9	5	8

**Table 6 Use of Other Modes if Fairfax Connector Were Not Available**

Alternative Modes if Bus Not Available	Percent of Total Riders	Low-Income	Minority
Drive	30	10	24
Get a ride/Carpool	18	24	22
Taxi	14	18	16
Other Public Transportation	12	15	13
Walk	10	14	10
Bike	3	3	2
Would not go at all	10	15	12
Other	1	1	1

Table 7 displays the main reasons respondents cited for using Fairfax Connector. Among all riders, 42 percent are transit dependent, meaning that they do not have a car or a driver's license, but among low-income riders this figure rises to 61 percent, while 47 percent of minorities are transit dependent.

**Table 7 Reasons for Using Fairfax Connector**

Reasons for Using the Bus	Percent of Total Riders	Low-Income	Minority
Have no alternative – no car	24	36	27
Have no alternative – no driver's license	18	25	20
Economical	27	24	26
Prefer not to drive	15	7	12
Faster than driving	6	4	6
Parking is unavailable/expensive	6	3	4
Car/ride not available today	8	8	9
Better for environment	4	3	4

Ninety percent of survey respondents are frequent Fairfax Connector riders and make a particular bus trip on a weekly basis. Sixty-five percent said they make a particular trip by bus at least five times per week. There is little difference between all (total) riders and low-income and minority riders with regard to how frequently they make a particular trip. See Table 8.

**Table 8 Frequency of Particular Trip by Bus**

Frequency of Particular Trip by Bus		Percent of Total Riders	Low-Income	Minority
<b>Net: Weekly</b>		<b>90</b>	<b>91</b>	<b>91</b>
	7 days per week	10	16	12
	6 days per week	8	13	10
	5 days per week	47	37	44
	3-4 days per week	16	14	16
	1-2 Days per week	9	11	9
<b>Net: Less often</b>		<b>5</b>	<b>6</b>	<b>5</b>
	1-2 days per month	3	4	3
	Less than one day per month	2	2	2
<b>First time making this trip</b>		<b>4</b>	<b>3</b>	<b>3</b>

Most respondents who provided both a starting location and a destination in their survey response use Fairfax Connector for commuting. The onboard survey found that most riders surveyed were traveling from either home or work, 53 percent and 33 percent respectively (*Table 9*). The survey also found that most trip destinations were either home or work, 41 percent and 42 percent respectively (*Table 10*). Little difference exists between all riders and minority and low-income riders in trip origins or destinations.

**Table 9 One-Way Fairfax Connector Trip Origins**

Starting Place <sup>7</sup>	Percent of Total Riders	Low-Income	Minority
<b>Home</b>	53	52	53
<b>Work</b>	33	30	32
<b>Shopping</b>	2	4	3
<b>Social/Recreation/Sightseeing</b>	2	3	3
<b>Personal Business</b>	3	4	4
<b>School (students only)</b>	3	5	4
<b>Job-related business</b>	1	2	2
<b>Other</b>	2	2	1

<sup>7</sup> Percentages do not equal 100 because multiple responses were accepted.

**Table 10 One-Way Fairfax Connector Trip Destinations**

Destination of One-Way Trip	Percent of Total Riders	Low-Income	Minority
Home	41	41	41
Work	42	38	42
Shopping	4	5	4
Personal Business	4	5	4
Social/Recreation/Sightseeing	2	2	2
School (students only)	2	3	3
Job-related business	2	2	1
Other	3	4	3

Sixty-eight percent of respondents rode at least two buses and/or train lines when making their one-way trip (*Table 12*). Twenty-five percent took three or more buses and/or train lines on their one-way trip. There was no discernable difference between the number of buses and trains used on a one-way trip between all riders and low-income and minority riders.

**Table 11 Number of Buses/Trains Used on One-Way Trip**

Number of Buses/Trains Used on One-Way Trip	Percent of Total Riders	Low-Income	Minority
This bus only	32	33	32
Two	44	41	42
Three	19	19	19
Four	4	4	5
Five or more	2	2	2

Eighty-seven percent of respondents paid with a SmarTrip® card while 7 percent used cash (*Table 12*). Use of SmarTrip® cards by minority respondents is actually slightly higher than the general rider population at 89 percent, while it is slightly lower for the low-income riders at 84 percent.

**Table 12 Means of Payment for Bus Ride**

Means of Payment for Bus Ride	Percent of Total Riders	Low-Income	Minority
SmarTrip®	87	84	89
Cash	7	9	6
Senior/Disabled Fare	3	3	2
Weekly Pass	1	2	1
Other	2	2	2

Fifty-three percent of all riders accessed Fairfax Connector service by foot, and nearly two-thirds of riders arrived at their final destinations by walking (*Table 13* and *Table 14*). Around one-third of riders transferred to or planned to transfer from the vehicle where they took the survey. Most of these transfers were to or from another mode of public transportation,

particularly Metrorail or another bus. Little difference exists between the general rider population and low-income and minority riders in terms of modes of access and egress from the Fairfax Connector system.

**Table 13 Fairfax Connector Mode of Access**

Mode of Access	Percent of Total Riders	Low-Income	Minority
Walked	53	59	56
Other Public Transportation	36	33	34
Car	8	5	8
Bicycle	1	1	1
Other	2	2	1

**Table 14 Fairfax Connector Mode of Egress**

Mode of Egress	Percent of Total	Low-Income	Minority
Walk	64	69	65
Other Public Transportation	30	28	31
Car	7	4	5
Bicycle	1	1	1
Other	2	2	2

The rider survey results show that Fairfax Connector riders are about sixty percent minority and fifty-five percent low-income. Over two-thirds of riders take trips that require at least one transfer, with over 80 percent trips on the system being work commute trips. Low-income riders are slightly less likely to use a SmarTrip to pay for their trip than minority riders and the general rider population. There is virtually no difference in trip patterns and frequency, modes of access and egress, and trip purpose between the general rider population and minority and low-income riders.

## 2.4 Minority Representation on Relevant Non-Elected Commissions, Committees, and Boards

Fairfax County currently has four non-elected committees, commissions, and boards that provide input on transit service: the Transportation Advisory Commission (TAC), the Commission on Aging (COA), the Fairfax Area Disability Services Board, and the Mobility and Transportation Committee. *Table 15* below displays the current composition of these groups by race/ethnicity.

**Table 15 Minority Representation on Relevant Non-Elected Commissions, Committees, and Boards**

Body	Race/Ethnicity				
	Caucasian	Latino	African American	Asian American	Native American
Fairfax County Population (2010 Census)	63%	16%	9%	18%	0.2%
Transportation Advisory Commission	100%	0%	0%	0%	0%
Fairfax Area Commission on Aging	91%	0%	9%	0%	0%
Fairfax Area Disability Services Board	92%	0%	0%	8%	0%
Mobility & Transportation Committee (Disability Services and Long Term Care)	78%	4%	7%	11%	0%

The Transportation Advisory Commission (TAC) advises the Fairfax County Board of Supervisors on major transportation issues, including, but not limited to transit service. The TAC meets once a month and provides the Board with information and comments regarding transportation improvements in the County. Meetings are open to the public. The TAC is comprised of 11 members who each serve two-year terms. The TAC includes one member from each magisterial district (9); one at-large; and one Disability Services representative. All members are appointed by the Board of Supervisors. The TAC agendas are posted to its web page prior to every meeting. Minutes from every meeting also are posted on the TAC web page.

FCDOT staff works with the Board of Supervisors to ensure that they are aware of non-Caucasian individuals who may have an interest in serving on the TAC and the importance of having a TAC that is representative of Fairfax County's diverse population. Staff also works proactively with community based organizations, Fairfax County departments, including the OHREP and NCS, to identify minority individuals who have an interest in transit service and make the names of those individuals available to the Board for possible appointment to the TAC.

The Fairfax Area Commission on Aging works to increase awareness of problems affecting Fairfax's aging population and organizes activities to improve the well-being of the County's senior population. The Commission on Aging includes 12 members who each serve two-year terms. At the time this program was prepared, there was one vacant seat and therefore only 11 members. The Commission members include one representative from each magisterial district (9); one at-large representative; one representative from the City of Fairfax; and one representative from the City of Falls Church. The Commission is made up of more than 50 percent older persons, including minority individuals; a representative of health care provider organizations and supportive services provider organizations; and persons with leadership experience in the private and voluntary sectors and the general public; and local elected officials. The Commission meets twice a month and all meetings are open to the public. Meetings are advertised on Fairfax County's website calendar, on the Fairfax Area Commission

of Aging's County webpage, and in the Golden Gazette, a free monthly newspaper covering news for seniors in the Fairfax area.

The Fairfax Area Disability Services Board provides the Fairfax County government with input, assistance, and advice on the service needs of persons with physical and sensory disabilities. The Fairfax Area Disability Services Board has 15 members who each serve three-year terms. Members can serve for up to three terms. The members of the Fairfax Area Disability Service Board include appointees from each magisterial district (9); one at-large member; two at-large/Fairfax County Business Community representatives; one City of Fairfax representative; one City of Falls Church representative; and one at-large / Fairfax County representative. An alternate may be appointed from each of the cities, for a total of 17. 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; a local official (person elected or appointed to or employed by a board commission or agency from the jurisdiction making the appointment to the disability services board) from each participating jurisdiction; and at least two representatives from the business community. The Board meets once a month and meetings are open to the public. Meetings are advertised on Fairfax County's disability services email listserv and on Fairfax County's website calendar. Information about the board's meetings is also available through a toll-free number.

The Mobility and Transportation Committee aims to create a multi-modal transportation system in Fairfax County that affords personal independence, choice, and full participation by all individuals regardless of age, disability, or economic status in a safe, accessible, affordable, reliable, timely, and sustainable manner. The Committee promotes funding for transit studies, advocates for improved transportation access, and encourages government and community based organizations to utilize best practices in mobility management. The Mobility and Transportation Committee co-chairs are members the Disability Services Board and the Long Term Care Coordinating Council, but membership is open to all residents. There is no limit on the number of committee members. Currently, there are 20 committee members comprised of volunteers from the public. Committee members serve for as long as they wish to participate on the committee. Meetings are open to the public and are advertised on Fairfax County's website calendar.

## **2.5 Summary of Title VI Complaints, Investigations, and Lawsuits**

Fairfax County did not have any Title VI investigations or lawsuits or receive any Title VI complaints involving Fairfax Connector service or other Fairfax County Department of Transportation transit-related activities between 2014 and 2017.

## **2.6 Land Acquisition for Purposes of Facility Construction**

Fairfax County has not constructed any facilities included under Circular 4702.1B, Chapter III, Section 13, including any vehicle storage facilities, maintenance facilities, operations centers, or other similar



facilities, which required land acquisition and the displacement of persons from their residences and businesses during the reporting period of 2014-2017.

## **2.7 Sub-recipients of Federal Transit Administration Funding**

Fairfax County does not have any sub-recipients of FTA funds.

## **2.8 Public Participation Plan**

### ***Introduction and Goals***

FCDOT is committed to providing accessible and relevant information to, and public involvement opportunities to obtain input on transit service and planning from, *all* members of the public. The purpose of FCDOT's Public Participation Plan is to provide a set of public participation strategies that facilitate greater involvement by minority (as defined by race, color, or national origin), Limited English Proficiency (LEP), and low-income populations in the transit planning and decision-making process.

Three goals were developed to guide FCDOT's Public Participation Plan:

- 1) Ensure that minority, LEP, and low-income individuals are provided with *meaningful* and *accessible* opportunities to provide input into Fairfax County's transit decision-making process.
- 2) Build relationships that facilitate open and frequent communication with key stakeholder groups representing and working with minority, LEP, and low-income communities.
- 3) Obtain information and feedback that Fairfax Connector can use to inform the provision of transit service that meets the specific transportation needs of minority, LEP, and low-income populations.

These goals reflect FCDOT's intent to provide relevant information, background, and opportunities for input on all projects in a manner that is accessible to Title VI protected populations and low-income populations throughout Fairfax County. Moving forward, FCDOT continues to work to strengthen relationships with minority, LEP, and low-income populations, relevant community groups, and other stakeholders to create a culture that promotes continuous feedback and a high-level of trust with these populations.

### ***Public Outreach Strategies***

FCDOT referred to existing project best practices, federal guidance, and national best practices reviews, including FTA Circular 4703.1, *Environmental Justice Policy Guidance for Federal Transit Administration Recipients* and *National Cooperative Highway Research Program Report 710: Practical Approaches for Involving Traditionally Underserved Populations in Transportation Decision-making*, to aid in the selection of strategies for this Public Participation Plan. FCDOT currently creates individual public participation plans for each planning process or initiative, tailored to the type of plan or service under consideration and the scope of changes or

geographic impact of the project. Strategies identified in this plan will be utilized *selectively* by FCDOT on a case-by-case basis and incorporated into project-level public participation plans. At the outset of a planning process, service change, fare change, or other transit initiative, FCDOT project managers will review the strategies contained within this plan and select those that are appropriate to the individual project based on the type of project, the demographics of the individuals that would be impacted by the project, and the resources available.

- **Understanding Our Community** – At the outset of any transit initiative requiring outreach, FCDOT identifies the local area(s) impacted and develop an understanding of the populations living in the area(s). Demographic data, previous experience, as well as feedback from local community-based organizations, houses of worship, human services agencies, and staff from the magisterial district office(s) provide both a quantitative and qualitative understanding of the local area(s). Based on this information, FCDOT develops a targeted approach to ensuring inclusive public participation by all members of the local community, including identifying the need for translation services and the types of public outreach that are likely to be effective with the populations present in the local community.
- **Inclusive Public Meetings** – FCDOT uses public meetings to generate feedback about proposed service changes and other projects. FCDOT notifies the public 30 days prior to the meeting through a variety of print and non-print advertising methods. Meetings will be held in transit accessible locations, and in a variety of location types (e.g., schools, community centers, senior centers, apartment complexes, shopping malls, and libraries). Meetings will be held at locations within walking distance of residential areas when possible. FCDOT will hold meetings at traditional and non-traditional times, including during the morning, daytime, and on the weekend. Translation services are available at all meetings upon request, and translation services may be provided without request at meetings in areas with high concentrations of LEP populations. When appropriate, the format of the meetings will be open-house style, to allow attendees to speak individually and provide oral feedback to FCDOT staff. Materials in appropriate languages for locations, may also be provided. County staff always have access to the “Language Line” if special, unforeseen communication needs arise.
- **Pop-Up Events** – “Pop-Up” events include setting up information booths at places where Fairfax Connector riders and other residents are present in formats that allow for one-on-one interaction. Pop-up events may be held in locations such as transit centers and major transfer points, community centers, schools, senior centers, medical centers, houses of worship, and County-owned and other multifamily residential complexes. When project resources allow, SmarTrip® cards or other promotional materials may be provided to increase public participation. At these pop-up events, FCDOT may be accompanied by translators and members of local community-based organizations to facilitate relationship building and communication with the local community. Individuals will have the opportunity to provide oral feedback directly to FCDOT to increase feedback from minority, low-income, and LEP populations.

- **Internal Partnerships** – FCDOT will work with other Fairfax County departments, including the Office of Public Affairs (OPA), Housing and Community Development (FCHD), Public Schools (FCPS), Public Private Partnerships (OP3), Police Department (FCPD), Office of Human Rights and Equity Programs (OHREP), and Neighborhood and Community Services (NCS), to leverage relationships with community and faith-based organizations, translation resources, and to work with them at their events to distribute information about Fairfax Connector services and transit projects, plans, and initiatives. FCDOT also works with internal partners to create “*train-the-trainer*” programs that familiarize other front-line Fairfax County staff with Fairfax Connector service and current transit projects and plans to allow staff to provide transit information to the general public.
- **Community Events** – FCDOT staff will seek to meet people where they are by attending community events and festivals (e.g., Celebrate Fairfax, Pan-American Festival, Reston Multi-Cultural festival) where minority, low-income, and LEP populations may be present to distribute transit information and solicit feedback.
- **Partnerships with Community Based Organizations, Faith Based Institutions** – Building relationships with these types of organizational partners is vital for disseminating information and soliciting feedback from diverse communities. FCDOT works with these organizations to distribute materials, co-sponsor meetings, or attend meetings to reach their constituents, clients, and members. FCDOT will continuously build on these relationships to develop sustainable partnerships.
- **Focus Groups** – Focus groups with leaders of relevant community and faith-based organizations, and/or their members or constituents, are employed at times and locations convenient to attendees to solicit feedback in a small group and informal setting from minority, LEP, and low-income populations.
- **Print Materials** – FCDOT develops flyers, brochures, and other print materials to inform the public of meetings and other opportunities to comment on projects and to convey vital system information. Print materials are distributed to community areas affected by proposed project or service changes, and translated into other languages as needed per the local demographics and the Language Access Plan. Where possible, printed materials incorporate pictures and use minimal text to facilitate their use by LEP and low-literacy individuals. FCDOT places advertisements to promote public meetings and alert riders of service changes on buses and bus shelters, at park-and-ride lots, and at Fairfax Connector Stores. FCDOT also provides notices to other partners for distribution through their channels, including community-based organizations, local human services agencies, and houses of worship.

- **Online Materials** - FCDOT uses online resources, including its website, social media accounts (Twitter and Facebook), and subscription-based email/text notifications via Fairfax Alerts to disseminate information about capital projects. FCDOT also develops informative videos and other interactive visualization techniques which are important for reaching LEP and low literacy communities. These videos are produced for large-scale projects, for distribution online, and for use at public meetings.
- **Phone Line** – FCDOT has a call center service that is available 5am – 10pm, Monday through Friday and 7am – 9pm, Saturday and Sunday, as well as access to a language line service. The call center phone number is included on all project related materials.
- **Use of Ethnic Media** – FCDOT advertises public meetings in local ethnic media outlets, which may include radio stations, TV stations, and newspapers. These outlets reach Fairfax County’s diverse populations and can help to target specific minority communities.
- **Advisory Committee Meetings** – Fairfax County has four advisory boards that provide advice on transit-related matters: the Transportation Advisory Commission, the Commission on Aging, the Fairfax Area Disability Services Board, and the Mobility and Transportation Committee, a joint committee of the Fairfax Area Disability Services Board and the Fairfax Area Long Term Care Coordinating Council. These advisory boards are comprised of members of the community who can provide vital information regarding the best outreach strategies for reaching targeted populations.

### ***Outcomes Evaluation Process***

The Fairfax County Department of Transportation is committed to reviewing its Public Participation Plan and the effectiveness of the strategies contained herein. This Public Participation Plan is a living document that FCDOT will refer to and update on an ongoing basis.

Following the completion of a planning process or initiative that includes public involvement, FCDOT reviews the overall effectiveness of the public outreach by addressing the following questions:

- Was there participation by Title VI protected populations throughout this public participation process? What was the level of participation by Title VI protected populations relative to the proportion of the populations that would be potentially impacted by the proposed plan, project, service change, or fare change?
- How many external events, meetings, and opportunities for one-on-one interaction were provided? Did these outreach activities target specific Title VI populations that would be impacted by the proposed transit plan project, service change, or fare change?
- Were materials translated into the appropriate language(s), printed, and distributed at places where minority, LEP, and low-income populations would have access to them?

- In the judgment of the project team, were the appropriate strategies employed to engender inclusive public participation? Which strategies worked the best, and which ones did not work as well as expected?

These questions are addressed by all involved team members and documented in a brief memo on “lessons learned” following each public participation campaign’s conclusion. This performance documentation allows FCDOT staff to continuously improve efforts to promote inclusive public participation.

## ***Project Examples***

### ***Service Change Notifications Public Outreach Process***

FCDOT conducts outreach to inform and seek input from Fairfax Connector riders about proposed service changes that will impact their routes and communities. Service change outreach efforts are targeted around the geographic areas that are directly impacted by planned service changes, although meetings are advertised throughout the system. Typically, Fairfax County conducts outreach to impacted riders and communities by posting notices of the planned changes and opportunities for public comment at public meetings, on buses, at bus shelters, and by directly distributing print notices of meetings to riders. Information is also posted to Fairfax Connector’s website and social media accounts. Translation services are available upon request at all public meetings. Fairfax County translates print notices into Spanish and other languages as needed upon reviewing the demographics of the impacted riders and neighborhoods. By providing information directly to passengers with translation into the appropriate languages, FCDOT seeks to ensure that all riders and impacted community members are aware of and have the opportunity to provide comment on service changes that impact their lives. The following are examples of public outreach strategies related to typical service change notifications and major projects:

#### **Example 1: Fairfax Connector Service Changes – June 2016**

In June 2016, [changes to 37 Fairfax Connector routes](#) were implemented to add weekend service in Centreville and Chantilly, increase on-time performance, and improve service along high ridership corridors to serve the greatest number of riders as effectively as possible.

- Flyers informing the public of the proposed service changes and their opportunity to comment on the proposed changes were printed in both English and Spanish and were posted on buses and at bus shelters.
- [Four public meetings were held in transit accessible locations](#) along the routes being impacted. Translation services were offered at the public meetings, but none were requested.
- Information on the proposed service changes and ultimately the final changes that went into effect were available on Fairfax Connector’s website (in English and with ability to use translation service to other languages); through the Fairfax Connector Telephone information Center (both in English and in Spanish); on social media platforms (both

Fairfax Connector and Fairfax County Office of Public Affairs channels); via traditional media outlets (radio, TV, online, with special emphasis on ethnic media outlets); and through email and text alerts (by subscription).

- During the week prior to the implementation of the changes, staff went out to key transfer and boarding locations and provided printed information in both English and Spanish directly to riders to ensure that they were aware of the route and schedule modifications.

### **Example 2: Metrorail SafeTrack Effort – April 2016 through April 2017**

For more significant service changes and modifications, FCDOT engages in a larger, more robust public outreach process. The most recent example involved the Washington Metropolitan Area Transit Authority's (WMATA) year-long track maintenance effort ("SafeTrack") on its Metrorail system. [SafeTrack](#) was designed as a year-long plan to improve safety and reliability of the Metrorail system. All Fairfax County commuters on all major commuting corridors in Northern Virginia including I-66, I-495, Dulles Toll Road, and I-95, were impacted by ongoing travel disruptions during SafeTrack work on multiple Metrorail lines.

FCDOT's mitigation plan for the duration of WMATA's extensive SafeTrack effort was designed to transport Fairfax County commuters across the SafeTrack work zones with the Pentagon Transit Center as the Fairfax Connector supplemental express service hub. To reduce the potential for gridlock on the roads and highways that would result if thousands of employees turn to their private vehicles for their commutes, including those within the Title VI communities, FCDOT developed a robust multi-channel approach to reaching commuters. The outreach campaign was designed to specifically include tactics to engage residents from underserved and disenfranchised populations: minorities, LEP individuals, persons with disabilities, older adults, and individuals and families living within lower income brackets. Examples of some of the expanded outreach activities during SafeTrack included, but were not limited to:

- In partnership with WMATA, the Metropolitan Washington Council of Governments (MWCOCG), and other local jurisdictions impacted by SafeTrack, FCDOT participated in dozens of boots-on-the-ground outreach events at Metrorail and transit stations, and community hubs reaching out to commuters impacted to discuss other travel options available. Printed materials in multiple languages were provided at these events and multi-lingual staff was available for one-on-one interaction.
- FCDOT worked closely with NCS to use a grassroots approach to place Fairfax County staff within easy reach of hard to reach populations, with a variety of strategies, including meeting people where they are: community centers, retirement homes, and transit centers, with translators and in formats that allow for one-on-one interaction.
- FCDOT also utilized other existing partnerships with multiple Fairfax County agencies to get the word out to the hard to reach populations. Some of the agencies providing assistance include the Community Services Board; the Economic Development Authority; OPA; and FCPS.

- FCDOT TDM team collaborated with MWCOG and proactively reached out to employers to urge them to allow teleworking and the use flexible work schedules, and encouraging their employees to use alternate ways to commute that do not involve driving alone.
- Resources on alternative ways to commute including ridesharing and car sharing; using other modes of transit such as Fairfax Connector bus service, Metrobus, and Virginia Railway Express; and biking and walking whenever possible, were provided at [www.fairfaxcounty.gov/safetrack](http://www.fairfaxcounty.gov/safetrack). This resource was proactively linked to by regional and local partner agencies, and community partners, and was accessible in multiple languages via online on-demand translation tool.
- Proactive media outreach via press conferences and direct-to-press messaging was utilized to develop earned media exposure. Messaging was provided to an extensive list of ethnic media outlets. These outlets generally prefer to receive their information in English as they translate it to their respective languages.
- Use of social media to reach out to geo-targeted areas was one of the most successful methods in reaching large numbers of commuters. Paid social media advertising was utilized to provide further reach and the Fairfax Connector/FCDOT customer service telephone line was widely publicized and the customer service staff's ability to speak multiple languages was highlighted as well.
- Innovative out-of-home advertising strategies also were utilized including movie theater ads. Approach that utilize the visual impact approach can be very helpful in reaching usually hard to reach customers via written word. Radio advertising also was used, along with advertising on the inside and outside of Fairfax Connector bus fleet across the SafeTrack work zones. These advertisements were displayed in both English and Spanish.

## 2.9 Language Access Plan

### *Introduction*

FCDOT's Language Access Plan (LAP) helps determine what types of language assistance to provide, how Limited English Proficiency (LEP) persons will be informed about the availability of language assistance, processes for evaluating and updating the plan, and the types of training provided to all FCDOT transit employees and contractors to ensure awareness of the importance of timely and reasonable language assistance.

FCDOT's LAP was prepared in compliance with Federal Transit Agency (FTA) Circular C 4702.1B, *Title VI Requirements for Federal Transit Administration Recipients*, and other federal regulations and guidance related to language assistance. This plan includes:

- The results of the *Four Factor Analysis*.
- A detailed set of strategies that FCDOT will employ to provide language assistance services by language.
- A description of how FCDOT will notify LEP persons about the availability of language assistance.

This LAP also describes how FCDOT monitors, evaluates, and updates the plan. FCDOT staff who are responsible for Title VI compliance are also responsible for all LAP related tasks, including: 1) ensuring that all staff are trained on how to provide timely and reasonable language assistance to LEP populations; 2) ongoing monitoring of the implementation of the language assistance strategies and materials that comprise the LAP; 3) evaluating the efficacy of the strategies and materials; and 4) updating the plan as needed.

#### ***Four Factor Analysis***

The U.S. Department of Justice (DOJ) developed the Four Factor Analysis to provide a clear framework through which recipients of federal funding can determine the extent of their obligation to provide LEP services. Recipients of federal funding are required to take reasonable actions to ensure access to their programs and activities, and the Four Factor Analysis helps to develop an individualized determination of the extent of the needs of LEP populations and how they are best and feasibly served.

FTA's Title VI Circular, FTA C 4702.1B, instructs FTA funding recipients to use the Four Factor Analysis and refer to DOJ's LEP guidance, as needed. In accordance with these guidelines, FCDOT conducted a Four Factor Analysis to help ensure meaningful access to programs and activities, and to determine the specific language services that are appropriate to provide. Broadly speaking, this analysis helps to determine how well Fairfax County communicates with the LEP communities it serves and how it can communicate with them in the future through language access planning. This analysis examines the following four factors, as described in FTA C 4702.1B:

**Factor 1: The number or proportion of Limited English Proficiency persons eligible to be served or likely to be encountered by the recipient.** This population is program specific.

In addition to the number or proportion of LEP persons served, the analysis, at a minimum, identifies:

- (a) How LEP persons interact with the recipient's agency;
- (b) LEP communities and assesses the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group;
- (c) The literacy skills of LEP populations in their native languages in order to determine whether translation of documents will be effective; and
- (d) Whether LEP persons are underserved by the recipient due to language barriers.

**Factor 2: The frequency with which Limited English Proficiency persons come into contact with the program.** Recipients should survey key program areas and assess major points of contact with the public, such as:

- (a) Use of bus and rail service;
- (b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;
- (c) Participation in public meetings;
- (d) Customer service interactions;



- (e) Ridership surveys; and
- (f) Operator surveys.

**Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.** The provision of public transportation is a vital service, especially for people without access to personal vehicles. For example, a county's regional planning activities potentially impact every person within the county. Development of a coordinated plan to meet the specific transportation needs of seniors and people with disabilities also will often meet the needs of LEP persons. An LEP individual may have a disability that prevents him/her from using fixed route service, thus making him/her eligible for ADA complementary paratransit. *Transit providers, States, and MPOs must assess their programs, activities and services to ensure they are providing meaningful access to LEP persons.* Facilitated meetings with LEP persons are one method to inform the recipient on what the local LEP population considers to be an essential service, as well as the most effective means to provide language assistance.

**Factor 4: The resources available to the recipient for Limited English Proficiency outreach, as well as the costs associated with that outreach.** Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.

*Table 16* describes the measures that were used to assess each of the four factors as well as the data sources used for each factor. While the measures are described by the individual factor in this table, in the narrative Factors 2 and 3 are combined due to the cross-cutting nature of the qualitative research findings from the interviews with County staff. Findings are organized in each section by data source.

**Table 16 Four Factor Analysis Methodology**

<b>Factor</b>	<b>Measure</b>	<b>Data Source</b>
<b>Factor 1: The number or proportions of LEP persons eligible to be served or likely to be encountered by the program or recipient.</b>	<ul style="list-style-type: none"> <li>• Presence of limited English proficient populations in the Fairfax County</li> <li>• Use of public transportation services by limited English proficient populations in Fairfax County</li> </ul>	<ul style="list-style-type: none"> <li>• American Community Survey (ACS) Estimates: This analysis uses 2011-2015, 5-year estimates.</li> <li>• Fairfax County Public Schools Home Language Survey (HLS): The HLS is distributed every year to all registered students to identify language minority students, parents, and/or guardians.</li> </ul>
<b>Factor 2: The frequency with which LEP persons come into contact with the program.</b>	<ul style="list-style-type: none"> <li>• Frequency with which LEP persons use Fairfax Connector</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with County Staff</li> <li>• Fairfax Connector Bus Rider Survey: FCDOT surveyed riders on all Fairfax Connector bus routes in 2013 and 2014.</li> </ul>
<b>Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.</b>	<ul style="list-style-type: none"> <li>• Qualitative research on the role of Fairfax Connector service in the lives of LEP persons in Fairfax County</li> <li>• Ability to make trip if Fairfax Connector were not available</li> <li>• Access to a vehicle for LEP Fairfax Connector riders</li> <li>• Trip purpose for LEP Fairfax Connector riders</li> </ul>	<ul style="list-style-type: none"> <li>• Interviews with County Staff</li> <li>• Fairfax Connector Bus Rider Survey: FCDOT surveyed riders on all Fairfax Connector bus routes in 2013 and 2014.</li> </ul>
<b>Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.</b>	<ul style="list-style-type: none"> <li>• Description of existing Language Access Resources and associated costs</li> </ul>	<ul style="list-style-type: none"> <li>• Program information and data. Records on the description of existing language access resources and their costs are maintained by the FCDOT Civil Rights Officer.</li> </ul>

***Factor 1: The number or proportion of Limited English Proficiency persons eligible to be served or likely to be encountered by the recipient.***

***U.S. Census Bureau, American Community Survey (ACS)***

FTA defines LEP persons as persons for whom English is not their primary language and who have limited ability to read, write, speak, or understand English. Fairfax County residents who reported in the ACS that they speak English “less than very well” are, therefore, considered to have limited English proficiency in this Four Factor Analysis. Maps displaying the distribution of linguistically isolated populations in Fairfax County overall and for the top ten languages spoken

by LEP individuals demonstrate the presence and population density of these populations across the Fairfax Connector service area are found in *Appendix B*.

*Table 17* shows the County’s overall LEP population by language group for the population five years and older. In total, 15 percent of the population in Fairfax County, or just over 153,000 people, are limited English proficient.

**Table 17 Linguistic Isolation in Fairfax County by Language Group, Population 5 Years and Older<sup>8</sup>**

Language Spoken at Home <sup>9</sup>	Population 5 years and over by Specified Language Group	Percent of Total County Population by Specified Language Group	Speak English “less than very well” by Specified Language Group	Percent of Specified Language Group Speakers that Speaks English Less than “Very Well”
<b>Spanish</b>	138,873	13.2%	60,979	43.9%
<b>Asian or Pacific Island</b>	122,755	11.7%	54,273	44.2%
<b>Indo-European</b>	92,700	8.8%	25,103	27.1%
<b>Other Languages</b>	42,298	4.0%	12,700	30.0%

*Table 18* details the top ten languages spoken by linguistically isolated households in Fairfax County, comparing the results from 2008-2012 (submitted in the 2014 Title VI Program) and the most recent data available for 2011-2015. The top ten languages have not changed in the past three years, however, the size of the limited English proficient populations for the top four languages, Spanish, Korean, Vietnamese, and Chinese have either stagnated, decreased, or increased only slightly in the case of Vietnamese. The growth in limited English proficient populations has occurred in Arabic, African languages, and languages of the Indian Subcontinent. The limited English proficiency Arabic speaking population grew by 71 percent in the period examined, from just over 3,700 persons to over 6,300 persons. The presence of limited English proficiency persons who speak Farsi doubled.

<sup>8</sup> U.S. Census Bureau, American Community Survey, 2011-2015, five-year estimates, Table S1601: Language Spoken at Home.

<sup>9</sup> The US Census Bureau collapses 382 language categories into four major groups: Spanish, Other Indo-European Languages, Asian and Pacific Island Languages, and All Other Languages.

**Table 18 Linguistically Isolated Populations in Fairfax County, Population 5 Years and Older – Top 10 Languages**

Language	2008-2012 <sup>10</sup>	2011-2015 <sup>11</sup>	Percent Change
Spanish or Spanish Creole	63,100	60,979	-3.4%
Korean	19,355	19,324	-0.2%
Vietnamese	13,946	14,514	4.1%
Chinese	10,274	9,525	-7.3%
Hindi and other Indic languages <sup>12</sup>	5,927	6,811	14.9%
Arabic	3,725	6,383	71.4%
African Languages	5,050	6,155	21.9%
Urdu	3,629	4,672	28.7%
Farsi	3,606	5,430	50.6%
Tagalog	2,967	2,982	0.5%

As shown in *Table 19*, Spanish-speaking LEP persons who work in Fairfax County are far more dependent on Public Transportation as their primary means of transportation to work than the general population, LEP workers who speak languages other than English, and Spanish-speaking LEP persons who also speak English very well. Limited English proficiency persons who speak Spanish and work in Fairfax County are also more likely to carpool, walk, or use a motorcycle, bicycle, or taxi to get to work, while they are less likely to work at home vis-à-vis all other populations.

<sup>10</sup> U.S. Census Bureau, American Community Survey, 2008-2012, five-year estimates, Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

<sup>11</sup> U.S. Census Bureau, American Community Survey, 2011-2015, five-year estimates, Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

<sup>12</sup> Speakers of other Indic languages may also speak Hindi, so Hindi and other Indic languages will be combined in analyses of linguistically isolated populations in Fairfax County. In the 2011-2015 ACS data there are 4,893 speakers of “other Indic languages” and 1,918 speakers of Hindi that speak English “less than very well.” In the 2008-2012 ACS data there are 4,060 speakers of “other Indic languages” and 1,742 speakers of Hindi that speak English less than very well. Hindi is the 12th largest language group for residents who speak English “less than very well.”

**Table 19 Commute Mode Share for Population Working in Fairfax County by Language Spoken at Home and Ability to Speak English<sup>13</sup>**

	Total	Speak Only English	Speak Spanish - Speak English Very Well	Speak Spanish - Speak English Less Than Very Well	Speak Languages Other Than English - Speak English Very Well	Speak Languages Other Than English - Speak English Less Than Very Well
<b>Drove Alone</b>	79.5%	82.0%	75.5%	60.5%	79.3%	74.9%
<b>Carpooled</b>	8.5%	7.1%	11.4%	18.7%	8.0%	11.9%
<b>Public Transportation</b>	3.3%	2.5%	5.9%	10.1%	2.9%	3.3%
<b>Walked</b>	1.7%	1.3%	1.9%	4.6%	2.0%	2.3%
<b>Taxicab, motorcycle, bicycle, or other means</b>	1.3%	1.1%	1.5%	2.9%	1.3%	1.0%
<b>Worked at Home</b>	5.7%	5.9%	3.8%	3.3%	6.5%	6.6%

#### ***Fairfax County Public Schools Home Language Survey***

Fairfax County Public Schools (FCPS) conducts an annual Home Language Survey to determine languages students speak at home, as well as the preferred language of correspondence with the family. FCPS' student enrollment for the 2016-2017 school year is 186,844, with 91,126 children speaking a language other than English at home. A total of 59 languages are spoken in students' homes, with nearly half (48.8%) of all FCPS students living in a home where a language other than English is spoken (*Figure 2*).

<sup>13</sup> U.S. Census Bureau, American Community Survey, 2011-2015, five-year estimates, Table B08513: Means of Transportation to Work by Language Spoken at Home and Ability to Speak English for Workplace Geography – Universe: Workers 16 years and over

**Figure 2 Languages spoken by FCPS students**

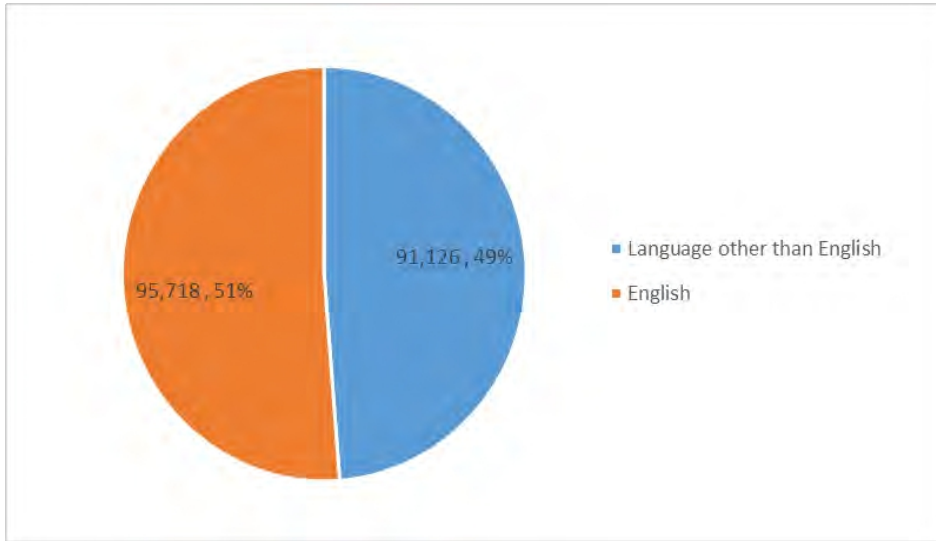


Table 20 shows the most frequently spoken languages at home other than English amongst FCPS students. All students who have parents or guardians that speak a language other than English at home are required to register for school at central intake offices that assess language needs as well as other family social service needs.

**Table 20 Languages Other than English Frequently Spoken at Home, 2016-2017 School Year**

Rank	Language	Number of Students
1	Spanish	41,811
2	Arabic	6,344
3	Korean	5,323
4	Vietnamese	5,264
5	Chinese/Mandarin	4,165
6	Urdu	3,447
7	Amharic	2,844
8	Telugu	2,129
9	Farsi/Persian	1,952
10	Hindi	1,883
11	Tagalog/Pilipino	1,360
12	Bengali/Bangla	1,255
13	Russian	1,144
14	French	1,078
15	Twi	1,061

One of the questions asked at school registration is: “In which language would the family like to receive correspondence from FCPS?” This is one indicator of the level of English proficiency of

the student's parents or guardians. Parents identified a total of 69 correspondence languages. *Table 21* presents the top 10 non-English correspondence languages for FCPS.

**Table 21 Student Household Correspondence Language 2016-2017 School Year**

Rank	Correspondence Language	Number
1	Spanish	30,350
2	Korean	1,966
3	Vietnamese	1,683
4	Arabic	1,491
5	Chinese/Mandarin	691
6	Urdu	553
7	Farsi/Persian	319
8	Amharic	215
9	Bengali	109
10	Somali	69

### **Factor 1 Summary**

The Factor 1 analysis utilized two sources of data recommended by FTA to describe the LEP population within the Fairfax Connector service area, U.S. Census Bureau's American Community Survey and Fairfax County Public Schools Home Language Survey.

A comparison of the ACS data with the FCPS data shows that both sources identify the same top languages spoken by LEP persons in the Fairfax Connector service area. Those languages, which differ in order by the data source,<sup>14</sup> are as follows:

- Spanish
- Korean
- Vietnamese
- Chinese
- Hindi and other Indic languages
- African Languages (Amharic, Twi)
- Arabic
- Farsi
- Urdu
- Tagalog

The top ten languages have remained the same in the past three years, with changes in the size of the limited English proficient populations speaking these languages. The top languages (Spanish, Korean, Vietnamese, and Chinese) have seen little change in the population size,

<sup>14</sup> Spanish is the most popular language spoken other than English according to all data sources reviewed.

while significant growth has occurred in limited English proficient populations in Arabic, African languages, and languages of the Indian subcontinent. As noted above, the LEP population of Arabic speakers has increased 71 percent and Farsi has doubled between the data reported in the 2014 Title VI Program and this Title VI Program. Nearly half (48.8 percent) of all Fairfax County Public Schools students live in a home where a language other than English is spoken, with 59 unique languages spoken in students' homes.

***Factor 2: The frequency with which Limited English Proficiency persons come into contact with the program.***

***Factor 3: The nature and importance of the program, activity, or service provided by the program to people's lives.***

***Interviews with County Staff***

LEP persons interact with FCDOT by riding the bus, interacting with bus operators, looking online for service information, visiting a Fairfax Connector store, participating in a FCDOT public meeting, or calling FCDOT for service information or to submit a complaint. To understand the frequency with which each of these interactions occurs, as well as the importance of Fairfax Connector service to LEP populations, the methodology for the combined Factors 2 and 3 includes interviews with nine County government Fairfax Connector and social service providers that serve LEP populations across Fairfax County were held in early 2017. These interviews focused on where LEP populations reside in Fairfax County, the languages spoken by LEP populations across Fairfax County, and how they use public transportation.

The purpose of the interviews was to understand both how often LEP persons use Fairfax Connector and other public transportation services in Fairfax County and what services and routes they use most frequently (Factor 2), as well as the nature and importance of public transportation service to their lives (Factor 3). *Table 22* lists the Fairfax County departments and staff that participated in the interviews.



**Table 22 Interviews Conducted**

<b>Interview Date</b>	<b>Fairfax County Department or Office</b>	<b>Individual Participants</b>
<b>February 28, 2017</b>	Office of Human Rights and Equity Programs	Ken Saunders, Director; Nicole Rawlings, Human Rights Specialist
<b>March 6, 2017</b>	Neighborhood and Community Services – Region 3	Chris Scales, Region 3 Manager
<b>March 9, 2017</b>	Customer Service, Herndon Division	Devera Ross, Customer Service Manager
<b>March 9, 2017</b>	Fairfax Connector Store	Richard Whaley, Project Manager
<b>March 10, 2017</b>	Customer Service, Huntington Division	William Bell, Customer Service Manager
<b>March 15, 2017</b>	Customer Service, West Ox Division	Audrey Senn, Customer Service Manager
<b>March 15, 2017</b>	Neighborhood and Community Services – Region 4	Evan Braff, Region 4 Manager
<b>March 15, 2017</b>	Neighborhood and Community Services – Region 1	Pallas Washington, Region 1 Manager
<b>March 15, 2017</b>	Fairfax Connector Information Center	Edwin Hernandez, Customer Service Manager

A summary of each individual interview completed follows in chronological order:

**Mr. Ken Saunders, Director and Ms. Nicole Rawlings, Human Rights Specialist, Office of Human Rights and Equity Programs**

The Office of Human Rights and Equity Programs encounters limited English proficiency populations fairly frequently, particularly native speakers of Spanish, Chinese, Vietnamese, and Arabic. In recent years, the number of OHREP encounters with LEP Chinese populations has decreased, while OHREP has experienced an increase in interactions with Amharic and Korean-speaking LEP populations. OHREP has materials translated into all of these languages, as well as Amharic and Somali, although Somali is rarely used. Twenty to thirty percent of the individuals who call OHREP are Spanish speakers.

In OHREP's experience, LEP populations are located in concentrations across Fairfax County, as follows:

- Culmore/Route 7: Spanish, Arabic, Amharic
- South County (Lorton, Mt. Vernon, Richmond Highway): Spanish
- Herndon: Spanish
- Annandale: Korean

OHREP staff identified a number of resources, organizations, special events, and resource centers that Fairfax County can partner with to effectively conduct outreach to LEP populations:

- Fairfax County Family Resource Centers
- Culmore Family Resource Center
- Springfield Family Resource Center
- Kingsley Commons (frequented by Amharic speakers)
- Vietnamese Festival
- Korean Americans Voters Alliance (KAVA)
- Local Chinese New Year celebrations
- Culmore Partnership – A group of around 20 community organizations in the Route 7 corridor that meets monthly/OHREP has spoken at their monthly meetings in the past and they accommodate outside speakers
- Dar Al-Hijrah Mosque (VA-7) –The mosque has a resource center that connects individuals with public assistance and benefits, and transit service to the mosque has been a concern.
- MakeSpace – A Muslim-American organization focused on youth and young professionals that sponsors educational programs, civic engagement initiatives, community service projects and recreational activities.
- All Dulles Area Muslim Society (ADAMS) Center
- Bailey’s Crossroads Elementary Mother’s Group – A grassroots group that operates a resource center out of a trailer, serving Spanish, Amharic, and Arabic speaking families.
- Asian Community Service Center
- County senior centers and classes
- Communications Fair (Deaf Community) – A very large-scale and well attended event
- Northern Virginia Family Service Network – A community group focused on the Hispanic population that hosts health and resource fairs and provide social services.

In OHREP’s experience, reaching out to community groups and individual leaders (some cultural groups have an unofficial ‘spokesperson’ that can facilitate contact between the group and the County government agency), and understanding their issues and individual barriers to participation in a public process or communication with public agencies is critical to beginning a relationship. OHREP has four members of their staff that speak Spanish and they hold several events in Latino neighborhoods across the County to maintain a grassroots-level relationship with these communities. OHREP also has two Arabic-speaking staff persons. At Chinese New Year’s events OHREP has not brought a translator, as much of the Chinese community is able to speak English. In general, OHREP staff observed that the Asian communities, particularly the Korean and Vietnamese communities, are often fairly self-contained and rely upon their intra-community network for support rather than seeking out assistance from government sources.

OHREP staff recommended having printed materials translated into Spanish and several Asian languages (Chinese, Korean, and Vietnamese), Amharic, and Arabic, by a professional translator. In recent years, OHREP began printing materials regularly in Amharic (for targeted events) and Arabic, due to increased demand for these languages. While the Arabic community is often English-speaking, it is helpful for them to have materials in Arabic. Outreach to the Arabic and Amharic speaking communities in Fairfax County has grown in recent years as these

populations have grown. For additional languages, OHREP often has documents translated, but they only print them upon request to reduce costs and respond on an as-needed basis. OHREP staff are often asked about Farsi translated materials, however, to-date the need for Farsi translated printed materials has not been a significant enough to warrant printing these materials except when requested.

OHREP generally does not do media buys, but they have worked with the newspaper El Tiempo Latino and found that to be an effective way of getting information out to the Latino community. OHREP has also done bus shelter advertisement for housing enforcement, but found that less effective than was hoped. They also place ads on Fairfax Connector buses.

**Mr. Chris Scales, Region 3 Manager, Neighborhood and Community Services**

Neighborhood and Community Services Region 3 provides coordinated social services planning for the Reston and Herndon areas in north Fairfax County. NCS Region 3 has translators on staff who are fluent in several foreign languages, and they work with a variety of LEP communities in Reston and Herndon. The following language groups are present in Region 3 of Fairfax County:

- Spanish - located throughout the area, including Southgate Apartments (an 250-unit subsidized apartment complex)
- Arabic - Cedar Ridge and Island Walk communities
- Farsi - Stonegate community
- Vietnamese – West Glade Apartments
- Urdu
- Somali - West Glade Apartments
- Chinese – Herndon Senior Center, Fellowship House

In recent years, NCS Region 3 has experienced an increase in Arabic and Farsi-speaking LEP populations, and an overall increase in the size of the LEP population across all groups served.

Many of the LEP individuals in this area of Fairfax County use public transportation, principally Fairfax Connector, as their primary mode of transportation. Mr. Scales emphasized how important it is for Fairfax Connector to maintain routes to human services centers as well as public transportation to schools. Limiting the number of transfers, reducing travel times, and more directly linking human services agency locations (since clients often go between sites in a single day) will improve the transportation experience of LEP individuals living in this area of Fairfax County.

The Free Student Bus Pass Pilot Program, which provides free bus passes to middle school and high school students, has benefited the LEP community served by NCS Region 3 since its introduction in 2015. However, the commuter-focused, peak-period nature of Connector service does not always work well for LEP populations, as there are a higher proportion of LEP individuals who work non-traditional schedules. Land uses in the area also constrain the ability of LEP individuals to use Fairfax Connector service, as many bus routes run on major

thoroughfares, while the actual homes of LEP individuals may not be walkable from these major roadways. These constraints mean that LEP individuals may be walking long distances, carpooling, or not able to access jobs or services because of their limited transportation options.

While many of these LEP populations lack access to private vehicles, in some instances cultural issues or other considerations inhibit their use of the Connector system. For example, women in some of these language and cultural groups must seek their husband's permission to use Fairfax Connector. A gap in understanding how to ride Fairfax Connector also exists, as it is not always intuitive for many LEP persons. Travel training and materials that explain how to use the system in foreign languages would help increase ridership. Mr. Scales requested copies of the translated Fares and Policies rider guides for their office, and encourages FCDOT to continue to expand multi-lingual resources and efforts to reach LEP communities.

Mr. Scales' staff recommends that FCDOT begin to build relationships with these communities through retail outreach. NCS Region 3 staff often reaches people by going door-to-door and talking with individual families, going to houses of worship, sending flyers home with school children, and reaching these populations in groups or community venues where they have a high degree of trust already established. Some of the LEP populations are wary of strangers and the government (particularly the police) and want to stay out of government buildings. Building and maintaining trust with these communities is key to successful long-term engagement. In recent months, NCS Region 3 staff have experienced increased trepidation regarding participating in government events and programs from the area's immigrant population.

Historically, NCS Region 3 has engaged LEP communities using the following strategies:

- Working with individual advocates and leaders within these communities to build trust between an institution and a LEP population.
- Face-to-face contact with these populations for building relationships.
- Understanding cultures is key; in some cultures (speakers of Arabic, Urdu, and Farsi) it is important to approach the family together, to reach both husband and wife and to meet with families on-site in their residential communities.
- Working with parent liaisons through Fairfax County Public Schools is also an effective way to build a relationship with LEP populations.

The following best practices for use in prompting LEP populations' participation in activities with FCDOT were provided:

- Schedule meetings and events with regard to work schedules (e.g., many people work on weekends and evenings but have time during the day).
- Be flexible with the timing of events and hold the same event at several different times of day to accommodate different work schedules.

- Provide food that is culturally sensitive (i.e., conforming with cultural dietary restrictions).
- Provide professionally translated printed material to ensure accuracy.
- Provide incentives and entertainment.
- Work with or hold events at centers that are frequented by LEP populations (in this part of the County this includes organizations such as Cornerstones and Herndon Health Works).
- Work with schools (e.g., parent liaisons, PTAs) to promote and arrange events or activities.
- Meet communities where they are instead of asking them to come to a meeting; many of the individuals in LEP communities are working multiple jobs and have limited time available.

Finally, Mr. Scales noted that their office was not aware of any of the public outreach that surrounded the recently completed Fairfax County Transit Development Plan, and would be happy to promote future public participation opportunities to the communities that they serve. It is often the case that while information may be developed and translated, there can be gap in getting that information distributed to the organizations and individuals who need it.

**Ms. Devera Ross, Customer Service Manager, Herndon Division**

Ms. Ross is responsible for providing customer service to both bus riders and bus operators who are assigned to the Herndon Division. In terms of communicating with bus riders, Ms. Ross handles customer complaints, lost and found requests, and refunds. She communicates with Fairfax Connector customers on a daily basis, both English-proficient and LEP riders. In preparation for the interview, Ms. Ross reached out to bus operators assigned to the Herndon Division in order to communicate their experiences interacting with LEP riders in addition to her own experiences.

Division bus operators reported interacting with LEP riders every day in the Herndon/Reston area, specifically on Route 950, which serves Reston Town Center Transit Station, Herndon-Monroe Park & Ride, and Wiehle-Reston East Metro Station, as well as on the five RIBS routes, all of which serve Reston Town Center and vicinity. Ms. Ross interacts with LEP customers frequently but not necessarily daily. The language that operators and customer service staff hear the most when interacting with LEP riders is Spanish, followed by languages of the Indian subcontinent (it is unclear which languages) and Arabic.

When riders use the customer service department, it is because they have a specific need or question that always results in a direct interaction. Ms. Ross describes her direct interactions with LEP riders as occasional and typically because a rider travels to the division office to look for an item in Lost and Found. When this happens, Ms. Ross will reach out to another staff person on site (typically, a Spanish speaker) for assistance. Bus operators, on the other hand, report that their interactions with LEP riders is primarily because a rider is asking them for

directions or help navigating the system. When this happens, operators will ask other passengers on the bus for assistance. They report that these interactions occur daily.

Ms. Ross reports that many complaints stem from riders not knowing how to properly read and understand a schedule. She also suggested that having automatic announcements on the bus in languages other than English would be helpful as would posting signs on the buses about fare information in common LEP languages on the bus.

Bus operators report that they see both daily LEP riders as well as LEP riders who only use the bus for one or two days. The daily riders depend on Fairfax Connector to provide vital services. While it is not possible to know where the daily LEP riders live, they tend to board along Route 950 and the RIBS routes, which are generally around Reston Town Center.

**Mr. Richard Whaley, Project Manager, Fairfax Connector Store**

Fairfax Connector Stores sell fare media and provide information on regional transit options. FCDOT operates five Fairfax Connector stores in Reston, Tysons, Herndon, Stringfellow, and Springfield. Fairfax Connector store staff have experience assisting LEP persons from a variety of backgrounds, and Connector Store staff provided information on what types of information LEP persons are requesting when they visit Connector Stores. *Table 23* lists the languages frequently encountered at Fairfax Connector stores, as reported by Mr. Whaley per the experience of his staff.

**Table 23 Frequently Encountered Language by Fairfax Connector Stores**

Fairfax Connector Store	Language Groups
Reston	Spanish, Hindi, Urdu, Farsi, Arabic
Herndon	Spanish, Hindi, Urdu, Farsi, Arabic
Tysons	Spanish, Hindi, Urdu, Farsi, Arabic, Vietnamese, Korean, Chinese
Stringfellow	
Springfield	Spanish

In general, Fairfax Connector store staff have found that older adults (regardless of language group or country of origin) are the most likely to have a limited ability to speak English among the non-native English speaking persons served by the store. At all Fairfax Connector stores a need exists for materials in Spanish. While the younger Spanish-speaking population is generally capable of communicating in English and understanding some English language material, the older Spanish-speaking population needs more language assistance services. At the Tysons West\*Park Connector Store, staff often encounter older adults who are Asian, South Asian, and Middle Eastern immigrants who cannot speak English well.

Many of the LEP individuals who are seeking information and assistance at a Fairfax Connector Store are frequent customers, indicating that they utilize public transportation services regularly. Anecdotally, Fairfax Connector Store staff have developed some understanding of the role that public transportation plays in the lives of LEP and other non-native English speaking persons that use their services. Many Latino customers use Fairfax Connector to meet their

daily transportation needs, including not just the commute to work, but also for transportation to shopping and other services. They believe that many of the older Asian immigrants may have access to a vehicle or a family member that can drive, but use public transportation as they may not wish to drive for certain errands (i.e., medical appointments, grocery shopping). Many of the South Asian and Middle Eastern immigrants that use the Tysons West\*Park Connector Store are commuters who may have access to a private vehicle.

While the Fairfax Connector Stores do not have bilingual staff, many of the staff have developed ways to communicate and provide assistance to LEP customers, primarily by using hand gestures, pointing on maps and other visual aids, and trying to listen carefully to LEP persons to understand and meet their needs. Occasionally, Fairfax Connector store staff request assistance from nearby bus operators or supervisors who speak languages other than English. Staff will also call the customer service center where bilingual Spanish speaking staff are available to help with translation.

Fairfax Connector Store staff already make use of rider information available in Spanish. In addition, it would be helpful to have these same materials translated and printed into languages other than Spanish, such as Hindi, Urdu, Farsi, and Arabic. Staff believe that having better local area maps and visual aids would be useful in communicating with LEP persons. Most of the questions that are asked of Connector Store staff are how to travel to a destination, and the ability to use visual aids to answer the question would allow Fairfax Connector Store staff to communicate with LEP persons from many different language groups. The Connector Store currently has a large map that covers the entire county but due to the scale of the map, it can be hard to read. Staff would prefer smaller local area maps that are easier to read.

When asking how to travel somewhere, LEP persons will sometimes provide the name of a destination written in English by another person, provide a general area (e.g., Route 7) that they want to go, but are unable to communicate the specific destination or address. Sometimes, LEP persons are looking for assistance in confirming which buses they should take. When a rider does not know where they need to go, the benefit of a trip planner is limited. Staff tends to use WMATA's Trip Planner to help customers but this website requires an address or major destination for the trip origin and destination.

Mr. Whaley said that they do not typically see many African immigrants in Fairfax Connector Stores, and he could not speak to their language access needs. He also noted that at a few of the stores they see international tourists, and any language assistance resources provided could serve these individuals as well. In general, most customers are regulars in the stores. Many customers come into the stores to load their SmarTrip cards, where they can pay cash and the balance can be used immediately. In this sense the Connector Stores provide a key critical function in making sure the unbanked and riders who do not have access to computers or the internet have access to SmarTrip cards.

**Mr. William Bell, Customer Service Manager, Huntington Division**

Mr. Bell manages customer service interactions with the riding public and bus operators at the Huntington Division. Like managers at other divisions, he helps bus riders with lost and found requests, customer complaints, and fare concerns. Mr. Bell and his personnel at the Huntington Division communicate with limited-English proficiency (LEP) riders daily. Mr. Bell himself directly communicates with customers who require translation services approximately two to three times per month; however, bus operators report encountering riders who require language assistance daily. Operators specifically encounter LEP riders along the Lorton corridor and riders leaving Lorton to travel to Tysons, and along Backlick Road traveling towards Annandale High School. According to Mr. Bell, the routes on which operators specifically encounter LEP riders are the following: Route 171 Richmond Highway; 101 Fort Hunt-Mt. Vernon; 109 Rose Hill; 151/159 Engleside – Mt. Vernon; 152 Groveton – Mt. Vernon; 161/162 Hybla Valley Circulator; 401/402 Backlick – Gallows. Riders who cannot speak English or do not speak it well are exclusively Spanish speakers. Mr. Bell reported that he also sees African immigrants but that these customers are English proficient and do not require language assistance.

When riders interact with the customer service department, it is because they have a specific question or a need that must be addressed. Mr. Bell reports having a direct interaction with LEP riders approximately two to three times per month through the customer service center; however, most LEP riders use the call center rather than calling the Division office directly. When he does receive a phone call, Mr. Bell can ask bilingual staff on-site to provide translation assistance. Bus operators reported an additional two to three LEP riders on Huntington routes who had interactions that required translation (and that were officially recorded). In each of those cases, the operators had been trained to refer LEP riders to the call center where they would have access to the language line. The operators also have been trained to ask other riders on the bus to assist with translation. This accounts for most interactions, particularly the ones that are not officially recorded as translation requests.

Mr. Bell pointed out that FCDOT already has translated some rider information into Spanish. In his opinion, since Spanish is the primary LEP language in the Huntington Division, FCDOT is doing an excellent job at meeting the needs of the Hispanic community.

Bus operators report seeing LEP riders regularly. Mr. Bell knows from experience and from taking customer calls and complaints from all riders that Fairfax Connector provides a vital service to all riders. People use the service for grocery shopping, work, and other daily activities. In summary, riders who live in the Lorton Corridor and along Richmond Highway/Route 1 tend to have the highest LEP needs.

**Audrey Senn, Customer Service Manager, West Ox Division**

Ms. Senn is the service manager for the West Ox Division, which serves central Fairfax County. West Ox operators encounter LEP individuals daily. Many of these riders live in Franconia-Springfield, Huntington (along Route 310), Chantilly, and along Lee Jackson Highway (Route 50). Main routes for LEP individuals include Route 310, the 650 routes (including 650, 651, and 652)



and Route 605. Additional routes include Route 306, the 640 series, Route 642, and Route 644. Routes that experience some, but minimal, LEP usage include the 630s, 620s, 463, and 461.

Spanish is the primary language spoken by LEP individuals. Other non-English speakers include immigrants from India, Ethiopia, and the Middle East. Many operators are able to speak Spanish and occasionally other languages, and are able to communicate with passengers when they need assistance. These LEP populations largely rely on public transportation to get around. Many are daily riders, and Ms. Senn feels that it would be helpful to translate schedules into other languages.

#### **Evan Braff, Region 4 Manager, Neighborhood and Community Services**

NCS Region 4 covers a very large, highly suburban area in western Fairfax County (Centreville, Burke, Chantilly, Fairfax Station, the City of Fairfax, Clifton, and West Springfield). Pockets of low-income areas are distributed throughout the region, including near Centre Ridge Elementary School, Brookfield Elementary School, and London Towne Elementary School. These schools are classified as Title I schools, where more than 50% of children qualify for free or reduced-price lunches. There are a number of low-income subsidized multi-family housing complexes that serve many LEP persons who are also low-income and often transit-dependent, and NCS Region 4 works with many of the County and non-profit partners that manage these complexes. The specific neighborhoods, organizations, and complexes they serve or work with include:

- Three multifamily complexes managed by the non-profit FACETS: Robinson Square (near George Mason University), Reagan Oaks (many Urdu speaking families reside here), and Barrios Circle (Centreville).
- Meadows of Chantilly: 499 mobile homes in Chantilly whose residents are predominately Latino. NCS Region 4 operates many programs in this neighborhood, including English as Second Language classes.
- Chantilly Mews: 50 subsidized townhomes located in Chantilly. A computer center at the nearby Ox Hill Baptist Church serves residents of this community.
- Yorkville: A subsidized multi-family housing complex located off Draper Lane in Fairfax. Residents include speakers of Somali, Amharic and other Ethiopian languages, and immigrants from the Middle East. Many of the residents of Yorkville who speak English as a second language can speak it fairly well.
- Lamb Center: A non-profit center operated by a religious institution that serves the homeless and low-income individuals living in the Fairfax area. The Lamb Center offers a computer center and other services.
- Western Fairfax Christian Ministries: A religious charity that operates a food bank and a thrift store.
- Centreville Immigration Forum: A local non-profit that assists day laborers and other immigrants with services and community integration, including providing English as a Second Language classes. They operate a day labor center on Route 29 in a shopping center.

- Korean Central Presbyterian Church: Located in Centreville, which has a concentration of recently arrived Korean immigrants and Korean American families, the church has 7,000-8,000 members, including many older, LEP persons who need transportation assistance. The younger, Korean American population are native English speakers.
- Forest Glen: This senior housing facility is located on Route 29 and has many older LEP persons.
- Northern Virginia Family Services: A non-profit that provides anti-hunger programs, housing assistance, and workforce development. Their Multicultural Center offers human services for diverse cultures with multi-ethnic and multilingual staff.

NCS Region 4 uses a “pink card” printed in the top seven languages, other than English, spoken by LEP persons in Fairfax County that provides relevant information on accessing NCS services for LEP persons. The expansion of Connector service to weekend hours has helped LEP and low-income populations access transit every day of the week. Fairfax County has recently implemented *One Fairfax*, an initiative aimed at providing an equity lens to County services. NCS Region 4 sees ways to integrate this concept into transportation access, ensuring that LEP and low-income populations have equal and equitable access to transportation services.

#### **Pallas Washington, Regional 1 Manager, Neighborhood and Community Services**

NCS Region 1 is the first-stop social services intake office for the southern part of Fairfax County, serving the U.S. Route 1 Corridor and parts of the Springfield area. The office is located in the South County Government Center on Richmond Highway. The languages encountered by NCS Region 1 include:

- Spanish
- Urdu
- Twi
- Amharic
- Somali
- Arabic
- Farsi
- Korean
- Vietnamese

The majority of non-native English speakers encountered by NCS Region 1 are Spanish speakers who have a limited ability to speak English. Significant concentrations of Spanish speakers reside throughout the Richmond Highway corridor in the following areas: Springfield (Old Keene Mill Road), Franconia (Franconia Road), central Springfield (near Twain Middle School, Lee High School, and Springfield Mall), West Springfield (along Old Keene Mill near Lynbrook Elementary School, and Crestwood Elementary School), Hybla Valley, Sacramento, Huntington, and along Backlick Road.

A concentration of West African immigrants lives along Richmond Highway in the Gum Springs area, from Woodley Hills to South Kings Highway and to Groveton. Much of this population speaks Twi as their native language, but also are able to speak English, due to learning English as children in their native countries and/or receiving higher levels of education in the United States. NCS Region 1 created a group called the *West African Collaborative* to establish stronger connections with this community. The *West African Collaborative* is comprised of local immigrant community leaders. While many West African immigrants speak English, NCS Region 1 has found that they have a greater trust of and respond better to information that is provided in Twi.

In the Lorton area resides a concentration of South Asian (particularly Urdu speaking) and Middle Eastern (Arabic and Farsi speaking) immigrants. NCS Region 1 has built a relationship with the local South Asian community and they also have collaborated with a local mosque to develop good relationships with the Middle Eastern immigrant populations in the area. Coordinated Services Planning, often the “front door” for human services in Fairfax County, provides documents in Farsi, helping to make County information available to this population. Having information available in Farsi has helped encourage participation by people in this language group, and NCS Region 1 has seen increased participation by Farsi speakers.

NCS Region 1 has found that many people in non-native English speaking groups prefer to receive information from religious and other community leaders that they trust, rather than from Fairfax County directly. NCS Region 1 employs an Interfaith Liaison who connects faith communities with human services by providing relevant information, conducting trainings, and holding informational sessions.

With regard to public transportation services, NCS Region 1 staff have observed that the riders in the South County are primarily African American native English speakers, African immigrants, and Spanish-speaking immigrants. These populations rely on Fairfax Connector and other public transportation services as their primary mode of transportation to commute to work, obtain services, and run errands. Many people visiting the South County Government Center for WIC, Social Security, Disability, and other public benefits arrive by bus. South Asian and Middle Eastern immigrants tend to travel via private vehicles, often carpooling. NCS Region 1 staff believe that more LEP persons would use Fairfax Connector services, if they were comfortable with them and understood how to ride the bus. Often these populations will not use a service, unless it is explained in their language via printed materials or by a trusted leader or advocate in the community. They also recommend using universal symbols as much as possible, as there are many LEP persons who are illiterate in their own languages, particularly among older Spanish speakers.

**Edwin Hernandez, Customer Service Manager, Fairfax Connector Information Center**

Serving all of Fairfax County, this customer service division encounters Limited English Proficient (LEP) individuals daily, often receiving up to 15 calls per day from individuals who do not speak English well. These individuals are likely to live in and around Herndon, Reston, Richmond Highway, and the Huntington Metrorail station area.

Spanish is the most common language within this region. While it is common to hear English spoken with an accent, it is uncommon to hear languages other than English or Spanish. A good portion of Spanish speakers have some ability to speak English, although they may not speak it well.

LEP individuals in this region are likely to rely on public transportation as their primary mode of transportation. Riders who call the department can select if they wish to speak English or Spanish. In addition, some rider information is published in both English and Spanish, which is helpful. On a monthly basis, the department receives about 250 calls from Spanish speakers, about 5% of the total callers.

#### ***Fairfax Connector Bus Rider Survey***

The Fairfax Connector Bus Rider Survey, conducted in 2013 and 2014, captured information on access to a vehicle and alternative modes of transportation, as well as trip purpose, for LEP persons versus the general population. Of the survey respondents, 20 percent spoke English less than “very well” (*Table 24*). Just over two-thirds of all respondents choose English as their native language. Fifteen percent spoke Spanish as their native language. The three next most popular languages, Amharic, Arabic, and Hindi comprised seven percent of all reported native languages (*Table 25*)

**Table 24 Answers to “How well do you speak English?”**

Answer	Percent of Total Response
“Very Well”	80.0%
“Well”	13.9%
“Not Very Well”	6.1%

**Table 25 Answers to “What is your native language?” (Top 10)**

Language	Percent of Total Responses
English	67.4%
Spanish or Spanish Creole	15.4%
Amharic	2.6%
Arabic	2.4%
Hindi	1.9%
Tagalog	1.7%
Korean	1.0%
Twi/Akan/Ghanaian	1.0%
Mandarin	0.9%
French	0.8%

LEP persons are less likely to have access to a car; more than half of LEP persons do not have any vehicles in their households, compared to approximately one third of the general population (*Table 26*). If the bus was not available, LEP persons are less likely to replace the trip

with a drive (11% versus 31% of the general population), and they are more likely to replace it with a carpool, taxi, alternate destination, biking, or walking (*Table 27*).

**Table 26 Access to a Motor Vehicle**

Number of Vehicles	Speak English Very Well	Do not speak English Very Well
None	37.2%	56.4%
One	31.5%	23.9%
Two	22.6%	14.0%
Three or More	8.7%	5.6%

**Table 27 How would you make this trip if the bus was not available?**

Other Available Transportation	Speak English Very Well	Do not speak English Very Well
Drive	30.9%	10.5%
Carpool or get a ride	16.5%	22.8%
Taxi	14.2%	19.9%
Would go elsewhere by bus	10.0%	15.9%
Walk	9.3%	14.2%
Bike	2.6%	2.5%
Metrorail	1.9%	0.8%
Another Bus	1.0%	0.7%
Would not go at all	10.8%	10.6%

LEP individuals are likely to be leaving from home or work and traveling to home or work, at about the same rate as the general population (*Table 28 and Table 29*).

**Table 28 Trip Purpose (Traveling From)**

Traveling From	Speak English Very Well	Do not speak English Very Well
Home	52.8%	54.5%
Work	31.2%	29.2%
Personal Business	4.0%	3.5%
School (student only)	3.0%	4.3%
Shopping	3.0%	2.7%
Social/Recreational/ Sight-seeing	2.5%	2.2%
Job-related Business	1.4%	1.7%
Medical Appointment	0.8%	0.9%

**Table 29 Trip Purpose (Traveling To)**

Traveling To	Speak English Very Well	Do not speak English Very Well
Home	40.7%	37.8%
Work	40.1%	39.8%
Personal Business	5.1%	4.2%
School (student only)	2.3%	4.4%
Shopping	3.7%	5.9%
Social/Recreational/ Sight-seeing	2.9%	2.5%
Job-related Business	1.5%	2.1%
Medical Appointment	1.0%	1.5%

Finally, survey participants were asked about the main reason that they use the bus. LEP persons were more likely to find the bus economical, less likely to have a car, less likely to be concerned about parking, and far less likely to have a driver's license (*Table 30*).

**Table 30 Main Reason for Using the Bus**

Main Reason for Using the Bus	Speak English Very Well	Do not speak English Very Well
Economical	25.4%	30.3%
No Car	24.8%	28.1%
No Driver's License	15.2%	29.3%
Prefer not to drive	16.5%	6.9%
Car/ride not available	7.6%	6.1%
Parking is unavailable or expensive	6.6%	4.2%
Faster/better than driving, or to avoid traffic	6.3%	4.5%
Better for Environment	4.7%	3.3%
Free time to relax/work	4.4%	2.2%

### Factors 2 and 3 Summary

A fifth of all Fairfax Connector bus riders have limited English proficiency. LEP riders of Fairfax Connector are less likely to have access to a car; more than half of LEP persons do not have any vehicles in their households, compared to approximately one third of the general population, and are more likely to use alternative modes such as walking, carpool, and taxi if Fairfax Connector service was unavailable.

Many of the County staff interviewed suggested improvements to accommodations for LEP riders on the Fairfax Connector service. Interviewees recommended that the bus system provide bus schedules and maps, upon request, in languages other than English and Spanish. Once translated, these resources can be made available on the buses, at bus stops, and at Metrorail stations. Signs about fare information could be provided in common LEP languages on buses for each route.

Interviewees also suggested that Connector store resources can be improved to ensure that LEP persons can access information. Some rider information also could be translated into other common languages such as Hindi, Urdu, Farsi, and Arabic, upon request. Once translated, these resources should be printed and available at the Connector store. Smaller, hand-held local area maps and visual aids should be produced to aid in communication with LEP persons. Lastly, Connector store staff should be trained on how to access and use Google Translate when using public websites to enhance communication with LEP persons.

Overall, staff consider the language line to be a helpful resource for LEP persons. FCDOT should ensure that all staff, and personnel at all divisions and in the Connector Stores, are trained on how to access the language line through the Call Center, potentially utilizing online training opportunities to ensure all staff are reached. Information for passengers should be available on buses and in the Connector Store to inform customers regarding the availability of assistance in their language.

Many interviewees noted that the best way to create a relationship with LEP communities is through grassroots outreach. LEP populations are often more receptive to outreach when it comes through already established community centers, houses of worship, or trusted community or religious leaders. Building relationships with these organizations and leaders is key to building a strong relationship with these communities. Successful outreach has included connections with community leaders and outreach at community events.

Finally, using best practices when interacting with LEP populations can increase the effectiveness of outreach with these communities. Recommendation from interviewees included scheduling meetings and events with regard to common work schedules, providing food that is culturally sensitive, and providing professionally translated materials to ensure accuracy. Working with community organizations and events can increase participation, and working with public school parent liaisons can be an effective way to reach these populations where they already are. Understanding different cultural expectations can be helpful in ensuring that outreach is effective.

***Factor 4: The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.***

FCDOT currently provides language access resources in multiple formats, including real-time interpretation, visual aids, and translated documents. FCDOT is committed to providing adequate language assistance resources, based on identified community needs, regardless of cost. Currently, FCDOT budgets up to \$55,000 annually to accomplish the following language access strategies:

- Access to the Language Line for real-time interpretation
- Printing of bus cards and schedules in Spanish
- Printing of the Spanish editions of the Fares, Policies, and General Information brochure
- Provision of professional live interpretation at community outreach events, as needed

- Translation and printing of service information flyers that notify riders of upcoming changes to Fairfax Connector service (approximately 15 flyers per year)
- Printing of highly visual system-wide maps for field/operator use
- Advertising in local ethnic newspapers and on radio stations (as applicable) in advance of service changes (approximately two times per year), supplemented with online ads on newspaper sites and targeted Facebook ads
- Participate in or hold three pop-up events and community events or meetings a year to reach LEP populations

In addition to these resources, FCDOT staff who speak languages other than English are identified within the department as being available to provide interpretation services at public outreach events as needed. This list of staff who are available to provide interpretation services is periodically updated through a Foreign Language Resource Survey that is distributed to all full-time staff. The Title VI Notice and the Title VI Complaint Form also are available in Amharic, Arabic, Mandarin Chinese, Farsi, Hindi, Korean, Spanish, Tagalog, Urdu, and Vietnamese.

Fairfax County Procedural Memorandum 02-08 (April 30, 2004) stipulates that each department in the County must have an official Language Access Coordinator. Procedural Memorandum 02-08 lists the following responsibilities for the Language Access Coordinator:

1. Create a repository of resources and material related to language issues;
2. Develop a database of bilingual staff who are interested in participating in LINCUS, a program providing limited-service telephone interpretation;
3. Work with agencies to educate employees about language resources, accessibility of services and effective use of interpretation and translation services; as well as the available equipment and materials;
4. Work with agencies to ensure effective preparation and review of all translated materials, including the creation and training of Translation Verification Teams (TVTs);
5. Develop standards for translation of materials, including guidelines for documents requiring bidirectional writing formats;
6. Establish a county-wide coding system for all translated material;
7. Develop and distribute standard glossary of county agency names, titles and basic terminologies for use by translation vendors;
8. Work with DIT on the creation of a Language Access Webpage and the usability of existing technology and assist in developing process for upgrades;
9. Update agencies on any advances in software or on-line translation capabilities, as well as typing software available; and
10. Evaluate organization-wide access to LEP information, resources and equipment.

FCDOT's Language Access Coordinator is the Title VI Officer. Procedural Memo 02-08 also stipulates that agency directors are responsible for disseminating the County's Language Access Policy to all employees, and for ensuring that all employees are aware of and have access to language information and available language resources. Each agency is required to assess current LEP service practices (including bilingual direct service capacity) at all levels within the



agency and identify appropriate resources (language services, personnel, equipment, training, funding and partnerships) available to support the demand. Agencies must develop protocols to include resource utilization, language vendor selection, and identification of document-types eligible for translation.

Procedural Memo 02-08 also requires that each department provide the necessary resources, within the agency's budget, to support the County's language access policy and initiatives. As additional language access strategies are deemed to be need, FCDOT will allocate budget resources to meet these needs accordingly.

FCDOT will notify LEP persons about the availability of language assistance through advertising the availability of language assistance in bus schedules and public meeting notices, and ensuring that translated materials are distributed and available throughout the system.

### ***Monitoring and Evaluation***

Per Fairfax County Procedural Memo 02-08 FCDOT, and all other Fairfax County agencies, are responsible for developing a year-end report measuring and monitoring results of Language Access activities. This report must be provided to the county-wide Language Access Coordinator no later than July 31<sup>st</sup> each year. These reports are required to include a list of all translated materials and costs of all language services for the fiscal year.

To ensure ongoing monitoring and evaluation of the Language Access Plan, FCDOT's Title VI Officer/Language Access Coordinator will include the following information in the annual report, in addition to the list of all translated materials and costs of all language services for the fiscal year:

- Usage of the language line, including volume of calls by language and total costs expended on the language line for transit purposes;
- Number of requests for interpretation, by event type, by language for transit-related events;
- Any input received from FCDOT staff or contractors regarding language assistance needs they encountered at transit-related events;
- Views of the Fairfax Connector webpages with translated materials and the use of Google Translate on the Fairfax Connector website; and
- Any additional language access resources provided for transit service or planning-related needs during the year due to demonstrated need or requests.

### **Language Access Strategies and Communicating Language Assistance**

In addition to the language access strategies that FCDOT currently pursues, detailed in Factor 4, *Table 31* delineates the Title VI Language Access Strategies that FCDOT will implement the following additional strategies in the 2017-2020 period:

**Table 31 Language Access Plan Strategies**

Activities	Cost (estimated per fiscal year)	Assumption
<i>Materials and Notices Translations, Interpretation</i>		
<b>Activity 1: Print and distribute Spanish-language bus schedules</b>	Translation: \$5,100 Printing: \$4,713	<i>Bus Schedules (Source: FCDOT/Voiance)</i> <ul style="list-style-type: none"> <li>Spanish Translation: \$68/schedule, 75 routes (Voiance)</li> <li>Formatting: \$100 (2 hours)</li> <li>Printing 100,000 Spanish Schedules: \$4,713</li> </ul>
<b>Activity 2: Provide highly visual regional sector maps to bus operators/supervisors for use in the field.</b>	Already being printed by FCDOT	This cost originally was included in the FY2014 budget.
<b>Activity 3: Print and distribute Fares and Policies Brochure in the 10 languages identified in LAP.</b>	Translation: \$3,229 Printing: \$3,500	<i>Fares &amp; Policies Brochure (Source: FCDOT/Voiance)</i> <ul style="list-style-type: none"> <li>Existing Spanish Translation: \$250</li> <li>Translation per language (non-Spanish): \$331</li> <li>Printing: \$350 per language</li> </ul>
<b>Activity 4: Print and distribute the Silver Line bus route changes brochure in Spanish</b>	Translation: \$46 Printing: \$247	<i>Service Information Flyer (Source: FCDOT)</i> <ul style="list-style-type: none"> <li>Spanish Translation: \$46</li> <li>FCDOT Internal Formatting/Printing: \$247/flyer</li> </ul>
<b>Activity 5: Post Title VI Notice and Complaint forms in Fairfax County DOT offices in the 10 languages identified in LAP</b>	Translation: \$721	<i>Vital Materials Translation (Source: FCDOT)</i> <ul style="list-style-type: none"> <li>Spanish Translation: \$46</li> <li>Other languages (9): \$75</li> </ul>
<b>Activity 6: Print and post Title VI Notice bus cards in Spanish for every vehicle in the Fairfax Connector fleet</b>	Translation: \$46 Printing: \$600	<i>Title VI Notice Bus Cards (Source: FCDOT/Voiance)</i> <ul style="list-style-type: none"> <li>Spanish Translation: \$46</li> <li>Printing: \$600</li> </ul>

<p><b>Activity 7: Service Information Flyers: FCDOT produces about 25 flyers each year, which will be translated the appropriate languages for the area impacted</b></p>	<p>Translation: \$11,115 Printing: \$13,760</p>	<p><i>Service Information Flyer (Source: FCDOT)</i></p> <ul style="list-style-type: none"> <li>• Translation for Spanish, Chinese, Vietnamese (In-house, FCDOT): \$25/hour</li> <li>• Translation per language (Not Spanish): \$75</li> <li>• Assumption: 25 flyers translated into Spanish</li> <li>• Assumption: 5 flyers each in Chinese, Korean, Amharic and Vietnamese (\$400)</li> <li>• FCDOT Internal Formatting/Printing: \$247 per flyer/per language</li> </ul>
<p><b>Activity 8: FCDOT will advertise in local ethnic newspapers and on radio stations (as applicable) in advance of service changes (approximately four times per year), supplemented with online ads on newspaper sites and targeted Facebook ads.</b></p>	<p>Newspaper ¼ page Print Ad, 4x/year</p> <ul style="list-style-type: none"> <li>• Ad and translation: \$1,500</li> </ul> <p>Newspaper Web Ad Campaign (1x/year)</p> <ul style="list-style-type: none"> <li>• Ad: \$300</li> </ul> <p>Radio Ad Campaign (30 second ad, 2x/year)</p> <ul style="list-style-type: none"> <li>• Ads: \$1,500</li> </ul> <p>Targeted Facebook Ad Campaign (2x/year, per language)</p> <ul style="list-style-type: none"> <li>• Ad: \$1,000</li> </ul>	<p><i>Newspaper ¼ page Print Ad, 4x/year</i></p> <ul style="list-style-type: none"> <li>• Washington Chinese</li> <li>• Washington Hispanic</li> <li>• Zethiopia (Amharic)</li> <li>• Korea Daily</li> <li>• Doi Nay (Vietnamese)</li> </ul> <p><i>Newspaper Web Ad (1x/year)</i></p> <ul style="list-style-type: none"> <li>• Washington Chinese</li> </ul> <p><i>Radio (30 second ad, 1x/year)</i></p> <ul style="list-style-type: none"> <li>• El Zol (Spanish Language)</li> <li>• 1120 AM (Amharic)</li> <li>• 1310 AM (Korean)</li> </ul> <p><i>Targeted Facebook Ads (2x/year, per language)</i></p> <ul style="list-style-type: none"> <li>• 5 languages</li> </ul> <p><i>Vital Materials Translation</i></p> <ul style="list-style-type: none"> <li>• Spanish Translation: \$46</li> <li>• Other languages: \$75</li> </ul>

<p><b>Activity 9:</b> FCDOT sets up a Language Line phone number for 10 languages identified in the LAP.</p>	<p>Estimate: \$5,000</p>	<p><i>Language Line (Source: FCDOT, Fairfax County OHREP, LanguageLine.com)</i></p> <ul style="list-style-type: none"> <li>Spanish is \$.90/minute, other languages \$1.10/minute. Over 200 languages included</li> <li>Fairfax County OHREP uses Language Line; each language line call costs \$95-\$177.</li> </ul> <p>Language Line offers immediate, over the phone translation services in the following three situations:</p> <ul style="list-style-type: none"> <li>A LEP individual visits the office in person. The office staffer calls language line. A language line representative answers the phone, and connects the staffer and the LEP individual with a live interpreter for the conversation.</li> <li>A LEP individual calls the office, indicating their native language. The office staffer calls language line to get a live interpreter for the conversation.</li> <li>A staffer places a call to an LEP person, first calling Language Line to have a live interpreter on hand when the LEP person picks up the phone.</li> </ul>
<p><b>Activity 10:</b> Language Assistance TearSheets on buses (8 languages already available – need to translate two more)</p>	<p>Translation: \$150 Printing: \$250</p>	<p><i>Service Information Flyer (Source: FCDOT)</i></p> <ul style="list-style-type: none"> <li>Translations per non-Spanish languages: \$75</li> <li>FCDOT Internal Formatting/Printing: \$25 per flyer/language</li> </ul>
<p><b>Training and Events</b></p>		
<p><b>Activity 1:</b> Travel Training events for community based organizations and service providers.</p>	<p>5 events/Year Staffing: \$6,000 Materials: \$2,145 MATT bus: \$1,500</p>	<ul style="list-style-type: none"> <li>Staffing - \$1,200 per event for four contracted event staff (3 hours including set-up and break down)</li> <li>Staples/Home Depot Materials – \$230 (one time cost), \$383 (each event)</li> <li>Planning - 15 hours staff planning time per event, one staff per event</li> <li>MATT Bus: \$100/hour, minimum 3 hours</li> <li>Travel Trainer: 6 hours</li> <li>Materials: Introduction to Transit (Book)</li> <li>Staff Planning Time: 15 hour, 4 hours per event per staff member</li> </ul>

<b>Activity 2: Pop-Up Events and Community Meetings</b>	5 Events/Year Staffing: \$6,000 Materials – \$1,915	<ul style="list-style-type: none"> <li>• Staffing - \$1,200 per event for four contracted event staff (3 hours including set-up and break down)</li> <li>• Staples/Home Depot Materials –\$400 (each event)</li> <li>• Staff Planning Time: 15 hours, 4 hours per event per staff member</li> </ul>
<b>Activity 3: Title VI FCDOT Staff Training</b>	Title VI Officer	All current staff have received Title VI training. The Title VI Officer will be responsible for ensuring all new FCDOT staff are trained via the new online training module.
<b>Monitoring and Evaluation</b>		
<b>Activity 1: Monthly Data Collection</b>	Title VI Officer	The Title VI Officer will be responsible for all relevant data collection activities for the LAP.
<b>Activity 2: Annual Data Collection</b>	Title VI Officer	The Title VI Officer will be responsible for all relevant data collection activities for the LAP.
<b>Activity 3: Annual LAP Report, Updates to Language Access Plan</b>	Title VI Officer	The Title VI Officer will be responsible for compiling the annual LAP report and incorporating updates to the language access plan.
<b>Contingency</b>	\$5,113	The contingency will cover any additional costs incurred over the fiscal year that were not encompassed in this estimate.
<b>Total Estimated Annual Cost</b>	<b>\$80,000</b>	

## CHAPTER 3: SERVICE STANDARDS AND POLICIES

FCDOT has developed transit service standards and policies to guide the equitable provision of service and amenities in Fairfax County.

### 3.1 Transit Service Standards

The following service standards were adopted as part of FCDOT's 2014 Transit Development Plan. The agency uses these metrics to evaluate routes and adjust service based on performance.

#### Vehicle Load

Vehicle load is the level of passenger crowding that is acceptable for a safe and comfortable ride. Vehicle load is expressed as a ratio of the number of passengers on the vehicle to the number of seats on the vehicle averaged over the peak one-hour in the peak direction. *Table 32* identifies the capacity and load factor for each type of vehicle in FCDOT's fleet.

**Table 32 Maximum Acceptable Vehicle Loads**

Vehicle Type	Seated Capacity	Standing Capacity	Maximum Capacity	Maximum Load Factor
40' Bus	39	10	49	1.25
35' Bus	30	8	38	1.25
30' Bus	28	7	35	1.25

#### Vehicle Headway

Vehicle headway, or frequency, represents the amount of time between two vehicles traveling in the same direction on a given route. *Table 33* summarizes the minimum frequency for each type of route. Vehicle headway standards are developed through FCDOT's Transit Development Plan, which is updated every six years.

**Table 33 Minimum Acceptable Vehicle Headways**

Type of Route	Minimum Peak Period Frequency	Minimum Off-Peak Frequency
<b>Full-Day Routes</b>		
Weekday	30 min	30 min (60 min after 9:00 PM)
Saturday	30 min (base <sup>15</sup> )	60 min (fringe <sup>16</sup> )
Sunday	60 min	60 min
<b>Weekday Peak-Only Routes</b>		
Morning	20 min (peak of the peak)	30 min (fringe of the peak)
Afternoon	20 min (peak of the peak)	30 min (fringe of the peak)

#### On-Time Performance

FCDOT requires its operating contractor to maintain a minimum standard of "on-time bus trips" for each route of at least 85 percent. "On-time" is defined as between one and six

<sup>15</sup> Saturday base is defined as 9:00 AM to 5:00 PM.

<sup>16</sup> Saturday fringe is defined as after 5:00 PM.

minutes late leaving scheduled time points as established in the bus route schedule to include the starting point of any scheduled trip; trips shall not leave any scheduled time point ahead of schedule.

### **Service Availability**

Service availability is a measure of coverage, indicating how many residents in a service area have access to fixed-route transit. FCDOT sets a standard whereby 50 percent of the population should have access, measured as population within a quarter mile of a Fairfax Connector bus route.

## **3.2 Transit Service Policies**

### **Transit Amenities**

Transit amenities refer to items of comfort, convenience, and safety that are available to customers. FCDOT has an established process for determining site selection for amenities, outlined in the *Fairfax County Bus Stop Guidelines* document. The County uses the standard operating procedures and policies outlined in this guide to ensure transit amenities are equitably distributed. The policies established in these guidelines include the following:

- **Bus shelters:** A bus shelter may be installed at stops with an average of 50 or more boardings per day, at a transit center or park and ride lot owned by Fairfax County, or if the stop is at a major activity center.
- **Benches:** Benches may be installed if the stop is located at a transit center or park and ride lot or if the stop is a major activity center, generating 25 or more passenger boardings per day, or at stops located near significant populations of seniors, the disabled, students, or other special uses (e.g., tourist attractions).
- **Provision of information:**
  - Bus stop signs are installed at all locations with two variations: local and regional (for stops jointly served by WMATA's Metrobus) designs. Each bus stop has a unique bus stop ID that can be used for the Bus Tracker real time arrival and route information available via phone and internet applications.
  - Bus route Ride Information Guides (2 to 4-sided mounted display units) which contain schedule and individual system maps are installed at all transit stations (bus/rail) and park-and-ride lots where Fairfax Connector bus service operates and have designated service bays.
  - Bus System Maps are installed in bus shelters at transit stations (bus/rail) that are primarily served by Fairfax Connector routes only and park and ride lots where Fairfax Connector bus service operates and have designated service bays.
- **Escalators and elevators:** FCDOT generally does not provide or maintain escalators or elevators at any bus stops, except for the one at Wiehle Reston East Metrorail Station.
- **Waste receptacles:** Waste receptacles are installed at all stops where there is a demonstrated issue with littering.

## Vehicle Assignment

Vehicle assignment refers to the process by which transit vehicles are assigned to bus garages. Fairfax Connector's vehicles are assigned to three bus divisions: Herndon, West Ox, and Huntington. However, individual buses are not assigned to individual routes. Buses are deployed to individual routes based on fleet availability on the day of service, size of the bus, the capacity needed on the routes served, and the route's roadway characteristics (i.e., buses that travel in residential neighborhoods with narrow streets must be smaller). Fairfax Connector does track the individual buses used on routes via its intelligent transportation systems (ITS) capabilities.

Buses are replaced at the end of their useful life in accordance with Fairfax Connector's fleet replacement plan. The Fairfax Connector has a comprehensive preventive maintenance and component replacement program which ensures a high level of vehicle reliability. The oldest vehicles in the Fairfax Connector fleet date to 2007, while the average age of the fleet is 5.8 years. All vehicles in the Fairfax Connector fleet are low-floor, which is consistent with Fairfax Connector's policy is to purchase only low-floor vehicles. *Table 34* is the Fairfax Connector Fleet Profile.

**Table 34 Fairfax Connector Fleet Profile**

Make	Size	Number	Year	Age
New Flyer	35 feet	16	2007	10
New Flyer	40 feet	52	2007	10
Orion VII	30 feet	26	2008	9
New Flyer	40 feet	45	2009	8
New Flyer	40 feet	31	2011	6
New Flyer	40 feet	37	2011	6
New Flyer	35 feet	15	2012	5
New Flyer	40 feet	20	2012	5
New Flyer	40 feet	19	2013	4
New Flyer	35 feet	17	2014	3
New Flyer	35 feet	12	2015	2
New Flyer	40 feet	5	2015	2



### **3.3 Transit Service Monitoring**

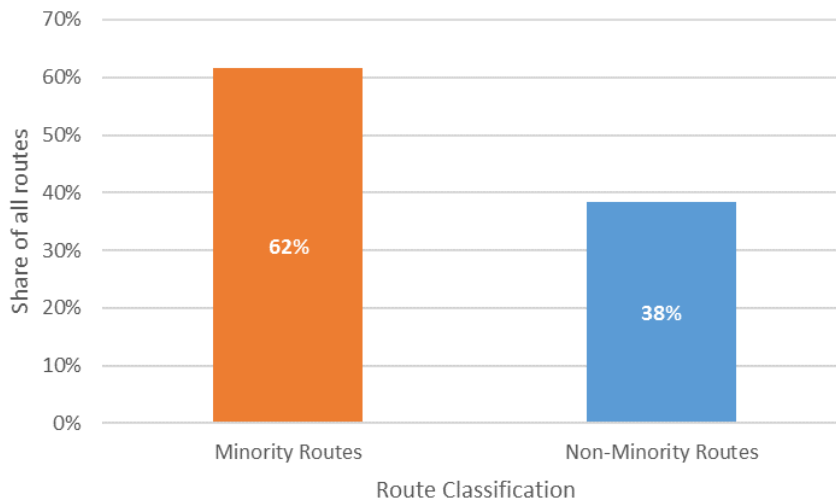
This section evaluates the performance of Fairfax Connector per the service standards and policies set forth in Fairfax County's Title VI Program to ensure both transit service and transit amenities are equitably distributed across the service area, regardless of whether a route primarily serves minority or non-minority populations. The FTA defines a minority bus route as one where one third or more of the route's revenue miles fall within a minority census block. A minority census block group is defined as one in which the percentage minority population exceeds the percentage minority population in the service area. The minority population comprises 47.4 percent of the total population Fairfax County; therefore any census block group in which the minority population comprises 47.4 percent of the population or higher is considered to be a minority census block group.

#### ***Definition of Minority Routes***

An initial GIS analysis identified minority routes by the percentage of each route's revenue miles that intersect minority Census Blocks. The FTA's definition of minority routes was applied to all routes except those that run along a highway or have limited stops to the route destination. For commuter routes and express routes, due to the fact that they often run long distances and sometimes on limited access highways where boarding/alighting does not occur, a slightly modified methodology was required. The number of bus stops in minority block groups and in non-minority block groups was counted, and the route was designated as minority or non-minority classification based on whichever block group had the greater number of stops. If the number of stops were the same, always assigned the route to be minority to be conservative.

Of Fairfax Connector's 86 routes, 53 routes (62 percent) are considered minority routes and 33 routes (38 percent) are considered non-minority. The final classification distribution is depicted in *Figure 3*.

**Figure 3 Distribution of Minority Routes**



### **3.4 Major Service Change, Disparate Impact, and Disproportionate Burden Policies**

In accordance with the requirements of FTA Circular 4702.1B, Title VI Requirements for Federal Transit Administration Recipients, Fairfax County must establish policies for what constitutes a major service change, disparate impact, and disproportionate burden for use in future service equity and fare equity analyses. The County originally established these policies and their accompanying thresholds in July 2014. According to the Circular, the County must revisit these policies every three years and make revisions as necessary. The proposed policies and thresholds proposed for FY 2018-2020 are unchanged. The Board approved on June 6, 2017.

The use of these policies to evaluate proposed service and fare changes prior to implementation is designed to determine whether those changes will have a discriminatory impact based on race, color, or national origin.

A major service change is a numerical threshold in change of service that determines when changes are large enough in scale for the individual transit system to require a subsequent service equity analysis.

FTA C 4702.1B defines disparate impact and disproportionate burden as follows:

“The transit provider shall develop a policy for measuring disparate impacts. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied

uniformly, regardless of mode, and cannot be altered until the next Title VI Program submission.” (FTA C 4702.1B, Chap. IV-13)

“The transit provider shall develop a policy for measuring disproportionate burdens on low-income populations. The policy shall establish a threshold for determining when adverse effects of service changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts borne by non-low-income populations. The disproportionate burden threshold must be applied uniformly, regardless of mode.” (FTA C 4702.1B, Chap. IV-17)

FTA C 4702.1B requires that if a disparate impact on minority communities is found, Fairfax County must determine ways to avoid, minimize, or mitigate the impact. Fairfax County can only implement a proposed change that results in a disparate impact, if substantial legitimate justification exists, and there are no alternatives meeting the same legitimate objectives. Fairfax County is committed to adequately addressing any adverse impacts that result in a disproportionate burden to low-income communities.

### ***Fairfax County Title VI Policies***

The major service change, disparate impact, and disproportionate burden policies of Fairfax County Department of Transportation are as follows:

#### **Major Service Change**

A major service change is defined as either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

#### ***Major Service Change Key Definitions***

***Daily Revenue Service Hours:*** The number of hours a bus operates while carrying paying passengers.

***Revenue Service Miles:*** The number of miles a bus operates while carrying paying passengers.

#### **Disparate Impact**

A disparate impact occurs when the difference between minority riders and non-minority riders affected by a proposed service change or fare change is 10 percent or greater.

#### **Disproportionate Burden**

A disproportionate burden occurs when the difference between low-income riders and non-low-income riders affected by a proposed service change or fare change is 10 percent or greater.

### ***Major Service Change, Disparate Impact, and Disproportionate Burden Policy Development***

The major service change, disparate impact, and disproportionate burden policies were drafted collaboratively by FCDOT staff. A variety of data were used in the determination of these draft policies:

- Data availability and ease of application to determine when a major service change is proposed.
- Census data analysis on the demographic and socio-economic composition of the population living within a quarter mile of a Fairfax Connector route.
- Ridership survey data collected in 2014.
- Policies in place at peer transit agencies in the Washington, D.C. metropolitan area and across the United States.

The major service change policy reflects the availability of daily revenue service miles and hours and consideration of the types of service that is offered by Fairfax Connector. Revenue service hours and revenue service miles were both included in the major service change policy, due to the different types of service offered by the Fairfax Connector; some Fairfax Connector routes run for short periods of time over long distances, while other routes run for many hours in revenue service, but operate over a small geographic area.

The disparate impact policy was developed using a comparative analysis of the proportion of the population that is minority at the route-level for the entire Fairfax Connector system. This was done through an analysis of 2010 Decennial Census data in geographic information system (GIS) software that extracted the raw minority population and the total population living within a quarter mile of each Fairfax Connector route. This data for each route, and the system as a whole, was then examined to determine a threshold level that would likely result in meeting FTA's Title VI Circular's intent of establishing policies that are simultaneously not so high that they would never identify impacts and not so low that they would always identify an impact.

The disproportionate burden policy was developed through a comparative analysis of the proportion of households that are low-income in the Census tracts that are served by Fairfax Connector. The definition for low-income households used for this analysis was all households below 50 percent of the area median income, or all households with an income of \$50,000 or less. This is similar to the definition used by the Fairfax County Department of Housing and Community Development.

Census tracts with a median household income at or below 50 percent of the area median income were identified as low-income census tracts. The proportion of households located within one quarter mile of each Fairfax Connector route for low-income Census tracts that intersect with each Fairfax Connector route was determined through the use of geographic information system software. The data for each route and the system as a whole was then examined to determine a threshold level that would likely result in meeting FTA's Title VI

Circular's intent of establishing policies that are simultaneously not so high that they would never identify impacts and not so low that they would always identify an impact.

### ***Major Service Change, Disparate Impact, and Disproportionate Burden Public Comment***

A public comment period on the proposed Major Service Change, Disparate Impact, and Disproportionate Burden policies was held from February 16 to March 16, 2017. Members of the public were invited to provide comments to FCDOT by U.S. mail as well as by electronic mail. The public comment period was advertised on the Fairfax Connector website (Figure 4) and social media (weekly posts to Fairfax Connector's Facebook page and Twitter feed).

**Figure 4 Fairfax County Notice of Public Comment Period for Major Service Change, Disparate Impact, and Disproportionate Burden Policies**



Links to the proposed policies were also posted to the Public Comment Period notice on the Fairfax Connector website. In addition, a PowerPoint presentation was included on the website that provided an overview of the policies, how they were developed, and how they might be applied (Appendix C). Approximately 400 people clicked through the website. However, only a few comments were received during the public comment period.

Fairfax County's Title VI Major Service Change, Disparate Impact, and Disproportionate Burden social media outreach strategy and statistics were as follows:

- Locations targeted: United States: Alexandria (+25 mi), Burke (+25 mi), Centreville (+25 mi), Chantilly (+25 mi), Fairfax (+25 mi), Falls Church (+25 mi), Herndon (+25 mi), Lorton (+25 mi), McLean (+25 mi), Reston (+25 mi), Springfield (+25 mi), Tysons Corner (+25 mi), Vienna (+25 mi), Fort Belvoir (+25 mi) Virginia
- Number of people directly reached: 17,905
- Number of engagements: 929 engagements with 393 link clicks, 493 post likes, 33 post shares, 17 post likes, and 10 comments
- Engagement gender breakdown: 52.2% women; and 47.8% men

### **Focus Groups**

FCDOT, with the assistance of the Fairfax County Office of Human Rights and Equity Programs (OHREP), organized three focus groups for community-based organizations to solicit feedback directly from community stakeholders serving minority, low-income, and limited English proficient populations. OHREP invited approximately 160 organizations to the focus group meetings.

Three focus group meetings locations were chosen to ensure easier access for potential riders residing or working in each part of the County (*Table 35*). The first meeting was held at the South County Government Center; the second meeting was held at the Hunter Mill District Supervisor's Office, which is located in the northern section of the County; and the third meeting was held at the Luther Jackson Middle School, which is more centrally located.

Each focus group began with a 30 minute presentation that provided an overview of FCDOT's Title VI Program development process and explained the proposed disparate impact and disproportionate burden and major service change policies and how they would be applied. The second half-hour of each focus group time was spent in a facilitated discussion with participants on their views on the proposed policies.

**Table 35 Title VI Focus Group Locations**

Public Meeting	Location	Date and Time	Public Meeting Attendees
South County	South County Government Center - Conference Room 221 A/B, 8350 Richmond Highway - Alexandria, VA 22309	Wednesday, February 16, 2017; 12:00 noon – 1:00pm	3 Attendees – (Neighborhood Health, Operation Renewed Hope Foundation, United Community Ministries)
North County	Hunter Mill District Supervisor's Office 12000 Bowman Towne Dr, Reston, VA 20190	Wednesday, February 22, 2017 3:00 PM - 4:00 PM	No Attendees
Fairfax County Region II	Luther Jackson Middle School, 3020 Gallows Rd, Falls Church, VA 22042	Thursday, March 2, 2017 6:00 – 8:00 pm	1 Attendee – Advance Social Services Board

*South County Public Meeting Discussion Summary*

The three participants at the South County Public Meeting group felt the need for FCDOT and Fairfax Connector to offer more bus service as most of the people they dealt with were predominantly military retirees who depend heavily on transit services to attend medical appointments. The Fairfax Connector routes serving Richmond Highway have relatively high proportion of low-income households, as well as a sizable amount of military retirees who use Fairfax Connector. Two of the three of the organizations reported that the clients they served often have difficulty getting enough transit service coverage for medical appointments, as they rely on public transportation as their primary form of transportation. Public Meeting attendees also discussed other general transportation needs on Richmond Highway and were interested in maintaining contact with FCDOT in regard to future service changes and safety improvements along the Richmond Highway corridor.

*North County Public Meeting Discussion Summary*

No participants came to the North County Public Meeting, although invitations were sent three weeks in advance by OHREP.

*Fairfax County Region II Public Meeting Discussion Summary*

The last and final Title VI Public Meeting was held in Region II (central Fairfax). One participant felt the need for FCDOT – Fairfax Connector to offer more frequent bus service as most of the people they served in the region were military retirees who depended heavily on transit services. While just four organizations participated in the focus groups, those that did participate provided substantive feedback regarding Fairfax Connector services and gained an understanding of how FCDOT developed and will apply the major service change, disparate impact, and disproportionate burden policies.

#### *Public Comments Received via Email or US Postal Service*

Similar to the focus group comments, the comments received via email were generally concerned with Fairfax Connector services and not on the proposed policies described above (See *Appendix D*). FCDOT did not receive any comments via the US Postal Service.

#### **Fairfax County Board of Supervisors Approval**

The Fairfax County Board of Supervisors reviewed and approved the County's Major Service Change, Disparate Impact and Disproportionate Burden Policies on May 2, 2017.

### **3.5 Major Service Changes Implemented from FY 2015 to FY 2017**

#### ***Summary of Analysis Results***

The service changes proposed for implementation in March 2017 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. Eight routes are involved in these changes. Of those, one route is qualified as experiencing a major service change. Further analysis of the proposed change to this route established that it would not create a disparate impact on the minority riders or a disproportionate burden on the low-income riders of the route.

#### ***Relevant Fairfax County Title VI Program Elements***

A service equity analysis may require the evaluation of as many as four items, depending on the nature of the route, the proposed changes to it, and the environment that it serves. The policies listed in this section are contained in the County's Title VI Program, as approved by the Board of Supervisors on July 1, 2014. The Disparate Impact and Disproportionate Burden definitions were revised and approved by Board of Supervisors on July 12, 2016, as an amendment to the existing Title VI plan.

A major service change is a change (due to a reduction in service, route restructuring, or addition of service) of 25 percent or more of total daily revenue service hours or miles on an individual route basis.

A disparate impact occurs when the difference between minority riders and non-minority riders affected by a proposed fare or service change is 10 percent or greater.

A disproportionate burden occurs when the difference between low-income riders and non-low-income riders affected by a proposed fare or service change is 10 percent or greater.

An adverse effect occurs when the proposed service change meets any of the following criteria for minority populations and low-income populations:

- New or Additional Service: if other service was eliminated to release resources to implement it;



- Headway Changes: if headway(s) increase by at least 20 percent;
- Alignment Changes: if at least 15 percent of the alignment is eliminated or modified;
- Span of Service Changes: if the span of service decreases by at least 10 percent; or
- Elimination of an entire route.

“If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change only if:

- “the transit provider has a substantial legitimate justification for the proposed service change;” and
- “the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider’s legitimate program goals.” (Circular C 4702.1B, page IV-16; emphasis in original.)

FCDOT measured the minority population living within one quarter mile of the affected route alignments and compared the percentage of minority population within that area to the percentage of non-minorities living in the same area to determine whether the service change will cause a disparate impact. The percentage of low-income households within one quarter mile of the route alignment is also measured and compared to the percentage of non-low-income households in the same area to determine whether a service change will cause a disproportionate burden.

### **Overview**

Schedule changes to eight Fairfax Connector routes (Routes 395, 401/402, 461, 466, 599, 640, and 642) took place in March 2017 to improve on-time performance, and enhance connections between routes, and improve bus-rail transfers at Vienna Metro Station.

### **Highlights**

- Add three additional AM and three additional PM trips on Route 395 to address crowding issues. Service frequency will be approximately 15 to 30 minutes. Minor schedule adjustments on Routes 393/394/395 are made to avoid bus bay conflicts at Pentagon Transit Center.
- Running time adjustments are made to improve on-time performance for Routes 401/402, 461, 466, 599, 640, and 642.

Each of the 8 routes included in the service change was first evaluated against the Major Service Change threshold defined in the County’s Title VI Program. *Table 36* shows that only changes to 395 meet the Major Service Change threshold.

**Table 36 Service Changes Triggering a Major Service Change or Adverse Effect**

Route	Proposed Service Changes	Percent Changes in Revenue Hours	Percent Changes in Revenue Miles
		Weekday	Weekday
<b>395</b>	Improve weekday headway	34%	33%
<b>401</b>	Adjust running time to improve schedule adherence	4%	5%
<b>402</b>	Adjust running time to improve schedule adherence	3%	
<b>461</b>	Adjust running time to improve schedule adherence	1%	
<b>466</b>	Adjust running time to improve schedule adherence (interline with 461)	0.1%	
<b>599</b>	Adjust start and running time to improve schedule adherence	3%	
<b>640</b>	Adjust running time to improve schedule adherence	13%	11%
<b>642</b>	Adjust running time to improve schedule adherence	1%	1%

The following sections examine whether the proposed service changes to Route 395 will create a disparate impact and/or disproportionate burden. If such an impact is identified, then further justification for the service change is provided.

### ***Major Service Change***

#### **Route 395 – Backlick/Pentagon Express**

*Major Service Change:* Route 395 weekday service will add three additional AM trips and three additional PM trips to address crowding issues. With the proposed change, the weekday revenue hours for Route 395 will increase by 34 percent, and the weekday revenue miles will increase by 33 percent, which exceed the threshold for a major service change of at least 25 percent.

*Disparate Impact:* Table 37 shows the minority population living within 2.5 mile of Gambrill Road Park-and-Ride and Backlick North Park-and-Ride (the two only stops within Fairfax County)<sup>17</sup> is 32.5 percent. The non-minority population living within the same area is 67.5 percent. The minority percentage is 35 percent below the non-minority percentage (-35%), which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to alignment modification will not create a disparate impact.

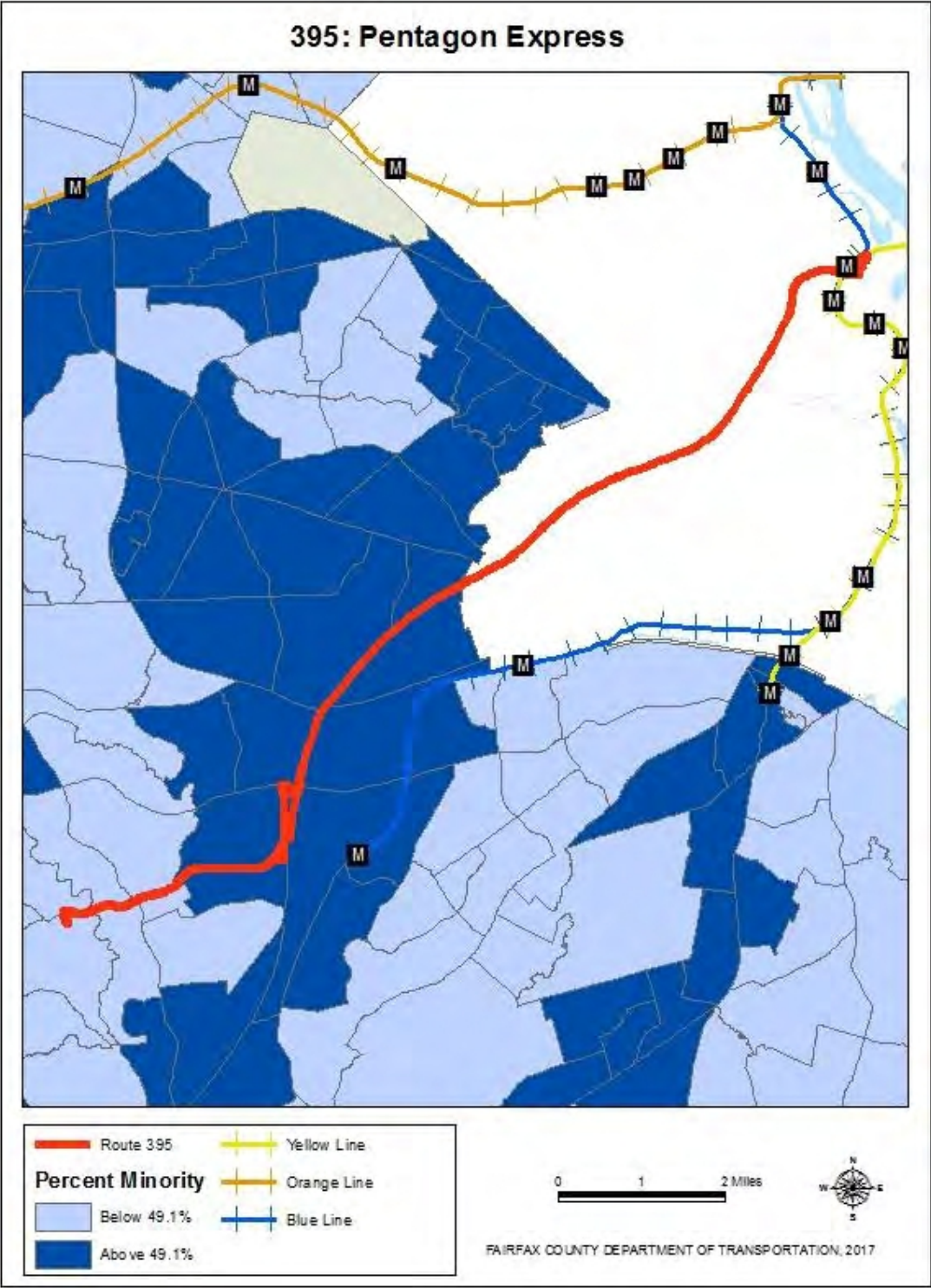
<sup>17</sup> 2.5 miles is the median distance traveled to the Gambrill Road Park-and-Ride facility, according to a license plate study conducted in 2008.

**Table 37 Route 395 Disparate Impact**

Route	Minority Population	Route Population	Route Minority	Route Non-Minority	Difference	Disparate Impact
395	60,428	185,959	32.5%	67.5%	35% below the non-minority proportion	No

*Figure 5* (below) shows 395 route alignment in relation to predominantly minority census tracts.

Figure 5 Route 395 Minority Population Map



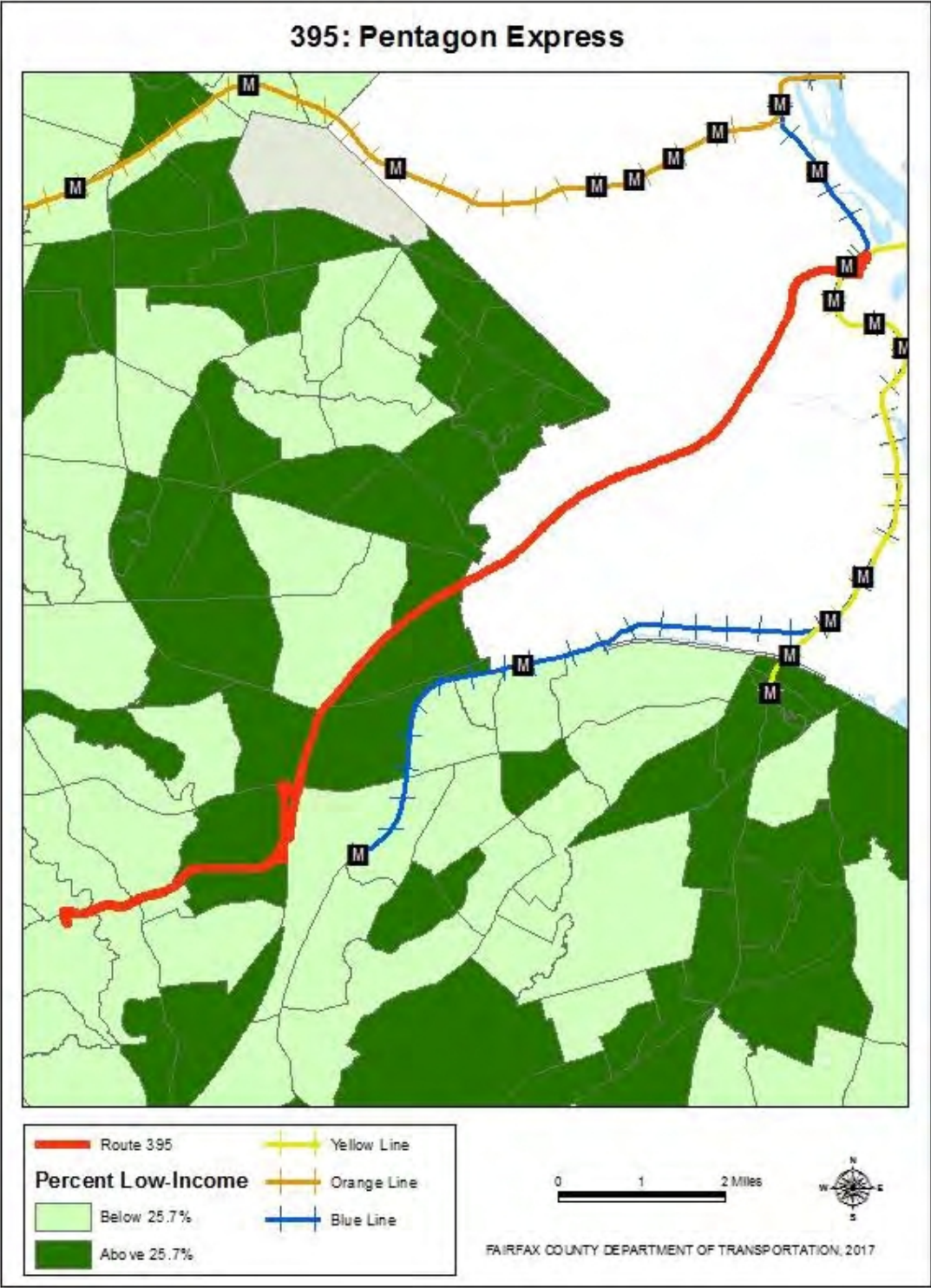
*Disproportionate Burden:* The households within 2.5 mile of Gambrill Road Park-and-Ride and Backlick North Park-and-Ride are 13.7 percent low-income (*Table 38*). This is 72.6 percent lower than the non-low-income households. The difference between the percentages of Route 395 low-income households and the non-low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 395 will not create a disproportionate burden on low-income households.

**Table 38 Headway Modification Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Route Low-Income	Route Non-Low-Income	Difference	Disproportionate Burden
395	9,020	65,626	13.7%	86.3%	72.6% below the non-low-income households	No

*Figure 6* (below) shows the 395 route alignment in relation to predominantly low-income census tracts.

Figure 6 Route 395 Low-income Population Map



Adverse Effects: The proposed changes to Route 395 does not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

### ***Conclusion***

The service changes proposed for implementation in March 2017 were reviewed as mandated by FTA in Circular C 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The analysis showed that the proposed service changes will not create a negative disparate impact on minority riders or a negative disproportionate burden on low-income riders. The service changes will result in an overall service improvement for Fairfax Connector riders and the communities which the routes serve.

## **3.6 Major Fare Changes Implemented from FY 2015 to FY 2017**

### ***Requirement for a Fare Equity Analysis***

The analysis was conducted in accordance with FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients. The Circular requires, under Title VI of the Civil Rights Act of 1964, that the Fairfax County Department of Transportation (FCDOT) undertake an evaluation of any proposed fare changes, either increase or decrease, to determine whether it has a discriminatory impact on Title VI protected minority populations or on low-income populations. The requirement applies to any and all fare media and fare level changes, whether increases or decreases, and applies to any transit operator with at least 50 vehicles in peak service.

The analysis is to be completed and approved by the operator's governing board during the planning stage, before the change is implemented, but is not submitted to FTA until the next Title VI Plan update submission is due. In summary, the FTA Circular states that the analysis should include:

- A statement of the agency's "disparate impact" and "disproportionate burden" policies and how the public was engaged in developing the policies.
- An analysis of the usage of each fare medium and fare level generated from ridership surveys indicating whether minority and/or low-income riders are disproportionately more likely to use the mode of service, payment type, or fare media that would be subject to the fare increase or decrease.
- The number and percent of users of each fare media proposed for increase or decrease including a profile of fare usage by group - minority, low-income, and overall ridership - in table format.
- For each fare medium and fare level, a table comparing the existing cost, the percent change, and the usage of minority groups as compared to overall usage and of low-income groups as compared to overall usage.
- Whether focusing changes on a particular fare medium may lead to a disparate impact or disproportionate burden.

- Whether vendors that distribute/sell the fare media are located in areas that would be convenient to impacted populations.
- An analysis of modifying the proposal to remove the impacts, if it is determined that a disparate impact exists.
- An analysis that demonstrates that there is a substantial legitimate justification for the proposed fare changes, including an analysis of alternatives to determine whether the proposed fare changes are the least discriminatory alternative, if it is determined that a disparate impact exists and the agency will make the fare changes despite these impacts.
- A documented exploration of alternatives and mitigation, including the timing of implementing the fare increases, providing discounts on passes to social service agencies that serve the impacted populations, and other alternatives as appropriate, if a disparate impact or a disproportionate burden is identified.

#### ***Relevant Fairfax County Title VI Program Elements***

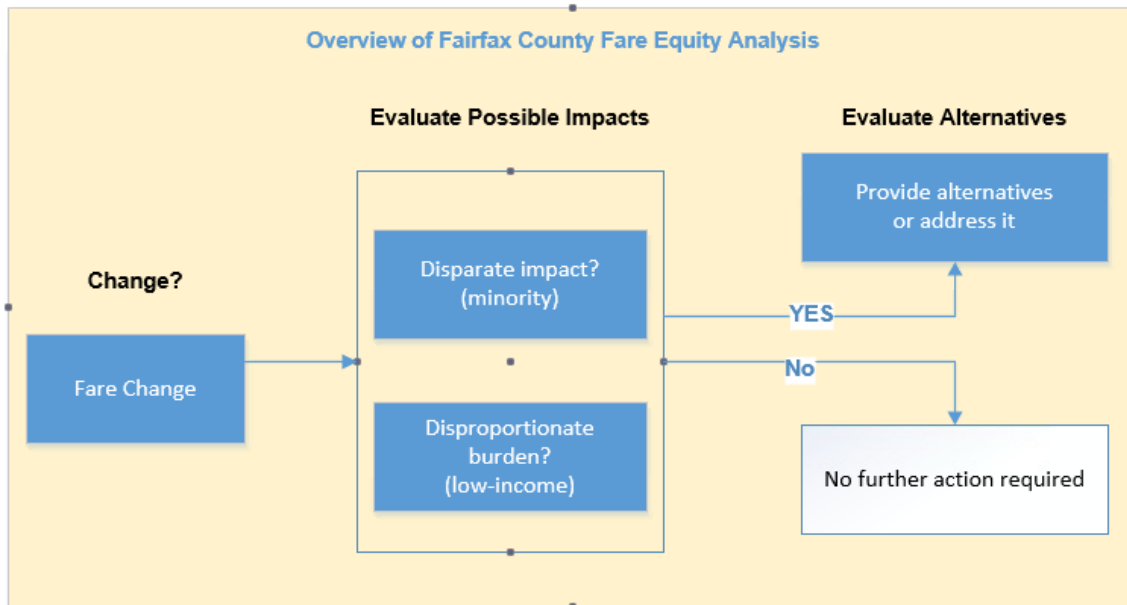
The FTA Circular requires that FCDOT establish policies for what constitutes a disparate impact and a disproportionate burden for use in service equity and fare equity analyses. The policies listed in this section are contained in the County's Title VI Program, as approved by the Board of Supervisors on May 2, 2017.

- A *disparate impact* occurs when the difference between the percentage of minority riders and the percentage of overall riders affected by a proposed fare change is 10 percent or greater.
- A *disproportionate burden* occurs when the difference between the percentage of low-income riders and the percentage of low-income overall riders affected by a proposed fare change is 10 percent or greater.

To determine whether a fare change will cause a disparate impact, the percentage of the minority riders served by Fairfax Connector using a particular fare medium and fare level is to be compared to the percentage of the overall riders served by Fairfax Connector using that fare medium and fare level. If the percentage of minority riders using a particular fare medium and fare level exceeds the percentage of overall riders by at least ten percent, then the change in fares for that fare medium and fare level must be examined (see *Figure 7*). If a disparate impact is found, the transit provider may implement the fare change only if a substantial legitimate justification for the proposed fare change exists, and there are no alternatives that would have a less disparate impact on minority to meet the same legitimate program goals. Minority riders were defined as any person identifying themselves as Latino or indicating a race of anything other than white on the survey.



**Figure 7 Overview of Fare Equity Analysis Process**



#### ***Fare Equity Analysis Procedure***

To determine whether a fare change will cause a disproportionate burden, a similar process is used comparing the percentage of the low-income users served by Fairfax Connector using a particular fare medium and fare level to the percentage of the overall users served by Fairfax Connector using that fare medium and fare level. If a disproportionate burden is found, then it must take steps to avoid, minimize or mitigate impacts where practicable, and describe alternatives available to low-income populations affected by the fare changes. Low-income riders were defined as any person reporting a household income of \$50,000 or less (the survey used income categories in \$10,000 increments).

#### ***Rationale and Description for the Fare Change***

The Washington Metropolitan Area Transit Authority (WMATA), recently issued a plan for a proposed fare change in FY 2018 to keep Metro safe, reliable and affordable. The Connector participates as a regional partner with WMATA in the use of the SmarTrip (pre-paid fare card). Board of Supervisors policy is to increase fares for the Fairfax Connector consistent with WMATA fare increases. Additionally, WMATA provides approximately 43 percent of the total bus service revenue hours in the County through Metrobus. Furthermore, a fare increase will help Fairfax Connector to defray the increasing cost of providing bus service to its riders. For the reasons given above, the proposed Connector fare changes for local and express bus service match those proposed for similar WMATA Metrobus service. For regular customers, both local bus and express bus fares would increase 25 cents, which is 14.3% and 6.3% higher than the current prices respectively. For seniors/disabled, the local bus fare would increase 15 cents (17.6%), and the express bus fare would increase 10 cents (5%). For our express service on Route 599, the regular fare is \$7.50, and it would remain the same as WMATA's airport

routes (5A/B30). The Senior/Disabled fare for this route was proposed to change to \$3.75, to mirror the one-half regular fare policy for Senior/Disabled. All fares for the Circulator services would be unchanged. These changes are summarized below in *Table 39*.

**Table 39 Existing and Proposed Fare Changes for FY2018**

Fare Category			Fares			
Service Type	Customer Type	Fare Medium	Current Fare	Proposed Fare	Fare Change	% Fare Change
Local Bus	Regular	SmarTrip	\$1.75	\$2.00	\$0.25	+14.3%
Local Bus	Regular	Cash	\$1.75	\$2.00	\$0.25	+14.3%
Local Bus	Senior/Disabled	SmarTrip	\$0.85	\$1.00	\$0.15	+17.6%
Local Bus	Senior/Disabled	Cash	\$0.85	\$1.00	\$0.15	+17.6%
Circulator (422/423/424)	Regular	SmarTrip	\$0.50	\$0.50	\$0.00	0.0%
Circulator (422/423/424)	Regular	Cash	\$0.50	\$0.50	\$0.00	0.0%
Circulator (422/423/424)	Senior/Disabled	SmarTrip	\$0.50	\$0.50	\$0.00	0.0%
Circulator (422/423/424)	Senior/Disabled	CASH	\$0.50	\$0.50	\$0.00	0.0%
Express Bus (393/394/395)	Regular	SmarTrip	\$4.00	\$4.25	\$0.25	+6.3%
Express Bus (393/394/395)	Regular	Cash	\$4.00	\$4.25	\$0.25	+6.3%
Express Bus (393/394/395)	Senior/Disabled	SmarTrip	\$2.00	\$2.10	\$0.10	+5.0%
Express Bus (393/394/395)	Senior/Disabled	Cash	\$2.00	\$2.10	\$0.10	+5.0%
Route 599 Express	Regular	SmarTrip	\$7.50	\$7.50	\$0.00	0.0%
Route 599 Express	Regular	Cash	\$7.50	\$7.50	\$0.00	0.0%
Route 599 Express	Senior/Disabled	SmarTrip	\$0.85	\$3.75	\$2.90	+341.2%
Route 599 Express	Senior/Disabled	Cash	\$0.85	\$3.75	\$2.90	+341.2%

#### ***Utilization of Survey Data for the Fare Equity Analysis***

The FTA Circular requires that a transit operator use rider survey data that is no more than five years old to ascertain the percentage of users of each fare level and fare medium who are members of Title VI minority and low income protected classes. FCDOT collected an on-board customer survey from Fall 2013 to Fall 2014. The survey consisted of 23 questions on the fare paid, household income, race and Latino origin, English proficiency, as well as questions on trip origin/destination, frequency of use, availability of travel alternatives, opinions of service and other topics. Surveys were distributed to all passengers on the equivalent of one weekday, one Saturday and one Sunday of service on all routes surveyed.

To develop current system wide estimates of ridership by fare category for low-income, minority, and all riders, the 11,078 surveyed respondents were weighted to the observed average Weekday, Saturday and Sunday daily ridership in FY2015<sup>18</sup>. The daily average ridership

<sup>18</sup> FY 2015 observed ridership is used to weight the survey data because the new route 599 began service in July 2014.

was then combined to produce a weekly usage, assuming five weekdays, a Saturday and a Sunday. Finally, the 3.1% of ridership using fare media issued by other agencies whose pricing is beyond the control of FCDOT was excluded from the analysis. (*Table 40*)

**Table 40 Ridership by Fare Category for Low-Income, Minority and All Riders**

Fare Category			Estimated Weekly Usage		
Service Type	Customer Type	Fare Media	Overall*	Low - Income	Minority
Local Bus	Regular	SmarTrip	170,816	77,106	108,090
Local Bus	Regular	Cash	11,791	7,492	8,714
Local Bus	Senior/Disabled	SmarTrip	5,498	2,539	2,113
Local Bus	Senior/Disabled	Cash	153	131	85
Circulator (422/423/424)	Regular	SmarTrip	4,449	1,872	3,150
Circulator (422/423/424)	Regular	Cash	237	113	210
Circulator (422/423/424)	Senior/Disabled	SmarTrip	126	39	36
Circulator (422/423/424)	Senior/Disabled	Cash	0	0	0
Express Bus (393/394/395)	Regular	SmarTrip	3,117	36	973
Express Bus (393/394/395)	Regular	Cash	0	0	0
Express Bus (393/394/395)	Senior/Disabled	SmarTrip	112	0	22
Express Bus (393/394/395)	Senior/Disabled	Cash	0	0	0
Route 599 Express	Regular	SmarTrip	1,065	28	1,037
Route 599 Express	Regular	Cash	0	0	0
Route 599 Express	Senior/Disabled	SmarTrip	91	0	91
Route 599 Express	Senior/Disabled	Cash	0	0	0
<b>TOTAL</b>			<b>197,454</b>	<b>89,355</b>	<b>108,099</b>

\* FY2015 total ridership excludes the 3.1% of riders using fare types not issued by Fairfax County, including MARC/VRE Transit Link Card (TLC), 7-Day Regional Bus PASS (WMATA), DASH, MetroAccess, and others.

### ***Profile of Fare Usage and Fare Changes by Group***

*Table 41* shows the percentage of low-income, minority and all riders using each fare category alongside the fare changes proposed. The first step in the determination of whether disparate impacts or disproportionate burdens exist is to compare the percent utilization of each fare category by low-income and minority groups to the percent utilization of all riders. The final two columns in *Table 41* show the difference between the percent utilization by Title VI protected groups and the percent utilization by all riders. If any of the categories had shown differences of 10% or more, the relative differences in the percent of the fare increase would have to be examined to note whether those categories with a difference of 10% or more would have larger fare increases.

The disparate impact analysis of the data in *Table 41* shows that utilization of the various fare categories by minority riders ranges between 1.1% below and 1.1% above the utilization of the

same fare category by all riders. The County's policy threshold establishing potential of a disparate impact when utilization of any fare category by minority riders exceeds utilization of that same fare category by all riders by at least 10%. Therefore, no disparate impacts exist for the proposed fare changes.

The disproportionate burden analysis of the data in *Table 41* shows that utilization of the various fare media by low-income riders ranges between 1.5% below and 2.4% above the utilization of the same fare category by all riders. The County's policy threshold to establish the potential of a disproportionate burden when utilization of any fare category by low-income riders exceeds utilization of that same fare category by all riders by at least 10%. Therefore, no disproportionate burdens exist for the proposed fare changes.

**Table 41 Percentage of Ridership by Fare Category for Low-Income, Minority and All Riders**

Fare Category			Fares				Percentage of Estimated Weekly Usage			Difference	
Service Type	Customer Type	Fare Medium	Current	Propose	Change	% Change	Overall	Low-Income	Minority	Low-Income	Minority
Local Bus	Regular	SmarTrip	\$1.75	\$2.00	\$0.25	14.3%	86.5%	86.3%	87.4%	-0.2%	0.9%
Local Bus	Regular	Cash	\$1.75	\$2.00	\$0.25	14.3%	6.0%	8.4%	7.0%	2.4%	1.1%
Local Bus	Senior/Disabled	SmarTrip	\$0.85	\$1.00	\$0.15	17.6%	2.8%	2.8%	1.7%	0.1%	-1.1%
Local Bus	Senior/Disabled	Cash	\$0.85	\$1.00	\$0.15	17.6%	0.1%	0.1%	0.1%	0.1%	0.0%
Circulator (422/423/424)	Regular	SmarTrip	\$0.50	\$0.50	\$0.00	0.0%	2.3%	2.1%	2.5%	-0.2%	0.3%
Circulator (422/423/424)	Regular	Cash	\$0.50	\$0.50	\$0.00	0.0%	0.1%	0.1%	0.2%	0.0%	0.0%
Circulator (422/423/424)	Senior/Disabled	SmarTrip	\$0.50	\$0.50	\$0.00	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%
Circulator (422/423/424)	Senior/Disabled	Cash	\$0.50	\$0.50	\$0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Express Bus (393/394/395)	Regular	SmarTrip	\$4.00	\$4.25	\$0.25	6.3%	1.6%	0.0%	0.8%	-1.5%	-0.8%
Express Bus (393/394/395)	Regular	Cash	\$4.00	\$4.25	\$0.25	6.3%	0.0%	0.0%	0.0%	0.0%	0.0%
Express Bus (393/394/395)	Senior/Disabled	SmarTrip	\$2.00	\$2.10	\$0.10	5.0%	0.1%	0.0%	0.0%	-0.1%	0.0%
Express Bus (393/394/395)	Senior/Disabled	Cash	\$2.00	\$2.10	\$0.10	5.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Route 599 Express	Regular	SmarTrip	\$7.50	\$7.50	\$0.00	0.0%	0.5%	0.0%	0.2%	-0.5%	-0.3%
Route 599 Express	Regular	Cash	\$7.50	\$7.50	\$0.00	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Route 599 Express	Senior/Disabled	SmarTrip	\$0.85	\$3.75	\$2.90	341.2%	0.0%	0.0%	0.0%	0.0%	0.0%
Route 599 Express	Senior/Disabled	Cash	\$0.85	\$3.75	\$2.90	341.2%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>TOTAL</b>							<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>		

### ***Findings***

For the proposed fare change by FCDOT, the analysis of the recent survey data shows that the utilization of the various fare media and fare levels among minority and low-income riders does not differ substantially from that of the overall ridership. In summary, the finding of this analysis is that the proposed fare change would not result in disparate impacts on minority populations or disproportionate burdens on low income riders. Given this finding, no further examination of alternatives is required by the FTA Title VI Circular.

## **3.7 Analysis of Transit Service Standards**

FTA C 4702.1B requires FCDOT to evaluate its defined standards and policies to ensure service equity between minority and non-minority routes. The following are the standards and policies that FCDOT has measured for each of its routes:

### **Standards**

- Vehicle load
- Vehicle headway
- On-time performance
- Service accessibility

### **Policies**

- Vehicle assignment
- Distribution of transit amenities

It should be noted that in the last three years, Fairfax County Department of Transportation upgraded its intelligent transportation systems (ITS) capabilities with the installation of a new computer aided dispatch – automatic vehicle locator (CAD-AVL) system. This new ITS capability has provided the system with the capability to track on-time performance, vehicle loads, and vehicle assignment at the bus route level with a level of precision that was not possible in the past. For example, in the past FCDOT relied upon supervisor reports to monitor on-time performance and on a spot-check basis. Vehicle load data analyzed in the previous program was from a ridecheck, while vehicle load data was derived using a complicated and less precise methodology that involved analyzing the age and use of buses at the garage level. The implementation of CAD-AVL in FCDOT's ITS capabilities has greatly increased the accuracy of the on-time performance, vehicle load, and vehicle assignment monitoring.

### ***Vehicle Load***

The vehicle load metric is used to determine if a bus is overcrowded. A vehicle load is the average maximum number of people seated and standing during the peak one-hour in the peak direction. Vehicle passenger load is measured by the ratio of load to seated capacity (load/seat ratio). Through FCDOT's automatic passenger counter data, the maximum load for all routes for weekdays, Saturdays, and Sundays is available.

*Figure 8* displays the average daily maximum load factors for Weekdays, Saturdays, and Sundays for the October 2016 – February 2017 period. Non-minority routes are slightly less crowded than minority routes for days evaluated, however the average maximum loads for both route classifications are well below the number of seats available on the bus and FCDOT's policy of a 1.25 maximum load factor.

**Figure 8 Average Daily Maximum Load Factors: October 2016 – February 2017**



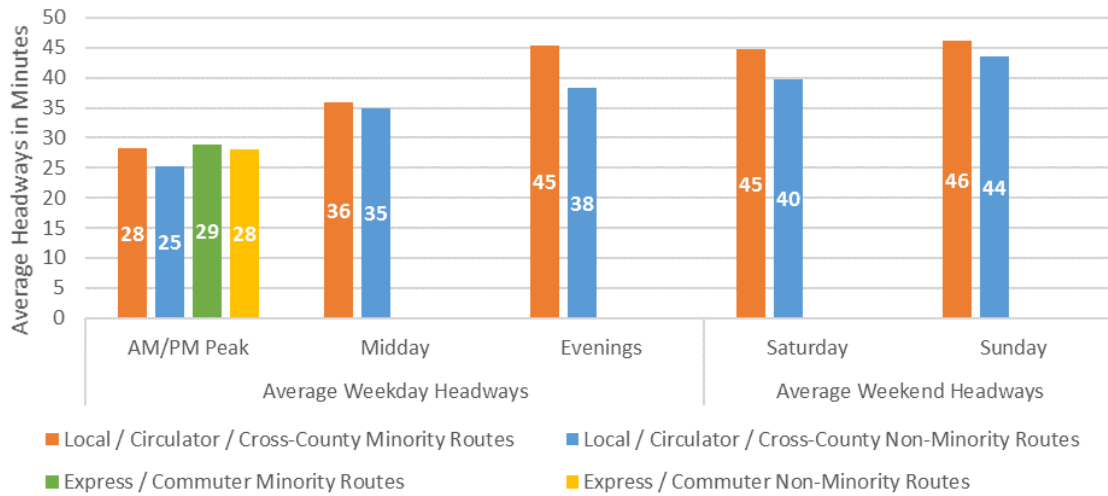
### ***Service Headways***

Headway by time of day for both weekday and weekend service is a measure of the level of service of a bus route. *Figure 9* illustrates the variation in service headways by day of week and time of day for minority and non-minority routes. Route-level headway information was summarized by the time period and averaged across all minority and non-minority routes. To complete this monitoring analysis, Fairfax Connector's five service types were grouped in two categories, the first containing local, circulator, and cross-county services, and the second containing express and commuter services. FCDOT's service standard for headways evaluates routes by whether they are all-day or peak-period weekend only services (please refer to *Table* ), and grouping the service types into these categories best allowed for comparison with the service standards.

As displayed in *Figure 9*, FCDOT is meeting its established service headway standards for all periods evaluated for both minority and non-minority routes. Overall, there is not a significant difference in service frequency between minority and non-minority routes, with the minority routes having a slightly less frequent headway in the 1-7-minute range across all periods evaluated. In the peak periods, the difference between minority and non-minority routes is just 3 minutes, while during the midday it is only 1 minute.



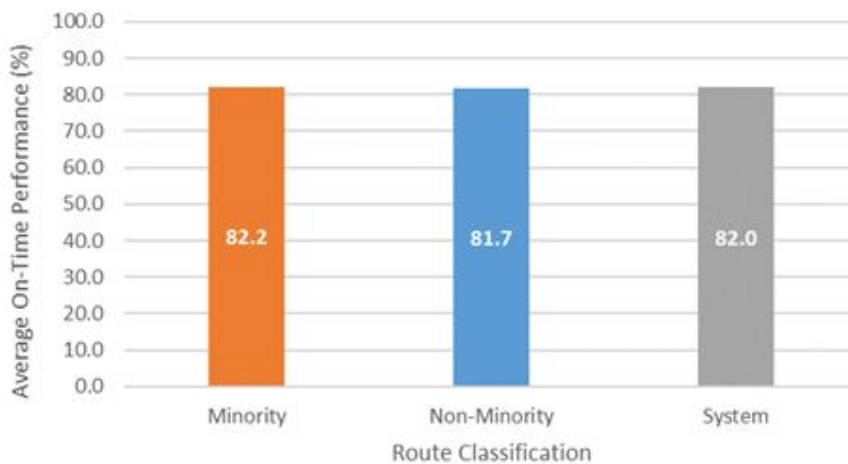
**Figure 9 Average Service Headways (Minutes)**



### **On-Time Performance**

An average on-time performance for all routes in the Fairfax Connector system during December 2016 to February 2017 was analyzed using the CAD-AVL data (*Figure 10*). During this period, buses arrived on-time 82.0 percent of the time, with minority routes having an average on-time performance of 82.2 percent and non-minority routes having an average of on-time performance of 81.7 percent. While these figures fall slightly short of FCDOT's 85.0 percent on-time performance goal, there is no discernable difference between minority and non-minority route on-time performance.

**Figure 10 On-Time Performance Monitoring – December 2016 – February 2017**



**Service Availability**

Service availability measures the percentage of the population within the County that is served by either Fairfax Connector. As Metrobus also provides significant service in Fairfax County, access to Metrobus, or by the combination of both Connector and Metrobus was also considered. As shown in *Table 42*, 58 percent of the minority population in the County lives within walking distance (one quarter of a mile) of a Connector bus route and 43 percent within walking distance of a Metrobus routes. In total 77 percent of minorities live within walking distance of either a Connector or Metrobus route. *Table* also shows the percentage of non-minority population that lives within walking distance of transit. Overall the percentage of minorities within walking distance to transit services is higher than the percentage of the non-minority population. A total of 53 percent of all Fairfax County residents live within a quarter mile of a Fairfax Connector route. These figures well exceed FCDOT's service availability standard of providing access to 50 percent to the Fairfax Connector system, as measured as population within a quarter mile of a Fairfax Connector bus route.

**Table 42 Service Availability Monitoring**

	Minority Served	Minority County	Minority Percent	Non- Minority Served	Non-Minority County	Non-Minority Percent	Total Population Served	Total Population	Total Population Percent
<b>Connector</b>	312,350	534,866	58%	288,396	593,856	49%	600,746	1,128,722	53%
<b>Metrobus</b>	227,875	534,866	43%	210,404	593,856	35%	438,279	1,128,722	39%
<b>All Bus Transit</b>	411,174	534,866	77%	386,816	593,856	65%	797,990	1,128,722	71%

### 3.8 Analysis of Transit Service Policies

#### *Transit Amenities*

The map in *Figure 11* shows the location of bus shelters serving Fairfax Connector routes throughout Fairfax County, relative to locations of minority and non-minority populations. FCDOT does not currently maintain data on the distribution or presence of benches and waste receptacles, but will explore ways to begin to track the distribution of these amenities in the future. The provision of information is distributed throughout the system per FCDOT's established policy.

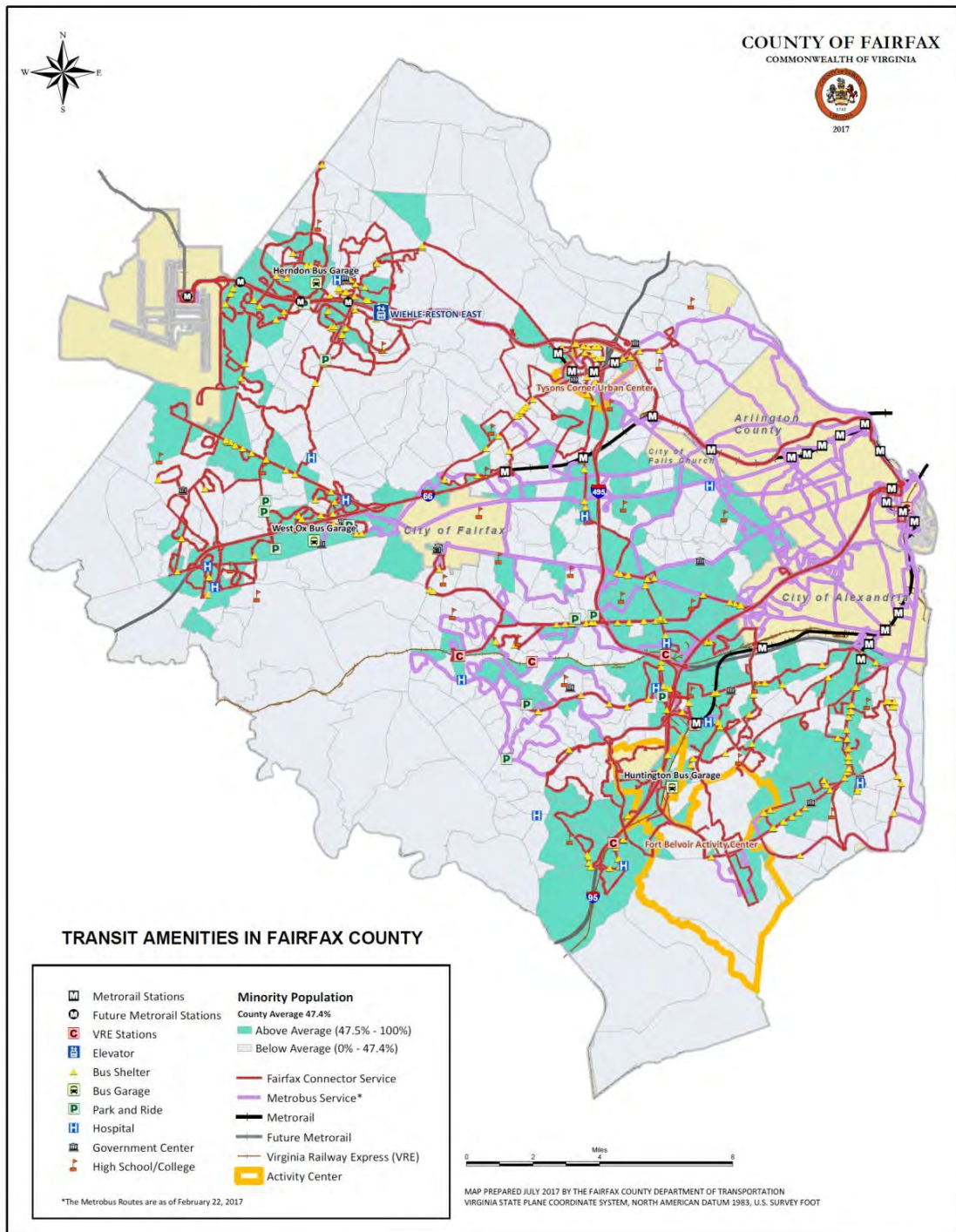
In addition to the map, an in-depth monitoring analysis was conducted on the distribution of bus shelters. It is Fairfax Connector's policy that a bus shelter may be installed at stops with an average of 50 or more boardings per day. *Table 43* displays number of shelters at Fairfax Connector stops with 50 or more boardings per day, by minority and non-minority stops. For the purposes of this analysis, a bus stop received a "minority" designation if located in a Census Block Group where the minority population is at or exceeds the proportion of minorities (47.4%) that comprise the total population. Of the 520 transit stops across Fairfax County, a total of 88 stops have 50 or more boardings per day, with 59 of these being minority stops and 29 being non-minority stops. A greater proportion of the minority stops with 50 more boardings (49 percent) have shelters than the non-minority stops (41 percent).

**Table 43 Shelter Availability among Fairfax Connector stops with 50 and greater daily boardings**

	Minority Stops (Number)	Non-Minority Stops (Number)	Total Stops (Number)
No Shelter	20	17	37
Shelter	39	12	51
Total	59	29	88
Percent of stops with a shelter	66%	41%	58%

In Fairfax County, there are three potential ways a shelter can be installed, directly through the County-funded shelter program, by an advertising vendor that provides shelters, and through developer proffers associated with development approvals. Among the shelters provided by the shelter advertising vendor, FCDOT has discretion to place 10 percent of the shelters procured through this contract. The remaining 90 percent of these shelters are located by the advertising vendor, on the basis of high ad-revenue locations. The advertising vendor is responsible for the maintenance and upkeep of all shelters that they install. County-owned shelters are maintained by the Stormwater Maintenance department as their funding allows. *Figure 11* shows the system-wide distribution of transit amenities.

Figure 11 Distribution of Transit Amenities

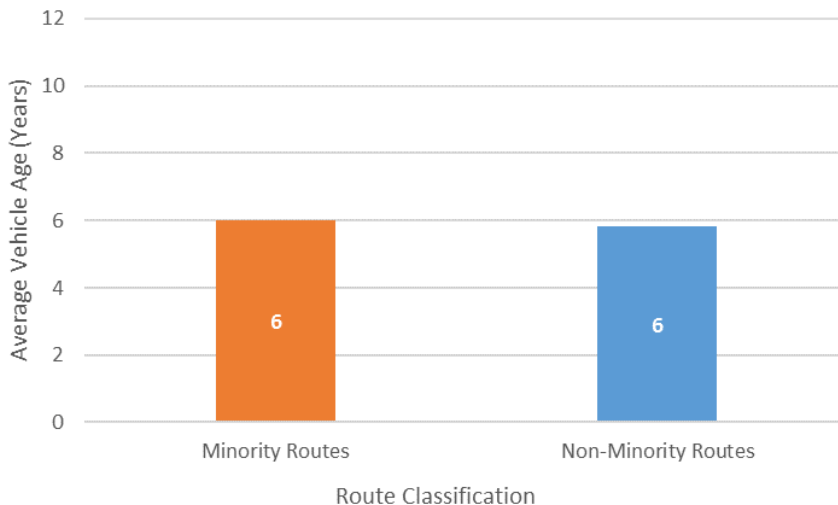


### Vehicle Assignment

FCDOT generally assigns Fairfax Connector vehicles to routes from three operating divisions as follows: North County service area (Reston-Herndon Division), Central service area (West Ox Division), and South County service area (Huntington Division). Specific bus types and sizes from each operating division are assigned to routes based on the capacity needed for each route and road or service area geometry. For example, Fairfax Connector only uses 30-foot buses on RIBS routes in Reston. However, most routes will have several different makes, sizes, and ages of buses operating the route at any given time. This flexibility is needed due to the fact that different buses may be available on a daily basis according to maintenance schedules.

Due to the introduction of FCDOT's CAD-AVL system, records are maintained on which specific buses are used on which routes for every run. An analysis of all vehicles used on all routes for the week of March 24-30, 2017 was conducted to evaluate average vehicle age. *Figure 12* shows that there is no difference in age between vehicles operating on minority routes, and those operating on non-minority routes, with both having a vehicle age average of 6 years. The average age of all Fairfax Connector vehicles is 5.8 years.

**Figure 12 Average Vehicle Age – March 24-30, 2017**



# **Fairfax County Title VI Accomplishments Questionnaire**

*Prepared by:*

**Fairfax County Department of Transportation**

*Coordination and Funding Division*

## BACKGROUND

Fairfax County's Title VI (Civil Rights) Program was adopted by the Board of Supervisors and approved by the Federal Transit Administration (FTA) in 2014. As part of the County's Title VI Program, the Fairfax County Department of Transportation (FCDOT) has committed to update its Language Access Plan (LAP), as well as monitor related activities that may have occurred. To create this update, Coordination and Funding Division staff collects data from FCDOT through the questionnaire below.

Each division is asked to identify **accomplishments, issues, and any corrective actions** that have occurred during the past year. If a question does not apply to your section or work, *there is no need to respond*.

Please return completed questionnaires to **Benjamin Atsem** ([Benjamin.Atsem@fairfaxcounty.gov](mailto:Benjamin.Atsem@fairfaxcounty.gov)) in Coordination and Funding by **June 17, 2016**.

## ACCOMPLISHMENTS

### Planning

1. Describe any research, studies, or surveys conducted during the past year that collected data on minority persons, low-income neighborhoods, income levels, physical environments, and travel habits for the purposes of Title VI compliance.
  - NA
2. Describe any strategies or actions taken to promote Title VI compliance with regard to planning activities, including monitoring and review processes, and their outcomes and status.
  - We consult the language area map prior to holding public meetings so we have interpreters available if needed. We also will ask the local supervisor's office representatives if they are aware of any special language needs that we need to address.

### Public Outreach/Communications

1. Identify the number of public hearings held, and describe efforts to ensure broad citizen participation in the hearings, particularly by minorities and women.
  - 1 Public Hearing was held and 2 citizen information meetings were held. There were mailings that were sent to local property owner's to make them aware of the meetings.
2. Describe minority individuals, groups, and organizations that participated in the hearings, including efforts to involve them.
  - There were no efforts to single out any minority groups or individuals with the meetings identified in question 1.
3. List the special language services provided – note the professional language service provided including the name of the service, date provided, and the number of persons served, and any other relevant information during public hearing or meetings held.



- At our public hearing we provided a Spanish translator in the event anyone requested the service however it was not needed. The interpreter was an employee of FCDOT.
4. Were Fairfax County Title VI policy statements available for use in these public meetings and hearings?
    - No. The ADA and language statement was included on our meeting advertisement.
  5. Describe this year's Title VI accomplishments with regard to promotional materials, including news releases, advertising, brochures, flyers on buses, etc.
    - We used newspaper and web advertisements to advise the public that we were having a public hearing. The ADA statement and language statement was included in the advertisement.
  6. What have proven to be the most effective ways to connect with current system users and to reach specific Title VI segments of the community within Fairfax County and the general public at large?
    - Newspaper/Web/Mailings to Property owners
  7. Describe coordination activities with other organizations such as social service agencies and schools to further the County's Title VI program.
    - NA

#### **Capital Projects/Land Acquisition**

1. Were any relocations, as a result of land acquisition for transit projects, made during the past year?
  - No
2. For capital projects for transit support facilities (e.g. maintenance facilities, storage buildings, etc.) were Title VI equity analyses completed in advance of any land acquisitions?
  - NA
3. For those projects involving land acquisition and requiring an equity analysis, were any Title VI equity issues identified? If yes, please describe actions taken to ensure Title VI compliance.
  - NA
4. If applicable, please provide a summary of any Title VI issues raised in relation to preparation of environmental document and/or ROW acquisitions.
  - NA

#### **Training**

1. In addition to FCDOT Title VI training, did staff participate in any other kind of civil rights training?
  - NA

#### **PROBLEM AREAS/ISSUES**

1. Over the past 12 months, describe any significant Title VI issues that have arisen, actions taken, and issues that still need to be addressed.
  - NA
2. Provide a summary of any Title VI concerns and/or issues, if any, raised by representatives of minority communities during the past year.
  - NA
3. How were you notified of those concerns/issues?
  - NA
4. Were there any Title VI concerns or issues raised at public hearings?
  - NA
5. Were any Title VI concerns or issues raised in relation to relocation assistance and/or payments?
  - NA

#### **CORRECTIVE ACTIONS**

1. Were any corrective actions were initiated in the past year as a result of Title VI issues? If yes, please explain.
  - NA
2. Describe actions taken by the division to facilitate and/or address any Title VI concerns (or potential concerns).
  - NA

## **APPENDIX B: MAPS OF LINGUISTICALLY ISOLATED POPULATIONS IN FAIRFAX COUNTY BY LANGUAGE**

**Map Note:** All the maps were prepared using the U.S. Census Bureau, American Community Survey, 2011-2015 five-year estimates, data. Linguistically isolate populations were identified as those who speak English less that “very well”. Data was analyzed at the tract level of Census geography.

These maps indicate that current transit routes traverse areas with relatively high concentrations of linguistically isolated Chinese, Korean, Spanish, and Vietnamese speakers. In general, census tracts with linguistically isolated households are clustered around transit, including not only Fairfax Connector but also service provided by WMATA.

Figure B.1: Concentration of Linguistically Isolated Households (Percent of Total)

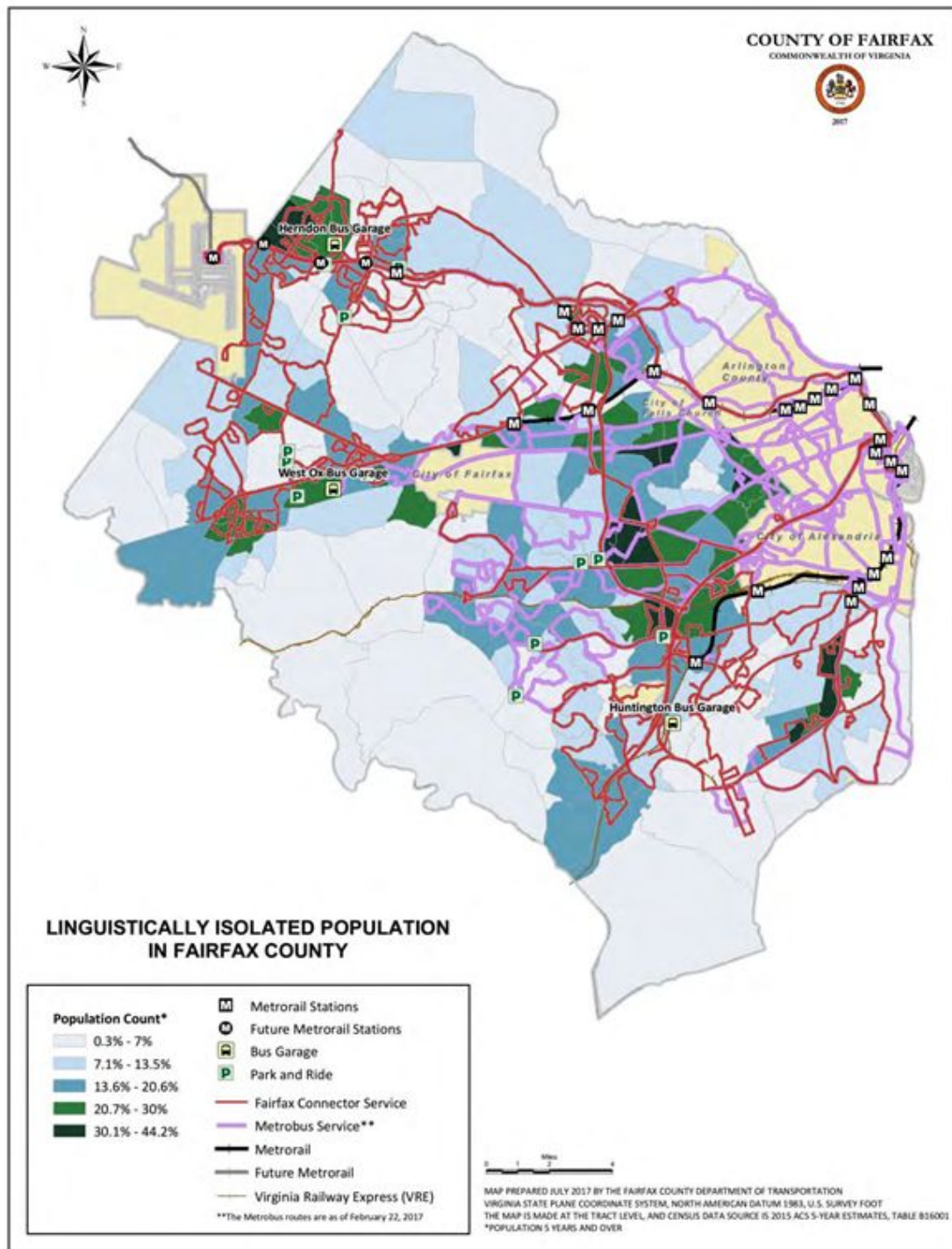
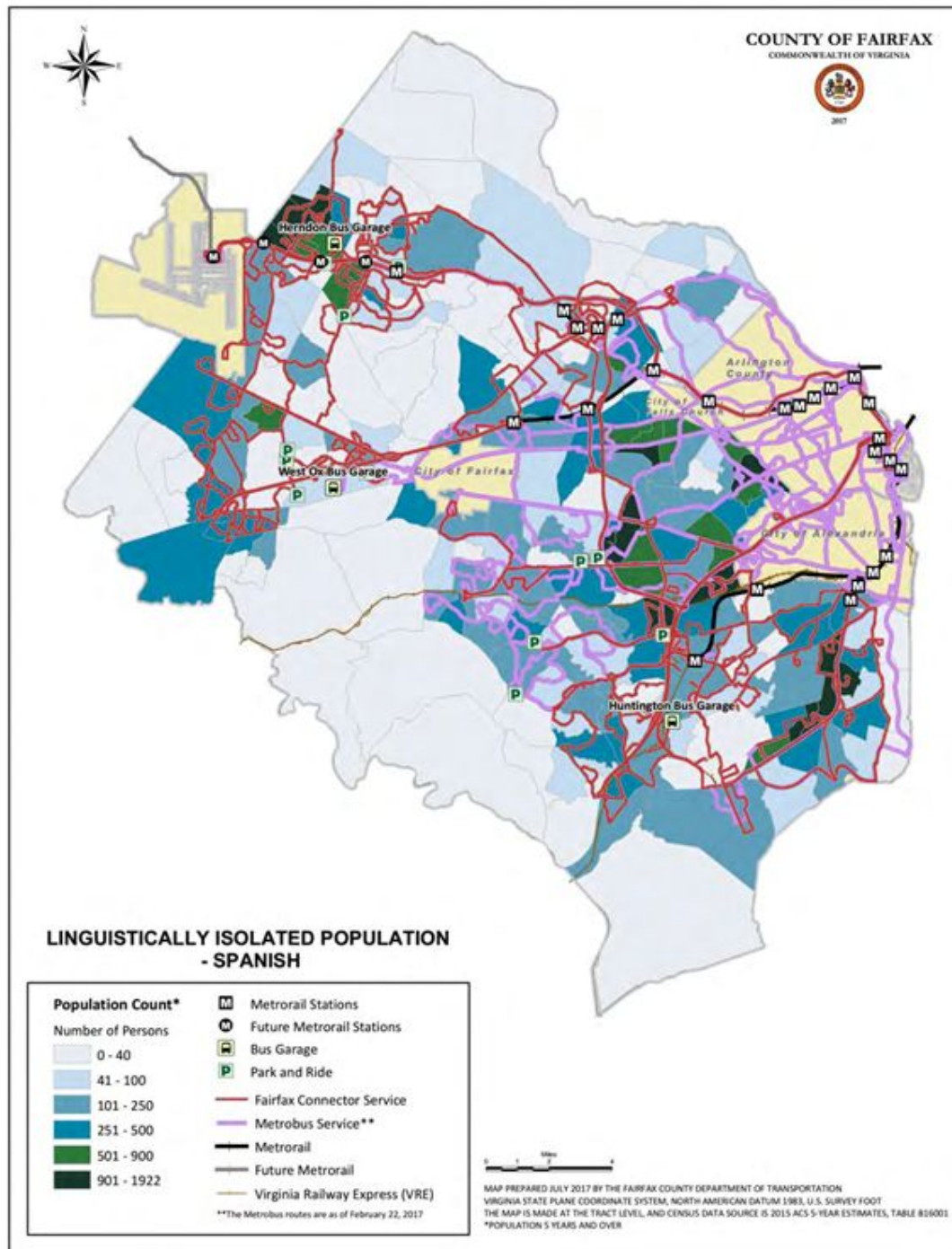


Figure B.2: Linguistically Isolated Households in Fairfax County – Spanish



**Figure B.3: Linguistically Isolated Households in Fairfax County – Korean**

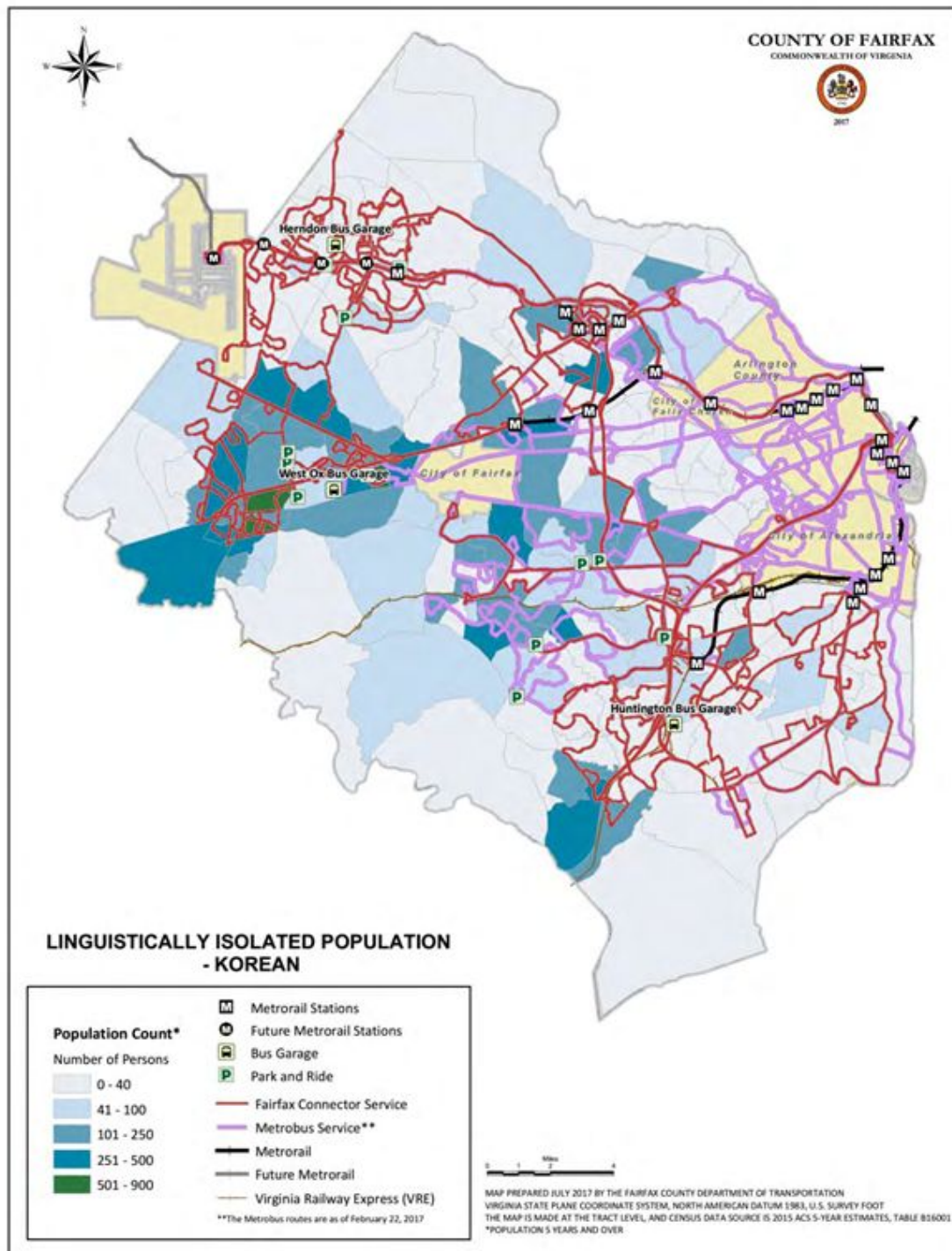
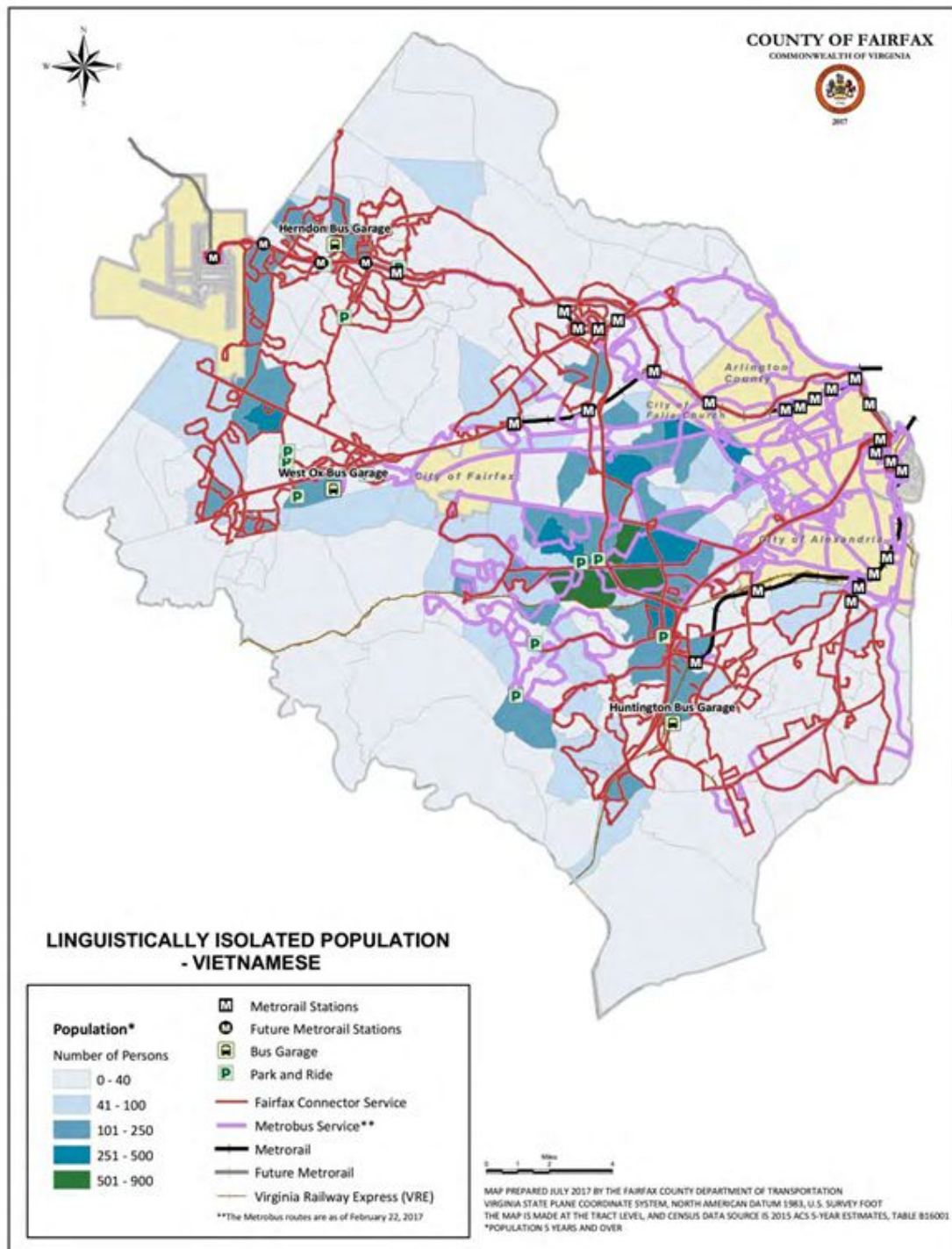




Figure B.4: Linguistically Isolated Households in Fairfax County – Vietnamese



**Figure B.5: Linguistically Isolated Households in Fairfax County – Chinese**

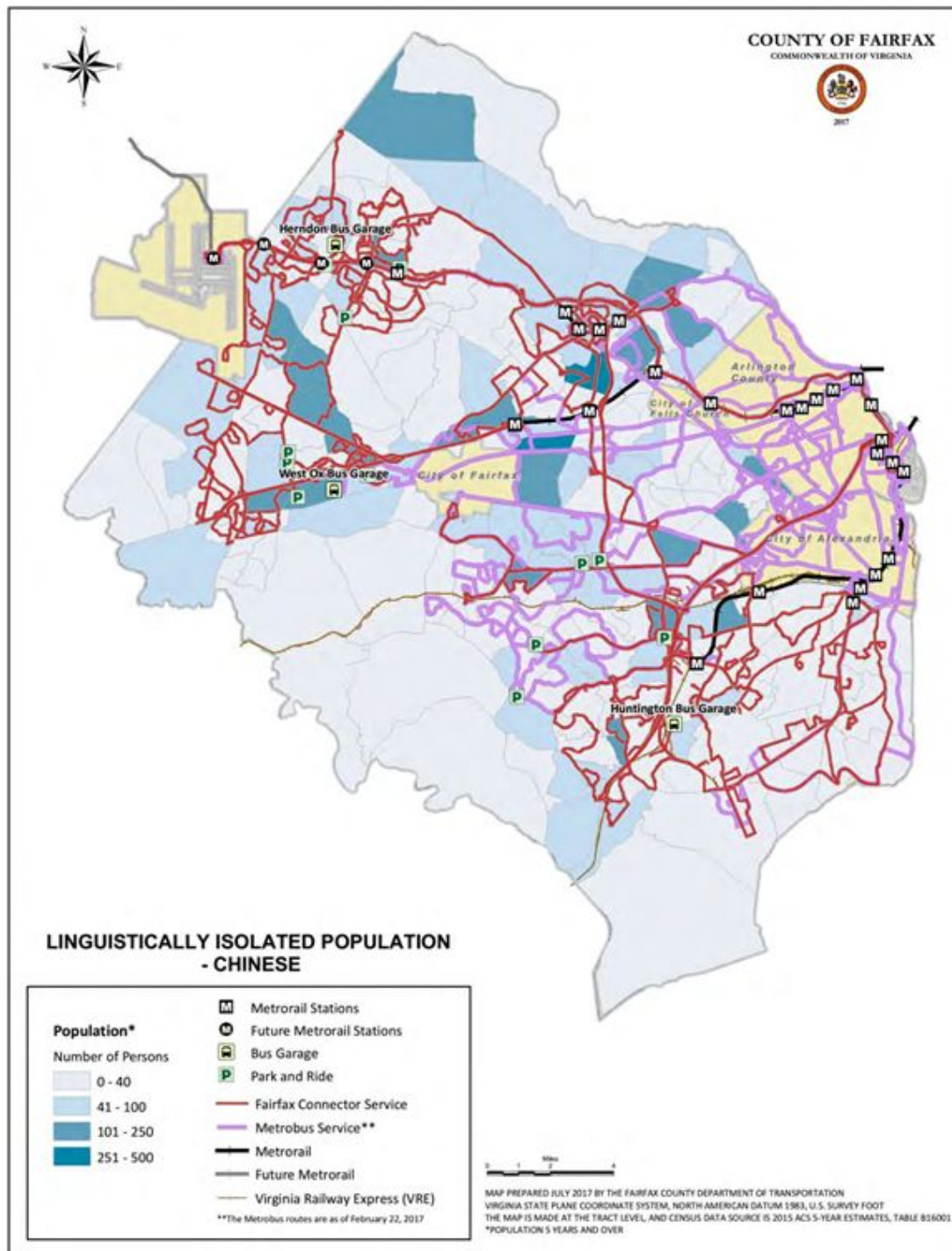




Figure B.6: Linguistically Isolated Households in Fairfax County – Hindi

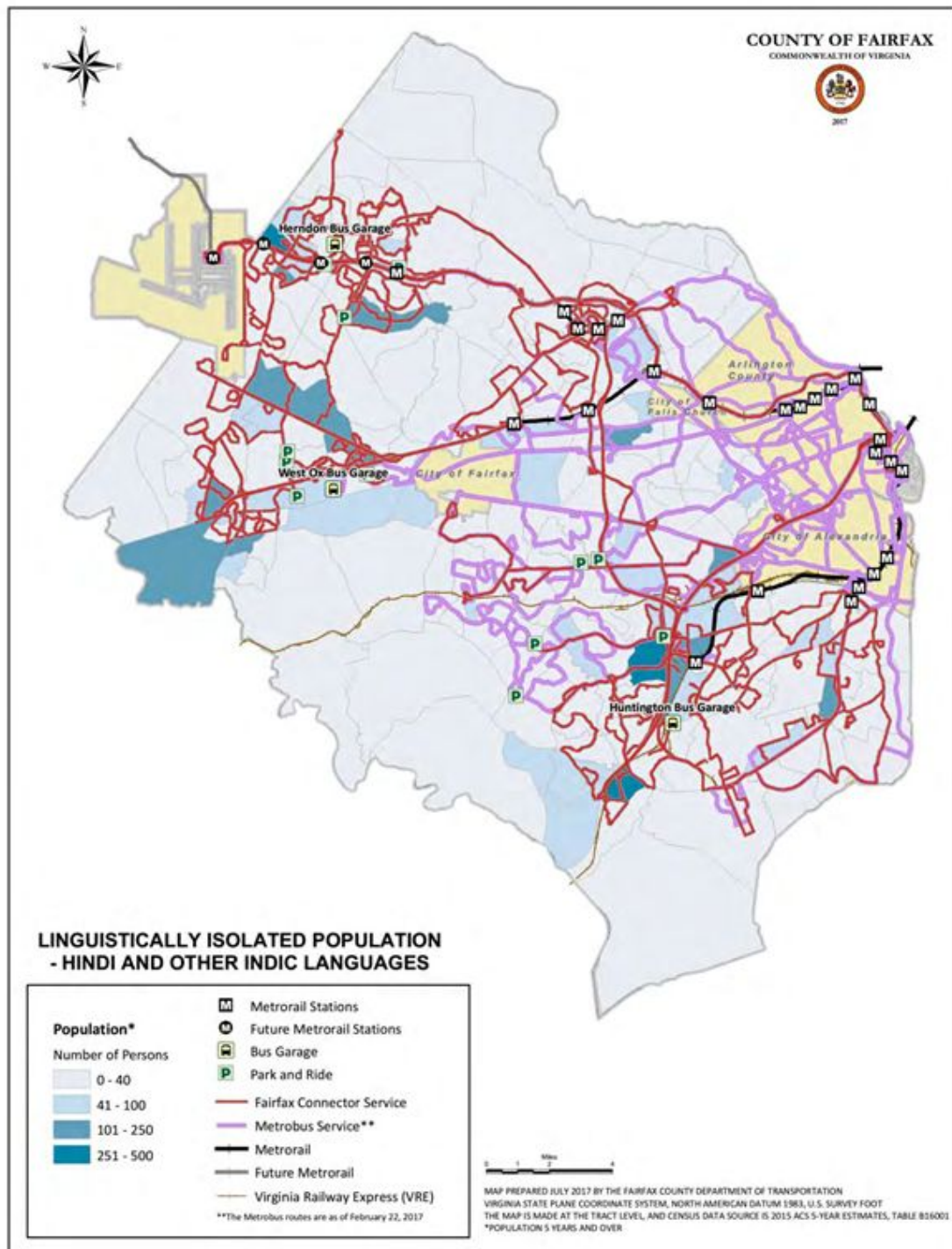


Figure B.7: Linguistically Isolated Households in Fairfax County – Arabic

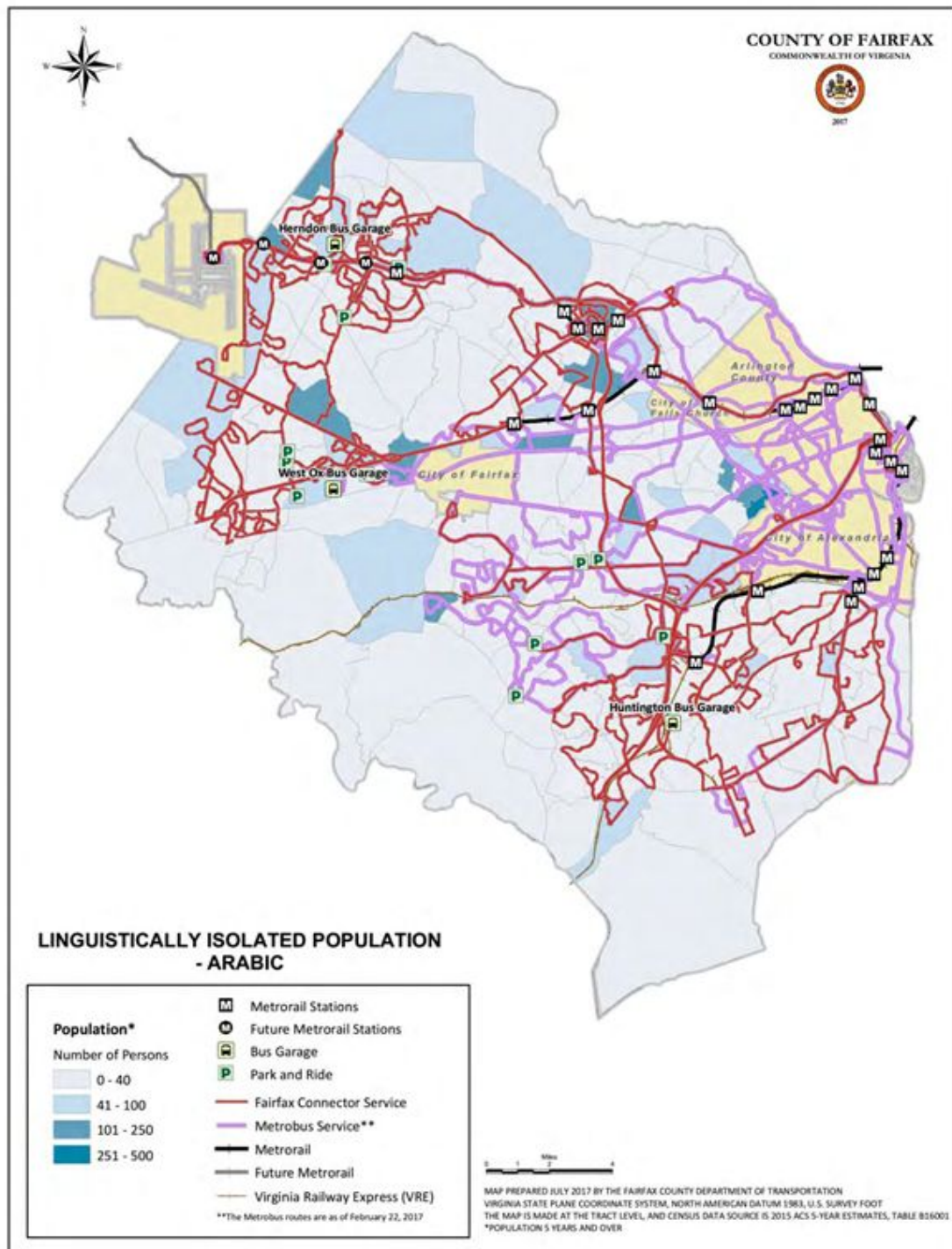


Figure B.8: Linguistically Isolated Households in Fairfax County – African Languages

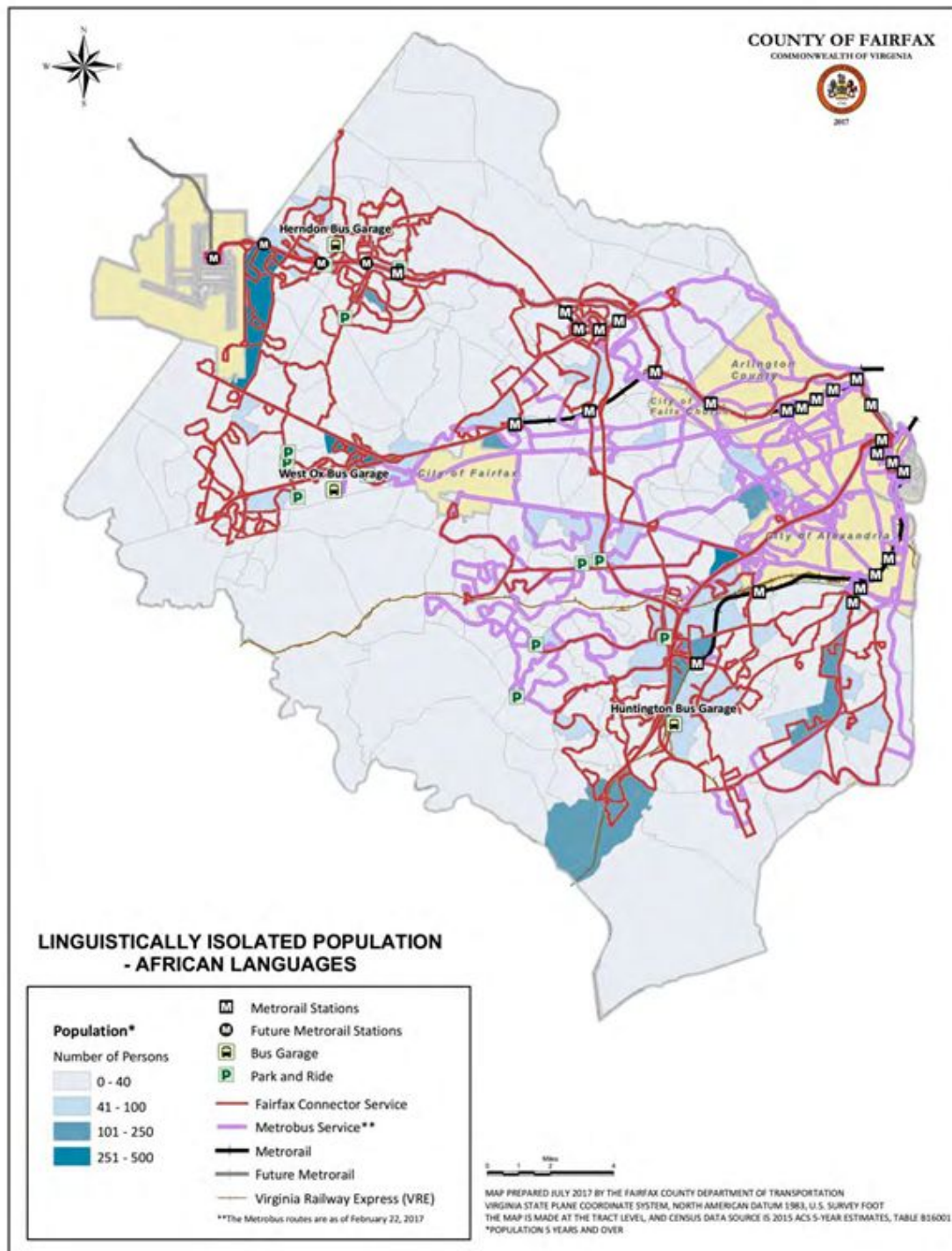
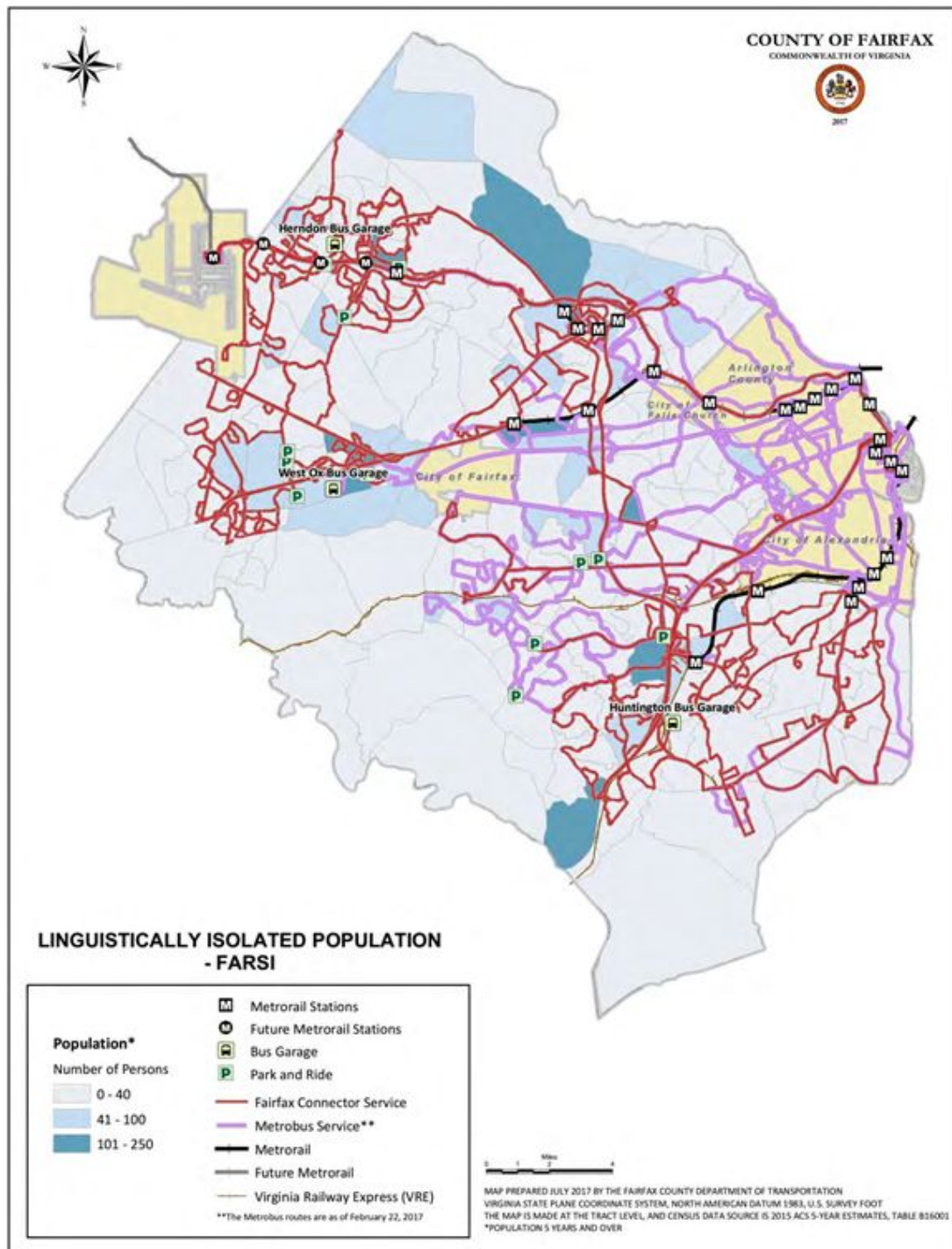




Figure B.9: Linguistically Isolated Households in Fairfax County – Farsi



**Figure B.10: Linguistically Isolated Households in Fairfax County – Urdu**

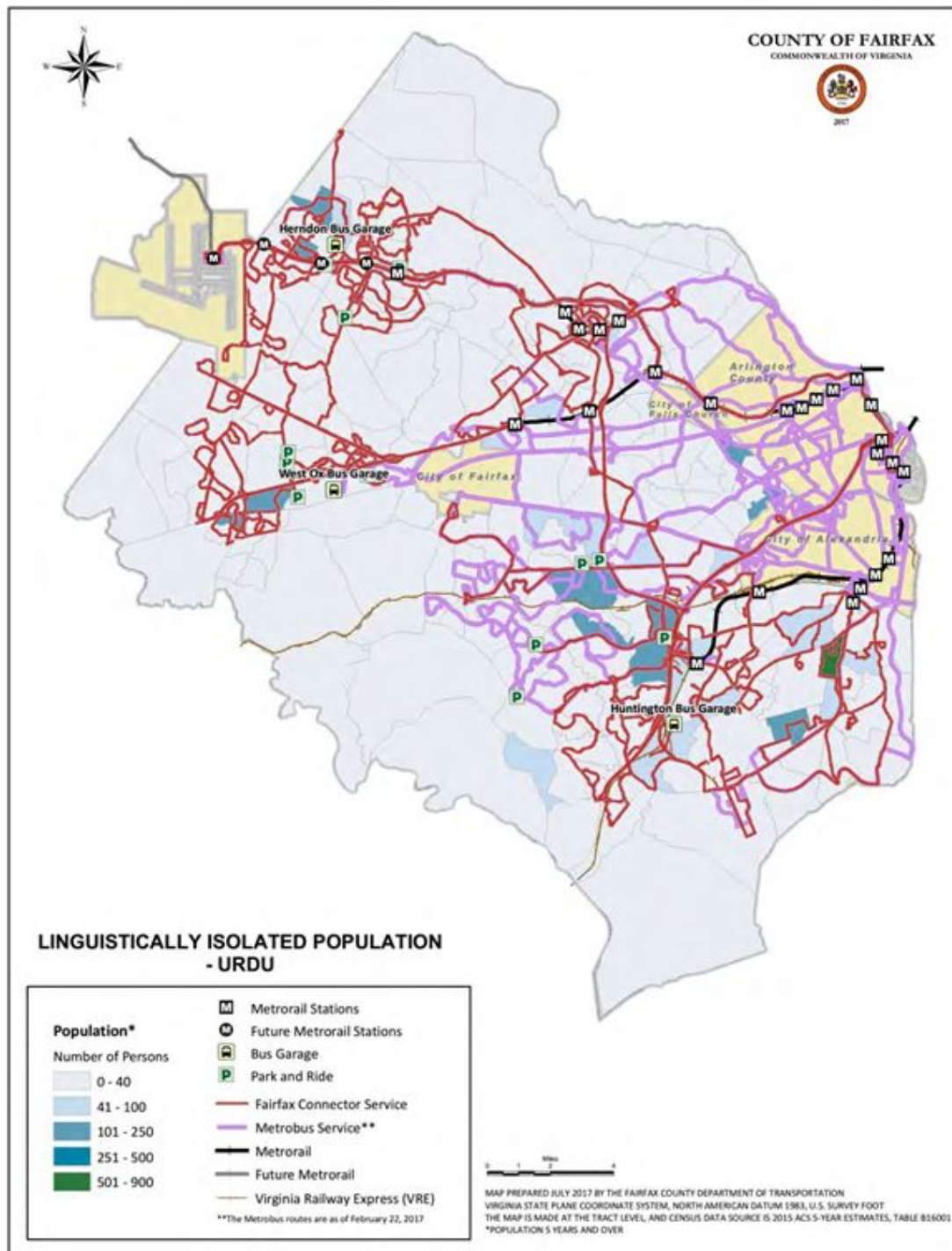
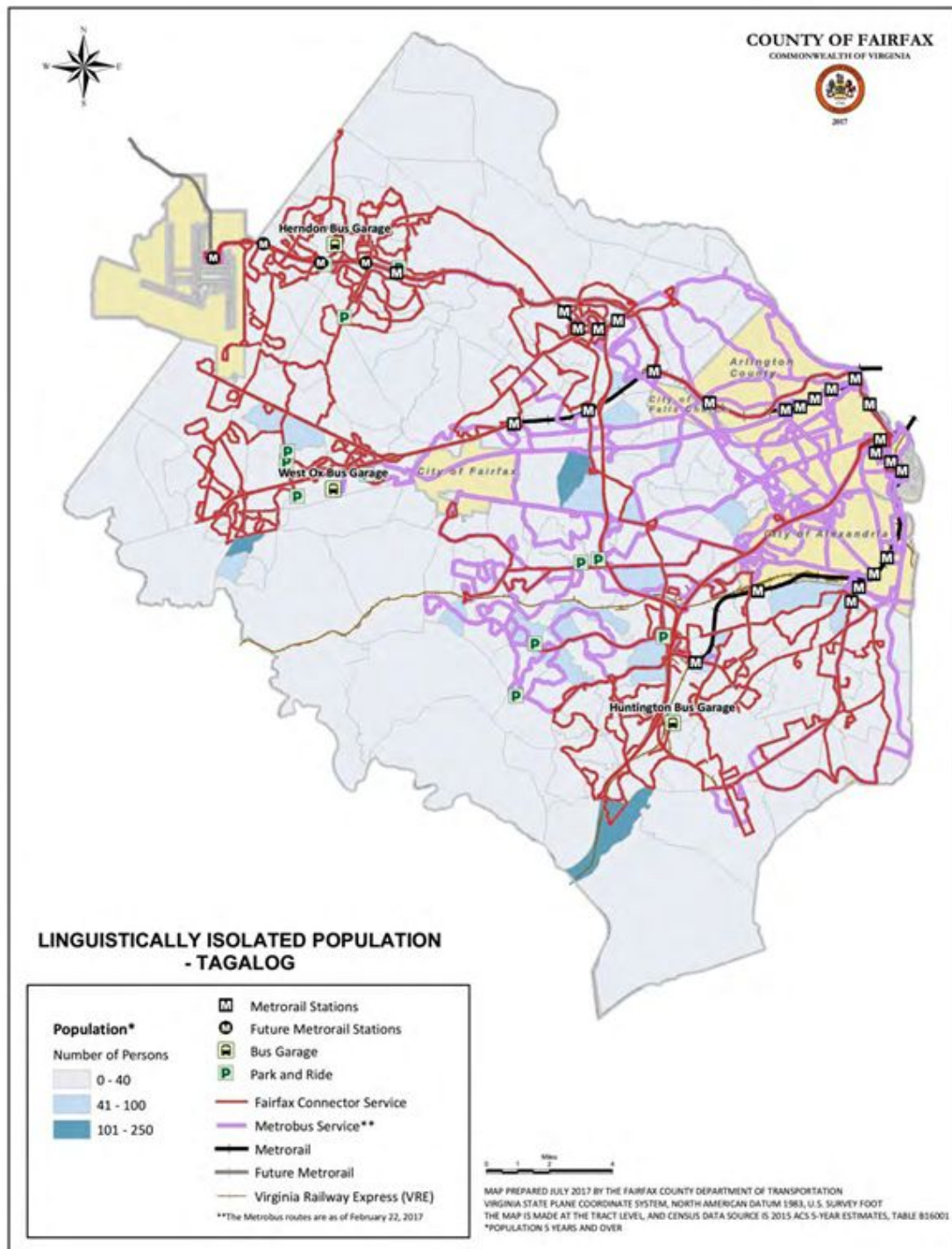



Figure B.11: Linguistically Isolated Households in Fairfax County – Tagalog



**APPENDIX C: POWERPOINT PRESENTATION: DISPARATE IMPACT, DISPROPORTIONATE BURDEN AND MAJOR SERVICE CHANGE PROPOSED POLICIES**




County of Fairfax, Virginia

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# Fairfax County DOT Title VI Program

Disparate Impact,  
Disproportionate Burden, and  
Major Service Change  
Proposed Policies

Department of Transportation







## Presentation Overview

- Title VI of the Civil Rights Act of 1964
- FTA Circular 4701.2B Required Policies
- Proposed Policy Methodology
- Proposed Draft Policies
- Sample Application of Policies
- Submit Your Comments



## Title VI of the Civil Rights Act of 1964



“No person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance”







## Required Policies

Federal Transit Administration Circular 4701.2B requires that Fairfax County DOT set the following policies to prevent discrimination from occurring in transit service changes and transit fare changes:

- Major Service Change
- Disparate Impact (Minority Status)
- Disproportionate Burden (Low-Income)



## Major Service Change Methodology



### Key Considerations:

- Peer transit system policies
- Data availability and ease of application
- Fairfax Connector system structure
  - Short, frequent routes
  - Long, peak-period routes





## Proposed Draft Policies

### Major Service Change

A major service change is defined as either an increase or a decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

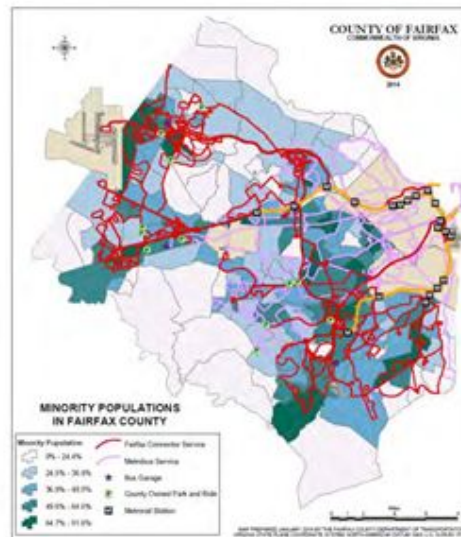
#### Definitions

**Daily Revenue Service Hours:** The number of hours a bus operates while carrying paying passengers.

**Revenue Service Miles:** The number of mile a bus operates while carrying paying passengers.



## Disparate Impact Methodology



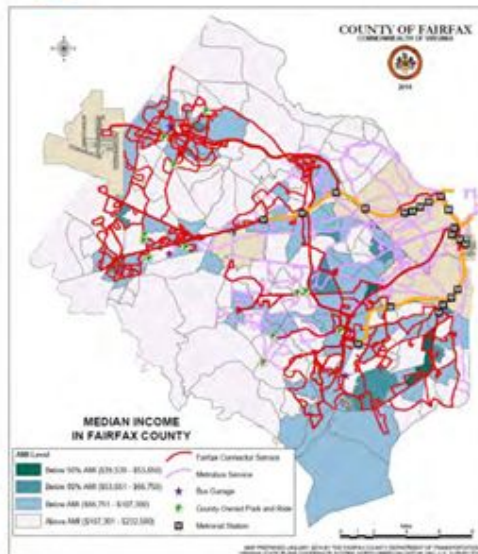


## Proposed Draft Policies

### Disparate Impact



A disparate impact occurs when the difference between minority riders and non-minority riders affected by a proposed service change or fare change is 10 percent or greater.



## Disproportionate Burden Methodology

Low Income Households are defined as those below 50% area median income.



## Proposed Draft Policies

### Disproportionate Burden

A disproportionate burden occurs when the difference between low-income riders and non-low-income riders affected by a proposed service change or fare change is 10 percent or greater.



## Sample Application of Policies: Disparate Impact

### Routes A, B, C are proposed for elimination

Route	Minority Population (living within 1/4 mile)	Total Population (living within 1/4 mile)	Percent Minority	Percent Non-Minority	Difference	Disparate Impact
A	11,007	16,958	64.9	35.1	29.8	Yes
B	21,310	39,511	53.9	46.1	7.8	No
C	4,491	9,245	48.6	51.4	-2.8	No

Fairfax County DOT's proposed elimination of Route A would result in a disparate impact as the minority population served is more than **10 percent above** the non-minority population.





County of Fairfax, Virginia

## Sample Application of Policies: Disproportionate Burden

**Routes D, E, F are proposed for elimination**

Route	Total Households (living within 1/4 mile)	Low-Income Households (living within 1/4 mile)	Non-Low-Income Households (living within 1/4 mile)	Percent Low-Income	Percent Non-Low- Income	Disproportionate Burden
<b>D</b>	<b>31,560</b>	<b>23,259</b>	<b>8,301</b>	<b>73.7</b>	<b>26.3</b>	<b>Yes</b>
E	25,243	3,701	23,542	6.8	93.2	No
F	28,630	2,024	26,606	7.0	93.0	No

Fairfax County DOT's proposed elimination of Route D would result in a disparate impact as the low-income households served is more than **10 percent above** the non-low-income households served.

Department of Transportation

12



County of Fairfax, Virginia

## Sample Application of Policies: Fare Equity – Minorities

**Fictional Fare Increase Proposal**

Base Fare	Current Fares	Proposed Fares	Absolute Change	Percent Change	Usage by Minorities*	Usage by Non- Minorities	Disparate Impact
SmarTrip	\$1.60	\$1.80	\$0.20	13%	30%	39%	No
<b>Cash</b>	<b>\$1.80</b>	<b>\$2.20</b>	<b>\$0.40</b>	<b>22%</b>	<b>55%</b>	<b>15%</b>	<b>Yes</b>
<b>Express Fare (394 &amp; 395)</b>							
SmarTrip	\$3.65	\$4.00	\$0.35	10%	2%	11%	No
Cash	\$4.00	\$4.35	\$0.35	9%	3%	9%	No
<b>Base Senior and Disabled Fare</b>							
SmarTrip	\$0.80	\$0.90	\$0.10	13%	5%	14%	No
Cash	\$0.90	\$1.05	\$0.15	17%	5%	12%	No
<b>Total</b>					<b>100%</b>	<b>100%</b>	

\*These are fictional figures created for use in this example only.

**The proposed fare increase would result in a disparate impact for minority riders paying cash.**

Department of Transportation

13





## Sample Application of Policies: Fare Equity – Low-Income Fictional Fare Increase Proposal

Base Fare	Current Fares	Proposed Fares	Absolute Change	Percent Change	Usage by Low- Income*	Usage by Non-Low- Income	Disproportionate Burden
SmarTrip	\$1.60	\$1.80	\$0.20	13%	25%	34%	No
<b>Cash</b>	<b>\$1.80</b>	<b>\$2.20</b>	<b>\$0.40</b>	<b>22%</b>	<b>35%</b>	<b>12%</b>	<b>Yes</b>
<b>Express Fare (394 &amp; 395)</b>							
SmarTrip	\$3.65	\$4.00	\$0.35	10%	2%	10%	No
Cash	\$4.00	\$4.35	\$0.35	9%	1%	4%	No
<b>Base Senior and Disabled Fare</b>							
SmarTrip	\$0.80	\$0.90	\$0.10	13%	17%	25%	No
Cash	\$0.90	\$1.05	\$0.15	17%	20%	15%	No
<b>Total</b>					<b>100%</b>	<b>100%</b>	

*\*These are fictional figures created for use in this example only.*

**The proposed fare increase would result in a disproportionate burden for low-income riders paying cash.**



## Finding of Disparate Impact

If an analysis results in a finding of disparate impact, Fairfax County DOT must:

- Avoid, minimize, or mitigate the impact
- Can only implement the change if:
  - Substantial legitimate justification exists
  - There are no alternatives meeting the same legitimate objectives



## Finding of Disproportionate Burden

If an analysis results in a finding of disproportionate burden, Fairfax County DOT must:

- Avoid, minimize, or mitigate the impact where practical
- Describe alternatives available



## Submit Comments

- Public Comment Period from  
**February 16, 2017 to March 16, 2017**

– Email:

[fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov)

*Please include "Title VI" in the subject line*

– Mail:

Fairfax County DOT

ATTN: Title VI

4050 Legato Road, 4th Floor

Fairfax, Virginia, 22033

***Must be postmarked by March 16, 2017***





**APPENDIX D: MAJOR SERVICE CHANGE, DISPARATE IMPACT, AND DISPROPORTIONATE BURDEN PROPOSED POLICIES – PUBLIC COMMENT RECEIVED**

**From:** RUTH MCCOY  
**Sent:** Saturday, February 25, 2017 8:06 PM  
**To:** FAIRFAXCONNECTOR  
**Subject:** Title VI

To whom it may concern,

Recent studies show that Fairfax county has less in the way of public transit options for commuting in the greater metro area than other counties and D.C. We need more Metro, not less, and more access. For example, a local bus in my area of Newington Forest used to go the 4 miles to a local train station in Lorton. A short trip, and convenient. Instead, that portion of the route was eliminated, and to get to Lorton I'd have to go farther north up to the Springfield metro. So if I want to go to Lorton, I first have to go all the way up to Springfield, then take a different bus to Lorton. For that matter, the Lorton Train station would be a better option to get into DC on the train.

I end up driving everywhere because the bus and train routes do not go where I need to go – work, shopping, dental and doctor appointments.

v/r,  
taxpayer

**From:** Tammy Beaven  
**Sent:** Saturday, March 4, 2017 12:58 AM  
**To:** FAIRFAXCONNECTOR <[FAIRFAXCONNECTOR@FairfaxCounty.gov](mailto:FAIRFAXCONNECTOR@FairfaxCounty.gov)>  
**Subject:** Title VI

Thank you for the opportunity to comment on proposed changes in the bus schedules and routes. I am currently in the lowest income range and have been riding the bus since I sold my car in 2004. I purposely live within walking distance from several bus routes so I can get around.

What I've noticed over the years is that the rush-hour-only buses are not very useful to those of us who ride the bus everywhere. I use to have to stay at work for an extra hour or more because I had no way to get home until the rush-hour-only bus started in the afternoon again. Personally, I think the BEST bus routes are the ones that run from early morning until late at night and run 7 days a week. These buses are dependable. You know it's coming for you even

if you have to wait an extra 30 minutes on the weekends or late at night - at least it's coming and you won't be stranded. That feeling of safety, security, and dependability goes a long way to keep your riders coming back to the same routes. I've discontinued riding several buses over the years because the fear of missing the last one just got to be too stressful. As far as Title VI's mention about shorter vs longer routes and rush hour vs full service hours, my ideal would be full service hours with long routes so more people can ride the bus without having to make connections and this would also make it possible to go more places using the same route. I use CUE bus for multiple errands all the time times because those routes are from early morning until late at night on weekdays and only slightly more limited on weekends and run from one end of town to another, making it possible to get to just about anywhere even if you have to do some walking. Maybe FX Connector and Metrobus could develop similar timetables and route distances to the CUE bus. Just a thought; it really seems to work for CUE. They have not changed their routes over the years as dramatically as FX Connector and Metrobus have. CUE is my favorite busline because it covers a lot of area and runs every 20-60 minutes, 7 days a week. I wish FX Connector and Metrobus could do the same thing. Thank you for the FX Connector 463. I love that it is 7 days a week and from early morning until late at night - it's a God-send! Please don't change it!!! It's now my only really good option to work since the 15M discontinued. We need more bus routes like FXC 463. What if you simply added more buses during rush hours for the really busy areas but kept the same timetable of early morning and late night for that route as well. It wouldn't be a matter of either/or and both a full timetable and an additional rush hours bus. Just a thought.

As far as the increase in fares goes. The \$1.80 was a huge increase for many of us. I even emailed CUE and asked them why they were making their fares the same as metrobus since their fares were much cheaper than metrobus and they had never increase it that high before. Is there anyway to increase it to \$2.00 instead of \$2.20. If you have to increase it, I think people understand but please don't increase it so drastically. Most of us ride the bus because we can't afford cars so the bus is our main or only option.

I would also like to make a suggestion that new bus routes be advertised well in advance. I remember one time there were hanging tags from the bus' roof that announced the new route and times. That marketing was very helpful. Even if you missed that bus for a few weeks (because you're out of town, getting a ride from friends, or whatever) the likelihood of seeing the tags the next time you use that bus was very good because they advertised it more than a month in advance. I only saw one route advertise their changes this way, years ago; I haven't seen it since.

Another reason for lower ridership is that people get use to seeing a bus on a certain street at a certain time so when the route changes and the signs are still in their normal locations on the street for awhile or the libraries still have the old schedules on their shelves, it's confusing. Sometimes it only takes 1 or 2 being-stranded experiences to make you just stop trying to take a route all together. The 15K/15L/15M route eventually died because it changed without enough notice, didn't have a bus stop at Vienna metro for over a month after it changed routes to metro, picked up passengers on the CUE bus side when all of the other metrobus were on

the other side, and then the timetable changed so those of us who took it for years couldn't ride it anymore because the new schedule was too close to the timing of our connecting buses. I take 2 buses every morning and afternoon for work. It took me over a month to realize that the 15 still existed at all and that was only because one of my coworkers who also rode it told me where it was picking up passengers at metro. This is very frustrating. You are not going to get many new riders if the regular riders can't figure out their favorite bus routes.

Is there a way to change the bus routes (additions, deletions, changes) at the same time each year so we'll all know when we need to look up the information online at that time? Bus routes seem to change in January or September or June, there doesn't seem to be any pattern. If you want more ridership, I think the timetables need to be changed at the same time so everyone is aware that a change might occur, and I would also suggest making the schedule available at least a month ahead of the posted schedule so the riders can plan ahead for the changes. I really love taking the bus but there are a lot of mistakes that are made that cause it to be less efficient as it really could be. I'm really going to miss the 1C. I thought that bus was a keeper. That was another long route, full hours bus that I really depended on to get to a lot of places. Thank you for reading my comments. I'm sorry it's so long. I hope at least some of it is helpful.

Blessings,  
Tammy

Board Agenda Item  
July 25, 2017

ACTION - 10

Endorsement of Little River Turnpike Bicycle Corridor Study and Recommended Projects  
(Braddock, Mason and Providence Districts)

ISSUE:

Board of Supervisors approval of Little River Turnpike Bicycle Corridor Study and recommended projects, to be funded from the County's Transportation Priorities Plan (TPP) for FY 2015 – FY 2020, approved by the Board on January 28, 2014.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached list of Little River Turnpike recommended bicycle and pedestrian transportation improvement projects (Attachment I), to be funded from the County's FY 2015 – FY 2020 TPP, as approved by the Board on January 28, 2014.

TIMING:

Board approval is requested on July 25, 2017, so that staff can advance implementation of projects as expeditiously as possible.

BACKGROUND:

The Little River Turnpike study provided the opportunity to refine the corridor vision documented in Fairfax County's 2014 Bicycle Master Plan and to shape that vision into an implementable reality. The primary goal of the project was to investigate short and long-term recommendations for bicycle facilities along the approximately seven-mile corridor through Annandale between the City of Fairfax and City of Alexandria. Emphasis was placed on improving connectivity, comfort, and convenience for bicyclists currently utilizing the corridor, but also on developing a corridor where novice bicyclists feel more comfortable and safe. The study provided the added benefit of enhancing pedestrian environments through complementary bicycle treatments, specifically shared-use paths, median refuge areas, and enhanced crossing treatments.

The project team coordinated to catalogue funded and planned projects along the study corridor. The short and long-term recommendations developed for the study corridor were based in part on existing funded and planned projects, including:

Board Agenda Item  
July 25, 2017

- On-going repaving projects on Little River Turnpike and adjacent streets,
- Funded pedestrian walkways and crosswalks on Little River Turnpike,
- Funded bike lanes connecting to Little River Turnpike (some of which were constructed during this study), and
- A long-term widening and streetscaping study (TPP 221) for Little River Turnpike between I-495 and John Marr Drive.

This study resulted in short and long-term recommendations for creating a more bicycle and pedestrian friendly environment. The short-term recommendations include concepts necessary to create a connected bicycle and pedestrian network along the core of the study corridor. These recommendations can be implemented in subsequent years using available FCDOT funding. The estimated cost is \$6.7 million. If included in updates to the Fairfax County Bicycle Master Plan, the long-term recommendations will allow land development to progress in a manner that facilitates the eventual construction of a more complete, end-to-end bicycle network along the study corridor.

FISCAL IMPACT:

On January 28, 2014, the Board approved \$7.5 million for Route 236 (Little River Turnpike) Corridor Improvements as part of the County's FY 2015- FY 2020 TPP. The funding for these improvements is provided in Project 2G40-088-000, the Consolidated Six Year Program - Bike and Pedestrian Program, in Fund 40010, County and Regional Transportation Projects. There is no impact on the General Fund.

ENCLOSED DOCUMENTS:

Attachment I: Recommended Little River Turnpike Bicycle Transportation Projects

Attachment II: Little River Turnpike Bicycle Corridor Study is available at:

[http://www.fairfaxcounty.gov/fcdot/pdf/bike/final\\_study.pdf](http://www.fairfaxcounty.gov/fcdot/pdf/bike/final_study.pdf)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Chris Wells, Pedestrian and Bicycle Program Manager, Capital Projects Section, FCDOT

Adam Lind, Bicycle Program Coordinator, Capital Projects Section, FCDOT

## Recommended Little River Turnpike Bicycle Transportation Projects

Project Segment		Eastbound (South side)	
		Project Scope	Cost
1	Wakefield Chapel Road to Lake Drive	Remove channelized right-turn. Replace with traditional dedicated right-turn lane. Install high-visibility crosswalks and new ADA-compliant ramps at intersection.	\$811,331
2	Lake Drive To Duncan Drive	Install shared-use path along existing shoulder. Install sidewalk from new shared-use path to existing bus stop. Remove splitter island. Upgrade ramps and crosswalks.	\$995,363
3	Duncan Drive to Woodlark Drive	Install shared-use path along existing shoulder. Remove splitter island. Upgrade ramps and crosswalks.	\$941,820
4	Woodlark Drive to Pineridge Drive	Install shared-use path along existing shoulder. Install sidewalk from new shared-use path to existing bus stop. Remove splitter island. Upgrade ramps and crosswalks. Create transition from shared-use path to existing frontage road with ADA-compliant ramp, signage and sharrows.	\$565,472
5	Pineridge Drive to 1-495 Ramps	Install shared-lane pavement markings along roadway.	\$6,726
6	I-495 Ramps	Relocate crossing to improve safety of trail users while crossing ramps. Install rapid flashing pedestrian beacons and pedestrian crossing warning signs.	\$453,845
7	1-495 Ramps to Woodland Road	Widen existing sidewalk to 10 ft. Install shared-lane pavement markings along frontage road. Install wayfinding signage. Upgrade crosswalks.	\$364,627
8	Woodland Road to Medford Drive	Install shared-lane pavement markings along frontage road.	\$9,602
9	Medford Drive to Backlick Road	Install shared-lane pavement markings along frontage road. Install wayfinding signage.	\$9,655
10	Backlick Road to John Marr Drive	Install shared-lane pavement markings along frontage road. Install wayfinding signage.	\$9,478
11	John Marr Drive to Hillbrook Drive	Install shared-lane pavement markings along frontage road. Install wayfinding signage. Widen existing sidewalk to 10 ft. shared use path. Upgrade ramps and crosswalk.	\$237,326
12	Hillbrook Drive to Roberts Ave	Install wayfinding signage.	\$2,416
13	Roberts Ave to Pinecrest Parkway	Install shared lane markings on frontage road. Move high visibility crosswalk to accommodate pedestrian island. Add High-Intensity Activated Crosswalk (HAWK) beacon.	\$291,465
		<i>Eastbound Total</i>	<i>\$4,699,127</i>

Project Segment		Westbound (North side)	
		Project Scope	Cost
1	Wakefield Chapel Road to Lake Drive	Shorten existing turn lane to accommodate a new shared-use path. Create transition from shared-use path to existing frontage road with ADA-compliant ramp, signage and sharrows.	\$197,302
5	Pineridge Drive to 1-495 Ramps	Install shared-lane pavement markings along frontage road. Install 10 ft. shared-use path connecting frontage road with Cross County Trail.	\$466,218
6	I-495 Ramps	Relocate crossing to improve safety of trail users while crossing ramps. Install rapid flashing pedestrian beacons and ped crossing warning signs.	\$498,181
7	1-495 Ramps to Woodland Road	Install shared-lane pavement markings along frontage road. Install new curb and gutter.	\$21,333
8	Woodland Road to Medford Drive	Install shared-lane pavement markings along frontage road. Install new curb and gutter.	\$9,735
9	Medford Drive to Backlick Road	Install shared-lane pavement markings along frontage road.	\$10,443
10	Backlick Road to John Marr Drive	Install wayfinding signage. Add bicycle queue box to aid turning movements. Upgrade ADA ramps on both corners.	\$6,804
13	Roberts Ave to Pinecrest Parkway	Provide Wayfinding directing cyclists to/from controlled sidewalk. Provide ADA ramps on both sides of frontage road to connect to proposed pedestrian facilities.	\$6,403
14	Pinecrest Parkway to Old Columbia Pike	Construct connection between intersection and frontage road. Install shared-lane pavement markings along frontage road. Upgrade crosswalks and ramps.	\$67,892
		<i>Westbound Total</i>	<b>\$1,284,311</b>

Heritage Drive from Little River Turnpike to Heritage Woods Way	Option A: Narrow/remove median to extend existing bike lanes. Option B: Widen existing sidewalk to 10' shared-use path. Add ramp for transition from bike lane to shared-use path. Cost of Option B shown.	\$472,278
John Marr Drive from Little River Turnpike to Backlick Road	Repave and restripe roadway to add bike lanes. Install high visibility crosswalk.	\$270,463
Eastbound Total		\$4,699,127
Westbound Total		\$1,284,311
<i>Total</i>		<b>\$6,726,179</b>

Board Agenda Item  
July 25, 2017

ACTION – 11

Approval of a Draft Board of Supervisors' Meeting Schedule for Calendar Year 2018

ISSUE:

Board approval of a draft meeting schedule for January through December, 2018.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the draft meeting schedule for January through December, 2018.

TIMING:

The Board should take action on July 25, 2017, in order that accommodations to implement this calendar can proceed in advance of January.

BACKGROUND:

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2018 calendar is presented for Board approval. The section further states that “meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.”

Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need arises.

At the first meeting of the Board of Supervisors in January, staff will bring the 2018 meeting calendar to the Board for formal adoption.

ENCLOSED DOCUMENTS:

Attachment 1: January-December, 2018 Draft Schedule for Board of Supervisors' Meetings and Potential 2018 Tuesday dates for Board Committee Meeting

STAFF:

Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors



## **DRAFT**

### **2018 Board of Supervisors Meeting Schedule**

January 23, 2018	June 5, 2018
February 6, 2018	June 19, 2018
February 20, 2018	July 10, 2018
March 6, 2018	July 31, 2018
March 20, 2018	September 25, 2018
April 10, 2018 <ul style="list-style-type: none"> <li>9:30 to 4:00 pm Board Meeting</li> <li>4:00 p.m. Budget Public Hearing</li> </ul>	October 16, 2018
April 11 – April 12, 2018 <ul style="list-style-type: none"> <li>1:00 pm – Budget Public Hearings</li> </ul>	October 30, 2018
April 24, 2018 (Budget Markup)	November 20, 2018
May 1	December 4, 2018
May 15	

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### **Potential 2018 Tuesday Dates for Board Committees Meeting**

(Listed below are Tuesday dates that would be available for scheduling  
of Board Committee meetings in 2018)

January 9	June 12
January 16	June 26
January 30	July 17
February 13	July 24
February 27	October 2
March 13	October 9
March 27	October 23
May 8	November 27
May 22	December 11

\*The Legislative Committee of the Board meets on Fridays at 4 p.m. during the General Assembly session. Those dates for 2018 are: January 19, January 26, February 2, February 9, February 16, February 23, March 2, and March 16.

\*\*The Budget pre mark-up meeting is scheduled on Friday, April 20.

Board Agenda Item  
July 25, 2017

ACTION - 12

Approval of a Resolution and Project Administration Agreement with the Virginia Department of Transportation Regarding the Construction of Edsall Road Walkway over I-395 from Cherokee Avenue to 200 Feet North of Beryl Road (Mason District)

ISSUE:

Board approval of a resolution in substantially the form of Attachment I authorizing the Director of the Department of Transportation to execute a project administration agreement, in substantially the form of Attachment II, with the Virginia Department of Transportation (VDOT) for the construction of Edsall Road Walkway on the north side of Edsall Road over I-395 from Cherokee Avenue to 200 feet north of Beryl Road. This project is associated with the I-395 Express Lanes project.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution and project administration agreement for VDOT to administer the construction of Edsall Road Walkway over I-395 from Cherokee Avenue to 200 feet north of Beryl Road, in substantially the form of Attachments I and II.

TIMING:

Board action is requested on July 25, 2017, to ensure that the construction of the project moves forward expeditiously.

BACKGROUND:

The Edsall Road Walkway on the north side of Edsall Road over I-395 from Cherokee Avenue to 200 feet north of Beryl Road (Edsall Garden Apartments) was approved by the Board of Supervisors in January 28, 2014, as part of its Transportation Priorities Plan (TPP). This portion of Edsall Road Walkway is identified in the TPP as project number 114. The project will provide a five feet wide concrete sidewalk on the north side of Edsall Road from Cherokee Ave to the Edsall Garden Apartments.

VDOT will administer the project as part of the I-395 SB Widening project, which is part of the I-395 Express Lanes. The design-build concessionaire will be responsible for all aspects of the project through construction. Under the project agreement (Attachment II), the County will pay \$4,000,000 to VDOT for construction. As reflected in the Appendices to the project agreement, VDOT has agreed that it will assume the

Board Agenda Item  
July 25, 2017

preliminary engineering and right-of-way costs for this project.

FISCAL IMPACT:

On January 28, 2014, the Board approved \$1.4 billion for its TPP. This plan included \$4,000,000 to construct the Edsall Road Walkway, on the north side of Edsall Road from Cherokee Avenue to 200 feet north of Beryl Road (Edsall Garden Apartments). Funding for construction of this project is available in Project 5G25-060-000 (Pedestrian Improvements – 2014), Fund 30050 (Transportation Improvements). There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment I – Resolution to Execute Agreement

Attachment II – Project Administration Agreement with VDOT for Edsall Road Walkway over I-395 (UPC 110740)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eric M. Teitelman, P.E., Chief, Capital Projects and Traffic Engineering Division (CPTED), FCDOT

Karyn Moreland, Section Chief, Capital Projects, CPTED, FCDOT

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

Ray Johnson, Sr. Transportation Planner, CFD, FCDOT

Janet Nguyen, Transportation Planner, CFD, FCDOT

Joe Mondoro, Chief Financial Officer, Department of Management and Budget

ASSIGNED COUNSEL:

Patricia McCay, Assistant County Attorney, Office of the County Attorney

## **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia on Tuesday, July 25, 2017, at which meeting a quorum was present and voting, the following resolution was adopted.

### **AGREEMENT EXECUTION RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, a Project Administration Agreement with the Virginia Department of Transportation (VDOT) for the for construction of Edsall Road Walkway over I-395 from Cherokee Avenue to 200 feet north of Beryl Road to be administered by VDOT.

Adopted this 25th day of July, 2017, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Catherine A. Chianese  
Clerk to the Board of Supervisors

**VDOT ADMINISTERED – LOCALLY FUNDED  
PROJECT ADMINISTRATION AGREEMENT**

FAIRFAX COUNTY  
PROJECT NUMBER 0648-029-360 UPC 110740

THIS AGREEMENT, made and executed in triplicate on this the \_\_\_\_ day of \_\_\_\_\_, 2017, between the COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT" and the COUNTY OF FAIRFAX, hereinafter referred to as the "COUNTY."

WITNESSETH

WHEREAS, the COUNTY has expressed its desire to have the DEPARTMENT administer the work as described in Appendix B, and such work for each improvement shown is hereinafter referred to as the Project; and

WHEREAS, the funds as shown in Appendix A have all been allocated by the COUNTY to finance the project; and

WHEREAS, the COUNTY has requested that the DEPARTMENT construct this project in accordance with the scope of work described in Appendix B, and the DEPARTMENT has agreed to perform such work; and

WHEREAS, both parties have concurred in the DEPARTMENT's administration of the project identified in this Agreement and its associated Appendices A and B in accordance with applicable federal, state, and local law and regulations; and

WHEREAS, the County's governing body has, by resolution, which is attached hereto, authorized its designee to execute this Agreement; and

WHEREAS, Section 33.2-338 of the Code of Virginia authorizes both the DEPARTMENT and the COUNTY to enter into this Agreement;

NOW THEREFORE, in consideration of the promises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

A. The DEPARTMENT shall:

1. Complete said work as identified in Appendix B, advancing such diligently, and all work shall be completed in accordance with the schedule established by both parties.
2. Perform or have performed, and remit all payments for, all preliminary engineering, right-of-way acquisition, construction, contract administration, and inspection services activities for the project(s) as required.

3. Provide a summary of project expenditures to the COUNTY for charges of actual DEPARTMENT cost as required.
  4. Notify the COUNTY of additional project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the COUNTY prior to performing those activities.
  5. Return any unexpended funds to the COUNTY no later than 90 days after the project(s) have been completed and final expenses have been paid in full.
- B. The COUNTY shall:
1. Provide funds to the DEPARTMENT for Preliminary Engineering (PE) and Right-of-Way (ROW) upon execution of this Agreement and for Construction (CN) no less than 90 days prior to advertisement in the amounts shown in Appendix A as required.
  2. Accept responsibility for any additional project costs resulting from unforeseeable circumstances, but only after concurrence of the COUNTY and modification of this Agreement.
- C. Funding by the COUNTY shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors.
- D. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
- E. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the County or the Department shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the

County or the Department has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.

- F. Nothing in this Agreement shall be construed as a waiver of the COUNTY's or the Commonwealth of Virginia's sovereign immunity.
- G. Should funding be insufficient and county funds be unavailable, both parties will review all available options for moving the project forward, including but not limited to, halting work until additional funds are allocated, revising the project scope to conform to available funds, or cancelling the project.
- H. Should the project be cancelled as a result of the lack of funding by the COUNTY, the COUNTY shall be responsible for any costs, claims and liabilities associated with the early termination of any construction contract(s) issued pursuant to this agreement.
- I. This Agreement may be terminated by either party upon 60 days advance written notice. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT subject to the limitations established in this Agreement.

THE COUNTY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors and assigns.

THIS AGREEMENT may be modified in writing upon mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

**COUNTY OF FAIRFAX, VIRGINIA:**

_____	_____
	Date
_____	_____
Tom Biesiadny	Date
_____	_____
Signature of Witness	Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:**

_____	_____
Chief of Policy	Date
Commonwealth of Virginia	
Department of Transportation	
_____	_____
Signature of Witness	Date

Attachment: Appendix A (UPC 110740)  
Appendix B (UPC 110740)



## VDOT Administered, Locally Funded Appendix A

Date: 7/7/2017

Project Number: 0648-029-360 UPC: 110740 CFDA 20.205 Locality: Fairfax County

Project Location ZIP+4: 22312-2321	Locality Address (incl ZIP+4): 4050 Legato Road, Suite 400 Fairfax, VA 22033-2867
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## Project Narrative

Scope: Integrate the Edsall Road Walkway Project into I-395 SB Widening Project. It will construct a sidewalk on the north side of Edsall Road.

From: Cherokee Avenue

To: 200 feet north of Beryl Road

Locality Project Manager Contact Info: Smitha Chellappa 703-877-5761 Email: Smitha.Chellappa@fairfaxcounty.gov

Department Project Coordinator Contact Info: Paul Nishimoto 703-259-2362 Email: Paul.Nishimoto@vdot.virginia.gov

## Project Estimates

Phase	Estimated Project Costs
Preliminary Engineering	\$0
Right of Way & Utilities	\$0
Construction	\$4,000,000
Total Estimated Cost	\$4,000,000
Estimate for Current Billing	\$4,000,000

## Project Cost

Phase	Project Allocations	Funds type (Choose from drop down box)	Local % Participation for Funds Type	Local Share Amount
Construction	\$4,000,000	Local Funds	100.00%	\$4,000,000
Total CN	\$4,000,000			\$4,000,000
Total Estimated Cost	\$4,000,000			\$4,000,000

## Total Maximum Payment by Locality to VDOT

\$4,000,000

## Project Financing

Local Funds	Aggregate Allocations
\$4,000,000	\$4,000,000

## Payment Schedule

FY2018
\$4,000,000

## Program and project Specific Funding Requirements

- All local funds included on this appendix have been formally committed by the local government's board resolution.
- The locality shall make one payment to VDOT prior to CN authorization: \$4,000,000
- VDOT has billed the locality \$0 for this project as of 7/7/2017
- VDOT has received \$0 for this project as of 7/7/2017
- This project is related to UPC 103316 and UPC 110739.
- This Appendix is for Construction (CN) only. VDOT will assume the Preliminary Engineering (PE) and Right of Way (ROW) costs for this project.
- This Appendix A supersedes any previously listed funding schedule.

This attachment is certified and made an official attachment to this document by the parties to this agreement.

Authorized Locality Official and Date

Authorized VDOT Official and Date

Tom Biesiadny

Andrew Beacher

## Appendix B

**Project Number:** (UPC 110740)

**Locality:** Fairfax County

Project Scope	
<b>Work Description:</b>	<b>Construction of Edsall Road Walkway project into the I-395 SB 4<sup>th</sup> Lane Widening Project</b>
<b>From:</b>	<b>Cherokee Avenue</b>
<b>To:</b>	<b>200 feet north of Beryl Road</b>
Locality Project Manager Contact Info: Smitha Chellappa, email: <a href="mailto:smitha.chellappa@fairfaxcounty.gov">smitha.chellappa@fairfaxcounty.gov</a> phone 703-877-5761 Department Project Coordinator Contact Info: Paul Nishimoto, email: <a href="mailto:paul.nishimoto@vdot.virginia.gov">paul.nishimoto@vdot.virginia.gov</a> phone: 703-259-2362	

Detailed Scope of Services
<p>This construction only project is a break-out UPC from 103316 to integrate the Edsall Road Walkway Project into I-395 SB Widening Project. VDOT will construct a sidewalk on the north side of Edsall Road at Cherokee Avenue to 200 feet north of Beryl Road. This project is also associated with the I-395 Express Lanes project (108313). VDOT will provide all costs for Preliminary Engineering and Right of Way for this project. Fairfax County will provide only the construction costs for the walkway.</p>

This attachment is certified and made an official attachment to this document by the parties of this agreement

\_\_\_\_\_  
Authorized Locality Official and date

\_\_\_\_\_  
Residency Administrator/PE Manager/District Construction Engineer  
Recommendation and date

\_\_\_\_\_  
Typed or printed name of person signing

\_\_\_\_\_  
Typed or printed name of person signing

Board Agenda Item  
July 25, 2017

ACTION - 13

Approval of FY 2017 Year-End Processing

ISSUE:

Board approval to allow staff to process payment vouchers for items previously approved and appropriated in FY 2017. In addition, this item is to inform the Board that no General Fund agencies, County other funds, or School Board funds require an additional appropriation for FY 2017.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize staff to process payment vouchers for items previously approved and appropriated in FY 2017 for the interim period from July 1 until the Board approves the *FY 2017 Carryover Review*, which is scheduled for action on September 12, 2017.

TIMING:

Board approval is required on July 25, 2017, since the *FY 2017 Carryover Review* is not scheduled for Board action until September 12, 2017.

BACKGROUND:

The *FY 2017 Carryover Review* is scheduled for final action on September 12, 2017, following a public hearing. In the interim, Board approval is requested to allow staff to process payment vouchers for items previously approved and appropriated in FY 2017 such as capital construction projects and grant-funded programs for the period of July 1 to September 12, 2017, or until final action is taken on the *FY 2017 Carryover Review*. Similar action has been taken in prior years as part of the year-end closeout.

It should be emphasized that no County agency or fund or School Board fund exceeded its appropriation authority in FY 2017. This is directly attributable to the outstanding efforts of all department heads in managing their approved allocation.

FISCAL IMPACT:

This item relates to funding for previously appropriated items approved in FY 2017 and carried forward to FY 2018 for payment.

Board Agenda Item  
July 25, 2017

ENCLOSED DOCUMENTS:  
None.

STAFF:  
Joe Mondoro, Chief Financial Officer

INFORMATION – 1

Contract Award – HIV/AIDS Medical Services for Indigent Residents

The Fairfax County Health Department has a requirement to provide HIV/AIDS medical care to residents of Fairfax County who are HIV positive and unable to afford care. Services to patients may include primary medical care, registered nurse case management services, substance abuse services, mental health services, oral health services, and laboratory testing services. To be eligible to receive services funded by this contract, a patient must be a Fairfax County resident, must be HIV positive, and be at or below 200% of the federal poverty level. The Department of Procurement and Material Management, the Department of Administration for Human Services and the Health Department negotiated a non-competitive contract award with Inova Health Care Services for the provision of these services. Inova is the only provider of comprehensive HIV/AIDS services to indigent residents in all stages of HIV/AIDS. The Inova Juniper Program provides comprehensive medical case management to individuals with HIV/AIDS in multiple locations throughout the County.

The Department of Tax Administration has verified that Inova Health Care Services is not required to have a Fairfax County Business, Professional, and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award this contract to Inova Health Care Services. This contract will begin on September 1, 2017, and terminate on August 31, 2022. The total estimated amount of this contract over the entire life of the contract will be approximately \$622,500.

FISCAL IMPACT:

The estimated total cost of the contract is \$622,500 and can be absorbed within the Health Department's existing General Fund budget.

ENCLOSED DOCUMENTS:

None

STAFF:

Cathy Muse, Director, Department of Procurement and Material Management  
Gloria Addo-Ayensu, M.D., Director, Health Department  
Lee Ann Pender, Acting Director, Department of Administration for Human Services

Board Agenda Item  
July 25, 2017

10:30 a.m.

Matters Presented by Board Members

11:20 a.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. Update on State Tax Commissioner's Ruling With Respect to Appeal of Determination by the Fairfax County DTA Regarding the Out-Of-State Deduction for BPOL Receipts
  - 2. U.S. Securities and Exchange Commission Municipalities Continuing Disclosure Cooperation Initiative
  - 3. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maliheh S. Hajabbassi and Ali A. Hajabbassi*, Case No. CL-2016-0017518 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Eaton Drive, LLC*, Case No. CL-2017-0005818 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary K. Devers, Trustee and Kenneth R. Arnold*, Case No. CL-2017-0004536 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Srinivas Akella and Krishna N. Kidambi*, Case No. CL-2017-0008936 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  - 7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sandy Ying-Tang Cheng and Yuk Yee Cheng*, Case No. CL-2017-0008718 (Fx. Co. Cir. Ct.) (Lee District)
  - 8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. George Parker and Michele Parker*, Case Nos. GV17-010146 and GV17-010147 (Fx. Co. Gen. Dist. Ct.) (Lee District)

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Michael J. Hayes and Donna R. Boatman*, Case No. GV17-013665 (Fx. Co. Gen. Dist. Ct.) (Lee District)
10. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Shaikh Aftab, Raheela Aftab, and Aamir Aftab*, Case No. GV17-007274 (Fx. Co. Gen. Dist. Ct.) (Mason District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Arlington Motors, Inc., and Yasmin Khoshnevis*, Case Nos. GV17-010670 and GV17-010671 (Fx. Co. Gen. Dist. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George Daamash*, Case No. CL-2011-0000818 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tirumal Kumar Pappu and Venkata V. Oruganti Naga*, Case Nos. GV17-010667 and GV17-010668 (Fx. Co. Gen. Dist. Ct.) (Providence District)
14. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John D. Moses and Katrina M. H. Waljeski-Moses*, Case No. GV17-013663 (Fx. Co. Gen. Dist. Ct.) (Providence District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. John D. Moses and Katrina M. H. Waljeski-Moses*, Case No. GV17-013664 (Fx. Co. Gen. Dist. Ct.) (Providence District)
16. *Board of Supervisors of Fairfax County v. G&C Multiservices, Inc.*, Case No. GV17-013049 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill, Mason, Providence, and Springfield Districts)



Board Agenda Item  
July 25, 2017

3:30 p.m.

Public Hearing on RZ 2015-PR-006 (International Place at Tysons LLC) to Rezone from C-8, SC and HC to PTC, SC and HC to Permit Mixed Use Development with an Overall Floor Area Ratio of 2.05 and Approval of the Conceptual Development Plan, Located on Approximately 5.40 Acres of Land (Providence District)

This property is located in the South side of Leesburg Pike, West of Gallows Road, North side of Boone Boulevard. Tax Map 39-1 ((6)) 38, 39-2 ((2)) 39.

PLANNING COMMISSION RECOMMENDATION:

On July 13, 2017, the Planning Commission voted 9-0 (Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2015-PR-006, subject to the proffers dated July 13<sup>th</sup>, 2017;
- Approval of a waiver of Section 2-505 of the Zoning Ordinance (ZO) to permit structures and vegetation on a corner lot as shown on the CDP/FDP;
- Approval of a modification of Section 2-506 of the ZO to allow for a parapet wall, cornice or similar projection to exceed the established height limit by more than three feet but not more than 12 feet to screen mechanical equipment, as may be indicated on an FDP;
- Approval of a waiver of Section 6-506 of the ZO, which requires a minimum district size of 10 acres;
- Approval of a modification of Section 11-201 of the ZO to permit reduction of the required number of loading spaces to that shown on the CDP/FDP;
- Approval of a waiver of Section 17-201 of the ZO, to not require provision of a service road along Route 7;
- Approval of a modification of Section 17-201 of the ZO to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan;
- Approval of a waiver of Paragraph 3 of Section 17-201 of the ZO to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP/FDP and as proffered;

Board Agenda Item  
July 25, 2017

- Approval of a waiver of Paragraph 4 of Section 17-201 of the ZO to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers;
- Approval of a waiver of Paragraph 7 of Section 17-201 of the ZO to permit installation of "No Parking" signs along travel ways at intervals greater than 50 feet with parking control signage to be determined at final site plan with approval of the Director of the Department of Public Works and Environmental Services;
- Approval of a modification of Section 12-0508 of the PFM to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3); and
- Approval of a modification of Section 12-0510 of the PFM to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions.

In a related action, on July 13, 2017, the Planning Commission voted 9-0 (Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting) to approve FDP 2015-PR-006, subject to Development Conditions dated July 13<sup>th</sup>, 2017, and subject to the Board of Supervisors' approval of RZ 2015-PR-006.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Bob Katai, Planner, DPZ

<b>Public Hearing to be Deferred to 9/12/17 at 4:30 p.m.</b>
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Board Agenda Item  
July 25, 2017

3:30 p.m.

Public Hearing on SE 2017-LE-006 (DVA Telegraph - 7710, LLC) to Permit a Fast Food Restaurant with a Drive Through, Located on Approximately 30,683 Square Feet of Land Zoned C-5 (Lee District)

This property is located at 7710 Telegraph Road, Alexandria, 22315. Tax Map 100-2 ((1)) 1A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on July 19, 2017, the decision was deferred to July 27, 2017. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Kelly Posusney, Planner, DPZ

Board Agenda Item  
July 25, 2017

3:30 p.m.

Public Hearing on RZ 2014-MA-023 (Columbia Crossroads L.P.) to Rezone from R-3, C-8, C-3, CRD, SC and HC to PDC, CRD, SC and HC to Permit a Multi-Family Residential, Office and Public Uses with an Overall Floor Area Ratio of 1.81 and Approval of the Conceptual and Development Plan, Located on Approximately 7.39 Acres of Land (Mason District)

This property is located on the East side of Moncure Avenue and on the South side of Columbia Pike approximately 500 feet SouthWest of the interchange with Leesburg Pike. Tax Map 61-2 ((19)) 5A and 11A and 61-4 ((30)) 15 and 17 and 61-2 ((1)) 112A, 113, 113A, 113C and 114 and Columbia Pike public right-of-way to be vacated and/or abandoned.

PLANNING COMMISSION RECOMMENDATION:

On July 19, 2017, the Planning Commission voted 8-0-2 (Chairman Murphy and Commissioner Ulfelder abstained as they were not present for the public hearing; Commissioner Sargeant recused himself from the vote; and Commissioner Keys-Gamarra was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2014-MA-023 and the associated Conceptual Development Plan, subject to the execution of proffers dated July 17, 2017;
- Approval of a waiver of the service drive in accordance with Section 7-0104.1 of the Public Facilities Manual;
- Approval of a modification of the use limitation in Section 6-206(5) of the Zoning Ordinance, limiting secondary uses up to 50% of gross floor area of the development's principal uses to be increased to 70%; and
- Approval of waivers and modifications of the PDC District standards and transitional screening requirements in accordance with the CRD standards, in favor of that shown on the CDP and in concert with the proffered performance standards.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Sharon Williams, Planner, DPZ

Board Agenda Item  
July 25, 2017

3:30 p.m.

Public Hearing on RZ 2016-MV-002 (Novus Property Holdings LLC) to Rezone from C-8 and R-4, CRD and HC to PRM, CRD and HC to Permit Mixed Use Development with an Overall Floor Area Ratio of 2.12 and Approval of the Conceptual Development Plan, Located on Approximately 5.29 Acres of Land (Mount Vernon District)

This property is located in the Northeast quadrant of the intersection of Richmond Highway (Route 1) and Fairview Drive (Route 1409). Tax Map 83-3 ((1)) 18, 19 and 20.

PLANNING COMMISSION RECOMMENDATION:

On July 19, 2017, the Planning Commission voted 9-0-2 (Chairman Murphy and Commissioner Ulfelder abstained as they were not present for the public hearing and Commissioner Keys-Gamarra was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2016-MV-002 and the Conceptual Development Plan, subject to the execution of proffered conditions consistent with those dated July 18, 2017;
- Approval of a modification of Sections 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements to permit the landscaping and barriers as shown on the CDP/FDP;
- Approval of a modification of Sections 11-202 and 11-203 of the Zoning Ordinance to provide the number of loading spaces in the location shown on the CDP/FDP; and
- Approval of a modification of Paragraph 1 of Section 13-202 of the Zoning Ordinance to provide interior parking lot landscaping as shown on the CDP/FDP.

In a related action, on July 19, 2017, the Planning Commission voted 9-0-2 (Chairman Murphy and Commissioner Ulfelder abstained as they were not present for the public hearing and Commissioner Keys-Gamarra was absent from the meeting) to approve FDP 2016-MV-002, subject to the Development Conditions dated July 19, 2017.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Wanda Suder, Planner, DPZ

Board Agenda Item  
July 25, 2017

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2017-I-B1, Located North of Arlington Boulevard, West of Meeting Street and South of the Arlington County Border (Mason District)

ISSUE:

Plan Amendment (PA) 2017-I-B1 proposes to amend the Comprehensive Plan guidance for Tax Map Parcel 51-4 ((1)) 5A, an approximately 3.6-acre property located at 6060 Arlington Boulevard in the Seven Corners Community Business Center. The subject property is currently planned for office use at an intensity up to .20 FAR and is developed with a medical office building. The amendment considers an option for residential use up to 12 dwelling units per acre (du/ac).

PLANNING COMMISSION RECOMMENDATION:

On June 15, 2017, the Planning Commission voted 11-0 (Commissioner Keys-Gamarra was absent from the meeting) to recommend to the Board of Supervisors the adoption of the staff recommendation for Plan Amendment 2017-I-B1, found on Pages 11 and 12 of the Staff Report dated May 18, 2017. The amendment would add an option for residential use of up to 12 dwelling units per acre on the property, provided that the guidance found under the redevelopment option for opportunity area is met.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Planning Commission public hearing – June 15, 2017  
Board of Supervisors' public hearing – July 25, 2017

BACKGROUND:

On January 24, 2017, the Board of Supervisors authorized Plan Amendment 2017-I-B1 for Tax Map Parcel 51-4 ((1)) 5A in the Seven Corners Community Business Center to consider an amendment to the adopted Comprehensive Plan (Plan) guidance for redevelopment from office use to residential use with a density up to 12 du/ac.

Board Agenda Item  
July 25, 2017

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment I: Planning Commission Verbatim Excerpt

The Staff Report for PA 2017-I-B1 has been previously furnished and is available online at: <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2017-i-b1.pdf>

STAFF:

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Marianne R. Gardner, Director, Planning Division (PD), DPZ

Leanna H. O'Donnell, Branch Chief, Policy and Plan Development Branch, PD, DPZ

Katrina Z. Newton, Planner II, Policy and Plan Development Branch, PD, DPZ

Planning Commission Meeting  
June 15, 2017  
Verbatim Excerpt

15PA 2017-I-B1 – COMPREHENSIVE PLAN AMENDMENT (6060 ARLINGTON BOULEVARD)  
– To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns approx. 3.67 ac. located at 6060 Arlington Blvd., Falls Church, VA, Tax map # 51-4((1)) 5A. The area is planned for office use at an intensity of .20 FAR. The Amendment will consider residential use up to 12 dwelling units per acre. PA 2017-I-B1 is concurrently under review with Rezoning application RZ 2017-MA-005. (Mason District)

After Close of the Public Hearing

Commissioner Strandlie: Thank you, Mr. Chairman. For the...just for the update for the community...thank you very much for coming out. The plan is a recommendation for what can happen in the area. The rezoning where the nuts and bolts take place. So I've taken notes and we've heard from everyone at the land use committee as well. So we'll continue to work with you and think of some creative ways, if possible, to address all your concerns or as many as possible. And with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF THE STAFF RECOMMENDATION FOR PLAN AMENDMENT 2017-1-B1 – or I-B1, FOUND ON PAGES 11 AND 12 OF THE STAFF REPORT DATED MAY 18<sup>TH</sup>, 2017.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion...

Commissioner Strandlie: I...there's a couple more sentences here.

Chairman Murphy: Oh, I'm sorry.

Commissioner Hedetniemi: I'm sorry.

Commissioner Strandlie: AS STAFF MENTIONED, THE AMENDMENT WOULD ADD AN ADDITION FOR THE RESIDENTIAL USE OF UP TO 12 DWELLING UNITS PER ACRE ON THE PROPERTY, PROVIDED THAT THE GUIDANCE FOUND UNDER THE REDEVELOPMENT OPTION FOR OPPORTUNITY AREA IS MET.

Chairman Murphy: She hasn't changed her mind. All those in favor of the motion recommend to the Board of Supervisors that it adopt PA 2017-I-B1, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 11-0. Commissioner Keys-Gamarra was absent from the meeting.

JLC



Board Agenda Item  
July 25, 2017

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2017-CW-1CP, Mobile and Land-Based Telecommunications Policy Plan

ISSUE:

Plan Amendment (PA) 2017-CW-1CP proposes to update the feature shown and administrative review objectives and policies of Mobile and Land-Based Telecommunications Services in the Public Facilities Section of the Policy Plan element of the Comprehensive Plan as detailed below.

PLANNING COMMISSION RECOMMENDATION:

On June 21, 2017, the Planning Commission voted 10-0-1 (Commissioner Sargeant recused himself from the public hearing and Commissioner Keys-Gamarra was absent from the public hearing) to recommend that the Board of Supervisors approve the Telecommunication Committee's and staff's recommendation for Plan Amendment 2017-CW-1CP, as shown in the Staff Report dated March 15, 2017, and as revised by proposed plan language contained in the Addendum to the Staff Report dated June 7, 2017, with the approval to take effect at 12:01 am on the day following adoption.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation.

TIMING:

Planning Commission public hearing and decision – June 21, 2017  
Board of Supervisors' public hearing – July 25, 2017

BACKGROUND:

The Fairfax County Board of Supervisors, on January 24, 2017, authorized a Plan Amendment (2017-CW-1CP) for the Mobile and Land-Based Telecommunication Services Policy Plan to reflect enactment of the Spectrum Act, codified at 47 U.S.C. §1455. The Spectrum Act advances wireless broadband service and governs state and local review of requests to modify existing telecommunications facilities. On April 26, 2017, the Governor signed Virginia Senate Bill 1282 (SB 1282) into law with an effective date of July 1, 2017. In response, on May 16, 2017, the Fairfax County Board of Supervisors authorized proposed Plan Amendment 2017-CW-1CP to be expanded to also reflect SB 1282. SB 1282 concerns Wireless Communications Infrastructure and

Board Agenda Item  
July 25, 2017

provides a uniform procedure for the way localities review and approve small cell facilities on existing structures. This legislation also requires the Virginia Department of Transportation to grant access to wireless service provider and wireless infrastructure provider applicants to install and maintain small cell facilities on existing structures in VDOT's public rights-of-way. This proposed Plan amendment will reference the Spectrum Act and SB 1282 in the objectives and policies of the Public Facilities portion of the Comprehensive Plan's Policy Plan.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt

The Staff Report and Addendum have been previously furnished and are available online at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2017-cw-1cp.pdf>

and

[http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2017-cw-1cp\\_addendum.pdf](http://www.fairfaxcounty.gov/dpz/comprehensiveplan/amendments/2017-cw-1cp_addendum.pdf)

STAFF:

Fred R. Selden, Director, Department of Planning and Zoning (DPZ)

Marianne R. Gardner, Director, Planning Division, DPZ

Chris Caperton, Branch Chief, Planning Division, DPZ

Natalie Knight, Planner II, Planning Division, DPZ

ASSIGNED COUNSEL:

Laura S. Gori, Senior Assistant County Attorney, Office of the County Attorney

**County of Fairfax, Virginia  
Planning Commission Meeting  
June 21, 2017  
Verbatim Excerpt**

*PA 2017-CW-1CP – Comprehensive Plan Amendment (Mobile and Land Based Telecommunications Policy Plan) – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment considers integrating the Wireless Communication review processes of both Section 6409(a) of the Spectrum Act (codified at 47 U.S.C. §1455) and Virginia Senate Bill 1282 into the Public Facilities section of the Policy Plan element of the County's Comprehensive Plan. (Countywide)*

After close of the Public Hearing

Commissioner Hart: Thank you, Mr. Chairman. On May 16, 2017, the Board of Supervisors authorized Policy Plan Amendment 2017-CW-1CP. The authorization directed staff to prepare a Mobile and Land Based Telecommunications Policy Plan Amendment to harmonize the objectives and policies of the public facilities portion of the Policy Plan with Virginia Senate Bill 1282 and with Section 6409(a) of the Spectrum Act (codified at 47 U.S.C. §1455).

As the commission will recall, Section 6409(a) governs state and local review of requests to modify existing telecommunications facilities. Section 6409(a) requires approval of any request for co-location, removal, replacement or replacement of wireless equipment on existing facilities that does not substantially change their physical dimensions. Senate Bill 1282 provides a uniform procedure for the way localities review and approve small cell facilities on existing structures. This legislation also requires the Virginia Department of Transportation to grant access to wireless service providers and wireless infrastructure provider applicants to install and maintain small cell facilities on existing structures in VDOT's public right-of-ways. Through a series of three meetings, the Planning Commission's Telecommunications Committee, with input from staff, revised the Policy Plan text addressing the Board's authorization. I want to thank staff, particularly Natalie Knight and Chris Caperton, for their fine work on this project. I also want to thank the industry representatives and citizens who participated in this discussion. The amendment has staff's favorable recommendation, with which I concur. Therefore Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE APPROVAL OF THE TELECOMMUNICATION COMMITTEE'S AND STAFF'S RECOMMENDATION FOR PLAN AMENDMENT 2017-CW-1CP, AS SHOWN IN THE STAFF REPORT DATED MARCH 15, 2017, AND AS REVISED BY PROPOSED PLAN LANGUAGE CONTAINED IN THE ADDENDUM TO THE STAFF REPORT DATED JUNE 7, 2017, WITH THE APPROVAL TO TAKE EFFECT AT 12:01 AM ON THE DAY FOLLOWING ADOPTION.

Commissioner Migliaccio and Hedetniemi: Second.

Chairman Murphy: Seconded Mr. Migliaccio and Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt PA 2017-CW-1CP, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

The motion carried by a vote of 10-0-1. Commissioner Sargeant recused himself from the public hearing. Commissioner Keys-Gamarra was absent from the public hearing.

SL

**WITHDRAWN**

Board Agenda Item  
July 25, 2017

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the  
Rehabilitation of the Difficult Run Force Main (Hunter Mill and Dranesville Districts)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project WW-000008-003, Difficult Run Force Main Rehabilitation, Fund 69300, Sewer Construction Improvements.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On November 1, 2016, the Board authorized advertisement of a public hearing to be held on December 6, 2016, at 5:00 p.m. On December 6, 2016 the public hearing was deferred until March 14, 2017.

BACKGROUND:

This project consists of rehabilitating the 5.7-mile, 36-inch Difficult Run Force Main (DRFM). Rehabilitation of the DRFM is critical to the County's wastewater program, as it will allow millions of gallons of County wastewater per day to be treated at the Noman M. Cole, Jr. Pollution Control Plant (NCPCP) rather than at the DC Water Blue Plains Treatment Plant (Blue Plains), where the County is approaching its capacity limit. The DRFM will allow the County to immediately reduce the flow of wastewater to Blue Plains and will allow for cost-optimized treatment options between NCPCP and Blue Plains in the future. The DRFM and the Difficult Run Pump Station (DRPS), which it serves, were placed into service in 1981, but were taken out of service in 1995 due to problems with the DRFM, odor concerns, and the economics of keeping the DRPS in operation. Improvements to Difficult Run Force Main include lining, pipe replacement, point repairs, and the installation of access vaults for periodic cleaning and maintenance. The DRPS is currently being rehabilitated but cannot come back online (scheduled for late summer 2017) until rehabilitation is completed.

**WITHDRAWN**

Board Agenda Item  
July 25, 2017

Land rights for these improvements are required on two (2) properties consisting of a 34,442 square-foot Maintenance Access Easement.

Negotiations are in progress with the affected owners, however, because resolution of the acquisition is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

**FISCAL IMPACT:**

Funding is available in Project WW-000008, Force Main Rehabilitation, Fund 69300, Sewer Construction Improvements. This project is included in the FY 2017 – FY 2021 Adopted Capital Improvement Program (with Future Fiscal Years to 2026). No additional funding is being requested from the Board.

**ENCLOSED DOCUMENTS:**

Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachment 1-1A).

**STAFF:**

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities





## **ATTACHMENT B**

### **RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, December 6, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, certain Project WW-000008-003, Difficult Run Force Main Rehabilitation had been approved; and

**WHEREAS**, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

**WHEREAS**, the property interests that are necessary have been identified; and

**WHEREAS**, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than December 9, 2016.

**NOW THEREFORE BE IT RESOLVED**, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachment 1 through 1A by gift, purchase, exchange, or eminent domain; and be it further

**RESOLVED**, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of rehabilitating the 5.7-mile, 36-inch Difficult Run Force Main (DRFM) as shown and described in the plans of Project WW-000008-003, Difficult Run Force Main Rehabilitation on file in the Land Acquisition Division of the Department of Public Works and Environmental Services,



12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

**RESOLVED**, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to December 7, 2016, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

**RESOLVED**, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES  
Project WW-000008-003  
Difficult Run Force Main Rehabilitation  
(Hunter Mill and Dranesville Districts)

PROPERTY OWNER(S)

TAX MAP NUMBER

1. McDiarmid Land Trust

027-2-01-0008A  
027-2-01-0010

Address:  
9942 Meadowlark Rd., Vienna, VA 22182

A Copy – Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 027-2-01-0008A  
027-2-01-0010

Street Address: 9942 Meadowlark Rd., Vienna, VA 22182

OWNER(S): McDiarmid Land Trust

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Maintenance Access Easement Agreement – 34,442 sq. ft.

VALUE

Estimated value of interests and damages:

ONE HUNDRED TEN THOUSAND TWO HUNDRED DOLLARS (\$110,200)



Board Agenda Item  
July 25, 2017

4:00 p.m.

Public Hearing on SE 2016-MA-023 (Arcland Property Company, LLC) to Permit an Increase in Permitted Floor Area Ratio, Located on Approximately 2.26 Acres of Land Zoned I-6 (Mason District) (Concurrent with RZ 2016-MA-029)

and

Public Hearing on RZ 2016-MA-029 (Arcland Property Company, LLC) to Rezone from I-6 and R-2 to I-6 to Permit a Mini-Warehousing Establishment with an Overall Floor Area Ratio of 1.0, Located on Approximately 2.26 Acres of Land (Mason District) (Concurrent with SE 2016-MA-023)

This property is located at 5407, 5411 and 5415 Industrial Drive, Springfield, 22151. Tax Map 80-2 ((1)) 53 and 54 and 80-2 ((3)) 20.

PLANNING COMMISSION RECOMMENDATION:

On July 19, 2017, the Planning Commission voted 11-0 (Commissioner Keys-Gamarra was absent from the public hearing) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2016-MA-029, subject to execution of proffers consistent with those contained in Appendix 1 of the Staff Report;
- Approval SE 2016-MA-023, subject to the proposed development conditions dated July 11, 2017;
- Approval of a waiver of Section 17-201(2) of the Zoning Ordinance for the construction of a major regional trail; and
- Approval of a waiver of Section 17-201(2) of the Zoning Ordinance for the construction of a major paved trail.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Jay Rodenbeck, Planner, DPZ

Board Agenda Item  
July 25, 2017

4:30 p.m.

Public Hearing on RZ 2017-DR-014 (JLB Dulles Tech LLC) to Rezone from I-4 to PRM to Permit a Residential Development with an Overall Floor Area Ratio of 0.99 Including Bonus Density Associated with adu/wdu and Approval of the Conceptual Development Plan, Located on Approximately 11.6 Acres of Land (Dranesville District)

This property is located on the South side of Dulles Technology Drive approximately 450 feet East of its intersection with River Birch Road and Sunrise Valley Drive. Tax Map 16-3 ((1)) 4M.

PLANNING COMMISSION RECOMMENDATION:

On July 19, 2017, the Planning Commission voted 11-0 (Commissioner Keys-Gamarra was absent from the public hearing) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2017-DR-014 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated June 30, 2017;
- Approval of a modification of the tree planting width from eight feet to six feet along the public roadway frontage and private driveway, in favor of structural planting cells or other methods as coordinated with Urban Forest Management Division when necessary, due to the placement of utilities;
- Approval of a modification of the interior parking lot landscaping in favor of the alternatives shown on the CDP/FDP and as conditioned; and
- Approval of a modification of the number of loading spaces from six to two, in favor of the alternatives, as shown on the CDP/FDP and as conditioned.

In a related action, on July 19, 2017, the Planning Commission voted 11-0 (Commissioner Keys-Gamarra was absent from the public hearing) to approve FDP 2017-DR-014, subject to the development conditions dated July 5, 2017, and subject to the Board of Supervisors' approval of RZ 2017-DR-014.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
William O'Donnell, Planner, DPZ

Board Agenda Item  
July 25, 2017

4:30 p.m.

Public Hearing on SEA 86-M-023-04 (Landmark HHH, L.L.C.) to Amend SE 86-M-023 Previously Approved for a Waiver of Open Space and Certain Sign Regulations to Permit Modifications to the Limitations on Fast Foo Uses in a C-6 District and Associated Modifications to Site Design and Development Conditions and a Waiver of Open Space and Certain Sign Regulations, Located on Approximately 22.65 Acres of Land Zoned C-6 and HC (Mason District)

This property is located at 6244 Little River Turnpike, Annandale, 22312. Tax Map 72-4 ((1)) 3.

PLANNING COMMISSION RECOMMENDATION:

On July 13, 2017, the Planning Commission voted 9-0 (Commissioners Keys-Gamarra, Murphy, and Ulfelder were absent from the meeting) to recommend the following action to the Board of Supervisors:

- Approve SEA 86-M-023-04, subject to Development Conditions consistent with those dated July 7<sup>th</sup>, 2017;
- Approve a reaffirmation of a wavier of the minimum open space requirement;
- Approve a reaffirmation of a modification of the transitional screening requirement along the northern boundary;
- Approve a reaffirmation of a waiver of the barrier requirement along the northern boundary;
- Approve a reaffirmation of a modification of the interior and peripheral parking lot landscaping; and
- Approve a waiver of the major paved trail requirement along Little River Turnpike and waiver of the sharrow requirement along Beauregard Street

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Kelly Atkinson, Planner, DPZ

Board Agenda Item  
July 25, 2017

4:30 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
July 25, 2017**

**ADDENDUM  
to  
AGENDA**

**ACTION  
ITEMS**

14

Approval of Revisions to Chapters 2, 4, 16, and 17 of the  
Personnel Regulations to Align Definitions, Align Practice with  
Policy, and Provide Administrative Clarification

ACTION - 14

Approval of Revisions to Chapters 2, 4, 16, and 17 of the Personnel Regulations to Align Definitions, Align Practice with Policy, and Provide Administrative Clarification

ISSUE:

Revisions to the Fairfax County Personnel Regulations are proposed to ensure compliance with Virginia Code, provide administrative direction and policy clarification.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors approve the proposed revisions to Chapters 2, 4, 16, and 17 of the Personnel Regulations, as specified below.

TIMING:

Routine.

BACKGROUND:

Periodically, the Department of Human Resources (DHR) brings forward proposed revisions to the Personnel Regulations for Board consideration.

Following an advertised public hearing held on July 13, 2017, the Civil Service Commission considered the below referenced proposed revisions to the Personnel Regulations. Prior to the hearing, extensive discussions occurred between DHR Staff, Office of County Attorney (OCA), employee groups and agency personnel to promote aligned understanding and agreement with the proposed changes. OCA reviewed all proposed changes. At the hearing the Director of Human Resources gave an overview of the proposed changes for each chapter. Testimony was offered by members of Public Safety employee groups and the Service Employees International Union (SEIU), as well as department senior management.

The following content highlights proposed changes, by chapter.

Chapter 2 – Definitions (Attachment 1)

- Add a definition of bullying
- Updates the pay grade under the definition of *FLSA Eligible* and *Straight Pay Eligible* with approved changes
- Corrects the classification of Animal Protection Police Officers under the definition of *Law Enforcement Personnel* and *Overtime (FLSA)*

Board Agenda Item  
July 25, 2017

Chapter 4 – Pay Plan, Hours of Work and Overtime (Attachment 2)

- Updates to reflect removal of the two year hold for public safety employees
- Clarifies and corrects how to determine promotional pay increase amounts for public safety employees
- Reflects job class title change for Animal Protection Officers

Chapter 16 – Conduct and Discipline (Attachment 3)

- Clarifies investigation roles and responsibilities
- Incorporates information pertaining to anti-bullying in the Standards of Conduct

Chapter 17 – Grievance Procedure (Attachment 4)

- Clarifies the purpose of the grievance process is to address an individual employee's concern
- Clarifies procedural roles and responsibilities when soliciting input outside the complainant's department in order to address a Third Step Complaint submission

In accordance with the Merit System Ordinance, the proposed revisions were forwarded to the Civil Service Commission for public hearing. The public hearing was held on July 13, 2017, and the Commission's comments are included as Attachment Five (5). Additionally, the Civil Service Commission voted to recommend the inclusion of bullying as a grievable complaint in Chapter 17, which will need additional review by the Office of the County Attorney. To address the Commission's concerns, the proposed change will be reviewed with the Board of Supervisors at the next scheduled Personnel Committee meeting on October 3, 2017.

FISCAL IMPACT:

None noted.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Revisions to Chapter 2 of the Personnel Regulations  
Attachment 2: Proposed Revisions to Chapter 4 of the Personnel Regulations  
Attachment 3: Proposed Revisions to Chapter 16 of the Personnel Regulations  
Attachment 4: Proposed Revisions to Chapter 17 of the Personnel Regulations  
Attachment 5: Civil Service Commissioners' Memorandum

STAFF:

Catherine Spage, Director, Department of Human Resources

ASSIGNED COUNSEL:

Karen Gibbons, Deputy County Attorney, Office of the County Attorney  
Ann G. Killalea, Senior Assistant County Attorney, Office of the County Attorney

## CHAPTER 2

### Definitions

#### Allocation

The assignment of a position to its appropriate class in relation to duties performed.

#### Anniversary Date

Initially, the date on which an employee is appointed to start in a merit position. The anniversary date for public safety employees can change based on promotion dates, with exceptions noted in chapter four of these regulations.

#### Appeal

An application or procedure for review of an alleged grievance submitted or instituted by an employee to the Civil Service Commission or to other higher authority.

#### Appointing Authority

The officer, board, commission, person, or group of persons having the power by virtue of state law or County ordinance to make appointments. The appointing authority is generally responsible for personnel administration within a given department. As used in these regulations, the term “appointing authority” is synonymous with the term “department head.”

#### Appointment

The offer to and acceptance by a person of a position.

#### Assembled Examination

An examination for which applicants are required to appear at a specific place for the purpose of taking a test.

#### Break in Service

Any separation from the service of Fairfax County whether by resignation, lay-off, dismissal, unsatisfactory service, disability, retirement, or absence without leave of three days or more when the employee is subsequently reemployed. An authorized leave without pay shall not be considered as constituting a "break in service."

*Bullying*

Unnecessary, unwelcome, unwarranted and repeated mistreatment of a targeted individual or group by an individual or group. The actions are sufficiently severe and/or pervasive as to create a work environment such that a reasonable person would consider it intimidating, humiliating, dehumanizing, or offensive. Establishing behaviors as bullying depends on factors such as severity, pervasiveness, context, work relationships, employee performance and intent of action. Bullying is separate and discrete as compared to harassment, discrimination and workplace violence.

*Business Day*

Calendar days exclusive of Saturdays, Sundays, and legal holidays.

*Class*

A group of positions, which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, specification and pay range.

*Class Series*

A number of classes of positions which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties and degree of responsibility involved and the amount of training and experience required. Such classes constitute a series and each is usually given a designation either by Roman numerals, beginning with the lowest level as I, next level II, or by rank adjectives such as the junior, intermediate or senior level, etc.

*Class Specification*

A written description of a class consisting of a class title, a general statement of the level of work, a statement of the distinguishing features of work, some examples of work, and the minimum qualifications for the class.

*Classification*

The grouping of positions in regard to: (a) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience and ability; (d) tests of fitness; (e) ranges of pay.

*Classification Review or Reclassification Review*

An evaluation of the duties and responsibilities of a position performed by the Department of Human Resources to determine the appropriateness of the present class. Appropriateness will be determined on

## ATTACHMENT 1

the basis of: (a) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience and ability; (d) tests of fitness; (e) ranges of pay.

The review will result in the position retaining its present class assignment; or being assigned to an existing lower class, or being assigned to an existing higher class; or being assigned to a new class created by amendment to the Classification and Compensation Plans.

### Classification Plan

The official or approved system of grouping positions into appropriate classes, consisting of three parts: (1) a schematic index to the class specifications; (2) the class specifications; and (3) rules for administering the classification plan.

### Compensation

The standard rates of pay, which have been established for the respective classes of work, as set forth in the compensation plan.

### Compensation Plan

The official schedule of pay approved by the Board of Supervisors assigning one or more rates of pay to each pay grade.

### Compensatory Leave

Time off in lieu of monetary payment for overtime worked.

### Compensatory Time Eligible

Employees in pay grades S-26, P/O/C-27, F-31 or above and L-02 or above, excluding any classes designated as exceptions in a procedural memorandum issued by the Human Resources Director.

### Competitive Promotion

A promotion based on a competitive examination with appointment to the higher-level position restricted to a specific number of persons receiving the highest ratings.

### Competitive Service

All officers and positions in the service of Fairfax County as defined in the Merit System Ordinance.

### Continuous Service

Employment without interruption, including merit service with the Fairfax County School System, except

## ATTACHMENT 1

for absences on approved leave or absences to serve in the Armed Forces of the United States, or absences of less than one calendar year when followed by reemployment or reinstatement. Service prior to normal or early retirement from a County retirement system shall not be counted.

### Deferred Retirement Option Plan (DROP)

An option in lieu of immediate retirement in which an employee remains employed by his/her department, but no longer contributes to his/her respective retirement system and must retire within 3 years of election to DROP. DROP participants retain the rights and privileges of merit employees.

### Definition of Duties

The work requirements for each position in terms of the importance, difficulty, and extent of supervision and responsibility attaching thereto.

### Demotion

Assignment of an employee from one class to another, which has a lower maximum rate of pay.

### Department

An administrative branch including a line of work and a group of employees under the immediate charge of a chief executive officer or officers of a department, institution, court, board, or commission of the County government, which latter officer or officers shall be known as the department head.

### Dismissal

Separation from County employment for cause.

### Department Head

An employee appointed by the Board of Supervisors to oversee, direct or manage a major functional division of County government, whether formally known as a department or not, under the general direction of the County Executive, and to act as the appointing authority for the positions assigned to that organization. As used in these regulations, the term “department head” is synonymous with the term “appointing authority.”

### Deputy

One or more individuals authorized to act in specific functional areas for the department head.

### Eligible

## ATTACHMENT 1

A person who has successfully met required qualifications for a particular class.

### Eligible List

The ranking of eligibles by class in order of score earned.

### Employee

An individual who is legally employed by the County and is compensated through the County payroll for his services. Individuals or groups compensated on a fee basis are not included.

### Examination

The process of testing, evaluating or investigating the fitness and qualifications of applicants.

### Exempt Service

Those positions not included in the competitive service as defined in the Merit System Ordinance.

### Extended Family Including Household Member

Includes employee's spouse, son, daughter, parents, parent in-laws, siblings, grandparents, grandchildren, aunt, uncle, niece, nephew, employee's respective in-laws, first cousin, or children for whom the employee has legal guardianship or is designated as primary caregiver, and any person who resides in the employee's home.

### Fire Protection Personnel

24-hour shift employees in the Fire and Rescue Department who perform suppression and rescue duties as defined in the Fair Labor Standards Act (29 CFR Sec. 553.3).

### Fair Labor Standards Act (FLSA)

Legislation originally enacted by Congress in 1938, which establishes requirements with respect to minimum wage, overtime, compensation and record keeping.

### FLSA Eligible (FLSA Non-exempt)

An employee who holds a position covered by the minimum wage, mandatory overtime, or recordkeeping provisions of the FLSA. FLSA Eligible employees must be compensated with overtime pay or compensatory time for all hours worked over the FLSA threshold for overtime, as outlined in



## ATTACHMENT 1

the definition of overtime. FLSA Eligible employees are in pay grades S-21, P-23, O/C-21, F-2~~7~~<sup>2</sup> and below. Exceptions are noted in a procedural memorandum issued by the Human Resources Director.

### FLSA Exempt

An employee who holds a position that is not covered by the mandatory overtime provisions of the Fair Labor Standards Act.

### Full-Time Employee

Any employee who is regularly scheduled to work at least 2,080 hours in 12 consecutive months, or fire protection personnel regularly scheduled to work at least 2,912 hours in 12 consecutive months.

### Full-Time Position

Any position which is authorized to be filled for at least 2,080 hours in 12 consecutive months or fire protection personnel position authorized for at least 2,912 hours in 12 consecutive months.

### Hourly Rate of Pay

The hourly rate of pay is shown on the County pay plans for the minimum, midpoint, and maximum of each pay range. Public safety pay plans shall include such intermediate rates as deemed appropriate. Hourly rates are carried out to four places after the decimal. The hourly rate is derived by dividing annual salary by 2,080, which is the number of scheduled hours for a full time employee. The hourly rate for fire protection personnel assigned to a 24-hour shift is derived by dividing the annual salary by 2,912, which is the number of scheduled hours for a full time fire protection employee.

### Immediate Family Including Household Member

Includes employee's spouse, son, daughter, parents, parents-in-law, siblings, grandparents, children for whom the employee has legal guardianship or is designated as primary caregiver, and any person who resides in the employee's home.

### Incumbent

An employee occupying a position in the County service.

### Law Enforcement Personnel

Sworn employees of the Police Department (including Animal ~~control~~ Protection Police officers), Fire and Rescue Department, and Office of the Sheriff who are empowered to enforce laws, have the power of arrest and have undergone (or will be undergoing) on-the-job training or similar instruction as defined in the Fair Labor Standards Act (29 CFR Sec. 553.4). The term also includes security personnel in County of Fairfax, Virginia-Personnel Regulations July 25, 201~~7~~<sup>5</sup>

correctional institutions.

Lay-Off

Separation of an employee from a position to which he was legally certified and appointed as a result of the abolition of a position, lack of work or lack of funds.

Longevity Pay Increment

An increase in compensation established in the compensation plan as a reward for long and faithful service for public safety employees. Longevity pay increments are granted in accordance with the conditions specified in Chapter 4 of the Personnel Regulations and are subject to Board of Supervisors appropriation.

Merit Employee

Any employee in the competitive service, as defined in the Merit System Ordinance.

Merit System

The system of personnel administration applicable to the competitive service. It includes the Merit System Ordinance, any applicable provisions of other County ordinances, Personnel Regulations, and all applicable and lawful personnel management directives of the Board of Supervisors, County Executive, or Human Resources Director.

Minimum Wage

The minimum hourly wage to be paid to employees as designated by the United States Department of Labor, or Commonwealth of Virginia (whichever is higher).

Multi Rater Option

The use of feedback from persons in addition to the immediate supervisor as part of the performance review process.

Negative Time Reporting

The time and attendance reporting method for employees only required to report exceptions to scheduled hours.

Open Examination

## ATTACHMENT 1

An examination open to the public and not limited to applicants in County service.

### Overtime (FLSA)

Time worked or on paid leave by an employee (excluding employees in law enforcement and fire protection as defined herein) in excess of 40 hours during his/her seven consecutive days work period. Overtime for law enforcement personnel shall be time worked or on paid leave in excess of 86 hours (80 hours for sworn Police Officers, Animal ~~Control~~-Protection Police Officers, and Deputy Sheriffs scheduled to work a 40-hour week) during his/her 14 consecutive day work period. Overtime for fire protection personnel shall be time worked or on paid leave in excess of 212 hours during his/her 28 consecutive day work period.

Non-FLSA overtime includes hours worked in excess of the employee's scheduled hours but less than the eligibility requirement for FLSA overtime stated above.

### Overtime Pay

Compensation paid to an employee for overtime work performed in accordance with these rules. The rate of pay for overtime compensation will be either 1 times the hourly rate or 1 and 1/2 times the regular rate of pay as prescribed in Section 4.15 of these rules.

### Part-Time Employee

An employee who is not regularly scheduled to work at least 2,080 hours in 12 consecutive months, or fire protection personnel not regularly scheduled to work at least 2, 912 hours in 12 consecutive months.

### Part-Time Position

Any position, which does not meet the definition of full-time position.

### Pay Grade

A combination of letter and number symbol indicating the pay range on a county pay schedule assigned to one or more classes in the Compensation Plan.

### Pay Grade Reallocation Review

An evaluation of a class performed by the Department of Human Resources to determine the appropriateness of the present pay grade. The review will result in the class retaining its present pay grade assignment; or being assigned a higher or lower pay grade requiring amendment to the Compensation Plan. Such a review may include, but is not limited to pay factors including prevailing area levels of pay, internal evaluation of the relative worth of the class and economic and related fiscal concerns.

### Pay Period

## ATTACHMENT 1

The 14 consecutive calendar day period utilized for the calculation of paychecks and the crediting of leave earned.

### Pay Range

Rates of pay assigned to a pay grade on a County pay schedule in the Compensation Plan. For non-public safety employee classes, a pay range shall consist of the minimum and maximum rates of pay and the mid-point of the range. Pay ranges assigned to grades allocated to classes of public safety employees shall consist of the minimum (step 1) and maximum rates of pay (step 9) as well as intermediate and longevity steps.

### Pay Rate

A specific dollar amount expressed as an annual rate, a bi-weekly rate, or an hourly rate, as shown in a County Pay Plan.

### Pay Status

Any period in which an employee is actually working or using paid leave.

### Performance Pay Increase

An increase in compensation, which may be granted to an employee by his/her department head or designee for performance that meets the requirements specified for such pay increases.

### Performance Pay Increase (PPI) Date

The date an employee's performance pay increase is effective. The PPI date for non-uniformed public safety employees will be at the start of the first full pay period at the beginning of the fiscal year, during years when performance pay increases are granted by the Board of Supervisors. Public safety employees' PPI dates will be the beginning of the first full pay period following the incumbent's anniversary date, during years when performance pay increases are granted.

### Performance Review Period

The 12-month performance evaluation review period for non-uniformed public safety employees begins July 1 and concludes on June 30, each year. Review periods for public safety staff correspond to each incumbent's anniversary date.

### Position

Any office or employment, whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual by competent authority.

Positive Time Reporting

The time and attendance reporting method for employees required to report all absences and hours worked.

Primary Position

When an employee holds more than one position with the County, one of the positions is designated as the primary and the other as the secondary for the purpose of calculating pay and benefits and tracking employment history. If the two positions are equal in pay and scheduled hours, the primary position is the one the employee occupied first. Otherwise, the primary position is the position with higher pay and/or hours.

Probationary Period

The working test or trial period of employment beginning with the date of appointment to a particular class.

Promotion

Assignment of an employee from one class to another, which has a higher maximum rate of pay.

Promotional Examination

A competitive examination restricted to persons who are on regular appointment in the County classified service or to persons who are eligible to reinstatement thereto.

Public Safety Employees

For the purposes of these regulations, public safety employees include all uniformed employees in the Police Department, Fire and Rescue Department and the Office of the Sheriff. It also includes all other job classes that are included on P/O/C/F pay scales.

Qualifications

The minimum educational, experience and personal requirements, which must be fulfilled by a person preliminary to appointment or promotion.

Reduction in Rank

Assignment of an employee from one class to another class, which has a lower maximum rate of pay. Same as demotion.

## ATTACHMENT 1

### Reemployment

Reappointment of a former merit employee, who had completed the probationary period and was separated in good standing but did not retire, which is not considered a reinstatement as defined herein.

### Reemployment List

A list of names of former County employees with a break in service of less than one calendar year, arranged in order of their right to reinstatement as defined in Section 2.60, or reemployment in lower classes of the same or similar series as that in which the employee was serving at the time of termination.

### Regular Rate of Pay

The rate of pay to be utilized for the calculation of overtime pay in accordance with FLSA requirements. The regular rate is derived by dividing the total amount of eligible pay for the work period (including the hourly rate and shift differential) by the number of hours worked during the work period.

### Reinstatement

Reappointment of a former merit employee who had completed the probationary period and was separated in good standing, but did not retire, after a break in service of less than one calendar year to the position or class formerly held.

### Restoration

A return to a position in a class in which status was formerly held where there has been no break in service.

### Scheduled Hours

The number of hours that an employee is scheduled to work on a recurring basis as reflected in the personnel record for the position occupied. Scheduled hours serve as the basis for planning and budgeting activities as well as leave calculation rules as specified in Chapter 10 of the Personnel Regulations.

### Self-Assessment

The completion of a performance evaluation form by the employee to provide his/her assessment of their performance during the review period.

### Straight Pay Eligible

## ATTACHMENT 1

Employees in pay grades S-22 to S-25, P-24 to P-26, O-22 to O-26, C-22 to C-26, ~~F-25 to~~ F-29 and L-01. Exceptions are noted in a procedural memorandum issued by the Human Resources Director.

### Suspension

An enforced leave of absence without pay for disciplinary purposes or pending investigation of charges made against an employee.

### Transfer

Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of different pay ranges, between positions of the same class or between positions of different classes.

### Unassembled Examination

An examination in which qualifications are evaluated on the basis of records or education and experience submitted by the applicants, supplemented by any information obtained by an investigation.

### Vacancy

A position which has been newly established or which has been rendered vacant by the resignation, death or other removal of the previous incumbent.

### Veteran

Any person who has received an honorable discharge and has (i) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (ii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

### Workday

Days of the week and number of hours an employee is scheduled to work. Work schedules vary by operation and agency.

### Workweek

The seven consecutive day period beginning at 12:00 a.m. Saturday and ending the following Friday at 11:59 p.m. during which an employee (excluding law enforcement and fire protection personnel as defined herein) is scheduled to work.

## ATTACHMENT 1

### Work Period

The period during which an employee is scheduled to work. For all employees except law enforcement and fire protection personnel as defined herein, the work period shall be the work week which comprises one half of a pay period. The work period for fire protection personnel shall be a 28 consecutive calendar day period beginning at 12:00 a.m. Saturday and ending at 11:59 p.m. Friday and covering two pay periods. The work period for law enforcement personnel shall be a 14 consecutive calendar day period beginning at 12:00 a.m. Saturday, ending at 11:59 p.m. Friday, and covering one pay period.



**CHAPTER 4****Pay Plan, Hours of Work and Overtime****4.1 Pay Ranges**

- 1 In preparing the pay plan, consideration shall be given to the duties and responsibilities of the various types of positions, the prevailing rates paid for comparable services in public and private employment and to experience in recruiting for such positions. Pay ranges shall include a minimum rate, a midpoint rate and a maximum rate for each class. Pay ranges assigned to classes consisting of public safety employees shall include such intermediate rates or steps as deemed necessary.
- 2 The rate of pay set forth in the plan shall include total pay in every form, except that it shall not include allowance for actual and necessary travel expense authorized and included as incident to employment. If subsistence, quarters or other maintenance is furnished to an employee, the reasonable value thereof shall be deducted from the rate of pay set forth in the plan. Exceptions to this provision must be approved by the Board of Supervisors.
- 3 When, in the opinion of the department head or deputy, following these rules results in an inequity, the Human Resources Director may authorize a salary adjustment if he /she concurs in the opinion of the department head or deputy.
- 4 Except as provided in these rules, performance pay increase dates shall not be affected by the adoption of the new pay plan.

**4.2 Starting Rate of Pay**

- 1 The minimum rate of pay for a class shall normally be paid upon appointment.
- 2 Original appointment not to exceed the midpoint rate may be made if any of the following conditions exist:
  - a. The qualifications of the applicant significantly exceed the requirements for the class.
  - b. Difficulty of recruitment requires payment of a higher rate.
- 3 Original appointment above the midpoint rate requires the approval of the Human Resources Director.

- 4 A former employee being reinstated, as defined in Chapter 2, will be appointed at a rate of pay equal to or greater than the rate he/she was receiving at the time of his/her separation, adjusted to reflect any cost of living or market pay adjustments pay to that pay grade since his/her separation.

#### 4.3 Performance Pay Increase

- 1 Performance pay increases may be granted to those employees who meet the requirements specified for such increases. Employees considered not qualified for a performance pay increase shall be handled in accordance with the provisions of Chapter 12.

- 2 Eligibility

A non-public safety employee receiving less than the maximum scheduled rate for his/her grade may be granted a percentage salary increase not to exceed the amount authorized by the Board of Supervisors. A performance pay increase for a public safety employee advances him/her to the next step in the grade. Eligibility for performance pay increases is subject to available funding and the following:

- a. His/her work has met or exceeded the performance requirements established by his/her department head or designee to qualify for a pay increase. Public safety employees' performance must exceed the minimum performance standards to qualify for a performance pay increase. Effective August 1, 1990 employees who enlist, or are inducted into military service, or who are members of a reserve component of the armed forces of the United States who are ordered to active duty and return to County employment; upon their release from active duty and whose service is other than dishonorable shall be deemed to have satisfied this requirement for the period they are on active duty. The total length of active military service may not exceed five years.
- b. A performance review period is 12 months. ~~The only exception is for public safety employees who serve 2 years in step 8 before being eligible to move to step 9.~~

Notwithstanding the merit review periods listed above, effective July 13, 1991, the beginning of the first full pay period in FY 1992, all employees who have merit increment dates shall have their merit increment date extended by one year.

Thus, for example, an employee who had a merit increment date of the first day of payroll number 15 in 1991, which falls on July 13, 1991, would have a new increment date of the first day of payroll number 15 in 1992. An employee who had a merit increment date of the first day of payroll number 15 in 1992, which falls on July 11, 1992, would have a new merit increment

date of the first day of payroll number 15 in 1993, which falls on July 10, 1993. An employee who had a merit increment date of the first day of payroll number 15 in 1993, which falls on July 10, 1993, would have a new merit increment date of the first day of payroll number 15 in 1994, which falls on July 9, 1994.

Notwithstanding the merit review periods listed above, effective July 11, 1992, the beginning of the first full pay period in FY 1993, all employees who have merit increment dates shall have their merit increment date extended by one year. Thus, for example, an employee who had a merit increment date of the first day of payroll number 15 in 1992 which falls on July 11, 1992, would have a new merit increment date of the first day of payroll number 15 in 1993, which falls on July 10, 1993. An employee who had a merit increment date of the first day of payroll number 15 in 1993 which falls on July 10, 1993, would have a new merit increment date of the first day of payroll number 15 in 1994 which falls on July 9, 1994. An employee who had a merit increment date of the first day of payroll number 15 in 1994, which falls on July 9, 1994, would have a new merit increment date of the first day of payroll number 15 in 1995, which falls on July 8, 1995.

- 3 Each employee shall have a performance pay increase date established when he/she is initially appointed to a merit position. For uniformed public service employees, that date corresponds to the beginning of the pay period in which she or is appointed; the performance pay increase date for other employees corresponds with the first full pay period of the fiscal year. Partial pay periods do not count towards the performance pay increase date and performance pay increases are granted only as authorized by the Board of Supervisors.
- 4 Creditable service in the completion of performance review periods includes:
  - a. Continuous employment in the competitive service not including overtime.
  - b. Period of involuntary separation initiated by the department head followed by reinstatement after appeal by the Civil Service Commission under the grievance procedure, for which the Commission determines that the employee is entitled to back pay.
  - c. Honorable service with the armed forces by employees who enlist or are inducted into military service or who are members of a reserve component of the United States who are ordered to active duty and who return to County employment upon their release from active duty. The total length of active military service, which can be credited, may not exceed five years.

#### 4.4 Outstanding Performance Award

- 1 An employee who has completed their initial probationary period and performs the duties and responsibilities of his/her position in an outstanding manner and whose work generally is well above expectations shall be eligible to be considered for an outstanding performance award.
- 2 An outstanding performance award may be recommended by a department head or designee. Such outstanding performance award recommendation shall be in writing, shall state the reason for such recommendation and shall be submitted through the Deputy County Executive to the Human Resources Director, as appropriate, for implementation.
- 3 Outstanding performance awards may be granted in any dollar amount not to exceed \$1,000 the amount authorized by the Board of Supervisors.

#### 4.5 Longevity Pay Increment for Public Safety Employees

Public Safety employees shall receive a longevity increment increase after 15 years of service and reaching top step in grade. A second longevity increase is awarded after 20 years of service and reaching top step in grade (step 9).

#### 4.6 Within-Grade Adjustment

When in the opinion of the County Executive, it is in the best interest of the County to do so, he/she may authorize a salary adjustment to encourage retention of highly qualified County employees and address pay inequities not to exceed the maximum rate of pay assigned to the employee's class.

#### 4.7 Pay Rate in Promotion, Demotion, Reallocation of Position or Transfer - Except Public Safety Employees

If an employee other than a public safety employee is promoted, demoted, appointed to a reallocated position or transferred, his/her rate of pay for the new position shall be determined as follows:

- 1 When a position is filled by promotion, the appointee shall receive a salary increase equal to 10% for one and two-grade promotions and 15% for promotions of three or more grades not to exceed the maximum rate of pay assigned to the new job class or the minimum rate of pay for the new job class whichever is greater.
- 2 With the exception of disciplinary demotions or demotions during a promotional probationary period, when an employee is demoted, he/she shall be placed at the

same salary in the new pay grade. If the employee's salary is greater than the maximum salary of the new pay grade he/she shall be placed at the maximum salary for the new pay grade.

When an employee is promoted or reinstated to his or her former job class within a year from the date of demotion, he or she shall remain at the same salary or be placed at the salary he or she was receiving prior to the demotion, whichever is greater.

- 3 When an employee is demoted for disciplinary reasons he or she shall be placed at the salary in the new grade that is 5% less than his/her current salary not to exceed the maximum salary for the pay grade.
- 4 When an employee is demoted during a promotional probationary period, the employee's former rate of pay shall be reinstated in the new lower pay grade, not to exceed the maximum salary for the pay grade.
- 5 When an employee is transferred from a position of one class to a position of another class at the same level, he/she shall continue to be paid at the same rate of pay.
- 6 Upon upward reclassification of a position, the incumbent shall receive a pay increase equal to 5% of the midpoint of the salary range for the new, higher pay job class or move to the minimum of the new range, which ever is greater not to exceed the maximum rate of pay for the new pay grade.
- 7 Upon review of a job class to determine if a regrade is warranted, the incumbents in the job class may be entitled to a pay adjustment regardless of whether the job class is regraded or not. The determination of pay increase eligibility and the amount of such pay increase will be made in accordance with procedures approved by the County Executive and the Board of Supervisors. In no case shall the employee's salary be less than the minimum or greater than the maximum for the new pay range.

#### 4.8 Pay Rate in Promotion, Demotion, Reallocation of Position or Transfer - Public Safety Employees

If a public safety employee is promoted, demoted, appointed to a reallocated position or transferred, his/her rate of pay for the new position shall be determined as follows:

- 1 When a position is filled by promotion, except as noted elsewhere in this chapter, the appointee shall receive the greater amount of the minimum rate for the class of the new position or an amount in excess of one normal within grade increase in the pay grade of the class of the position held prior to promotion. Such increase shall not be less than 56% and if the promotion is three grades or more, the employee shall be placed in the new grade at a step closest to their identified years of service

~~threshold, but not in excess of a 15 % increase.~~ The appointee shall receive a new performance pay increase date, which shall be calculated from the payroll number and year of his/her promotion.

- 2 When an employee is demoted, he/she shall be placed in the pay step in the new pay grade, which represents the closest dollar amount that is less than the former pay. An employee may be placed in a longevity step under this provision only if the employee meets the length of service requirement for that step. The performance pay increase date shall not change.

When an employee is promoted or reinstated to his or her former job class within a year from the date of demotion, he or she shall remain at the same salary or be placed at the salary he or she was receiving prior to the demotion, whichever is greater and the performance pay increase date shall not change.

- 3 When an employee is demoted to his or her former job class during a promotional probationary period, the employee's former grade and step shall be reinstated. When an employee is demoted to a job class other than that in which he/she was serving at the time of promotion, he/she shall be placed at the step in the lower grade that is closest to, but not less than the employee was making prior to promotion. If the employee's pre-promotion performance pay increase (PPI) date falls between the date of promotion and the date of the subsequent demotion, the promotion date will be retained as the PPI date; otherwise the pre-promotion PPI date shall be reinstated.

- 4 When an employee is transferred from a position of one class to a position of another class at the same level, he/she shall continue to be paid at the same rate of pay.

- 5 Upon upward reclassification/reallocation of a position, the incumbent shall receive the greater amount of either the minimum rate for the new grade or the next higher dollar rate in the new pay grade as compared to the dollar rate in the lower grade except in the following instances:

- a. Employees who have served one year or more in a two year review period and who upon reclassification/reallocation, move to a step with a one year review period, shall receive an additional step upon reclassification/reallocation to the new grade. The employee shall receive a new performance pay increase date, which shall be calculated from the payroll number and year of the reclassification/reallocation using the performance review period for the new step.
- b. Except as noted above, the performance pay increase date shall not change unless the reclassification/reallocation moves the employee to a step with a shorter review period. In such cases, the year of the performance pay increase date is reduced if the time between the effective date of the

reclassification/reallocation action and the employee's performance pay increase date is more than one year.

4.9 Pay Rate in Promotion, Demotion, Reallocation of Position or Transfer - Police Officers and Deputy Sheriffs

- 1 A Police Officer I promoted to Police Officer II or a Deputy Sheriff I promoted to Deputy Sheriff II shall receive an increase in pay not to exceed one within grade increase and the performance pay increase date will not change.
- 2 A Police Officer II or Deputy Sheriff II who is receiving a proficiency pay adjustment and is promoted to Police Sergeant or Deputy Sheriff Sergeant respectively, shall receive an increase in pay not to exceed one within grade increase and the performance pay increase date will not change.
- 3 In all other cases, the normal rules affecting promotion, demotion, reallocation of positions, and transfer for public safety employees shall apply.

4.10 Allowances Granted Police Officers

- 1 Police Officers required to wear civilian clothes while on duty shall be granted a clothing allowance while such assignment lasts.
- 2 A Police Officer II who has a minimum of five (5) years of service as a sworn officer with Fairfax County and who is certified by the Chief of Police or designee as demonstrating exemplary expertise in an authorized Police Officer II specialty, may be eligible to receive a police proficiency pay adjustment and assume the work title of "Master Police Officer".
  - a. A Police Officer II who is eligible for a police proficiency pay adjustment shall be reassigned to pay grade O-19 and shall receive an increase in pay not to exceed one within grade increase, and the performance pay increase date will not change.
  - b. The number of Police Officers receiving a proficiency pay adjustment shall at no time be greater than one-third of the total number of authorized and established Police Officer II positions.

4.11 Allowances Granted Deputy Sheriffs

- 1 A Deputy Sheriff II who has a minimum of five (5) years of service as a sworn Deputy Sheriff with Fairfax County and who is certified by the Sheriff or designee as demonstrating exemplary expertise in an authorized Deputy Sheriff position, may be eligible to receive a proficiency pay adjustment and assume the work title of "Master Deputy Sheriff".

- a. A Deputy Sheriff who is eligible for a proficiency pay adjustment shall be reassigned to pay grade C-19 and shall receive an increase in pay not to exceed one within grade increase and the performance pay increase date will not change.
- b. The number of Deputy Sheriff II's receiving a proficiency pay adjustment shall at no time be greater than one-third of the total number of authorized and established Deputy Sheriff II positions.

#### 4.12 Allowances Granted Uniformed Fire Employees

- 1 A Fire Technician who has a minimum of five (5) years of service as a uniformed Fire employee with Fairfax County, and who is certified by the Chief of Fire and Rescue or designee as demonstrating exemplary expertise in an authorized Fire Technician specialty, may be eligible to receive a fire proficiency pay adjustment and assume the work title of "Master Firefighter."
  - a. A Fire Technician who is eligible for a fire proficiency pay adjustment shall be reassigned to pay grade F-20 and shall receive an increase in pay not to exceed one within grade increase, and the performance pay increase date will not change.
  - b. The number of Fire Technicians receiving a fire proficiency pay adjustment shall at no time be greater than one-third of the total number of authorized and established Fire Technician positions.

#### 4.13 Allowances Granted Animal ~~Control~~-Protection Police Officers

- 1 An Animal ~~Control~~-Protection Police Officer II who has a minimum of five (5) years of service as an Animal ~~Control~~-Protection Police Officer with Fairfax County and who is certified by the Chief of Police or designee as demonstrating exemplary expertise in an authorized Animal ~~Control~~-Protection Police Officer specialty, may be eligible to receive a proficiency pay adjustment and assume the work title of "Master Animal ~~Control~~-Protection Police Officer."
  - a. An Animal ~~Control~~-Protection Police Officer II who is eligible for a proficiency pay adjustment shall be reassigned to pay grade P-21 and shall receive an increase in pay not to exceed one within grade increase, and the performance pay increase date will not change.
  - b. The number of Animal ~~Control~~-Protection Police Officer II's receiving a proficiency pay adjustment shall at no time be greater than one-third of the total number of authorized and established Animal ~~Control~~-Protection Police Officer II positions.



#### 4.14 Hours of Work

- 1 The regular work period for all full-time County employees, excluding law enforcement and fire protection personnel, shall be 40 hours worked or on paid leave (excluding meal periods) within a seven consecutive calendar day period beginning and ending as defined in Chapter 2. The schedule of hours for the workweek shall be determined by the department head or designee.
- 2 The regular work period for fire protection personnel shall be 28 consecutive calendar days, beginning and ending as defined in Chapter 2. The number of hours worked during the 28-day work period may vary depending on shift schedules and department needs.
- 3 The regular work period for law enforcement personnel shall be 14 consecutive calendar days, beginning and ending as defined in Chapter 2. The number of hours worked during the 14-day work period may vary depending on shift schedules and department needs.
- 4 The County Executive may authorize the inclusion of the meal period as actual work for shift positions.
- 5 All employees in the Merit System shall be entitled to a 15 minute rest period for each four hours of assigned work, during a duty day, as scheduled by the department head or designee. Whenever possible, the rest period shall be scheduled at the middle of each such four-hour period of work.
- 6 Shift Differential Premium Pay shall be authorized for all merit employees who are scheduled to work on fixed and/or rotating shifts that start at or after 1:00 P.M. wherein the hours scheduled on a shift after 4:00 P.M. are greater than the hours scheduled prior to 4:00 P.M., excluding employees who work flex-time schedules. If an employee whose regular shift schedule qualifies him/her for shift differential premium pay, reports to work prior to the start of their regular shift hours, he/she remains eligible for shift differential premium pay for all hours worked after 1:00 P.M. regardless of the time he/she actually begins working on that day. The hours worked before the beginning of the regular shift schedule are not eligible for shift differential.
- 7 The Evening Shift shall encompass all shift schedules, which begin between the hours of 1:00 P.M. and 7:59 P.M. The premium pay rate established for the Evening Shift shall apply for all regularly scheduled hours actually worked between 1:00 P.M. and 7:59 P.M.

- 8 The Night Shift shall encompass all shift schedules, which begin at 8:00 P.M. and thereafter. The premium pay rate established for the Night Shift shall apply for all regularly scheduled hours actually worked between 8:00 P.M. and 6:59 A.M.
- 9 Employees assigned to 24-Hour Shift Schedules shall be paid Shift Differential Premium Pay for all regularly scheduled hours actually worked between the hours of 4:00 P.M. and 7:00 A.M. and in accordance with established payroll procedures.
- 10 Employees are paid and earn leave based on data recorded in official time and attendance records. An "online" timesheet is used to document time worked and leave taken. There are two types of time and attendance reporting:
  - a. Employees required to use positive time reporting must record all absences and hours worked each pay period.
  - b. Employees required to use negative time reporting only record exceptions to their scheduled work hours. If no exceptions are entered, the employee is paid a biweekly amount based on their scheduled hours.

#### 4.15 Overtime, Compensatory Time, Call-Back Time, Consecutive Shift Time

##### -1 Overtime.

FLSA overtime shall include all hours worked or on paid leave by an FLSA eligible employee (other than law enforcement and fire protection personnel) in excess of 40 hours in a work week.

Overtime for FLSA eligible law enforcement personnel (excluding sworn Police Officers, Animal ~~Control~~ Protection Police Officers, and Deputy Sheriffs scheduled to work a 40 hour week) shall include all hours worked or on paid leave in excess of 86 hours in a 14-day work period. Overtime for FLSA eligible law enforcement personnel in the Police Department and Deputy Sheriffs scheduled to work a 40 hour week shall include all hours worked or on paid leave in excess of 80 hours in a 14-day work period. Overtime for FLSA eligible fire protection personnel shall include all hours worked or on paid leave in excess of 212 hours in a 28-day work period. Non-FLSA overtime includes hours worked in excess of the employee's scheduled hours but less than the eligibility requirement for FLSA overtime. Overtime shall be kept to a minimum and shall be used to relieve occasional excessive workloads or emergencies, and not to provide for constant recurring requirements. Overtime may be mandated when related to the health, welfare or safety of either the public or employees. Except in emergency situations, all overtime worked by an employee shall be approved by the employee's supervisor or designee, verbally or in writing prior to the overtime being worked. Employees shall not work in excess of authorized scheduled hours without express approval of the supervisor.

-2 Eligibility.

Employees shall earn compensatory time or be paid for overtime hours actually worked in accordance with the following provisions:

- a. FLSA eligible employees excluding law enforcement and fire protection personnel as defined in Chapter 2:
  - (1) shall be compensated at one and one-half times their regular rate of pay for all eligible hours worked or on paid leave in excess of 40 hours during the designated seven consecutive day work period. If requested by the employee and approved by the department head or designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.
  - (2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the time actually worked is less than forty hours in a seven day work period. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at the hourly rate of pay must be awarded.
- b. Straight pay eligible employees shall, at the discretion of the department head or designee, earn straight compensatory time or be compensated at their hourly rate of pay for all time worked in excess of their scheduled work hours.
- c. Compensatory time eligible employees shall earn straight compensatory time for time worked in excess of their scheduled work hours.
- d. FLSA eligible fire protection personnel:
  - (1) shall be compensated at one and one-half times their regular rate of pay for all eligible hours worked or on paid leave in excess of 212 hours during the 28 consecutive day work period. If requested by the employee and approved by department head or designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 336 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.

- (2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the hours actually worked are less than 212 hours in a 28 day work period. If the employee's compensatory leave balance is 336 hours or greater, overtime pay at the hourly rate of pay must be awarded.

All other Fire and Rescue Department employees shall be treated as described in Section 4.15 - 2a, b, or c.

e. FLSA eligible law enforcement personnel:

- (1) shall be compensated at one and one-half times their regular rate of pay for all hours worked or on paid leave in excess of 86 hours (80 hours for sworn Police Officers and Deputy Sheriffs scheduled to work a 40 hour week) during the 14 consecutive day work period. If requested by the employee and approved by the department head or designee, compensatory time at the rate of time and a half may be awarded in lieu of overtime pay. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at one and one-half times the regular rate of pay must be awarded.
- (2) shall earn straight compensatory time or be paid overtime at their hourly rate of pay, at the employee's discretion, for hours worked in excess of their scheduled hours wherein the hours actually worked are less than 86 hours (80 hours for sworn Police Officers and Deputy Sheriffs scheduled to work a 40 hour week) in a 14 day work period. If the employee's compensatory leave balance is 240 hours or greater, overtime pay at the hourly rate of pay must be awarded.
- (3) shall be compensated at one and one-half times their hourly rate of pay for actual court time worked when such court time falls on the employee's scheduled day off or begins more than two hours prior to the employee's scheduled shift, regardless of the number of hours worked in a given work period.

All other public safety employees shall be treated as described in Section 4.15 - 2a, b, or c.

-3 Holiday/Emergency Administrative Leave.

Pro-rata adjustments shall be made for the holiday usage rate for shift schedules other than 40 hours per week to ensure compliance with the provisions of Chapter 10.

- a. Part-time merit employees shall be granted holiday time off with pay on a pro-rated basis regardless of the number of hours scheduled on the day on which a holiday falls computed at the rate of one-tenth of an hour times the employees bi-weekly scheduled hours.
- b. When an employee is required to work due to an emergency, staff shortage or hours worked that are a part of the regular work week on a holiday (actual or observed), the employee shall be compensated for the hours actually worked at the employee's hourly rate of pay or in accordance with the rules governing overtime, if applicable.

To receive holiday compensation on an actual holiday, an employee must be directed by his/her supervisor to work due to staff shortage or other operational necessity.

In addition, employees shall receive holiday compensation as follows:

- (1) FLSA eligible employees shall, at the employee's discretion, be granted holiday compensatory time or be paid holiday pay not exceeding the employee's regularly scheduled hours or one half of the employee's regularly scheduled hours for a half-day holiday. If the employee's compensatory leave balance is 240 hours or greater, holiday pay at the employee's hourly rate must be granted.
  - (2) Straight pay eligible employees shall, at the discretion of the department head or designee, be granted holiday compensatory time or be paid holiday pay not exceeding the employee's regularly scheduled hours or one half of the employee's regularly scheduled hours for a half-day holiday) at the employee's hourly rate of pay.
  - (3) Compensatory time eligible employees shall be granted holiday compensatory time not exceeding the employee's regularly scheduled hours or one half of the employee's regularly scheduled hours for a half-day holiday) at the employee's hourly rate of pay.
- c. When a holiday falls on an employee's scheduled day off, the employee shall be compensated as follows:
    - (1) FLSA eligible employees shall, at the employee's discretion, be granted holiday compensatory time or be paid holiday pay not exceeding eight hours (4 hours for a half-day holiday) at the employee's hourly rate of pay. If an employee's compensatory leave balance is 240 hours or greater, holiday pay at the employee's hourly rate must be granted.

- (2) Straight pay eligible employees shall at the discretion of the department head or designee, be granted holiday compensatory time or be paid holiday pay not exceeding eight hours (4 hours for a half-day holiday) at the employee's hourly rate of pay.
  - (3) Compensatory time eligible employees shall be granted holiday compensatory time not exceeding eight hours (4 hours for a half-day holiday).
- d. When a holiday falls on an employee's scheduled work day and the employee does not work, the employee shall receive holiday pay at the employee's hourly rate of pay. Full-time merit employees (other than Fire and Rescue Department employees on the 24-hour shift schedule) who are scheduled to work more than 8 hours due to departmental operational needs (this does not include employees who elect to work a compressed work week or flex schedule), shall be granted holiday time off with pay up to the regularly scheduled hours for a full holiday (or one-half of the regularly scheduled hours for a half holiday).
- e. In the event of extreme inclement weather or other emergency, wherein the general County government is closed by the County Executive and all employees are granted Emergency Administrative Leave, those employees required to perform emergency services shall be compensated for the hours actually worked at the employee's hourly rate of pay or in accordance with the rules governing overtime. In addition, the employee shall be compensated as follows:
  - (1) FLSA eligible employees shall at the employee's discretion, be granted compensatory time or be paid at the employee's hourly rate of pay for the number of hours that coincide with the employee's work schedule for the day itself not to exceed the maximum amount granted by the County Executive. If the employee's compensatory leave balance is 240 hours (336 hours for fire protection personnel) or greater, the employee must be paid for these hours.
  - (2) Straight pay eligible employees shall, at the discretion of the department head or designee, be granted compensatory time or be paid at the employee's hourly rate of pay for the number of hours that coincide with the employee's work schedule for the day itself not to exceed the maximum amount granted by the County Executive.
  - (3) Compensatory time eligible employees shall be granted compensatory time for the number of hours that coincide with the employee's work schedule for the day itself not to exceed the

maximum amount granted by the County Executive.

-4 Compensatory Time.

Compensatory time shall be earned and credited to an employee's records on the basis of actual hours worked in excess of the employee's scheduled hours. FLSA eligible employees who earn compensatory time for FLSA overtime hours worked (as defined 4.15 – 2 a(l), d(l), and e(l) shall accrue 1 1/2 hours of compensatory time for each overtime hour worked.

All other compensatory time shall be accrued on an hour for hour basis. Compensatory time off for overtime worked shall be granted upon request of the employee, when approved by the department head or designee.

- a. In the event that an employee is granted compensatory time off in excess of the employee's accrued balance, the excess shall be charged against the employee's annual leave balance.
- b. Compensatory time not to exceed 240 hours may be carried forward from one calendar year to the next calendar year.
- c. County employees shall be awarded a terminal leave payment for any accrued compensatory time not to exceed a maximum of 240 hours (336 hours for fire protection personnel). This will be paid at the employee's current hourly rate of pay at the time of termination with the exception that FLSA eligible employees will be paid at the current regular rate or at the average regular rate for the last 3 years, whichever is greater.
- d. Notwithstanding the provisions of this section or any other provision of these personnel regulations or of the procedural directives governing the exempt service, effective July 1, 1998, senior managers shall not be eligible to earn or accrue compensatory leave. For purposes of this section, "senior managers" are noted in a procedural memorandum issued by the Human Resources Director.

Senior managers shall be credited with the amount of unused compensatory leave accrued as of July 1, 1998. Subject to the provisions of these regulations and any other applicable procedural directive, they may take such compensatory leave after July 1, 1998 until such leave balances are exhausted. Senior managers may carry over no more than 240 hours of previously accrued and unused compensatory leave into the 1999 calendar year. Upon separation, senior managers shall be granted a terminal leave payment for any such accrued and unused compensatory leave paid at the senior manager's current rate of pay, on an hourly basis, at the time of separation not to exceed a maximum of 240 hours.

-5 Call-Back Time.

Call-back time refers to situations wherein an employee is off duty and is called to return to work after departing from the work place. It does not apply to those incidents where an employee is at work or has not departed from the work site and the work period is extended.

Employees called back to work shall be credited with a minimum of four hours overtime in each separate instance, excluding travel time, regardless of the hours actually worked.

- (a) FLSA eligible employees shall, at the employee's discretion, be granted compensatory time (at the time and one-half rate) or be paid at one and one-half times their hourly rate of pay for call-back hours. If the employee's compensatory leave balance is 240 hours or greater, the employee must be paid.
- (b) Straight pay eligible employees shall, at department head's or designee's discretion, earn straight compensatory time or be compensated at their hourly rate of pay for all call-back time.
- (c) Compensatory time eligible employees on all pay scales shall earn straight compensatory time for all call-back time.

-6 Consecutive Shift Time.

Consecutive Shift time refers to situations wherein an employee has completed a full eight or more hour shift and is required to remain on duty a second consecutive shift to perform essential services during an emergency situation or to meet minimum State certification standards in the Department of Public Works and Environmental Services.

Employees required to perform 2nd consecutive shifts shall be compensated as follows:

- (a) FLSA eligible employees shall, at the employee's discretion, be granted compensatory time (at the time and one-half rate) or be paid at one and one-half times their hourly rate of pay for consecutive shift hours. If the employee's compensatory leave balance is 240 hours or greater, the employee must be paid.
- (b) Straight pay eligible employees shall, at the department head's or designee's discretion, earn straight compensatory time or be compensated at their hourly rate of pay for all consecutive shift time.



- (c) Compensatory time eligible employees shall earn straight compensatory time for all consecutive shift time.

4.16 Outside Employment; Violation of State Law on Conflict of Interests

- 1 Employees in the competitive service shall not engage in any employment, activity or enterprise, which has been or may be determined to be inconsistent, incompatible, or in conflict with duties, functions, or responsibilities of their County employment.
- 2 No employee in the competitive service shall hold any other position in any other governmental jurisdiction or in private employment, when such other position may have the effect of reducing the efficiency of such employee in the competitive service.
- 3 Employees in the competitive service who desire to accept outside employment in addition to their regular County positions shall inform their respective department head or designee of the nature and extent of such outside employment. The department head or designee shall thereupon determine whether or not the holding of such employment conflicts with the duties and responsibilities of said employee to the County.
- 4 Violation of the County's rules on outside employment or the Virginia State and Local Government Conflict of Interests Act or any successor statute thereto may be grounds for dismissal.

4.17 Application of Pay Policies to Deferred Retirement Option Plan (DROP) Participants

Notwithstanding any provision of this chapter to the contrary, employees who are participating in the Deferred Retirement Option Plan (DROP) are considered as merit employees and the pay provisions included in this chapter continue to apply during their DROP participation.

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**CHAPTER 16****Conduct and Discipline****16.1 Purpose and Scope**

The purpose of this Chapter is to establish the standards of conduct for County employees and to prescribe procedures for warning and the progressive discipline of such employees.

**16.2 Policy**

It shall be the policy of Fairfax County government to ensure that all employees observe the Code of Ethics and the Standards of Conduct as prescribed herein. It shall be the policy of the County to ensure that all department heads and supervisors treat and discipline employees under their respective jurisdictions in a fair and equitable manner. Employees who feel they have not been so treated have a right to present their grievances following the procedures outlined in Chapter 17.

**16.3 Definitions****-1 Informal Warnings**

Oral Warnings - such actions are excluded under the grievance procedure

**-2 Formal Warnings**

Written Reprimands

**-3 Formal Disciplinary Actions**

a. Suspensions

b. Dismissals

c. Disciplinary Demotions

**16.4 Responsibilities****-1 Each employee will:**

a. Observe the Standards of Conduct, code of ethics, and other workplace rules.

- b. Conduct him/herself, both on and off the job, in a manner, which will reflect credit on the County government, and respective departments.

-2 Department heads and supervisors will:

- a. Inform employees of rules governing conduct and discipline as well as other workplace rules and special requirements;
- b. Treat employees in a fair and equitable manner;
- c. Investigate apparent employee offenses ~~obtaining complete facts and full justification, administer appropriate disciplinary action when warranted and as described in this Chapter;~~ by following the county's policy on harassment, discrimination, and retaliation;
- d. Administer appropriate disciplinary action when warranted and as described in this Chapter; and
- e. Consult with the Human Resources Director or his/her designees if necessary where disciplinary action involving loss of pay is contemplated.

-3 Human Resources Director and his/her staff will:

- a. Provide information and guidance to supervisors at all levels on standards of conduct and effective use of progressive discipline;
- b. Provide advice and assistance to supervisors in the uniform and equitable interpretation and application of the provisions of this Chapter;
- c. Ensure that the workplace rules and special requirements established by department heads and supervisors are not in conflict with the provisions of this Chapter;
- d. Evaluate management practices in the administration of discipline and compliance with standards of conduct within departments and provide recommendations to department heads when such management practices require changes; and
- e. Advise department heads on policies, y and procedures, the outcome of bullying investigations, and recommend appropriate action.

-4 Department heads will make the final decision on issuance of formal disciplinary actions of suspension, dismissal, or disciplinary demotions.

## 16.5 Disciplinary Actions

Disciplinary action will be taken only for good cause and after careful review of allegations with a goal, where appropriate, of correcting problem situations. However, disciplinary action must be taken when warranted to promote the efficiency of the Fairfax County service. The severity of the disciplinary action will be determined by the severity of the misconduct and review of the employee's work record.

-1 Oral Reprimand or Warning. When a supervisor deems that an informal oral reprimand or warning is warranted, he/she will:

- a. Advise the employee, in private, of the specific infraction of the rule or breach of conduct and the date it occurred;
- b. Allow the employee an opportunity to explain and weigh the explanation;
- c. If warranted, administer the reprimand or warning informally; and
- d. Maintain an informal record of the discussion with the employee's knowledge of such a record.

-2 Written Reprimand. When a supervisor determines that an offense is of such a nature that a record should be placed in an employee's personnel file maintained within the Department of Human Resources, a letter of reprimand will be prepared. The letter will contain:

- a. Statement of charges in sufficient written detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he/she is being disciplined;
- b. Statement that it is an official letter of reprimand and that it will be placed in the employee's official personnel folder;
- c. Previous offenses in those cases where the letter is considered a continuation of progressive discipline; and
- d. Statement that similar occurrences could result in a proposal that more severe disciplinary action be initiated, up to and including dismissal.

-3 Suspension. When a supervisor determines that an offense requires a more severe disciplinary action than a written reprimand, he/she will:

- a. Investigate alleged employee offenses promptly; obtain all pertinent facts in the case (time, place, events and circumstances) including, but not limited to, making contact with persons involved or having knowledge of the incident;

- b. Discuss the case including the length of suspension with higher levels of supervision, where appropriate;
  - c. Consult with the Human Resources Director or his/her designee if necessary when suspensions are contemplated;
  - d. Prepare and submit advance notice letter to appropriate levels for review and approval; and
  - e. Consider employee's reply to the advance notice letter and make final recommendation to department head. The department head will make the final decision.
- 4 Dismissal. The dismissal of an employee shall constitute the most severe type of disciplinary action authorized under this Chapter. This action should only be taken when a department head has determined that an employee is unsuited for employment in Fairfax County. When this determination has been made, the procedures outlined in the preceding paragraphs under Suspensions will be followed.
- 5 Disciplinary Demotion. Separate and apart from disciplinary actions described in the preceding paragraphs, a department head may initiate a non-job performance demotion when an employee willfully violates or fails to comply with the requirements imposed by the Standards of Conduct or when an employee willfully participates in prohibited conduct as described by this Chapter. When such action is contemplated, the procedure outlined in the preceding paragraphs under Suspensions will be followed.
- 6 When disciplinary action is necessary, the department head may enter into an Employee Assistance Program Disciplinary Diversion Agreement under conditions set forth in procedures established by the Human Resources Director.

#### 16.6 Criteria for Advance Notice Letter

- 1 The advance notice letter must include:
  - a. Statement of charges in sufficient detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he/she is being disciplined;
  - b. Type of disciplinary action (suspension, dismissal, or disciplinary demotion);
  - c. A list of previous offenses, if any, which have been considered in arriving at the current disciplinary action;
  - d. Effective date of disciplinary action (no sooner than ten (10) business days from the date of advance notice letter) and employee's right to reply (five (5)) business days

from receipt of the letter);

- e. Employee's right to grieve should the final decision result in a suspension, dismissal or disciplinary demotion; and
- f. Statement that the action proposed, if implemented, will become a permanent part of his/her personnel file.

16.7 *Circumstances When Administrative Leave Is Appropriate Prior to Compliance with Advance Notice Letter Provisions*

When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed or when circumstances are such that the retention of the employee in an active duty status may result in damage to County property or may be detrimental to the interests of the County or injurious to the employee, his/her fellow workers, or the general public, the department head or designee may temporarily assign him/her to duties in which these conditions will not exist or place the employee on administrative leave until appropriate disciplinary action, if any, is determined and the provisions of Section 16.6 have been followed.

16.8 *Probationary Employees*

- 1 The disciplinary procedures prescribed herein shall be applicable to those employees of the competitive service assigned to a merit position. Employees are not covered by the rules of progressive discipline until they have completed a probationary period of twelve (12) months and any extensions authorized in accordance with the provisions of Chapter 7 after original appointment and may be terminated without benefit of this procedure.
- 2 All employees are required to observe the Code of Ethics and Standards of Conduct prescribed herein.

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**ADDENDUM NUMBER 1 TO CHAPTER 16**

**STANDARDS OF CONDUCT**

**All employees**, regardless of grade, title or length of county service **are expected to adhere to the following Standards of Conduct**. Violation of the Standards of Conduct is grounds for disciplinary action up to and including dismissal.

**Leave and Attendance**

*Employees are expected to:*

Comply with rules and regulations governing hours of work, absences, use of leave.

*Employees are prohibited from:*

Failing to report to work as scheduled without proper notice to supervisor;

Leaving work without permission;

Arriving late for work on a consistent basis.

**Personal Behavior and Conduct**

*Employees are expected to:*

Demonstrate professionalism and support the county's commitment to excellent customer service at all times;

Exercise courtesy, respect and tact when dealing with fellow employees and the public regardless of age, race, color, religion, sex, creed, national origin, marital status, disability, sexual orientation, genetic information, union or political affiliation, veterans' status, disabled veterans' status, or any other factor unrelated to the impartial conduct of county business.

Comply with a proper order of an authorized supervisor.

*Employees are prohibited from:*

Harassing fellow employees, county vendors, or members of the public on the

basis of race, color, religion, sex, sexual orientation, national origin, age, marital status, disability, genetic information, or any other characteristic now or hereafter protected by federal, state or county law. This prohibition includes, but is not limited to, sexual harassment;

Engaging in rude or unprofessional behavior or disorderly conduct even if the behavior is not expressly forbidden by regulation or law;

[Engaging in bullying, as defined in Chapter 2 of these regulations.](#)

Using racial, sexist or ethnic slurs or other language that disparages any person on the basis of age, race, color, religion, sex, national origin, marital status, disability, sexual orientation, creed, genetic information, union or political affiliation, veterans' status, or disabled veterans' status.

Being convicted of a crime that is committed on the job or a felony in Virginia of such nature that the public or other employees may be endangered if the employee remains in his or her position or of such nature that reasonably undermines the public trust in the employee's ability to perform his or duties.

Engaging in conduct on or off duty that violates federal or state law, county ordinances or policies when the violation is related to the employee's activity as a county employee or to county business or when it undermines public trust in the county or the employee's ability to perform his or her duties.

Manufacturing, distributing, possessing, using or being under the influence of alcohol or illegal drugs while at work or on county premises with the exception of attendance at events where alcohol is permitted during off duty hours;

Threatening, assaulting, intimidating, or harassing another employee or a member of the public;

Using obscene language toward fellow employees, supervisors, subordinates and/or members of the public;

Abusing supervisory authority through favoritism, harassment, discrimination, or mistreatment of employees.

### **Protection and proper use of County data, property, funds, and records**

*Employees are expected to:*

Use public property, resources, and funds in accordance with established



procedures;

Maintain confidentiality with regard to client or customer information in accordance with state and federal law, county ordinance and county policy;

Maintain employee confidentiality by preventing the disclosure of personal information to any unauthorized party.

*Employees are prohibited from:*

Using County data, facilities, equipment, property or employees for other than officially approved activities, except as permitted under County policy or procedure;

Engaging in any action prohibited by county information technology policy or procedure;

Carelessly or willfully causing destruction of county property;

Knowingly falsifying or conspiring to falsify any county record or report whether paper or electronic, (e.g., resume, time and attendance reports, workers' compensation claims, travel and/or expense vouchers).

**Driving**

*Employees are expected to:*

Operate all county vehicles in accordance with federal, state and local driving laws;

Operate privately owned vehicles being used in the performance of County business in accordance with state and local driving laws;

Remain aware of status of operator's license and report any suspension or revocation of driving privileges to their supervisor immediately if job duties require the operation of a vehicle for county business.

*Employees are prohibited from:*

Knowingly operating a vehicle on county business without a valid operator's license;

Possessing, using, or being under the influence of alcohol, illegal drugs, or prescription drugs that might adversely affect one's ability to drive, while driving a county vehicle or while driving a personal vehicle on county business.

## **Safety**

### *Employees are expected to:*

Promote safe and healthy working environment by complying with all appropriate safety and health regulations;

Promptly report safety and health hazards so that they can be corrected before injuries result;

Dress in appropriate attire, uniform or safety equipment as specified by the standards and work rules for the agency and position;

Immediately report workplace violence to your supervisor or appropriate authority.

### *Employees are prohibited from:*

Bringing a gun, either concealed or displayed, to work or onto county premises, with the exception that employees of county agencies may store a lawfully possessed firearm and ammunition in a locked motor vehicle on county premises. This prohibition shall apply to all employees, except those authorized to carry a firearm at work or onto county premises based on the nature of their work. Such employees may do so only if specifically authorized by their appointing authority.

Bringing any weapon (except a gun as expressly permitted above), either concealed or displayed, to work or onto county premises, unless specifically authorized to do so by the appointing authority. For the purposes of this standard of conduct, the term weapon includes instruments of combat, or any object carried for the purpose of inflicting or threatening bodily injury.

## **Outside Employment/Conflict of Interest/Political Activities of Employees**

### *Employees are expected to:*

Disqualify themselves in any decision where a conflict of interest may be presumed to exist;

Obtain permission from their appointing authority prior to engaging in any private business activity, employment or other activity outside of work that conflicts or interferes with full discharge of their official duties or the work they perform as a county employee.

*Employees are prohibited from:*

Accepting anything of value for performing, or refraining from performing, an official job-related act; or accepting anything of value in order to assist another person in obtaining a county job, promotion, or contract;

Using information obtained in connection with county employment in order to obtain financial gain for the employee or others;

Accepting anything that might tend to influence the manner of performance of county employment or that might be intended to influence the manner in which a county employee performs his or her job;

Having a personal interest in any contract with the county;

Participating in matters related to their employment in which the interests of the county employee, or the interests of the county employee's family members or business associates, might be affected.

Engaging in political activities, as defined in state law and County ordinance, while on duty, in uniform, or on the premises of their employment with the County.<sup>1</sup>

Using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or contribute anything of value to a political party, candidate, or campaign or to discriminate against any employee or applicant for employment because of that person's political affiliations or participation in permitted political activities or failure to participate in political activities, whether permitted or not.<sup>2</sup>

Discriminating in the provision of public services, including, but not limited to, firefighting, emergency medical, or law enforcement services, or responding to requests for such services, on the basis of the political affiliation or political activities of the person or organization for which such services are provided or requested.<sup>3</sup>

Suggesting or implying that the County has officially endorsed a political party, candidate, or campaign.<sup>4</sup>

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1 See Va. Code Ann. § 15.2-1512.2(B) (Supp. 2010).

2 Va. Code Ann. § 15.2-1512.2(D).

3 Va. Code Ann. § 15.2-1512.2(E).

4 Va. Code Ann. § 15.2-1512.2(F).

## ADDENDUM NUMBER 2 TO CHAPTER 16

### CODE OF ETHICS FOR THE MERIT SERVICE OF FAIRFAX COUNTY, VIRGINIA

Fairfax County Code of Ethics is intended to inspire a superior level of conduct, sensitivity and sound judgment for all employees.<sup>5</sup> The code is intended to complement, not replace, all professional code of ethics. Employees should be aware of and abide by their respective professional values and requirements. All employees must perform their designated function in a manner that reflects the highest standards of ethical behavior. All employees must uphold their responsibility as trusted public servants. All employees are obligated to respect, honor, and uphold the Constitution, laws and legal regulations, policies and procedures of the United States, the Commonwealth of Virginia, and the County of Fairfax.

The Code of Ethics is supported by six core principles that form the ethical foundation of the organization: Honesty, Public Service, Respect, Responsibility, Stewardship, and Trust.

- I. **Honesty:** Be truthful in all endeavors; be honest and forthright with each other and the general public.
- II. **Public Service:** Ensure all actions taken and decisions made are in the best interest of the general public and enrich and protect quality of life.
- III. **Respect:** Treat all individuals with dignity; be fair and impartial; affirm the value of diversity in the workplace and in Fairfax County; appreciate the uniqueness of each individual; create a work environment that enables all individuals to perform to the best of their abilities.
- IV. **Responsibility:** Take responsibility for actions; work a full day; conduct all workplace actions with impartiality and fairness; report concerns in the workplace, including violations of laws, policies and procedures; seek clarification when in doubt; ensure that all decisions are unbiased.
- V. **Stewardship:** Exercise financial discipline with assets and resources; make accurate, clear and timely disclosures to the public; maintain accurate and complete records; demonstrate commitment to protecting entrusted resources.
- VI. **Trust:** Build regard for one another through teamwork and open communication; develop confidence with the public by fulfilling commitments and delivering on promises.

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<sup>5</sup> For the purpose of this document, the term employee includes all persons, volunteers and all elected and appointed officials working on behalf of Fairfax County.

## CHAPTER 17

## GRIEVANCE PROCEDURE

17.1 Purpose

The purpose of the grievance procedure is to provide a fair, detailed process whereby employees may voice complaints concerning issues related to their personal experience and/or circumstance with the County. The objective is to improve employee-management relations through a prompt and fair method of resolving problems.

17.2 Coverage of Personnel

- 1 All merit employees in the competitive service of the County who have satisfactorily completed their initial probationary period are eligible to file complaints under this procedure.
- 2 Excluded from the grievance procedure are the following:
  - a. Employees in the exempt service, except as specifically provided otherwise in the procedural directives for the administration of the exempt service issued by the County Executive with the approval of the Board of Supervisors pursuant to Fairfax County Code § 3-1-2(c);
  - b. Employees serving their initial probationary periods unless their complaints include allegations of discrimination as defined in Section 17.3-2d and 17.3-2e;
  - c. Sworn police employees who have elected to proceed under the "Law-Enforcement Officers Procedural Guarantee Act." Such employees shall be given written notification of their right to initiate a grievance under the County's Grievance Procedure. They may choose to file the grievance under either procedure, but not both

17.3 Types of Complaints

- 1 Employee complaints will be classified at the point of grievability determination (see Section 17.5-4) as one of the following:
  - a. Grievable, with a binding decision from a hearing panel of the Civil Service Commission;
  - b. Nongrievable but eligible for a hearing and an advisory decision from a

ATTACHMENT 4

hearing officer appointed by the Chair of the Civil Service Commission;

- c. Nongrievable with no hearing.
- 2 Grievable complaints which receive binding decisions from a three-member panel of the Civil Service Commission hearing the appeal include:
- a. Dismissals, unsatisfactory service separations, demotions and suspensions;
  - b. The application of specific County personnel policies, procedures, rules and regulations;
  - c. Acts of retaliation as a result of utilization of this procedure, or for participation in the grievance of another county employee;
  - d. Discrimination against an employee, including a probationary employee, on the basis of race, color, creed, religion, age, disability, national origin, sex, political affiliation, marital status, union affiliation, genetic information, veterans status, or disabled veterans status;
  - e. Discrimination or retaliation against an employee, including a probationary employee, because of participation in political activities permitted under state law and County ordinances or failure to participate in political activities, whether permitted or not by state law or County ordinance;
  - f. Acts of retaliation because the employee (i) has complied with any law of the United States or of the Commonwealth, (ii) has reported any violation of such law to a governmental authority, (iii) has sought any change in law before the Congress of the United States or the General Assembly (iv) has reported an incidence of fraud, abuse, or gross mismanagement to the Board of Supervisors Audit Committee, the Auditor to the Board, his/her department head, or to any other federal, state, or County government authority, such as the Commonwealth's Attorney for the County of Fairfax, or the U.S. Attorney for the Eastern District of Virginia.
  - g. For the purpose of sub-paragraphs (c) and (f) of this section, there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.
- 3 Nongrievable complaints eligible to receive advisory decisions from a hearing officer appointed by the Chair of the Civil Service Commission include:
- a. The physical plant;

## ATTACHMENT 4

- b. The methods and conditions of the specific job;
- c. Relations with fellow employees;
- d. Performance appraisals;
- e. Written reprimands;
- f. 120-day Performance Improvement Plans (as defined in section 12.6-2(b) and provided for in 12.11-2 of these regulations).

### 17.4 Nongrievable Complaints

-1 Complaints that are not grievable under this procedure include:

- a. The establishment and revision of wages or salaries, position classification, employee benefits;
- b. Oral reprimands;
- c. The contents of ordinances, statutes, or established personnel policies, procedures, rules and regulations;
- d. Failure to promote, except where the employee contends that established promotional policies or procedures were not followed or applied fairly;
- e. Discharge, lay-off or suspension from duties because of lack of work or reduction-in-work-force, except where such actions affect an employee who has been reinstated within the previous six months by the Civil Service Commission as the result of the final determination of a grievance. In such cases, the department must show that there was a valid business reason for the action and that the employee was notified of such reason in writing prior to the effective date of the action;
- f. Management of County employees including the right to make personnel appointments in accordance with adopted selection policies and techniques, to establish rules and regulations governing work performance and performance evaluations, to transfer and assign employees within the County, to determine the need for shift operation and rotation of the workweek, to assign overtime, to determine job training and career development, and to determine duties or actions in emergency situations.

## ATTACHMENT 4

- 2 Appeals of position classification are handled in accordance with the criteria set forth in Section 3.6.

### 17.5 Steps of the Procedure

#### -1 Step 1: Immediate Supervisor

An employee who has a complaint shall discuss the problem directly with his/her supervisor within twenty (20) business days of the date the employee should have reasonably gained knowledge of the event giving rise to the complaint.

A verbal reply by the Supervisor shall be made to the complaint during the discussion or within five business days following the meeting.

#### -2 Step 2: Division Supervisor

If the complaint is not resolved after the first step meeting and where there is a division supervisor, the employee may reduce the complaint to writing on "Complaint Form - Second Step." All grievance forms are obtainable from the Department of Human Resources.

The employee shall specify the relief sought through the use of this procedure. The fully completed Complaint Form shall be delivered by the employee to the division supervisor within five (5) business days of the first step meeting or the supervisor's reply, if given at a later date. The division supervisor shall meet with the employee within five business days of receipt of the Complaint Form.

A written reply by the division supervisor shall be made to the complaint within five business days following the meeting.

#### -3 Step 3: Department Head

If the reply from the second step meeting is not acceptable to the employee, or where no division supervisor exists, the employee may appeal the last response to the department head.

"Complaint Form - Third Step" shall be completed by the employee and delivered to the department head within five business days of receipt of the last response. The department head shall meet with the employee within five business days of receipt of the Complaint Form.



## ATTACHMENT 4

A written reply by the department head shall be made to the complaint within five business days following the meeting.

When it is necessary for a department head to obtain relevant technical guidance from a centralized department director (i.e. human resources, budget, procurement) in order to respond to a grievance, a written request for assistance will be made to the alternate department head outlining the scope of the issue and assistance required. The complainant's department head retains responsibility for providing the written Step 3 response.

### -4 Step 4: Grievability Determination

- a. When a complaint cannot be satisfactorily resolved pursuant to Steps 1 through 3 above, the employee shall request on the appropriate form a determination concerning the grievability of the complaint within ten business days of receipt of the third step reply.
- b. All requests for grievability determination shall be submitted to the County Executive. The County Executive will determine whether the employee is entitled to access to the grievance procedure and if the complaint is grievable, and if so, based upon the criteria set forth in Section 17.3, establish whether the grievant shall receive a binding or an advisory decision. Grievability and access determinations by the County Executive shall be made within ten calendar days of receipt of such request.
- c. Decisions regarding grievability and access are appealable only to the Fairfax County Circuit Court. Such appeals shall be made by filing a notice of appeal with the County Executive within ten calendar days from the date of receipt of the decision. The County Executive, or his/her designee, shall transmit to the Clerk of the Circuit Court a copy of the County Executive's decision, a copy of the notice of appeal, and the exhibits constituting the record of the grievance within ten calendar days of receipt of the notice of appeal. A list of the evidence furnished to the County shall also be provided to the grievant.
- d. The Circuit Court shall have a hearing on the issue of grievability and/or access within thirty (30) days of receipt of the record of the grievance by the Circuit Court Clerk. The Court may affirm, reverse or modify the decision of the County Executive.
- e. The decision of the Circuit Court is final and is not appealable. Procedures governing the review by the Circuit Court are found in Virginia Code

ATTACHMENT 4

§15.2-1507(a)(9).

- f. In no case shall the County or Commonwealth's Attorney be authorized to decide the issue of grievability.

-5 Step 5: Appeal to the Civil Service Commission

- a. If the complaint has been determined to be grievable, with a binding decision or nongrievable with an advisory decision as provided herein, the employee may file a request for hearing on the appropriate form with the Fairfax County Civil Service Commission. The employee shall file the request within ten business days following the receipt of the determination that the complaint is grievable.
- b. Appeals of complaints that have been determined to be grievable shall be heard by a three-member panel of the Commission (hearing panel or panel) as soon as possible after receipt of the employee's appeal request. Appeals of complaints that have been determined to be non-grievable but entitled to an advisory and non-binding opinion shall be heard by a hearing officer or by the Executive Director of the Commission when the parties are not represented by counsel, as soon as possible after the receipt of the employee's appeal request. The Executive Director of the Commission in scheduling hearings on appeals shall give priority on its docket to dismissal and unsatisfactory service separation cases. The Executive Director of the Commission shall notify the employee and the department head in writing of the time and place of the appeal hearing.
- c. The jurisdiction and authority of the hearing panels of the Civil Service Commission shall be confined exclusively to those complaints previously determined to be grievable as provided herein. While a panel of the Commission hearing the appeal has authority to determine the appropriate application of an existing rule or policy, they do not have the authority to add to, detract from, alter, amend or modify in any way County or department policy or procedure, and its findings shall be consistent with all applicable laws and ordinances.
- d. No member of the Civil Service Commission or an appointed hearing officer shall hear a grievance if he/she has direct involvement with the grievance being heard, or with the complaint or dispute giving rise to the grievance. The following relatives of a participant in the grievance process or a participant's spouse are prohibited from hearing said grievance: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin.

17.6 Remedies

- 1 The panel of the Commission hearing the appeal is empowered to uphold or reverse the action being grieved or, in appropriate circumstances, choose a modified remedy.
- 2 In grievances entitled to a binding decision the following guidelines pertaining to remedial action shall apply:
  - a. Dismissals - The panel of the Commission hearing the appeal may deny relief, reinstate the employee while imposing lesser disciplinary actions such as demotion or suspension, or reinstate the employee.
  - b. Disciplinary Demotions pursuant to Personnel Regulation 16.5-5 - The panel of the Commission hearing the appeal may deny relief, impose lesser disciplinary sanctions, or revoke the disciplinary demotion.
  - c. Suspensions - The panel of the Commission hearing the appeal may deny relief, impose a lesser suspension, instruct that a written reprimand be substituted for the suspension, or revoke the disciplinary suspension.
  - d. Unsatisfactory Service Separations - The panel of the Commission hearing the appeal may deny relief; reinstate with a demotion to the employee's previously held class, or in the case where an employee's class is part of a class series, reinstate with a demotion to the next lower class in the series; reinstate with a new probationary period with or without a demotion; or reinstate the employee in the class he was in at time of separation.
  - e. Back Pay and Restoration of Benefits in Appeals of Dismissals, Demotions, Suspensions, and Unsatisfactory Service Separations:
    - i If an employee is reinstated, he/she shall be given back pay for the period of separation contingent upon his/her making full disclosure of all earnings he/she received during separation, which shall be an offset against back pay. In the event the employee fails to provide to the panel of the Commission hearing the appeal such evidence as it deems necessary to determine the amount of the offset, the employee shall forfeit his/her right to back pay.
    - ii In cases of suspension, the employee shall be entitled to back pay for the period of suspension revoked by the panel of the Commission hearing the appeal under the same conditions as sub-section (1).
    - iii A lesser sanction in dismissal cases shall include a suspension

#### ATTACHMENT 4

without pay covering some or all of the period of separation, notwithstanding any other provision of the Personnel Regulations.

- iv In the event that the panel of the Commission hearing the appeal imposes a demotion in lieu of an unsatisfactory service separation or dismissal, back pay may be awarded, at the discretion of the panel of the Commission hearing the appeal, for the period of separation at the rate of pay for the lower level classification.
- v Back pay shall be computed on the basis of the employee's regularly scheduled hours of work and shall not include any overtime that the employee might have earned.
- vi For any period of time that an employee is entitled to receive back pay, he/she shall be given service credit towards retirement and shall be reinstated in the appropriate retirement system with his/her previous plan election, provided that he/she repays into the system all contributions that he/she withdrew on separation. The employer shall ensure that all contributions and deductions attributable to such service are made.
- vii Similarly, for purposes of accruing leave, the employee shall be given credit towards his/her total years of service for any period of time that he/she is entitled to back pay. The employee shall also be credited with any leave that he/she would have accrued during that period.
- viii Upon reinstatement, the employee shall be placed in the health plan that he/she was in at the time of separation with the same options that he/she had previously elected. The effective date of coverage will be the first of the month following reinstatement. A reinstated employee may opt for retroactive coverage in the event that it would be to his or her advantage. The employee must pay his or her share of retroactive coverage premiums. Claims expenses incurred for the retroactive period will be adjusted upon payment of the premium and the employee will be reimbursed for out-of-pocket costs above those he or she will have incurred had the coverage been in effect. The employee may be reimbursed for monies expended by the employee to obtain medical insurance during the period of separation up to the amount of the employer's contribution that would have been incurred had the employee been in service during the period of separation. In no event shall the employee be entitled to reimbursement for medical costs incurred during the period of separation. In the event the employee elected to continue his or her County health insurance

#### ATTACHMENT 4

under COBRA during the period of separation, the employee shall be reimbursed the difference between the premium he or she paid under COBRA and what he or she would have paid had he or she continued to be employed during the period of separation. In no event shall the employee be entitled to reimbursement for medical costs during the period of separation, except as provided above.

Upon reinstatement, an employee's salary shall be adjusted to reflect any performance pay increases that would have been received had the employee not been separated. f. Promotions - The panel of the Commission hearing the appeal may deny relief, order the promotional procedure redone, order a retroactive promotion, order the grievant promoted immediately if there is an available vacancy or promoted to the next available vacancy.

- 3 In cases other than dismissals, unsatisfactory service separations, demotions, suspensions, or performance evaluations, the panel of the Commission hearing the appeal may deny the relief sought by the employee or grant such relief as is necessary to place the employee in the situation he/she would have been in had the Personnel Regulations or policies been properly interpreted and/or applied in the first instance. In no event shall the employee be awarded any damages, nor shall the relief granted by the panel of the Commission hearing the appeal affect the rights of other employees.
- 4 Acts of Reprisal and Discrimination - Where the panel of the Commission hearing the appeal determines that any act of reprisal or discrimination as defined in this chapter is the reason for the adverse employment action grieved by the employee, the panel of the Commission hearing the appeal shall have the authority to revoke the adverse employment action. In the event the adverse employment action is one of the actions described in Sections 2 or 3 of this section, the panel of the Commission hearing the appeal may apply the remedial actions provided under those subsections. The panel of the Commission hearing the appeal shall also affirm such adverse employment actions taken to the extent that they were not the result of reprisal or discrimination.
- 5 Damages, Attorney's Fee and Costs - The panel of the Commission hearing the appeal shall have no authority to order the payment of damages of the grievant's or the County's attorney's fees or costs.
- 6 Recommendations - Regardless of whether the panel of the Commission hearing the appeal grants the individual grievant any relief, such panel may make whatever recommendations to the Board of Supervisors or County Executive it deems appropriate.

17.7 Conduct of Grievance Step Meetings

- 1 Personal face-to-face meetings are required at all steps. The employee and the County management may have a representative present at all steps. If the employee is represented by legal counsel, management likewise has the option of being represented by counsel. The parties to the grievance may by mutual agreement waive any or all intermediate steps or meetings, with the exception of the initial complaint, reducing the complaint to writing and the request for grievability determination. Upon written request from the grievant to the Department head, County management shall waive the first and second step grievance meetings in cases of termination, suspension, or demotion. Time spent attending grievance step meetings, Circuit Court hearings or a hearing before a panel of the Civil Service Commission during the grievant's regularly scheduled hours shall be considered work time and the use of personal leave is not required.
- 2 At all steps, appropriate witnesses also may be asked to provide information. Witnesses shall be present only while actually providing testimony.
- 3 In any complaint involving a charge of discrimination, at the request of any party to the grievance, the Director of the Office of Equity Programs, or his/her designee, may attend step meetings.

17.8 Grievant's Expenses

- 1 The grievant must bear any cost involved in employing representation or in preparing or presenting his/her case.
- 2 Whenever possible, grievances will be handled during the regularly scheduled workhours of the parties involved. Civil Service Commission hearings are held during the County's business day whenever possible.
- 3 A panel of the Civil Service Commission has no authority to award legal fees or punitive damages.

17.9 Extension of Time

- 1 The parties to the grievance, by mutual agreement, or the County Executive or his/her designee, upon the request of one of the parties and showing of just cause, may extend any or all of the time periods established in this procedure.

17.10 Compliance with Procedural Requirements of this Procedure

#### ATTACHMENT 4

- 1 After the initial filing of a written complaint, failure of either the employee or the respondent to comply with all substantial procedural requirements of the grievance procedure without just cause shall result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the noncompliance within five workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Executive, or his/her designee.
- 2 The County Executive, or his/her designee, may require a clear written explanation of the basis for just cause extensions or exceptions to any of the substantial procedural requirements. The County Executive, or his/her designee, shall determine all compliance issues.
- 3 Any party aggrieved by the determination of the County Executive or his/her designee on a compliance issue may obtain judicial review of the determination by filing a petition with the Fairfax County Circuit Court within thirty days of the compliance determination.

#### 17.11 Resolution Prior to Hearing

Any grievance shall be considered settled at the completion of any step if all parties are satisfied. In fact, it is expected that the great majority of grievances will be settled at the first or second step. However, nothing in this procedure should be construed as limiting the employee's right to exhaust the remedies provided by this procedure.

#### 17.12 Hearings

- 1 Hearings shall be conducted as described in Addendum 1 to Chapter 17.
- 2 Hearings shall be open to the public. However, upon request of either party, the hearing shall be private. The hearing officer or the panel of the Commission hearing the appeal, by majority vote, may close a hearing to the public if the testimony about to be presented might impugn the personal reputation of a party or witness to said hearing, or if the right to privacy of such party or witness requires that the hearing be closed. Parties and their representatives shall be allowed to attend the hearing at all times. All witnesses shall be excluded from the hearing, except when testifying, at the request of either party.
- 3 Failure of either party without just cause to comply with all substantial procedural requirements at the hearing shall result in a decision in favor of the other party in

#### ATTACHMENT 4

accordance with the procedures under Pers. Reg. §17.10.

- 4 The decision of the panel of the Commission hearing the appeal shall be announced after the deliberations by that hearing panel at the conclusion of the hearing and shall be filed in writing by the Chairperson of that hearing panel of the Civil Service Commission or by the Hearing Officer with the parties not later than ten business days after the completion of the hearing. Copies of the decision shall be transmitted to the Human Resources Director, the employee, the employee's department head and the County Executive. The Hearing Officer also shall transmit a copy of the advisory decision to the Executive Director of the Civil Service Commission.
- 5 The majority decision of the panel of the Commission hearing the appeal shall be final and binding. Either party may petition the Fairfax County Circuit Court for an order requiring implementation of a binding decision from the panel of the Commission hearing the appeal. Notwithstanding any other provision of this chapter to the contrary, a final decision of a panel of the Civil Service Commission hearing the appeal rendered under this procedure which would result in the reinstatement of any employee of the Sheriff's Department, who had been terminated for cause, may be reviewed by the Fairfax County Circuit Court upon the petition of the County. Such review by the Circuit Court shall be limited to the question of whether the decision of the panel of the Civil Service Commission hearing the appeal was consistent with the provisions of law and written policy.
- 6 The decision of the Hearing Officer shall be advisory to the County Executive.
- 7 All decisions in the grievance procedure shall be consistent with the provisions of law and written policy. Any challenge to the relief granted by the decision of a panel of Civil Service Commission hearing the appeal on the grounds of inconsistency with written policy shall be submitted by either party within five (5) workdays to the County Executive, or his/her designee, who is empowered to decide such questions and to direct reconsideration by the Commission, where appropriate. If the County Executive or his/her designee has a direct involvement in the grievance the decision shall be made by the Commonwealth's Attorney. Notwithstanding the above, after receipt of a decision of a hearing panel of the Civil Service Commission the County Executive or his/her designee, may on his/her own action, within ten business days, remand to the panel of the Commission that heard the appeal for further consideration a decision in which the relief granted appears to be inconsistent with written policy.

#### 17.13 Severability

Should any article, section, subsection, sentence, clause, or phrase of these regulations, procedures and/or addenda, be held unconstitutional or invalid for any



#### ATTACHMENT 4

reason, such decision or holding shall have no effect on the validity of the remaining portions hereof. It is the intent of the Board of Supervisors to enact or have enacted each section and portion thereof, individually, and each such section shall stand alone, if necessary, and be in force regardless of the determined invalidity of any other section or provision.

**ADDENDUM NUMBER 1****PROCEDURE FOR GRIEVANCE HEARINGS AND APPEALS**Preamble

The panel of the Commission hearing the appeal shall not be bound by Statutory or Common Law rules of pleading or evidence. Hearings will be conducted so as to ascertain the rights of the parties accurately and expeditiously.

The Commission

The Commission consists of twelve members who will sit in rotating panels of three to hear grievance appeals. Panels will be randomly assigned to a schedule as needed to conduct appeal hearings. When a hearing is scheduled, the next three Commissioners on the schedule will be contacted to participate in that hearing. If a Commissioner is unable to participate in an assigned hearing, the next available member on the schedule will fill in when the absence of a scheduled panel member cannot be avoided, as no hearing can be conducted by a panel unless all three members designated to hear that appeal are present throughout the hearing. If an appeal is settled or withdrawn prior to the scheduled hearing, the panel members assigned to hear that appeal will be assigned to the next appeal scheduled. The schedule and the assigned panel members are considered confidential. The names of the panel members will not be released prior to a scheduled hearing.

The Commission consists of twelve members who will sit in panels of three to hear grievance appeals. Each of the four panels of three members will meet as needed to conduct appeal hearings. The member and chair of each hearing panel hearing the appeals will rotate on a monthly basis according to a set schedule. Three members of the Commission will be designated as “on call” each quarter to fill in when the absence of a scheduled panel member cannot be avoided as no hearing can be conducted by a panel unless all three members designated to hear that appeal are present throughout the hearing. The members designated as “on call” will rotate each quarter according to a set schedule. Each member of the Commission will receive his or her schedule in advance for a three month period.

Appeals of complaints that have been determined to be grievable shall be heard by a three-member panel of the Commission (hearing panel or panel) as soon as possible after receipt of the employee’s appeal request. Appeals of complaints that have been determined to be non-grievable but entitled to an advisory and non-binding opinion shall be heard by a hearing officer or, by the Executive Director of the Commission when the parties are not represented by counsel, as soon as possible after receipt of the employee’s appeal request.

#### ATTACHMENT 4

A simple majority of the hearing panel will prevail in any decision made by the panel. The panel hearings will be held during the County's normal business hours continuing until all evidence has been heard and arguments made. Upon the conclusion of the evidence and argument, the hearing panel will recess the hearing while it deliberates in closed session and makes its findings. Upon the conclusion of the panel's deliberations, the panel will come out of closed session and resume the hearing to cast the panel members' individual votes, state the findings of the panel, and conclude the hearing. A written decision prepared by the Hearing Officer and signed by the chair of the panel that heard the appeal will be filed with the Executive Director and distributed to the parties within ten days of the conclusion of the hearing.

#### The Hearing Officer

The Hearing Officer is an independent attorney retained by the Commission to conduct hearings on grievances which receive advisory decisions and to advise the panel of the Commission hearing the appeal concerning legal and procedural matters in cases in which the parties are represented by counsel. The Hearing Officer does not vote on matters before the panel of the Commission hearing the appeal and participates in deliberations only to the extent of advising the panel of the Commission hearing the appeal concerning legal and procedural matters. The Hearing Officer is responsible for conducting hearings in an orderly and expeditious fashion; and makes rules on evidentiary and procedural questions. The rulings are advisory and may be overturned by the panel of the Commission hearing the appeal.

In hearings before the panel of the Commission hearing the appeal in which the parties are not represented by counsel, and at all prehearing conferences, the Executive Director of the Commission shall act as hearing officer.

#### A. Prehearing Requirements

- A Prehearing Conference will be held by the Prehearing Officer prior to a panel hearing or the Hearing Officer. The following matters will be addressed:
  - 1. Definition of the scope of the case, the specific issues to be presented to the panel of the Commission hearing the appeal, and the specific regulations and/or ordinances allegedly violated.
  - 2. Stipulations and agreements which will expedite the hearing are greatly encouraged, including but not limited to (1) stipulations of fact; (2) stipulations as to evidence which will be admitted without objection; (3) stipulations with respect to testimony which will be admitted in written form.
  - 3. All exhibits and documents will be exchanged at or before the Prehearing Conference. Documents shall be marked for identification and tabbed for

#### ATTACHMENT 4

ease of reference. Any exhibit not provided at or before the Prehearing Conference will not be admitted as evidence, absent a showing of good cause. If as a result of the Prehearing Conference there is an outstanding request for the production of documents, such request must be complied with not later than ten business days prior to the date of the hearing. Any objection to the admissibility of a proposed exhibit or document shall be raised at the Prehearing Conference and if not resolved, the issue will be clearly defined by the Prehearing Officer for consideration by the panel of the Commission hearing the appeal or the Hearing Officer.

4. Witness lists will be exchanged at or before the scheduled Prehearing Conference. Any witness not so designated will not be permitted to testify, absent a showing of good cause. If as a result of the Prehearing Conference, there are to be deletions or additions to the witness lists, such changes will be submitted no later than ten business days prior to the date of the hearing. Witness lists shall include the name, address and telephone number of each witness identified and a brief statement of the substance of the expected testimony. If, upon the petition of a party, the County Executive finds that a witness who is listed by a party and who is a County employee has relevant, material, and non-cumulative testimony and that the party seeking to call the witness at the panel hearing has been unable to secure attendance of the witness before the hearing panel despite the party's reasonable and diligent efforts, the County Executive shall order the County employee witness to appear at the hearing to give testimony. Upon such order to appear being issued by the County Executive to a County employee, any County employee so ordered who fails to appear at the hearing may be subject to disciplinary action as provided in Chapter 16.
5. County management shall provide the Commission with copies of the grievance record prior to the hearing. A copy of the grievance record shall be provided to the grievant by County management at the same time but in no event any later than ten days prior to the hearing before the panel of the Commission hearing the appeal.
6. The hearing date(s) will be set at the Prehearing Conference in accordance with the time estimates provided by both parties.

#### B. Continuances

Requests for continuances shall be in writing with a copy to the opposing party and submitted to the panel of the Commission hearing the appeal and/or Hearing Officer at least five workdays prior to the hearing date. The panel of the Commission hearing the appeal and/or Hearing Officer may grant such requests only where good cause is shown.

## ATTACHMENT 4

### C. Hearing Procedure

Hearings on appeals will be heard by the panel of the Commission hearing the appeal or the Hearing Officer in accordance with the following order and procedures:

1. Opening statement by the moving party. (The County shall be considered as the moving party in suspensions, demotions and dismissals. In all other cases, the employee is considered to be the moving party.)
2. Opening statement by the responding party.
3. Presentation of moving party's case by direct examination.
4. Cross-examination.
5. Questions, if any, by members of the hearing panel or the Hearing Officer.
6. Redirect and recross examination.
7. Presentation of responding party's case by direct examination.
8. Cross-examination.
9. Questions, if any, by members of the hearing panel or the Hearing Officer.
10. Redirect and recross examination.
11. Presentation of rebuttal witnesses, if any, by moving party by direct examination may be presented in documentary form. Rebuttal testimony should ordinarily be included in the party's original presentation. However, rebuttal evidence may be permitted where, in the judgment of the panel of the Commission hearing the appeal or the Hearing Officer, it is necessary to the party to rebut new material, which could not reasonably have been anticipated. The panel of the Commission hearing the appeal or the Hearing Officer will judge the necessity of rebuttal testimony on the basis of a proffer or statement by the party seeking to introduce the rebuttal.
12. Cross-examination, questions, if any, by members of the hearing panel or the Hearing Officer, redirect and recross examination of rebuttal witnesses. If rebuttal evidence is in documentary form, provision shall be made for response by opposing party.
13. Closing statement by moving party. Proposed findings of fact and conclusions of

#### ATTACHMENT 4

law may be submitted at the party's option or at the request of the panel of the Commission hearing the appeal or the Hearing Officer.

14. Closing statement by responding party. Proposed findings of fact and conclusions of law may be submitted at the party's option or at the request of the panel of the Commission hearing the appeal or the Hearing Officer.
15. The hearing record may be held open upon request of either party or upon the panel of the Commission hearing the appeal or the Hearing Officer's own motion for the receipt of additional exhibits or documentary evidence which in the opinion of the panel of the Commission hearing the appeal or the Hearing Officer are necessary for a full and complete hearing. Any opposing party shall be allowed a period of ten calendar days after such receipt to respond thereto. If the panel of the Commission hearing the appeal or the Hearing Officer finds that additional oral testimony is necessary, a hearing may be recessed for scheduling of such testimony.
16. The panel of the Commission hearing the appeal may alter the foregoing procedures in a hearing if it deems it necessary to afford the parties a full and equal opportunity to all parties for the presentation of their evidence.

#### D. Record of Hearing

Recorded tapes will serve as the formal record of grievance hearings. Any party to the appeal may obtain a copy upon payment of reproduction and administrative costs.

#### E. Posthearing Procedures

##### 1. Reopening Hearing

A hearing may be reopened by the panel of the Commission hearing the appeal or the Hearing Officer at any time prior to final decision on the ground of newly discovered evidence or for other good cause shown and if the panel of the Commission hearing the appeal or the Hearing Office finds that reopening the hearing is required for a full and true disclosure of facts or to assure that the parties receive a fair hearing in accordance with the relevant law and regulations. Petitions for reopening shall set forth the specific newly discovered evidence or other good cause, and will be granted only under exceptional circumstances. If a party files a petition for reopening the hearing, the opposing party shall file a response to said petition within five calendar days of service of the petition.

##### 2. Reconsideration

The Hearing Officer or the panel of the Commission hearing the appeal, upon

#### ATTACHMENT 4

majority vote, may reconsider a Decision prior to the actual implementation of that decision. The panel of the Commission hearing the appeal or the Hearing Officer will only reconsider on the ground of newly discovered evidence or other good cause shown. Petitions for reopening shall set forth the specific newly discovered evidence or other good cause, and will be granted only under exceptional circumstances. Petitions for reconsideration must be filed with the panel of the Commission hearing the appeal and or the Hearing Officer within five calendar days of receipt of the decision. The opposing party shall file a response to said petition within five calendar days of service of the petition.



## County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 17, 2017

**TO:** Catherine Spage, Director  
Department of Human Resources

**FROM:** *Sara J. Simmons*  
Sara J. Simmons, Executive Director  
Civil Service Commission

**SUBJECT:** Public Hearing on Proposed Revisions to the Personnel Regulations - Chapters 2, 4, 16 & 17

Following an advertised public hearing held on July 13, 2017, the Civil Service Commission considered the above referenced proposed revisions to the Personnel Regulations. Members of the Commission present at the public hearing included: Rosemarie Annunziata; Ronald Copeland; Jason Fong; Tom Garnett; John Harris; Lee Helfrich; Herb Kemp; Pat Morrison; Nancy Angland Rice; and, John Townes.

Cathy Spage, Director, Department of Human Resources (DHR) gave an overview regarding the proposed changes for each chapter; during the discussion section she was assisted by Leslie Clough, Manager, Employee Relations and Policy Administration, DHR. Ms. Spage noted that the proposed revisions had been reviewed by the County Attorney's Office and that a focus group had been held with employee groups, specifically on the language for the bullying definition.

The following speakers signed up in advance or at the public hearing to speak on the proposed changes: Libby Schreffler, Employee Advisory Council. The following people signed up at the public hearing: Kirt Cleveland, Fairfax Worker's Coalition (FWC); Ken Myers, FWC; Dave Lyons, Fairfax Workers' Coalition (FWC) and on behalf of the International Association of Fire Fighters (IAFF); and David Broder, Service Employees International Union (SEIU). In addition, there were Human Resource Managers present, who did not speak and there were also approximately 15 employees in attendance. The speakers provided testimony in support of adding language in the *Personnel Regulations* to define workplace bullying.

Ms. Spage explained that the Department of Human Resources (DHR) routinely requests updates to align the Personnel Regulations with changes in law, policy, classifications or other reasons. The proposed changes to Chapter 2 add a definition of workplace bullying; provide updates to the pay grade under the definition of *FLSA Eligible* and *Straight Pay Eligible* with approved changes; and, correct the classification of Animal Protection Police Officers under the definition of *Law Enforcement Personnel* and *Overtime (FLSA)*. The Proposed changes to Chapter 4 reflect removal of the two year hold for public safety employees; clarify and correct how to determine promotional pay increase amounts for public safety employees; and reflects

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job class title change for Animal Protection Officers. The proposed changes to Chapter 16 include clarification for investigation roles and responsibilities and incorporates information pertaining to anti-bullying in the Standards of Conduct. The proposed changes to Chapter 17 clarify the purpose of the grievance process is to address an individual employee's concern and clarifies procedural roles and responsibilities when soliciting input outside the complainant's department in order to address a Third Step Complaint submission.

#### **Chapter 2**

The members of the Civil Service Commission present voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted and advertised for Chapter 2 on pages 2-7 and 2-11.

There was a lot of discussion surrounding the workplace bullying definition. The speakers' comments generated discussion and overall support for the definition proposed by the Workplace Bullying Workgroup, subsequently modified by the employee groups' focus group meeting, and raised concerns about the definition that was originally proposed by the Department of Human Resources. The Commissioners discussed the definition during the testimony phase, asked many questions, and discussed it again during their decision phase.

The members of the Civil Service Commission present at the public hearing voted to unanimously recommend to the Board of Supervisors the following definition of workplace bullying in Chapter 2:

Unnecessary, unwelcome, unwarranted and repeated mistreatment of a targeted individual or group by an individual or group. The actions are sufficiently severe and/or pervasive as to create a work environment such that a reasonable person would consider it intimidating, humiliating, dehumanizing, or offensive. Establishing behaviors as bullying depends on factors such as severity, pervasiveness, context, work relationships, employee performance and intent of action. Bullying is separate and discrete as compared to harassment, discrimination and workplace violence

#### **Chapter 4**

The members of the Civil Service Commission present voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted and advertised for Chapter 4.

#### **Chapter 16**

The members of the Civil Service Commission present voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted and advertised for Chapter 16.

**Chapter 17**

The members of the Civil Service Commission present voted unanimously to recommend that the Board of Supervisors approve the proposed changes as drafted and advertised for Chapter 17 on pages 17-1 and 17-4.

A motion was made and seconded to make the following addition to page 17-2, under grievable complaints:

- 2 Grievable complaints which receive binding decisions from a three-member panel of the Civil Service Commission hearing the appeal include:
  - a. Dismissals, unsatisfactory service separations, demotions and suspensions;
  - b. The application of specific County personnel policies, procedures, rules and regulations;
  - c. Acts of retaliation as a result of utilization of this procedure, or for participation in the grievance of another county employee;
  - d. Bullying as defined in Chapter 2.
  - ~~d.~~ e. Discrimination against an employee, including a probationary employee, on the basis of race, color, creed, religion, age, disability, national origin, sex, political affiliation, marital status, union affiliation, genetic information, veterans status, or disabled veterans status;
  - e. ~~f.~~ Discrimination or retaliation against an employee, including a probationary employee, because of participation in political activities permitted under state law and County ordinances or failure to participate in political activities, whether permitted or not by state law or County ordinance;
  - ~~f.~~ g. Acts of retaliation because the employee (i) has complied with any law of the United States or of the Commonwealth, (ii) has reported any violation of such law to a governmental authority, (iii) has sought any change in law before the Congress of the United States or the General Assembly (iv) has reported an incidence of fraud, abuse, or gross mismanagement to the Board of Supervisors Audit Committee, the Auditor to the Board, his/her department head, or to any other federal, state, or County government authority, such as the Commonwealth's Attorney for the County of Fairfax, or the U.S. Attorney for the Eastern District of Virginia.
  - ~~g.~~ h. For the purpose of sub-paragraphs (c) and (f) of this section, there shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

Catherine Spage  
Page 4

On a vote of 6 in favor, 2 abstentions and 2 opposed, the motion passed. Those voting in favor were John Harris, Herb Kemp, Ron Copeland, Jason Fong, John Townes and Pat Morrison; those opposed were Nancy Rice and Tom Garnett; and Rosemarie Annunziata and Lee Helfrich abstained.

If the Commission can be of further assistance in clarifying these proposed changes, please let me know.

cc: Board of Supervisors  
Commissioners, Civil Service Commission  
Edward L. Long, Jr., County Executive  
Karen Gibbons, Deputy County Attorney  
Vicki Kammerude, Chair, EAC  
John Niemiec, President, Local 2068  
Joseph Abbate, President, Fairfax Deputy Sheriff's Union, SEIU  
Brad Carruthers, President, Fraternal Order of Police, Lodge 77  
Sean Corcoran, IUPA, Local 5000  
Tammie Wondong, President, FCEGU, SEIU  
Kirt Cleveland, Fairfax Worker's Coalition