Preliminary DRAFT 2018 Fairfax County Legislative Program

INDEX

PRIORITIES

1.	Funding Core Services	K-12	2
2.	Funding Core Services	WMATA	3
3.	Funding Core Services	Transportation	3
4.	Funding Core Services	State Budget	5
5.	Governance	Local Authority	7

INITIATIVES/ACTION STATEMENTS

Human Services	Parental Notification of Involuntary Commitment for Minors Experiencing Mental Health Crises	9

POSITION STATEMENTS

Environment	Global Climate Change/Environmental Sustainability Initiatives	10
	Land Conservation	10
	Reducing Environmental Contamination from Plastic and Paper Bags	10
Funding	Economic Success	11
	Libraries	11
	Public Safety/Courts Funding	11
	Water Quality Funding	12
General Laws	Elections	13
	Sexual Orientation	13
Health	Alternative On-Site Sewage Systems	13
	Lyme Disease	13
	Substance Use Disorder	14
Human Services	Children's Services Act	14
	Restructuring Services for Individuals with Developmental Disabilities	15
	Mental Health, Public Safety, and the Criminal Justice System	16
Land Use	Limited Residential Lodging	16
	Proffers	17
	Wireless Telecommunications Facilities	17
Public Safety	Accessibility	18
	Dangerous Weapons in Public Facilities	18
	Pneumatic Guns	18
Taxation	Communications Sales and Use Tax	19
Transportation	Secondary Road Devolution	19
	Pedestrian Safety and Access to Transit	19

FACT SHEETS 20

(Note: Language added/revised after the November 21, 2017, public hearing is highlighted.)

Preliminary Draft 2018 Fairfax County Legislative Program

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

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

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

Priorities

Funding Core Services

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

Public education funding in the Commonwealth is enshrined in the Virginia Constitution as a joint responsibility of both state and local governments, so it is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education. Unfortunately, the Commonwealth continues to allow critical gaps to persist between state funding and the actual costs of providing a high-quality education, placing more of the fiscal burden on localities while substantially limiting local revenue sources, creating a discrepancy that has become increasingly untenable. ***(Position on full funding for K-12 costs and restoration of Cost of Competing Adjustment (COCA) funding shared by region.)***

Though there have been some recent helpful infusions of state funding, the current funding formulas do not adequately address the challenges facing high cost of living localities like Fairfax County. Those challenges are exacerbated by structural features in the formulas that leave statewide funding far behind the inflation-adjusted FY 2009 level. As the Joint Legislative Audit and Review Commission (JLARC) noted in its recent review of K-12 spending, localities provided a majority of total funding for school divisions in FY 2014, contributing an additional $3.6 billion beyond the minimum funding required. JLARC also noted that in FY 2013, Virginia ranked 23rd nationwide in total per-student spending, but 11th in the local share of this spending, reflecting Virginia's reliance on local effort and a growing imbalance in this partnership.

Virginia businesses emphatically assert that strong public schools and an educated workforce are essential elements in their decision to locate and remain in Virginia. Investments in early childhood and K-12 education provide a foundation for learning and achievement, often reducing or eliminating the need for more costly interventions and spurring economic development. Failure to adequately meet the needs of the youngest Virginians can create repercussions for individual families, the larger community, and the Commonwealth. Moving Virginia's economy forward requires substantially increasing state investments in K-12 education.

The Boards strongly support:

- Fully funding the biennial re-benchmark of Direct Aid to Public Education;
- Restoration of full funding for a Cost of Competing Adjustment (COCA) for support personnel, a factor used in the state K-12 funding formula recognizing the competitive salaries required in high cost of living regions to attract and retain high-quality personnel;
- Increased state funding support for school divisions with high numbers or concentrations of English language learners (costs are approximately 30 percent more than general education), students living in economically disadvantaged households (costs are approximately 10 percent more than general education), and students receiving special education and mental health services (costs are approximately 100 percent more than general education);
- Elimination of the support positions ratio cap, which has artificially lowered the state's funding contributions for critical educational support positions by hundreds of millions of dollars since its adoption in 2009;
- Realistic and appropriately funded Standards of Quality consistent with actual local staffing needs and costs;
- Use of true weighted averages (which account for actual numbers of students/personnel) when calculating average teacher salaries and other education costs, instead of linear weighted estimators which significantly understate the true local costs of teacher salaries and other costs throughout the Commonwealth;
- Recognition of cost of living variations throughout the Commonwealth in state funding formulas, in order to more accurately determine a locality's true ability to pay; and,

- Increased state resources for early childhood education programs which help young children enter kindergarten prepared to succeed.

The Boards strongly oppose:

- State budget cuts that disproportionately target or affect Northern Virginia;
- State policies which divert K-12 education funding away from local public schools and toward non-public options; and,
- Structural cuts or formula/policy changes which impose unfunded mandates on localities, further weakening the partnership between the state and localities.

(Updates and reaffirms previous position.)

2.) Washington Metropolitan Area Transit Authority (WMATA)
Support dedicated funding and governance reforms for Washington Metrorail, in order to ensure the success of this critical transit system.

Metrorail is vital to the transportation networks and economic growth of Northern Virginia and the Commonwealth, and the County supports WMATA's efforts to enhance the safety and security of the system and its riders through adequate funding and oversight to ensure the viability of this essential transit system. Sufficient state support is needed to address state of good repair and to help accommodate additional growth in Fairfax County and Northern Virginia, which is important for the entire Commonwealth (according to an analysis by the Northern Virginia Transportation Commission (NVTC), the 85,000 households and 130,000 jobs supported by Metro and the Virginia Railway Express (VRE) generate over $600 million in state General Fund revenues). Because Metro is the product of a unique partnership, Virginia, Maryland, and the District of Columbia are engaged in crafting a plan to address WMATA's critical funding needs, which will require additional state and federal support. Addressing the existing funding gap for state of good repair and capital needs requires a dedicated funding source or sources. While a long-term solution is being negotiated by regional partners, financially prudent short-term strategies may be appropriate to ensure that WMATA's capital needs do not become compounded. In addition to addressing WMATA capital needs, the County supports NVTC's Principles for WMATA Reform, pertaining to WMATA's governance and operations, adopted in September 2017.

In Virginia, local jurisdictions are responsible for providing substantial funding for WMATA. In 2011, the Commonwealth established a precedent for linking WMATA Board representation and financial investments in the system (following the example set by the federal government in 2009), and upholding that precedent requires local jurisdictions to remain active participants on the WMATA Board as long as current funding patterns are maintained. *(Updates and reaffirms previous position. Regional position.)*

3.) Transportation Funding
The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly (GA).

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

- **Transit Capital Funding Bond Expiration –** During the 2015 session, the GA began to address the significant reduction in state transit capital funding expected to occur in FY 2019, due to the depletion of transportation bonds. The Transit Capital Project Revenue Advisory Board, created through HB 1359 (2016), identified an average revenue gap of $130 million annually over the next ten years (not including the updated capital plan for WMATA, which was released after the study's analysis was conducted). The report concluded that sustainable and dedicated bond replacement funding must be enacted, and that failure to do so would leave the transit capital program unable to maintain a state of good repair for existing assets. The County supports efforts to fully address this impending deficit in transit funding at the statewide level, to ensure that transit systems

throughout the Commonwealth continue to receive the state resources needed to provide critical services. *(Regional position.)*

- **Allocation of Statewide Revenues –**
  - HB 1359 (2016) also required the Transit Capital Project Revenue Advisory Board to develop a prioritization proposal for transit capital funding, making funding for new or expanded transit service subject to the same factors as Smart Scale (the prioritization process for statewide road funding), including ranking methods within already-established tiers for transit capital needs (vehicles receive priority, followed by infrastructure and facilities, followed by other items). Since the current funding approach has only been utilized for three years and was enacted after years of discussion and negotiation among localities and transit operators throughout the state, the County remains concerned that changing the transit capital formula again, after such a short time period, only makes it more difficult for systems to adequately plan and provide transit service. The framework recommended by the Advisory Board makes clear that new revenues are needed before the implementation of a new prioritization process, and the County agrees with that conclusion.
  - It is critical that Northern Virginia continue to receive its fair share of statewide revenues, as required by HB 2313, particularly in light of the Smart Scale process for prioritizing projects. If any changes to the HB 2313 revenues are considered, alternative revenues must generate funds at least equal to those previously approved. Further, the new transportation funding created by HB 2313 should only be used for transportation purposes.
  - Significant changes were made to the transportation funding formulas and processes during the 2014 and 2015 GA sessions. It is important that the implementation of Smart Scale (2014) and HB 1887 (2015) be closely monitored, especially during the initial years, to determine whether changes and improvements are necessary. Simplifying the implementation of Smart Scale, in particular, would ensure greater transparency and understanding of the processes while improving efficiency.
  - The Virginia Department of Transportation's (VDOT) Northern Virginia District is only expected to receive 10.6 percent of the State of Good Repair funds created through HB 1887, raising significant concerns for the County. While 88 percent of all roads in Northern Virginia are in Fair or Better Condition, only 38 percent of secondary roads in Northern Virginia are in Fair or Better Condition, far less than the Commonwealth's average of 60 percent. Millions of people drive these roads every day, and the deteriorated pavements will only get worse unless additional funding is identified, or a greater portion of the current funding is allocated to Northern Virginia.
  - The County is concerned about efforts to decrease funding for the Revenue Sharing program over the next several years, as well as recent regulatory changes reducing the maximum amount of funding localities can receive annually and limiting the amount of funding that projects can receive in perpetuity. This program significantly leverages state transportation funds by encouraging local governments to spend their own money on transportation projects, and has been essential in helping fund some of Fairfax County's major road and transit projects – the recent changes discourage local governments from seeking non-VDOT sources of revenue to meet transportation needs. Sufficient funding should be provided to the Revenue Sharing program, and the new locality and project limits should be reversed.
  - The County remains opposed to the Department of Rail and Public Transportation's (DRPT) decision to allocate state funds for capital costs based on the total cost of a project, rather than the non-federal share. As the Fairfax Connector and several other Northern Virginia systems do not receive federal funds, this change only increased the local share that Northern Virginia systems must pay, while reducing the share other local governments in the Commonwealth provide for their systems because they receive federal funding for up to 80 percent of capital costs.
- **Fuels Tax Floor –** A 2.1 percent motor vehicle fuels tax is currently levied on fuels sold/delivered in bulk in the Northern Virginia area. These revenues, which the County uses to support Metro

service, have been adversely affected by reductions in the price and use of gas; while the County received $28.7 million from this revenue source in FY 2013, that amount decreased to $15.3 million in FY 2017. Had the floor been in place, the County would have received an additional $10.2 million in FY 2017. This issue is not only affecting Fairfax County, but also other localities within the Northern Virginia Transportation District (NVTC), the Potomac and Rappahannock Transportation District (PRTC), and Hampton Roads. The County supports establishing a floor on the regional gas tax similar to the floor that already exists on the statewide gas tax established in HB 2313, ensuring consistency for this critical funding source. *(Regional position.)*

- **Transportation and Economic Success** – The Commonwealth should provide funding assistance for the transportation needs of major employment centers to lay the groundwork for continued economic success. Fairfax County contains several major employment centers that generate public benefit for the County and the Commonwealth. For these centers, such as Springfield, Seven Corners, and Reston, to remain successful and accommodate predicted growth, they must transform into sustainable, transit-oriented, and walkable communities. This transformation has already begun in Tysons, where significant improvements in transit access have been made, but additional resources are needed to ensure that pedestrian, bicycle, and transit modes thrive and roadway congestion is addressed. The County's Six-Year Transportation Project Priorities (TPP) assumes significant local funding, as well as funding from regional and statewide sources. The projects in the TPP focus on making investments to strengthen the County's major employment activity centers, and it is important that the state and federal governments similarly recognize their importance by providing the funding needed to complete the transportation projects that have been identified in these areas. It is also vital that the capacity needs across the Potomac River be addressed, including at the American Legion Bridge and Rosslyn Tunnel, to alleviate the existing congestion and ensure the movement of people and goods throughout this economically vibrant region. Such action is essential to the economic success of Fairfax County and the Commonwealth.
- **VRE** – As VRE executes its 2040 system plan, it has developed an accompanying financial plan identifying capital and operating requirements totaling $45 million annually (on average) to sustain VRE's current service levels. Without additional funding for operating costs, service levels will be reduced, potentially leading to the cessation of VRE service by 2033. Fairfax County supports VRE's efforts to explore long-term, dependable funding sources for both existing and future operations and capital costs, to ensure that VRE remains a safe and reliable commuting option in Northern Virginia. *(Regional position.)*

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

4.) State Budget

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

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities decreased by approximately $1 billion between FY 2009 and FY 2016, including a five-year period in which the Commonwealth required localities to return funds to the state in order to help balance the state's budget – essentially creating a new reverse concept of "local aid to the Commonwealth," which translated into more than $20 million in state funding cuts to Fairfax County. During that time period, Virginia also implemented sizable structural budget cuts to K-12, costing localities more

than $1.7 billion per biennium statewide by reducing the state's required contribution to fund public education (including a cap on funding for support positions, the elimination of an inflation factor used for non-personnel support items, and formula changes that artificially reduce the state's contribution to K-12). The Governor and the 2016 GA made significant progress in improving the state's commitment to K-12, including substantially increasing funding in the 2016-2018 biennium budget; however, funding provided in the budget for a salary increase for teachers and other state-supported local employees was contingent on FY 2016 revenue projections, and when those projections were missed, a state revenue shortfall was created. The 2017 GA did not restore the promised funding for the salary increase in FY 2017, but did provide some funding towards a pay raise in FY 2018 (it is important to note that in Fairfax County, state funding for the partial year FY 2018 salary increase totals $2.8 million, representing only a small fraction of the $44 million required to fund a full year two percent salary increase for all instructional and support employees).

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

While direct aid to localities was 52 percent of the General Fund (GF) in FY 2009, it only accounted for about 44 percent of the GF in FY 2018. And K-12, the most critical core service shared by the state and localities, dropped from 35 percent of the GF in FY 2009 to less than 30 percent in FY 2018.

In addition to the County priorities of K-12 and Transportation, action should be taken at the 2018 GA on the following budget items:

- Full restoration of Cost of Competing Adjustment (COCA) funding for K-12 support positions in the 2018-2020 biennium budget *(see also page 2)*.

- Ensure WMATA's capital funding gap for state of good repair and critical capital needs is appropriately addressed *(see also page 3)*.

- Restoration, or at a minimum, level funding, for HB 599 law enforcement funding *(see also pages 11-12)*.

- Provide additional state funding to increase Medicaid waiver rates and slots for individuals with developmental disabilities, to provide appropriate community services and ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement *(see also page 15)*.

- Expansion of Medicaid and restoration of funding for human services programs, which serve the most vulnerable Virginians *(see also the Human Services Issue Paper)*.

State revenues have continued to fluctuate considerably in recent years, with another large revenue shortfall announced in FY 2016 – the third dramatic downturn this decade, which has also seen years of sizable surplus funding. However, the state completed FY 2017 with a revenue surplus of $137 million. It is important that the state work to protect the additional funding provided in the 2016-2018 biennium budget for K-12 after years of underfunding, as well as work to preserve funding for critical local programs and services. In addition, expansion of Medicaid as envisioned in the Patient Protection and Affordable Care Act presents a significant opportunity for the state to take advantage of enhanced federal revenues, thus freeing up state dollars to be redirected to other critical needs (Medicaid expansion is discussed in more detail in the Human Services Issue Paper). Now is the time for the state to focus on investments in critical core services that will continue to move Virginia forward. *(Updates and reaffirms previous position.)*

Governance

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

5.) Local Authority

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

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized. Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use, or caps on capacity. Where possible, the state should consider updating state and local taxes to reflect changes in the economy or technology; avoid any expansion of revenue-sharing mechanisms controlled by the state; avoid any new state mandates while fully funding and/or reducing current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes) and lessen restrictions currently imposed on local revenues; or, lessen current restrictions on the use of state funds now provided to localities for shared responsibilities. The Special Joint Subcommittee on Local Government Fiscal Stress, created by the 2017 GA, has begun examining issues of local government fiscal stress, including issues related to local taxing authority, which could provide a helpful first step.

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

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

Each level of government has unique strengths. However, as a Dillon Rule state, local governments in Virginia are significantly restricted in their authority, which impedes the ability of localities to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities. Consumer protection is an example of an area in which local government is often better equipped to address local concerns. At a minimum, the state should empower localities to solve their own problems, by providing increased authority or discretion for services that have no compelling priority or impact for the Commonwealth, thus eliminating the need to seek permission for ministerial matters from the GA each year. Moreover, efforts to encourage the new "sharing economy" must balance such interests with those of the community, safeguarding local revenue sources and land use authority (which the GA successfully

achieved in providing new local authority for governing short-term rentals in residential areas). Additionally, requiring that all bills with a local fiscal impact be filed by the first day of the GA session would allow localities the maximum time possible to highlight potential impacts as new legislation is considered. Furthermore, local governments must be included as full participants on any state commissions and study committees examining local issues, allowing for a more complete assessment of such issues and reflecting the governing partnership that must exist between the state and localities to ensure the effective administration of government. *(Updates and reaffirms previous position.)*

Initiatives/Action Statements

Human Services – Parental Notification of Involuntary Commitment for Minors Experiencing Mental Health Crises ***(pending final decision on November 28, 2017)***

Initiate legislation to amend Virginia Code § 16.1-341(B) to require that a "reasonable effort" be made to serve the non-petitioning parent(s) when a minor is being involuntarily committed for mental health reasons, instead of requiring completed service of process on both parents, so that the inability to serve the non-petitioning parent(s) would not result in dismissal of the petition. Currently, Virginia Code requires that both parents be served within 96 hours from the time the petition is filed or a temporary detention order is issued (whichever is later) when a minor is in need of emergency in-patient mental health services (due to being a danger to themselves or others). Serving both parents within that time frame is sometimes impossible (when a parent is out of the state or country or cannot be located), and may preclude the minor from receiving critically-needed emergency mental health treatment, to the potential detriment of the minor, his/her family, and the community.

Position Statements

Environment

Global Climate Change/Environmental Sustainability Initiatives

Support efforts to reduce the County's greenhouse gas emissions and operational demand for energy through efficiency, conservation, and education.

The basis for these efforts is Fairfax County's strategic direction and commitment to achieve environmental and energy goals, including those set forth in the County's 2017 Environmental Vision, the 2009 Energy Policy, and the County's Comprehensive Plan.

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

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

Land Conservation

Support the conservation of open space, which protects vital ecological resources and the environment, provides recreational opportunities, and improves the quality of life.

Fairfax County has long supported the goals set by recent Virginia Governors to preserve open space and protect "Virginia Treasures" (properties with particular conservation value, such as wetlands or riparian buffers). The County also supports state incentives that promote donations to park authorities or associated foundations, the prioritization of the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use, and increased funding for the development and rehabilitation of park infrastructure, including trails, shelters, and fields. In addition to other benefits, the preservation of open space contributes to watershed protection, an important issue as the state works to reduce nutrient pollution in the Chesapeake Bay. *(Updates and reaffirms previous position.)*

Reducing Environmental Contamination from Plastic and Paper Bags

Support legislation or other efforts which would encourage the use of reusable shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts.

As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2018. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. *(Updates and reaffirms previous position.)*

Funding

Economic Success

Support a strong partnership between the Commonwealth and the County as Virginia's economy adapts to a changing fiscal landscape.

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

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

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

Libraries

Support increased state aid to public libraries, which provide communities with critical services such as student homework support, research assistance, and public internet access.

Nearly 5 million visits were made to Fairfax County public libraries in FY 2017, with approximately 11.5 million items borrowed. Since FY 2001, annual state aid to libraries has declined by nearly $5 million, or 25 percent; at a minimum, the state should avoid further reductions in aid. *(Updates and reaffirms previous position.)*

Public Safety/Courts Funding

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

- **HB 599 – The Commonwealth should restore, or at a minimum maintain, HB 599 law enforcement funding.** This critical funding, provided to localities with police departments, is a

priority for localities throughout the Commonwealth. Approximately 65 percent of all Virginians currently depend on local police departments for public safety services. This program strives to equalize state funding between cities, counties, and towns with police departments and localities in which the sheriff provides law enforcement. Though state funding did increase in the 2016-2018 biennium budget, if state funding had consistently increased with state revenues, as is required, Fairfax County would have received approximately $43.3 million in additional funding over the past eight years. *(Updates and reaffirms previous position.)*

- **Jails – The Commonwealth should adequately compensate localities at a level which is commensurate with the state's responsibility for local jail operations.** Local governments in Virginia have historically borne a disproportionate burden of supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. *(Reaffirms previous position.)*
- **Courts – The Commonwealth should adequately fund Virginia's courts, to ensure a well-functioning judicial branch.** The overall underfunding of Virginia's court system continues to place additional burdens on localities and the judicial system. Providing sufficient funding for the salaries of court personnel, including clerks, magistrates, Commonwealth's Attorneys, public defenders, district court employees, and probation office employees, among others, is a critical state responsibility. The criminal justice system is also increasingly dealing with individuals with mental health and substance use disorder issues, which places tremendous stress on the system. In accordance with best practices, Fairfax County has increased focus on diversion programs; however, such efforts require significant time and resources from court employees. Specialty courts and dockets would enhance diversion efforts by ensuring appropriate treatment for individuals with substance abuse issues, mental illness, or developmental disabilities who come into contact with the criminal justice system for low-level offenses. Additionally, budget-related actions in recent years to limit the filling of judicial vacancies have strained the ability of the courts to administer justice efficiently while managing a large volume of cases. Though the GA has taken action in recent sessions to address this challenge, the need for additional authorized and funded judgeships remains, and the number of authorized and funded judgeships should reflect the findings of the Weighted Caseload Study released in November 2017. When reevaluating the need for judgeships and state funding for each court, the quantity of filed cases and qualitative factors (including interpreters, increases in population and commercial development, and cost of living) should be considered. *(Updates and reaffirms previous position. See also the Mental Health, Public Safety, and the Criminal Justice System position on page 16.)*

Water Quality Funding

Support budget action at the 2018 GA providing adequate state appropriations to the Water Quality Improvement Fund (WQIF) in order to ensure full and timely payments under point source upgrade contracts with local governments; also support the restoration of funding to the Stormwater Local Assistance Fund (SLAF).

Fairfax County and local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). The state has made significant progress in providing funding in recent years, including deposits to the WQIF of surplus funds and the establishment and funding of the SLAF (the GA appropriated $80 million for SLAF from FY 2014 to FY 2017), and the County recently received $5 million in SLAF funds for stream restoration projects at Lake Fairfax Park, Greentree Village Park, and Flatlick Branch Phase II. However, no funding has been appropriated for SLAF for FY 2018. In order to meet federal Chesapeake Bay requirements, additional state assistance for urban stormwater needs will be required (in 2011, the Senate Finance Committee estimated these costs to be between $9.4 billion and $11.5 billion by 2025), while additional funding will likely also be needed for wastewater treatment plant upgrades in the Chesapeake Bay watershed. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort, and such funding must continue to increase if Virginia is to meet its commitments for the Chesapeake Bay. *(Updates and reaffirms previous position.)*

General Laws

Elections

Support legislation to promote participation in elections, enabling citizens to exercise their right to vote in an efficient and equitable manner. Adequate state funding for election administration, voting equipment, and systems modernization is essential to this effort.

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

Sexual Orientation

Support legislation to permit the County, as an urban county executive form of government, to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation and gender identity.

Fairfax County has already taken actions pursuant to existing state enabling legislation in the preceding areas on the basis of race, color, religion, sex, pregnancy, childbirth, and disability. *(Updates and reaffirms previous position.)*

Health

Alternative On-Site Sewage Systems (AOSS)

Support legislation that provides tools to ensure AOSS are appropriately installed, serviced, inspected, monitored, and maintained.

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

Lyme Disease

Support funding initiatives that will advance research, surveillance, reporting, diagnostics, and treatment for Lyme disease, as recommended by the Lyme Disease Task Force convened in 2011 by the Governor and the Secretary of Health and Human Resources.

Cases of Lyme disease have been on the rise in Virginia, with 1,102 confirmed and 437 probable cases reported to the Centers for Disease Control and Prevention in 2015. *(Updates and reaffirms previous position.)*

Substance Use Disorder

Support increased capacity to address the Commonwealth's growing epidemic of heroin and opioid addiction through community-based treatment (including detoxification and medication-assisted treatment), enhanced prevention programs, and innovative efforts to limit the supply of opioids. Also, support coordinated strategies to meet the growing need for substance use disorder services for older adults.

Across Virginia, law enforcement and health care professionals report a dramatically increasing number of deaths due to heroin and opioid overdoses. The statistics from 2016 are startling:

- More than 1,100 Virginians (including over 100 Fairfax County residents) died from an opioid overdose;
- Virginia emergency departments reported more than 10,000 visits for opioid and heroin overdose treatment;
- Approximately 4.6 percent of Fairfax County students in the 8th, 10th, and 12th grades reported taking painkillers without a doctor's order, and 4.0 percent reported taking other prescription drugs without a doctor's order, within a month of the survey date in November 2016;
- Opioid overdose continues to be the leading cause of death for individuals under the age of 50; and,
- The statewide rate of drug-caused deaths exceeded the number of deaths due to motor vehicle accidents.

Substance use disorder affects people at all ages and stages of life, including older adults, and the need for substance use disorder services is growing. The work of the state's Task Force on Prescription Drug and Heroin Abuse and the Heroin and Prescription Drug Abuse Strategy, are significant steps toward developing a comprehensive statewide approach to tackling substance use disorder. The 2017 GA approved legislation to help reduce the available supply of opioids by increasing awareness among doctors and patients, strengthening prescription monitoring, and limiting prescriptions to what is medically necessary. However, more is required to confront this public health emergency. It is essential that the Commonwealth provide additional funding for detoxification, medication-assisted treatment, and other substance use disorder services that are cost-efficient, accessible, and outcome driven. *(Updates and reaffirms previous position.)*

Human Services

Children's Services Act (CSA)

Support continued state responsibility for funding mandated Children's Services Act (CSA) services on a sum sufficient basis. Oppose changes to CSA that shift costs to local governments, or disrupt the responsibilities and authorities assigned to the County by the CSA. Also support the current structure, which requires that service decisions are made at the local level and are provided based on the needs of each child, ensuring that service expenditures are approved through local processes.

The Children's Services Act (formerly known as the Comprehensive Services Act) is a 1993 Virginia law that provided for the pooling of eight funding streams used to plan and provide services to children who: have serious emotional or behavioral problems; need residential care; need special education through a private school program; or, receive foster care services. It is a state-local partnership requiring an aggregate local match of approximately 46 percent. Children receiving certain special education and foster care services are the only groups considered mandated for service, and sum sufficient language ensures state and local governments provide funding necessary for such youth. Fairfax County strongly opposes any efforts to cap state funding or eliminate the sum sufficient requirement, as the Commonwealth must not renege on its funding commitment to CSA. Additionally, changes to CSA law, policy, or implementation guidelines should focus on solutions that acknowledge the critical roles played by both levels of government, and should not favor one side of the partnership over the other.

Several years ago the state changed the local match rate structure, in order to incentivize the provision of community-based services, which are less expensive and more beneficial to the children and families participating in CSA. As a result, CSA residential placements decreased, as did overall costs for CSA, illustrating the success the state can achieve by working cooperatively with local governments; however, in

recent years CSA costs have begun to rise, likely due to increases in special education services and the number of children served. The 2016 GA made some helpful changes, slightly increasing CSA local government funding, as well as providing CSA funding for extended foster care services and support for youth 18-21 who entered foster care prior to their 18th birthday.

Fairfax County also supports:

- Increased state funding for local government CSA administrative functions;
- Recommendations of the State and Local Advisory Team (SLAT) that the match rate for wrap-around services be lowered to the rate used for other community-based services;
- Elimination of the local Medicaid match requirements for students placed in residential treatment facilities for non-educational reasons, and revisions in policy ensuring that state and localities share the costs of educational services equitably;
- Maintaining expenditures for private day services at the current state level, as any effort to redirect those funds would essentially eliminate the sum sufficiency requirement that ensures the state pays its appropriate share of these critical service costs; and,
- Close monitoring of the State Executive Council's practices when policies are created or amended to ensure broad collaboration with local governments, especially recognizing potential impacts on local financial and implementation responsibilities. *(Reaffirms previous position.)*

Restructuring Services for Individuals with Developmental Disabilities

Support additional state funding to increase Medicaid waiver rates and slots, to provide appropriate community services and ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement. Also support budget language that requires the proceeds of the sale of the Northern Virginia Training Center (NVTC) property to be used solely to develop new community-based services and housing opportunities for persons with developmental disabilities in Northern Virginia.

As a result of a state decision following a settlement agreement negotiated with the U.S. Department of Justice (DOJ), the Commonwealth adopted a plan to close four of the state's five training centers (which provide residential treatment for individuals with intellectual and developmental disabilities) by 2020. This shift, from an institution-based system with bifurcated Intellectual Disability (ID) and Developmental Disability (DD) services to a community-based system with one integrated service for both ID and DD, is a challenging process that must be carefully implemented to ensure that affected individuals receive the services they need.

As time elapses after the closure and imminent property settlement on the sale of NVTC, it is imperative that the proceeds of the sale remain protected for development of new community-based services and housing opportunities for persons with developmental disabilities in Northern Virginia. Although there has been some limited expansion of residential supports, the Commonwealth has so far failed to create sufficient and appropriate housing and employment/day supports in Northern Virginia. While the Commonwealth has completed its redesign of Medicaid waivers, rates remain well below the cost of providing services in Northern Virginia and do not adequately support individuals with intensive needs or allow for the necessary expansion of capacity. Further, the settlement agreement requires the state to reduce its waiver waiting list, which will be a tremendous challenge as the rapidly growing list already consists of more than 12,000 individuals statewide (as of October 2017), including over 2,000 individuals in Fairfax County. The Commonwealth must develop a clear plan with sufficient funding to address these critical issues.

Successfully implementing the DOJ settlement is the Commonwealth's responsibility and obligation. An essential component of this effort is sufficient and timely state funding for individuals receiving or waiting to receive local, community-based services close to home. *(Updates and reaffirms previous position. See also the Medicaid Waivers position in the Human Services Issue Paper.)*

Mental Health, Public Safety, and the Criminal Justice System

Support sustainable funding, allocated based on localities' needs and population size, for public safety and mental health services that connect non-violent offenders experiencing mental health crises to treatment instead of the criminal justice system.

Police officers are often the first responders when an individual is in a mental health crisis; the Fairfax County Police Department received more than 6,000 calls in 2016 that were mental health related. Sometimes these calls lead to incarceration for low-level offenses (trespassing, disorderly conduct), precluding the individual from appropriate treatment in the community for underlying mental health issues. In fact, more than three in ten inmates who remain at the Fairfax County Adult Detention Center (ADC) for more than four days have been identified as needing mental health care, and inmates with mental health and substance abuse issues remain at the ADC on average 20 days longer than inmates without these issues. It is significantly more expensive to deliver mental health services in a detention facility than to provide the same service in community-based residential or community-based care.

To address these critical issues, in 2016 Fairfax County utilized local revenues to launch "Diversion First," which offers alternatives to incarceration for people with mental illness or developmental disabilities who come into contact with the criminal justice system for low-level offenses. The program has already had a significant impact, as about 600 people have been diverted from potential arrest. Successful expansion of this program will depend on adequate state investments in mental health services (and accompanying court and public safety resources) to:

- Increase the availability of secure 24/7 crisis assessment centers, crisis stabilization units, mobile crisis units, local psychiatric beds for forensic patients, affordable housing options, behavioral health counselors and therapists, peer support, reintegration services for youth and adults at high-risk of rapid re-hospitalization or re-offending, psychiatry, and forensic discharge planning *(See also the Human Services Issue Paper);*
- Strengthen responses to individuals in mental health crises by funding Crisis Intervention Team (CIT) and additional de-escalation training for law enforcement officers, Fire and Rescue and jail personnel, and Mental Health First Aid Training for social service organizations staff;
- Improve the screening, assessment and treatment of incarcerated individuals' mental health by gathering uniform system level data (including prevalence rates and demand for services);
- Support the development of specialty courts and dockets;
- Facilitate the exchange of health information of individuals believed to meet the criteria for temporary detention orders among law enforcement, the Court system, Community Services Boards, health care providers, and families and guardians;
- Expedite the process of placing individuals in psychiatric hospitals;
- Reduce justice system involvement by providing evidence-based, culturally competent, and trauma-informed behavioral health services for all ages, including integrated mental health and addiction care, case management, and housing and employment assistance for individuals with mental illness and substance use disorders;
- Increase funding of mental health services and substance abuse treatment for individuals who are incarcerated for offenses that make them unsuitable candidates for a diversion program; and,
- Remove barriers to reentry by providing adequately funded forensic discharge planning services to connect former inmates with mental health and substance abuse treatment in the community. *(Updates and reaffirms previous position. See also the Public Safety/Courts Funding position on pages 11-12.)*

Land Use

Limited Residential Lodging

Preserve local authority over short-term rentals in residential areas, allowing localities to balance the interests of entrepreneurs in the new "sharing economy" with those of the community, safeguarding local revenue sources and land use authority.

As a result of significant discussion about short-term rentals over two GA sessions, the 2017 GA enacted helpful legislation maintaining local authority over limited residential lodging, which is essential as local

governments and communities are best able to consider the benefits and consequences of such rules in widely differing local contexts. Residential areas across the Commonwealth, and even within a particular locality, can differ in terms of population density, public utilities and resources, traffic patterns, and other relevant considerations like the availability of parking and transit options. Business enterprises emerging from the new "sharing economy" can bring positive innovation to Virginia's economy, spurring a new kind of economic development activity; however, it is essential that such economic development be well-integrated into the existing character of the community, in order to avoid inadvertently providing protections to illegal boarding houses or making code enforcement efforts more difficult. The 2017 legislation also preserves related local taxing authority, and provides localities with authority to require registration of limited residential lodging operators, to ensure that relevant health and safety codes are met along with the payment of relevant taxes and fees. Efforts to reduce local government authority over limited residential lodging should be avoided. *(Updates and reaffirms previous position.)*

Proffers

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

The 2016 GA enacted legislation sharply limiting local proffer authority, reducing the County's ability to work with developers and local communities to ensure that new development or redevelopment mitigates its impacts and addresses community concerns about such impacts. Though the legislation was primarily intended to narrow localities' proffer authority, it also restricts developers' options to proffer an array of items to satisfy community concerns about a particular development. This new law prohibits localities from accepting proffers that fall outside the bounds of these new requirements, even if developers offer them voluntarily. Another challenge created by this new law is that it hinders a locality's ability to work cooperatively with a developer because the law includes enhanced damages for a developer if a locality "suggests" a proffer that could not be accepted, running counter to the collaborative environment that has been created in the County over many years. Though certain areas of Fairfax County were exempted from such requirements, challenges in navigating these new restrictions have arisen, as evidenced by the substantial decline in residential applications in non-exempt areas since the bill went into effect. The 2017 GA considered a few bills that would have changed aspects of the new law, but all such efforts were rejected. The County continues to support full restoration of its proffer authority; no further restrictions on local land use authority should be considered, and any proposal for replacing proffer commitments with development impact fees must be at the option of each locality. *(Updates and reaffirms previous position.)*

Wireless Telecommunications Facilities

The siting of telecommunications facilities is an important component of local land use authority, ensuring community involvement, and should be retained.

Federal law currently preserves local land use authority to determine the location, construction, and modification of wireless telecommunications facilities, subject to certain restrictions. These federal restrictions on local land use decisions have been extensively litigated. Overlaying additional state restrictions on these local land use decisions may remove all community involvement in decisions about where very large facilities will be located, among other negative consequences.

Unfortunately, the 2016 GA eliminated some local flexibility by deeming telecommunications towers located in zoning districts where they are permitted by right to be in conformance with a locality's comprehensive plan, removing the requirement for a public hearing before the local planning commission (the 2017 GA rejected efforts to restore such authority). During the 2017 GA, wireless telecommunications facilities were discussed extensively, resulting in a compromise bill that imposed state restrictions on local approval of the siting of small cell wireless facilities that attach to existing structures and set mandatory standards for access to public rights-of-way, while removing many of the most egregious limitations on local government authority included in the introduced legislation (relating to approvals for the siting of new telecommunications towers and facilities that are not attached to existing structures, use of public facilities, and relocation in the right-of-way, among other things). Part of the compromise was an agreement that local government groups would work with industry stakeholders to streamline the processes for approval

of free-standing new towers and facilities in unserved or underserved rural areas in advance of the 2018 GA; however, a GA workgroup formed after the 2017 session seems to be considering legislation related to free-standing new facilities in all areas of the Commonwealth, in contravention of the compromise.

No additional new legislation should be enacted to upset the balance that already exists under current federal regulation and the compromise reached in 2017, which ensures that wireless services are provided without completely preempting already limited local authority to determine the appropriate location of such facilities. *(Updates and reaffirms previous position.)*

Public Safety

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility to public places, housing, and transportation services (including transportation network companies).

Over 75,000 working-age Fairfax County residents have a disability, which includes people with hearing, vision, cognitive, ambulatory, self-care, and/or independent living disabilities. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities since the passage of the Americans with Disabilities Act (ADA) more than 27 years ago, continued advancement is needed. Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, by increasing accessibility through incentives, voluntary standards for accessible housing, and educational outreach to businesses, building officials, medical providers, advocacy groups, and state and local governments.

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

Dangerous Weapons in Public Facilities

Support legislation to allow local governments to prohibit the possession of dangerous weapons in or on any facility or property owned or leased by the locality, with certain exceptions, including any person who has been issued a permit to carry a concealed handgun.

Violation of such an ordinance would be punishable as a misdemeanor. It is particularly important that the County have such authority for any facility or property owned or leased by the County serving large populations of youth under the age of 18. Current law permits private property owners to decide whether or not to permit dangerous weapons on their property. *(Reaffirms previous position.)*

Pneumatic Guns

Support legislation that would authorize a locality to adopt an ordinance that would ban the possession of pneumatic guns on school grounds, with an exemption for persons participating in school-sponsored activities.

Pneumatic guns, particularly those fired by pump action or carbon dioxide gas cartridges, are capable of muzzle velocities that can result in skin or ocular penetration. A particular concern of County law enforcement is that modern pneumatic guns often strongly resemble firearms. Given the potential for injury

caused by these guns, legislation which would allow localities to ban their possession on school property would provide important protection. The GA has already banned the possession of a long list of weapons on school grounds, thus recognizing that schools should be a "safe zone." *(Reaffirms previous position.)*

Taxation

Communications Sales and Use Tax

Support legislation to protect the financial interests of local governments based upon declining revenues in the communications sales and use tax.

After lengthy negotiations, the 2007 GA repealed many local telecommunications taxes and replaced them with a statewide communications tax. The expectation at that time was that the new communications tax would grow and localities would, at a minimum, receive the same amount of funding as they received in FY 2006 ($85.5 million for Fairfax County). However, this tax has eroded and in FY 2017, the County only received approximately $75.2 million. Consequently, any consideration of formula changes must be avoided until and unless communications tax revenues increase sufficiently to ensure revenue neutrality for localities, as agreed upon when this compromise was reached. A 2015 report by the Virginia Department of Taxation found several reasons for the decline in Communications Sales and Use Tax revenue, including a decline in telephone landlines (down 21 percent between 2007 and 2014), a decline in gross receipts from satellite radio services (down 91 percent between 2007 and 2014), and exemptions in the current law for streaming audio and video services and prepaid calling services, which have become increasingly popular in recent years. These changes in market area, customers served, new technologies, and perhaps the rate itself must be examined to ensure a modern communications tax system for localities, which reflects and reacts to an ever-changing landscape. *(Updates and reaffirms previous position.)*

Transportation

Secondary Road Devolution

Oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements.

While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to transfer these responsibilities to counties that have neither the resources nor the expertise to fulfill them. Further, oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. *(Reaffirms previous position.)*

Pedestrian Safety and Access to Transit

Support revisions to Virginia's existing pedestrian law that clarify the responsibilities of both drivers and pedestrians, to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less, and at unsignalized crosswalks in front of schools.

Safe access to transit facilities can be improved through infrastructure investments, better traffic safety laws, and adequate sidewalk maintenance, including snow removal following inclement weather. With the opening of the Silver Line, along with significantly increased Fairfax Connector service and more concentrated growth, more residents and workers in the County are choosing to walk and use transit. *(Updates and reaffirms previous position.)*

FAIRFAX COUNTY
2018 Budget Fact Sheet

State General Fund
Approximately 43.6% of the state General Fund (GF) provides aid to localities in FY 2018 (down from 52% in FY 2009).

Less than 30% of the GF provides funding for K-12 in FY 2018 (down from 35% in FY 2009).

GF tax changes over the last two decades have more than neutralized 2004 tax increase:
- 2004 tax reforms raised about $1.6 billion per biennium in new revenue.
- Since 1994, approximately $3 billion per biennium in net state tax cuts and GF revenue reductions.

State Budget Cuts
Virginia ranks 11th nationwide in per capita personal income, but 48th in state and local revenue as a percentage of personal income, making Virginia a wealthy, low-tax state.

Virginia relies more on local taxes and revenues for funding government services than most other states.

In 2009, the General Assembly (GA) began requiring localities to return funds to the state to help close the state budget shortfall – essentially requiring "local aid to the Commonwealth." Between FY 2009 and FY 2015, this action cost the County $22.6 million in state cuts. This practice was finally eliminated in FY 2016.

Between FY 2010 and FY 2016, the state adopted permanent, structural cuts to K-12 totaling over $1.7 billion per biennium statewide (a cumulative impact of about $6 billion over that time period).

Virginia ranks 38th nationwide in state per pupil funding.

State K-12 spending per FCPS pupil was $3,267 in FY 2016, while Fairfax County provided $10,526. Virginia localities spent $3.9 billion, about twice as much as required to match state K-12 funding, in FY 2016.

Cuts to the Cost of Competing Adjustment (COCA) for K-12 support personnel in Northern Virginia resulted in a loss of $10.2 million to Fairfax County over the 2012-2014 biennium. FCPS would have received $12.6 million in FY 2015 and $12.8 million in FY 2016 if COCA was fully funded (it was eliminated for that budget). The partial restoration of COCA in the 2016-2018 biennium budget translates to $5.6 million in FY 2017 and $5.8 million in FY 2018 for FCPS.

Fairfax County/Regional Impacts
NOVA comprises approximately 27% of the state population, generates over 40% of state GF, and receives 21% of state GF appropriations.

State funding to Fairfax County (not FCPS) has been cut over $38 million since FY 2009.

Approximately 71.2% of the FCPS budget is funded by Fairfax County (the average district receives about 47.2% from its local government).

FCPS receives approximately 23% of its budget from the state (including sales tax); the average funding share is 45.3%, due to the local composite index.

85.9% of the FCPS budget is for direct costs associated with providing instructional programs.

For FY 2018, FCPS projects that 50,872 students will qualify for free or reduced lunch (only five school divisions in Virginia had more **total** students), 27,572 students will receive English language education (only 9 school divisions had more **total** students), and 25,779 students will receive special education services (only 10 school divisions had more **total** students).

BPOL
Of approximately 41,000 businesses in the County that pay BPOL tax, 36% pay a flat tax averaging $38, and 29% pay an average of approximately $554.

If Fairfax County's BPOL tax was eliminated, the real estate tax rate would have to be raised by approximately 7 cents, or about $370 per year for the average household, in order to replace the funding.

**Data is drawn from Fiscal Analytics, JLARC, and Fairfax County resources.*

FAIRFAX COUNTY
2018 Transportation Fact Sheet

Transportation Conditions

- Only 37% of secondary roads in Fairfax County have pavement in Fair or Better Condition. This is 23% lower than the statewide average of 60%, and significantly below VDOT's target of 63%. While the County's interstates and primary roads have improved from previous years, there are still significant unmet roadway maintenance needs in Fairfax County.
- According to Texas Transportation Institute's (TTI) most recent analysis, delays endured by the average commuter in the Northern Virginia and the Washington Metropolitan Region were 82 hours. This is nearly double the national average, and worst among the nation's 471 urban areas. The average commuter wastes about 35 gallons of fuel annually due to congestion, also ranking the region as the worst in the nation.
- According to Northern Virginia Transportation Authority's (NVTA) regional plan, the TransAction Update, Northern Virginia commuters took 8.74 million vehicular trips and faced 1.01 million person-hours of delay in 2016.
- Transit agencies provide about 158 million passenger trips in Northern Virginia on bus and rail annually and approximately three-quarters of transit trips in the Commonwealth are in Northern Virginia. The Fairfax Connector operates more than 80 routes across the County and provides approximately 9 million passenger trips each year to enable residents to access jobs, schools, grocery stores, and other destinations across the County and region.

The Current Situation

- HB 2313 (2013) provides approximately $300 million in annual regional transportation revenues, which is a significant step in addressing the $44 billion in improvements identified by NVTA needed to address congestion and mobility in Northern Virginia, including projects connecting to Maryland, DC, and other parts of Virginia.
- The Board of Supervisors has adopted a list of transportation priorities which is based on a cost/benefit analysis process, community input, the availability of funds, and other considerations. The County is using multiple revenue sources, including HB 2313 state and regional revenues and local funds, to address these priorities.
- In 2012, Fairfax County reported $3 billion in unmet transportation needs over the next 10 years; due to the passage of HB 2313 and the County's Tysons and Reston Funding Plans, that deficit has been reduced significantly, but needs still remain.
- The County continues to work with regional and state partners to improve and streamline project delivery, eliminating or reducing steps in the process. It is essential that Fairfax County, the Commonwealth, and other regional entities continue to work closely together to implement projects with the new funds to ensure the County is addressing residents' needs as quickly as possible.

Sample Project Costs*			
Traffic Signal	$350,000	Road Widening Project	$50-150 million
Major Interchange	$100-300 million	Multi-modal Transit Center	$60 million
Intersection Improvement	$3 million	Metrorail Car	$2.5 million
Roadway Extension	$60-120 million	Transit Bus	$500,000
Pedestrian Project	$1 million	Metrorail Parking Garage	$60-70 million

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

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