

Board of Supervisors Legislative Committee – September 19, 2017

Conference Room 11

Board of Supervisors Members Present:

Sharon Bulova, Chairman
Penelope Gross, Mason District (Vice Chairman)
Jeff McKay, Lee District (Committee Chair)
John Cook, Braddock District
John Foust, Dranesville District
Pat Herrity, Springfield District
Catherine Hudgins, Hunter Mill District
Kathy Smith, Sully District
Dan Storck, Mount Vernon District

Meeting Agenda:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/sept19-legislative-agenda.pdf>

Meeting Materials:

Draft 2018 Legislative Program: <http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/sept19-legislative-draft-2018-program.pdf>

Transit Capital Projects Revenue Advisory Board Handout:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/sept19-legislative-transit-projects-handout.pdf>

State Wireless Telecommunications Infrastructure Workgroup Update:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/sept19-legislative-wireless-telecomm-handout.pdf>

Items for Consideration:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/sept19-legislative-items-for-consideration.pdf>

Draft State Child Care Regulations Letter:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/sept19-legislative-draft-child-care-letter.pdf>

I-66 Air Rights Handout:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/sept19-legislative-i66-air-rights-handout.pdf>

The meeting was called to order at 10:00 A.M.

Summary of Discussion:

Board of Supervisors 2018 Draft Legislative Program:

The Board reviewed the following items:

- Revised Introduction
- Priorities:
 - Funding Core Services – Transportation Funding
 - The Legislative Committee requested that staff further revise and highlight the Metro section as a priority. The Committee also discussed the importance of coordinating with Virginia Railway Express' (VRE) legislative program and including all three items from VRE's program in the County's legislative program. The Committee discussed the possibility of highlighting particular projects in the Transportation and Economic Success section, and Legislative Chairman McKay said he would provide further clarification to staff on this recommendation as needed.
 - Funding Core Services – State Budget
 - The Legislative Committee discussed the updated language relating to K-12 and the teacher salary increase, and asked that the language be further clarified.
 - Governance – Local Authority
- Position Statements:
 - Environment – Global Climate Change/Environmental Sustainability Initiatives
 - Environment – Land Conservation
 - Environment – Reducing Environmental Contamination from Plastic and Paper Bags
 - Funding – Economic Success
 - Funding – Libraries
 - Funding – Public Safety/Courts Funding
 - The Legislative Committee requested that staff add language to this section highlighting specialty courts, including language relating to Diversion First. The Committee suggested that this addition would be a good way to highlight the County's success.
 - Funding – Water Quality Funding
 - General Laws – Elections
 - Health – Alternative On-Site Sewage Systems (AOSS)
 - Health – Lyme Disease
 - Health – Substance Use Disorder
 - The Legislative Committee suggested that staff research barriers to establishing treatment facilities, particularly as it relates to licensing, and consider adding language to the existing position statement. The Committee also discussed the need to examine the risks first responders may experience in responding to crime scenes. As County staff are already working on establishing a protocol in this area, the Legislative Committee requested that staff reach out if they find that any legislative changes are needed.
 - Land Use – Limited Residential Lodging
 - Land Use – Proffers

- The Legislative Committee discussed the challenges resulting from the proffer bill enacted during the 2016 General Assembly, and requested that staff find the number of residential rezoning applications filed in non-exempt areas and consider adding additional language to the existing position statement.
- Land Use – Wireless Telecommunications Facilities
- Public Safety – Accessibility
- Taxation – Communications Sales and Use Tax
- Transportation – Pedestrian Safety and Access to Transit
- Other
 - Board members asked staff to find additional information about action being taken at the state level relating to suicide awareness and prevention.
 - Board members asked staff to look into whether legislative change is needed to address the concerns of a constituent relating to a code compliance matter.

Transit Capital Project Revenue Advisory Board *(Discussed in conjunction with the Transportation Funding section in the Draft 2018 Legislative Program)*

The Legislative Committee received an update on the HB 1359 – Transit Capital Project Revenue Advisory Board final report to the General Assembly, including recommendations relating to revenues, transit capital program structure, and allocation of funds.

State Wireless Telecommunications Infrastructure Workgroup *(Discussed in conjunction with the Wireless Telecommunications Facilities section in the Draft 2018 Legislative Program)*

The Legislative Committee received an update on the post-2017 workgroup formed to further address wireless telecommunications issues. Staff also provided an update on the sub-workgroup, including participants from industry, Virginia Association of Counties (VACo), Virginia Municipal League (VML), and certain local governments, which formed to discuss concepts in greater detail. Staff highlighted areas of concern in recent industry proposals.

Items for Initial Consideration. The Committee reviewed the following items and took the actions indicated below:

- Environment – Tidal Wetlands Projects on State and Local Government Properties Sponsored by State and Local Governments
 - The Legislative Committee concurred with the staff recommendations to direct staff to convene a work group (including the Environmental Coordinator and staff representing the Department of Public Works and Environmental Services, Land Development Services, and the Department of Planning and Zoning) to examine this issue, in consultation with the Fairfax County Wetlands Board, and report back to the Board’s Environmental Committee.
- Housing – Adding Protected Classes to the Virginia Fair Housing Law – Source of Income
 - The Legislative Committee concurred with the staff recommendation to monitor for the introduction of legislation in order to bring related bills to Legislative Committee for consideration by the Board of Supervisors.
- Housing – Adding Protected Classes to the Virginia Fair Housing Law – Sexual Orientation and Gender Identity
 - The Legislative Committee concurred with the staff recommendation to retain the position in the legislative program which supports the addition of sexual orientation

as a protected class, and update the position to also include gender identity. The Committee also concurred with the staff recommendation to monitor for the introduction of legislation in order to bring related bills to Legislative Committee for consideration by the Board of Supervisors.

- Environment – Initiative to Encourage the Reduction of Invasive Plant Material in Virginia
 - The Legislative Committee concurred with the staff recommendation to direct staff to form a workgroup (comprised of staff from the Park Authority, Department of Code Compliance, Department of Public Works and Environmental Services, Environmental Coordinator, and the Office of the County Attorney, among other relevant agencies) to explore adding running bamboo to the County’s Grass or Lawn Area Ordinance (Chapter 119) or a new running bamboo ordinance, and report back to a future meeting of the Board’s Environmental Committee.

State Child Care Provider Regulations

The Legislative Committee reviewed a draft letter to Governor McAuliffe, regarding new regulations approved by the Virginia Board of Social Services, which govern child care programs participating in the state child care subsidy program. The regulations are now awaiting the Governor’s review. At the Board of Supervisor’s September 26 meeting, the Board of Supervisors adopted a motion to send the letter to Governor McAuliffe.

I-66 Air Rights

The Legislative Committee received an update on discussions with the state regarding air rights development, as a result of the 2016-2018 biennium budget directive to the Commonwealth Transportation Board to enter into discussions with Arlington and Fairfax Counties regarding the use of air rights in their respective jurisdictions.

The meeting adjourned at 11:42 A.M.

Votes Taken: None

Prepared by Arielle McAloon, Legislative Associate