

Fairfax County Board of Supervisors Legislative Committee – September 18, 2018
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
Linda Smyth, Providence District
Dan Storck, Mount Vernon District

Meeting Agenda

<https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting-materials/2018/sept18-legislative-agenda-final.pdf>

Meeting Materials

<https://www.fairfaxcounty.gov/boardofsupervisors/board-legislative-committee-meeting-sept-18-2018>

The meeting was called to order at 9:35 a.m.

Summary of Discussion:

Board of Supervisors 2019 Draft Legislative Program

The Committee reviewed the following items:

- Priorities
 - Funding Core Services – K-12 Funding
 - Funding Core Services – Transportation Funding
 - In the Washington Metropolitan Area Transit Authority (WMATA) and Regional Transportation Funding section, the Legislative Committee directed staff to list specific projects that the County will not be able to fund as a result of the 2018 General Assembly (GA) legislation that reallocated funds from the Northern Virginia Transportation Authority (NVTA) to WMATA.
 - The Committee also directed staff to revise language addressing the transit capital funding bond expiration to further emphasize the funding crisis.

- Funding Core Services – State Budget
 - The Committee discussed the recent Supreme Court decision (*South Dakota v. Wayfair*) which would allow states to require internet retailers to collect sales tax in states where they have no physical presence. Committee members asked for an estimate on how much additional revenue the internet sales tax would bring to the Commonwealth, and discussed a possible Board of Supervisors’ position regarding the use of the increased statewide tax revenues. Ultimately, the Committee directed staff to arrange a presentation to provide the Board of Supervisors with additional background information on this topic at a future Legislative or Budget Committee meeting. The Committee agreed that it would be helpful to have this additional information before taking a position on the issue.
 - The Committee also directed staff to provide more details about the state revenue surplus, including a breakdown of the sources of increased revenues.
 - Finally, in reference to STEP-VA (System Transformation, Excellence and Performance in Virginia), Committee members discussed emphasizing the need for state funding, and more generally discussed reframing the issue to move away from using the term “unfunded mandate.”
- Governance – Local Authority
 - The Committee directed staff to review this section and consider emphasizing a couple of specific requests to the GA in this area, with the goal of laying a foundation for future legislation.
- Position Statements
 - Environment – Land Conservation
 - Environment – Reducing Environmental Contamination from Plastic and Paper Bags
 - Funding – Economic Success
 - Funding – Libraries
 - Funding – Public Safety/Courts Funding
 - Funding – Water Quality Funding
 - General Laws – Elections
 - General Laws – Sexual Orientation
 - Health – Alternative On-Site Sewage Systems (AOSS)
 - Health – Lyme Disease
 - Human Services – Mental Health, Public Safety, and the Criminal Justice System
 - Land Use – Short-Term Lodging
 - The Committee discussed the possibility of removing this position from the legislative program, now that the County has passed a related ordinance. The Committee directed staff to weave language on this topic into the existing Governance – Local Authority position, and remove “Short-Term Lodging” as a stand-alone position.
 - Land Use – Proffers

- Land Use – Wireless Telecommunications Facilities
- Public Safety – Accessibility
- Taxation – Communications Sales and Use Tax
- Other
 - The Committee discussed the possibility of a Good Samaritan law relating to snow shoveling and directed staff to bring bills back to the Board during the GA session. Staff noted that the Board has existing language on this topic in the “Pedestrian Safety and Access to Transit” position.
 - The Committee discussed recent conversations regarding affordable housing at a Metropolitan Washington Council of Government (COG) meeting, particularly relating to possible state mandates on affordable housing units. The Committee directed staff to keep them apprised of further developments on this topic.

Draft Letter on General District Court’s Judicial Request (Discussed in conjunction with the Public Safety/Courts Funding section in the Draft 2019 Legislative Program)

The Legislative Committee discussed a draft letter to the Committee on District Courts and Mr. Karl Hade, Executive Secretary of the Supreme Court of Virginia, in support of the General District Court’s (GDC) request for authorization of a 12th judgeship. At the Board of Supervisors’ September 25 meeting, the Board of Supervisors adopted a motion to send the letter to the Committee on District Courts and Mr. Karl Hade.

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

- Elections – June Primary Date
 - The Legislative Committee concurred with the staff recommendation to direct staff to bring related bills to Legislative Committee for consideration by the Board of Supervisors.
- Environment – Disposable Bag Litter Abatement
 - The Legislative Committee concurred with the staff recommendation to retain the existing “Reducing Environmental Contamination from Plastic and Paper Bags” in the 2019 legislative program, and also directed staff to monitor for introduction of specific legislation in 2019, 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 – Source of Income
 - The Legislative Committee concurred with the staff recommendation to monitor for introduction of legislation, in order to bring related bills to Legislative Committee for consideration by the Board of Supervisors.
- Public Safety – Protective Orders (POs) and Weapons
 - The Legislative Committee generally concurred with the staff recommendations to conduct further research, discuss the proposal with stakeholders, assess possible obstacles to implementation, and bring the issue back to the Committee for further discussion. The Legislative Committee also concurred with the staff

recommendation to provide an update on the Committee on District Court’s review of **SB 811** (Marsden). Regarding the proposal that would require firearms to be immediately surrendered, the Legislative Committee directed staff to conduct further research and strategize approaches to address staff’s implementation concerns. Lastly, the Committee concurred with the staff recommendation to reconvene the staff work group that was formed after the passage of 2016 bipartisan compromise gun control legislation, which included the addition of a provision prohibiting respondents to family abuse Two-Year POs from knowingly possessing firearms. Specifically, the work group was directed to identify action steps that do not require legislation to improve implementation efforts; include in their scope of work opportunities to strengthen data collection; and, report back to the Board of Supervisors’ Public Safety Committee on their overall progress.

- Transportation – Six-Year Secondary System Construction Program (SSYP) Public Hearing
 - The Legislative Committee concurred with the staff recommendation to initiate legislation in the 2019 GA to remove or amend the public hearing requirements for the annual approval of the SSYP.

Other

Board members directed staff to provide public comment to the Commonwealth in support of adding running bamboo to the list of noxious weeds. Board members also discussed the possibility of monitoring for additional action on noxious weeds during the GA.

The meeting adjourned at 11:00 a.m.

Votes Taken: None

Prepared by Arielle McAloon, Legislative Associate