

FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 14, 2020

AGENDA

1:00

Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for Supplemental Funding Associated with the Head Start/Early Head Start and Early Head Start Child Care Partnership and Expansion Grants for Cost-of-Living Adjustment (COLA) and Quality Improvement (QI) Funding
- 2 Approval of Supplemental Appropriation Resolution AS 20214 for the Department of Family Services to Accept Grant Funding from the Virginia Community College System (VCCS) for the Virginia Rapid Response COVID-19 Business Support Initiative
- 3 Authorization to Advertise a Public Hearing to Lease County-Owned Property at 7936 Telegraph Road to STC THREE, LLC (Lee District)
- 4 Authorization to Advertise a Public Hearing to Lease County-Owned Property at 7801 Maritime Lane to STC THREE, LLC (Springfield District)
- 5 Authorization to Advertise a Public Hearing to Lease County-Owned Property at 14005 Vernon Street to STC THREE, LLC (Sully District)
- 6 Authorization to Advertise a Public Hearing to Lease County-Owned Property at 3721 Stonecroft Boulevard to STC THREE, LLC (Sully District)

ACTION ITEMS

- 1 Approval of a Resolution Supporting Three Additional Projects Being Submitted to the Northern Virginia Transportation Commission for FY 2021 to FY 2022 Commuter Choice Funding (Providence and Hunter Mill Districts)
- 2 Approval of Fairfax Connector May 2020 Service Changes

FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 14, 2020

ACTION ITEMS
(continued)

- 3 Authorization for the Department of Transportation to Apply for Funding and Endorsement for the United States Department of Transportation's FY2020 Better Utilizing Investments to Leverage Development Discretionary Grant Program (Lee and Mount Vernon Districts)
- 4 Endorsement of Design Plans for Fairfax County Parkway Widening and Pope's Head Road Interchange Project (Springfield and Braddock Districts)
- 5 Approval of Amendment to the Guidelines for the Economic Opportunity Reserve
- 6 Authorization to Establish the Fairfax County Small Business COVID-19 Recovery Microloan Fund
- 7 **Adoption of a Resolution to Adjust the Schedule of Regular Board of Supervisors Meetings During Calendar Year 2020**
- ~~7~~ 8 **Adoption of an Emergency Uncodified Ordinance to Extend the Validity of Certain Development Approvals to Assure Continuity in Fairfax County Government During the Novel Coronavirus Disease 2019 (COVID-19) Emergency**
- 9 **Adoption of an Emergency Uncodified Ordinance to Establish Methods to Assure Continuity in Fairfax County Government and Conduct of Meetings of Boards, Authorities, Commissions, and Regional and Interjurisdictional Public Bodies within Fairfax County Government During the Novel Coronavirus Disease 2019 (COVID-19) Emergency**
- 10 **Approval of Exclusion of Certain "Emergency Responders" and "Health Care Providers" from the Families First Coronavirus Response Act**
- 11 **Extension of Review Period for 2232 Application (Hunter Mill District)**

INFORMATION
ITEMS

- 1 Fairfax Connector May 2020 Temporary Service Adjustments Related to I-66 Construction (Providence and Hunter Mill Districts)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 14, 2020

PUBLIC
HEARINGS

2:00		Public Hearing to Consider Adoption of an Uncodified Ordinance to Establish Methods to Assure Continuity in Fairfax County Government and Conduct of Board of Supervisors Meetings During the Novel Coronavirus 2019 (COVID-19) Emergency, and to Repeal the Emergency Ordinance Adopted on March 24, 2020, Which is Hereby Replaced
2:00	To Be Deferred to 6/9/20 at 3:30 p.m.	Public Hearing on AF 2019-DR-004 (Mane Manor LLC and Normandy Farm LLC) (Dranesville District)
2:00		Public Hearing on RZ 2019-LE-015 and SE 2019-LE-020 (TPC Van Dorn LC) (Lee District)
2:00		Public Hearing on RZ 2019-SU-009, PCA 78-S-063-09, PCA 85-S-061-06, and PCA 86-S-039 (Elm Street Communities, Inc.) (Sully District)
2:00		Public Hearing on RZ 2015-PR-014 and SE 2015-PR-029 (1690 Old Meadow Holdings, LLC) (Providence District)
2:30		Public Hearing on PCA 2002-HM-043-04/CDPA 2002-HM-043-03 (Arrowbrook Centre, LLC) (Dranesville District)
2:30		Public Hearing on PCA 87-V-064-03 and SEA 94-V-030 (McDonald's USA, LLC) (Mount Vernon District)
2:30		Public Hearing on PCA 84-L-083-02 (The United Community of Muslims of the United States of America) (Lee District)
2:30	To Be Deferred to 6/23/20 at 3:30 p.m.	Public Hearing on RZ 2019-SP-014 and PCA/CDPA 2017-SP-017 (Brightview Senior Living Development, LLC) (Springfield District)
2:30		Public Hearing on PCA 2016-SU-015 (Old Lee Road, LLC) (Sully District)
3:00	To Be Deferred to 7/14/20 at 4:00 p.m.	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Hunter Village Dr Walkway (Wentworth to Flax) (Springfield District)
3:00		Public Hearing on the FY 2021 Effective Tax Rate Increase

FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 14, 2020

PUBLIC
HEARINGS
(continued)

- | | | |
|------|---|---|
| 3:00 | To Be Deferred to
4/28/20 at 4:00 p.m. | Public Hearing on Proposed Amendments to Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, and Charges for Hauled Wastewater |
| 3:00 | | Public Hearing to Consider Adopting an Ordinance to Establish an Admissions Tax |
| 4:00 | To Be Deferred to
4/28/20 at 4:00
p.m., 4/29/20 at
3:00 p.m., and
4/30/20 at 3:00 p.m. | Public Hearing on the County Executive's Proposed FY 2021 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2021-2025 (CIP) (With Future Fiscal Years to 2030) and the Current Appropriation in the FY 2020 Revised Budget Plan |

Board Agenda Item
April 14, 2020

1:00 p.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for Supplemental Funding Associated with the Head Start/Early Head Start and Early Head Start Child Care Partnership and Expansion Grants for Cost-of-Living Adjustment (COLA) and Quality Improvement (QI) Funding

ISSUE:

Board of Supervisors authorization is requested for the Department of Neighborhood and Community Services to apply for and accept supplemental grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$518,462, including \$103,693 in Local Cash Match. Funding is specifically being provided by the grantor to support a 2.0 percent Cost of Living Adjustment and for Quality Improvement investments for programs to offset higher operating costs for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. The grant period is July 1, 2020 to June 30, 2021. The total required non-federal resources will be met through Local Cash Match. The table below details funding for each grant:

Grant	Federal Funding	Local Cash Match	Total Application
Head Start	\$207,072	\$51,768	\$258,840
Early Head Start	\$156,227	\$39,057	\$195,284
Early Head Start Child Care Partnership/Expansion	\$ 51,470	\$12,868	\$ 64,338
Total	\$414,769	\$103,693	\$518,462

If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Department of Neighborhood and Community Services to apply for and accept

Board Agenda Item
April 14, 2020

supplemental grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$518,462, including \$103,693 in Local Cash Match. Funding is specifically being provided to support a 2.0 percent Cost of Living Adjustment and Quality Improvements for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. Grant funding currently supports 68/61.8 FTE grant positions. No new grant positions are being requested with this funding. The County Executive also recommends that the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board action is requested on April 14, 2020.

BACKGROUND:

The Further Consolidated Appropriations Act, 2020, contains an increase of approximately \$550 million for programs under the Head Start Act for federal Fiscal Year (FY) 2020. The increase provides \$193 million for a cost-of-living adjustment (COLA) and \$250 million for Quality Improvement investments for Head Start. The COLA supports an increase of 2.0 percent for each grantee to increase staff salaries and fringe benefits and offset higher operating costs. Funding will be applied to Quality Improvement funds which are allocated proportionately based on federal funded enrollment, with additional consideration given to small grantees to allow for a meaningful investment, as permitted by the Act. Applications are due on May 15, 2020. The grantor has indicated that before funding is awarded, the Board of Supervisors must formally approve the applications.

Head Start and Early Head Start are national child and family development programs that provide quality early childhood education and comprehensive family support services to income eligible families with children birth to five years of age. The Head Start grant serves 434 children and their families and the Early Head Start grant serves 224 children birth to three years of age, as well as pregnant mothers.

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

Board Agenda Item
April 14, 2020

FISCAL IMPACT:

Grant funding in the amount of \$518,462, including \$103,693 in Local Cash Match, is being requested to support a 2.0 percent Cost of Living Adjustment and Quality Improvements for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. The Local Cash Match requirement of \$103,693 is available in the Local Cash Match reserve for unanticipated grant awards. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated awards. This grant does allow the recovery of indirect costs; however, because this funding opportunity is highly competitive, the Department of Neighborhood and Community Services has elected to omit inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF NEW POSITIONS:

Grant funding currently supports 68/61.8 FTE grant positions. No new grant positions are being requested with this funding. The County has no obligation to continue funding the existing positions if grant funding ends.

ENCLOSED DOCUMENTS:

Attachment 1: Head Start and Early Head Start COLA & QI Funding Notice
Attachment 2: Early Head Start Child Care Partnership and Expansion
COLA & QI Funding Notice

STAFF:

Tisha Deeghan, Deputy County Executive
Christopher A. Leonard, Director, Neighborhood and Community Services (NCS)
Anne-Marie D. Twohie, Director, Office for Children, NCS



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Head Start | 330 C St., SW, 4th Floor, Washington DC 20201 | eclkc.ohs.acf.hhs.gov

Attachment 1

March 13, 2020

Grant No. 03CH010411

Dear Head Start Grantee:

The Further Consolidated Appropriations Act, 2020, contains an increase of approximately \$550 million for programs under the Head Start Act for Fiscal Year (FY) 2020. The increase provides \$193 million for a cost-of-living adjustment (COLA) and \$250 million for Quality Improvement investments for Head Start. The COLA supports an increase of two percent for each grantee to increase staff salaries and fringe benefits, and offset higher operating costs. COLA funds are effective at the start of the FY 2020 budget period and are retroactive if this period has already begun. Quality Improvement funds are allocated proportionately based on federal funded enrollment, with additional consideration given to small grantees to allow for a meaningful investment, as permitted by the Act.

The following table reflects the COLA and Quality Improvement increases available for FY 2020.

Funding Type	Head Start	Early Head Start
Cost-of-Living Adjustment (COLA)	\$91,628	\$74,243
Quality Improvement (QI)	\$115,444	\$81,984
Total Funding		\$363,299

The table provides projected amounts for each program, Head Start and/or Early Head Start. The Quality Improvement allocation above was calculated on Head Start and/or Early Head Start funded slots; however, grantees operating both programs have flexibility to use any amount of funding on either program, based on community needs, and not to exceed the total amount available. This flexibility does not extend to COLA allocations. Please note, allocations in the table are based on annual funding and enrollment levels by program as of February 2020, and may be subject to change if there are adjustments to these levels.

Submission Requirements

The supplemental application is due **May 15, 2020** and must be submitted in the [Head Start Enterprise System \(HSES\)](#). To apply, please select the **Financials** tab, **Grant Application** tab, **Fiscal Year 2020**, and add the **'Supplement – COLA and Quality Improvement'** amendment type. No other application type for these funds will be accepted.

Content of 'Supplement – COLA and Quality Improvement' Application

Applications must include separate narratives and detailed budget justifications for each funding type, COLA and Quality Improvement, and by program, Head Start and/or Early Head Start. Each narrative must begin with a Table of Contents, use 12 point font, and not exceed 10 pages. All narratives, budget justifications, and other supporting documentation must be uploaded into respective folders within the **Documents** tab of the application.

COLA Narrative and Budget Justification

Grantees must demonstrate:

- An increase of no less than two percent of the current pay scale for Head Start/Early Head Start employees, including unfilled vacancies, subject to the provisions of Sections 653 and 640(j) of the Head Start Act;
- The rationale and documentation detailing agency policies and procedures if employees are receiving less than the two percent COLA or differential COLA increases;
- The provision of a no less than two percent increase to all delegate agencies and partners or justification if less than two percent or differential increases are provided to delegate agencies and partners;
- The planned uses for the balance of the COLA funds to offset higher operating costs.

Sections [653](#) and [640\(j\)](#) of the Head Start Act provide further guidance on the uses and limitations of COLA funds. Sec. 653 restricts compensation to a Head Start employee that is higher than the average rate of compensation paid for substantially comparable services in the area where the program is operating. Sec. 640(j) of the Act requires compensation of Head Start employees must be improved regardless of whether the agency has the ability to improve the compensation of staff employed by the agency that do not provide Head Start services. Grantees with concerns that staff salaries cannot be increased due to wage comparability issues should ensure public school salaries for kindergarten teachers are included in their considerations.

Quality Improvement Narrative and Budget Justification

Grantees must demonstrate:

- Investments are consistent with Sec. 640(a)(5) of the Act (except programs are not bound by the requirements that at least 50 percent of the funds be used for staff compensation or that no more than 10 percent of funds be used on transportation. For more information on allowable activities as outlined in the Act, please see Attachment A);
- Investments made in Quality Improvement will be ongoing;
- How investments support children, families, and staff impacted by trauma; or justify the reasoning for investing in an activity not directly related to addressing trauma (For specific examples, please see Attachment B or the following resource on [Implementing a Trauma-Informed Approach](#).)
- For programs using flexibility in the proportional share of the funding for Head Start and Early Head Start, justify how that approach fully supports the greatest needs of communities.

Grantees are strongly encouraged to invest this funding into program efforts and activities that help better incorporate a trauma-informed approach that will support children, families, and staff impacted by adverse experiences. **For more information on trauma and implementation of trauma-informed approaches in Head Start and Early Head Start programs, including specific examples, please see Attachment B or the following resource on [Implementing a Trauma-Informed Approach](#).** However, grantees do have the flexibility to use these Quality Improvement funds to meet grantees' most pressing local needs, consistent with Section 640(a)(5) of the Act. With this funding, grantees should plan for ongoing, sustained investments in quality improvements, while also acknowledging one-time investments in FY 2020 year may be necessary to sustain ongoing quality improvement.

Budget Requirements

The data entered on the budget tab within the application populates the SF-424A. Grantees are required to include funds for both COLA and Quality Improvement, and within the appropriate program, Head Start or Early Head Start.

Non-Federal Share

The budget and detailed budget justification must include each source of non-federal match, including estimated amount per source and the valuation methodology. A detailed justification that conforms with the criteria under Section 640(b)(1)-(5) of the Head Start Act must be submitted if the application proposes a waiver of any portion of the non-federal match requirement.

Supporting Documents

Signed statements of the Governing Body and Policy Council Chairs along with Governing Body and Policy Council minutes documenting each group's participation in the development and approval of the supplemental application for COLA and Quality Improvement must be provided.

The application must be submitted on behalf of the Authorizing Official registered in the HSES. **Incomplete applications will not be processed.**

Please ensure the application contains all of the required information. If you have any questions or need assistance, please contact Cynthia Romero, Head Start Program Specialist, at 215-861-4002 or cynthia.romero@acf.hhs.gov or Kimberly Logan, Grants Management Specialist, at 215-861-4049 or kimberly.logan@acf.hhs.gov.

For technical assistance in preparing the application, please contact the HSES Help Desk at help@hsesinfo.org or 1-866-771-4737.

Sincerely,
The Office of Head Start

Attachment A

Allowable Uses of Quality Improvement Funds

The language in this document comes directly from Sec. 640(a)(5) of the Head Start Act, except that language has been removed from no. 1 specifying that at least 50 percent of the funds must be used for staff compensation and language has been removed from no. 8 specifying that no more than 10 percent of the funds can be used on transportation to align with the FY 2020 enacted appropriation language.

1. To improve the compensation (including benefits) of educational personnel, family service workers, and child counselors, as described in Sections [644\(a\)](#) and [653](#) of the Head Start Act, in the manner determined by the Head Start agencies (including Early Head Start agencies) involved, to—
 - ensure that compensation is adequate to attract and retain qualified staff for the programs involved in order to enhance program quality;
 - improve staff qualifications and assist with the implementation of career development programs for staff that support ongoing improvement of their skills and expertise; and
 - provide education and professional development to enable teachers to be fully competent to meet the professional standards established under [Sec. 648A\(a\)\(1\)](#) of the Act, including—
 - providing assistance to complete postsecondary course work;
 - improving the qualifications and skills of educational personnel to become certified and licensed as bilingual education teachers, or as teachers of English as a second language; and
 - improving the qualifications and skills of educational personnel to teach and provide services to

children with disabilities

2. To support staff training, child counseling, and other services necessary to address the challenges of children from immigrant, refugee, and asylee families; homeless children ; children in foster care; limited English proficient children; children of migrant or seasonal farmworker families; children from families in crisis; children referred to Head Start programs (including Early Head Start programs) by child welfare agencies; and children who are exposed to chronic violence or substance abuse.
3. To ensure that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.
4. To employ additional qualified classroom staff to reduce the child-to-teacher ratio in the classroom and additional qualified family service workers to reduce the family-to-staff ratio for those workers.
5. To ensure that Head Start programs have qualified staff that promote the language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.
6. To increase hours of program operation, including—
 - conversion of part-day programs to full-working day programs; and
 - increasing the number of weeks of operation in a calendar year.
7. To improve communitywide strategic planning and needs assessments for Head Start programs and collaboration efforts for such programs, including outreach to children described in no. 2 above.
8. To transport children in Head Start programs safely.
9. To improve the compensation and benefits of staff of Head Start agencies, in order to improve the quality of Head Start programs.

Attachment B

Office of Head Start Guidance on Implementing a Trauma-Informed Approach

Trauma occurs when frightening events or situations overwhelm a child or adult's ability to cope or deal with what has happened. These kinds of experiences cause an extended stress response and lasting effects on the physical and mental health of the individual. Trauma can occur in the form of a single event (e.g., a natural disaster or death of a close family member) or as a series of events or chronic condition (e.g., substance misuse, domestic and community violence, child abuse and neglect, extended homelessness, or food insecurity). Exposure to trauma is more common than most people believe. It is also multi-layered, with individual, community, and historical experiences. In addition to enrolled children and families, Head Start staff may experience trauma as well, along with stress associated with their role in supporting children and families impacted by trauma. That said, not everyone exposed to adverse experiences is traumatized.

Head Start and Early Head Start programs play a critical role in buffering the impact of trauma by promoting resilience for children, families, and staff. The effects of trauma are lessened by protective factors such as strong parent-child relationships; relationships between staff, children, and families in Head Start and Early Head Start

programs; and through relationships and supports within the community. Supporting staff wellness is a critical part of any trauma-informed approach in Head Start programs.

The Substance Abuse and Mental Health Services Administration (SAMHSA) defines a trauma-informed approach as one that: 1) **realizes** the widespread impact of trauma and understands potential paths for recovery; 2) **recognizes** potential signs and symptoms of trauma; 3) **responds** by fully integrating knowledge about trauma into program policies, procedures, and practices; and 4) **resists** re-traumatization of impacted individuals. For more information, please see [SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach](#).

Head Start Considerations for Funding Trauma-Informed Approaches

There are many ways Head Start and Early Head Start programs can use Quality Improvement funds to implement a comprehensive, ongoing trauma-informed approach. The following includes a limited, non-exhaustive list of examples:

Expand Mental Health Services

- Improve preventive mental health screening, assessment, and interventions
- Enhance mental health consultation for staff support and organizational improvement to help identify signs and symptoms of trauma and integrate supports and services to assist in healing
- Ensure mental health consultation and other related intervention services include a trauma-informed approach and are integrated at intake and orientation
- Build and/or enhance collaborative services with local substance abuse and mental health treatment programs, domestic violence service providers, disaster response programs, child welfare agencies, and others

Increase Classroom Quality

- Hire additional qualified education staff to lower classroom ratios, enhance caregiver-child relationships
- Provide ongoing coaching and support to education staff to address secondary stress and related turnover
- Hire behavioral specialists to support children, classroom staff, and parents
- Improve physical environments and learning spaces throughout the facility to help address the multiple domains of development and learning that are impacted by trauma
- Invest in professional development and staffing patterns that foster continuity of care, and consistent, predictable, and nurturing environments

Strengthen Family Services

- Enhance services that strengthen families, promote relationships, decrease parental stress, and improve family safety and financial security
- Strengthen service provision related to housing access and stability
- Provide enhanced job training, employment, education, and career services
- Help families better access healthcare and nutrition services
- Enhance transportation services to promote more regular participation by children and families in services designed to support development and learning and address trauma
- Improve collaboration efforts and alignment with family-serving agencies to lessen family confusion and stress in dealing with multiple agencies

Support a Trauma-Informed Workforce

- Provide training on trauma-informed approaches to all staff, governing boards, and Policy Councils, and ensure training is accompanied with coaching and opportunities for reflective practice and supervision
- Support staff capacity with salary increases and additional benefits, such as employee assistance services and break times
- Decrease family service staff and/or home visitor caseloads through hiring of additional qualified staff or other strategies

Create a Program-Wide Trauma-Informed Environment

- Ensure any trauma-informed training implemented at the management-, governing-, or policy-level includes oversight to examine how the approach is being implemented
- Conduct ongoing self-assessment to track program improvements related to integrating a trauma-informed approach over time
- Expand Health Services Advisory Committee efforts to better support health and mental health services for children and families by implementing trauma-informed approaches



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Attachment 2

March 13, 2020

Grant No. 03HP000205

Dear Head Start Grantee:

The Further Consolidated Appropriations Act, 2020, contains an increase of approximately \$550 million for programs under the Head Start Act for Fiscal Year (FY) 2020. The increase provides \$193 million for a cost-of-living adjustment (COLA) and \$250 million for Quality Improvement investments for Head Start. The COLA supports an increase of two percent for each grantee to increase staff salaries and fringe benefits, and offset higher operating costs. COLA funds are effective at the start of the FY 2020 budget period and are retroactive if this period has already begun. Quality Improvement funds are allocated proportionately based on federal funded enrollment, with additional consideration given to small grantees to allow for a meaningful investment, as permitted by the Act.

The following table reflects the COLA and Quality Improvement increases available for FY 2020.

Funding Type	Early Head Start
Cost-of-Living Adjustment (COLA)	\$16,470
Quality Improvement (QI)	\$35,000
Total Funding	\$51,470

The table provides projected amounts for each program, Head Start and/or Early Head Start. The Quality Improvement allocation above was calculated on Head Start and/or Early Head Start funded slots; however, grantees operating both programs have flexibility to use any amount of funding on either program, based on community needs, and not to exceed the total amount available. This flexibility does not extend to COLA allocations. Please note, allocations in the table are based on annual funding and enrollment levels by program as of February 2020, and may be subject to change if there are adjustments to these levels.

Submission Requirements

The supplemental application is due **May 15, 2020** and must be submitted in the [Head Start Enterprise System \(HSES\)](#). To apply, please select the **Financials** tab, **Grant Application** tab, **Fiscal Year 2020**, and add the **'Supplement – COLA and Quality Improvement'** amendment type. No other application type for these funds will be accepted.

Content of 'Supplement – COLA and Quality Improvement' Application

Applications must include separate narratives and detailed budget justifications for each funding type, COLA and Quality Improvement, and by program, Head Start and/or Early Head Start. Each narrative must begin with a Table of Contents, use 12 point font, and not exceed 10 pages. All narratives, budget justifications, and other supporting documentation must be uploaded into respective folders within the **Documents** tab of the application.

COLA Narrative and Budget Justification

Grantees must demonstrate:

- An increase of no less than two percent of the current pay scale for Head Start/Early Head Start employees, including unfilled vacancies, subject to the provisions of Sections 653 and 640(j) of the Head Start Act;
- The rationale and documentation detailing agency policies and procedures if employees are receiving less than the two percent COLA or differential COLA increases;
- The provision of a no less than two percent increase to all delegate agencies and partners or justification if less than two percent or differential increases are provided to delegate agencies and partners;
- The planned uses for the balance of the COLA funds to offset higher operating costs.

Sections [653](#) and [640\(j\)](#) of the Head Start Act provide further guidance on the uses and limitations of COLA funds. Sec. 653 restricts compensation to a Head Start employee that is higher than the average rate of compensation paid for substantially comparable services in the area where the program is operating. Sec. 640(j) of the Act requires compensation of Head Start employees must be improved regardless of whether the agency has the ability to improve the compensation of staff employed by the agency that do not provide Head Start services. Grantees with concerns that staff salaries cannot be increased due to wage comparability issues should ensure public school salaries for kindergarten teachers are included in their considerations.

Quality Improvement Narrative and Budget Justification

Grantees must demonstrate:

- Investments are consistent with Sec. 640(a)(5) of the Act (except programs are not bound by the requirements that at least 50 percent of the funds be used for staff compensation or that no more than 10 percent of funds be used on transportation. For more information on allowable activities as outlined in the Act, please see Attachment A);
- Investments made in Quality Improvement will be ongoing;
- How investments support children, families, and staff impacted by trauma; or justify the reasoning for investing in an activity not directly related to addressing trauma (For specific examples, please see Attachment B or the following resource on [Implementing a Trauma-Informed Approach](#).)
- For programs using flexibility in the proportional share of the funding for Head Start and Early Head Start, justify how that approach fully supports the greatest needs of communities.

Grantees are strongly encouraged to invest this funding into program efforts and activities that help better incorporate a trauma-informed approach that will support children, families, and staff impacted by adverse experiences. **For more information on trauma and implementation of trauma-informed approaches in Head Start and Early Head Start programs, including specific examples, please see Attachment B or the following resource on [Implementing a Trauma-Informed Approach](#).** However, grantees do have the flexibility to use these Quality Improvement funds to meet grantees' most pressing local needs, consistent with Section 640(a)(5) of the Act. With this funding, grantees should plan for ongoing, sustained investments in quality improvements, while also acknowledging one-time investments in FY 2020 year may be necessary to sustain ongoing quality improvement.

Budget Requirements

The data entered on the budget tab within the application populates the SF-424A. Grantees are required to include funds for both COLA and Quality Improvement, and within the appropriate program, Head Start or Early Head Start.

Non-Federal Share

The budget and detailed budget justification must include each source of non-federal match, including estimated amount per source and the valuation methodology. A detailed justification that conforms with the criteria under Section 640(b)(1)-(5) of the Head Start Act must be submitted if the application proposes a waiver of any portion of the non-federal match requirement.

Supporting Documents

Signed statements of the Governing Body and Policy Council Chairs along with Governing Body and Policy Council minutes documenting each group's participation in the development and approval of the supplemental application for COLA and Quality Improvement must be provided.

The application must be submitted on behalf of the Authorizing Official registered in the HSES. **Incomplete applications will not be processed.**

Please ensure the application contains all of the required information. If you have any questions or need assistance, please contact Latasha Shears, Head Start Program Specialist, at 215-861-4005 or latasha.shears@acf.hhs.gov or Kimberly Logan, Grants Management Specialist, at 215-861-4049 or kimberly.logan@acf.hhs.gov.

For technical assistance in preparing the application, please contact the HSES Help Desk at help@hsesinfo.org or 1-866-771-4737.

Sincerely,
The Office of Head Start

Attachment A

Allowable Uses of Quality Improvement Funds

The language in this document comes directly from Sec. 640(a)(5) of the Head Start Act, except that language has been removed from no. 1 specifying that at least 50 percent of the funds must be used for staff compensation and language has been removed from no. 8 specifying that no more than 10 percent of the funds can be used on transportation to align with the FY 2020 enacted appropriation language.

1. To improve the compensation (including benefits) of educational personnel, family service workers, and child counselors, as described in Sections [644\(a\)](#) and [653](#) of the Head Start Act, in the manner determined by the Head Start agencies (including Early Head Start agencies) involved, to—
 - ensure that compensation is adequate to attract and retain qualified staff for the programs involved in order to enhance program quality;
 - improve staff qualifications and assist with the implementation of career development programs for staff that support ongoing improvement of their skills and expertise; and
 - provide education and professional development to enable teachers to be fully competent to meet the professional standards established under [Sec. 648A\(a\)\(1\)](#) of the Act, including—
 - providing assistance to complete postsecondary course work;
 - improving the qualifications and skills of educational personnel to become certified and licensed as bilingual education teachers, or as teachers of English as a second language; and
 - improving the qualifications and skills of educational personnel to teach and provide services to

children with disabilities

2. To support staff training, child counseling, and other services necessary to address the challenges of children from immigrant, refugee, and asylee families; homeless children ; children in foster care; limited English proficient children; children of migrant or seasonal farmworker families; children from families in crisis; children referred to Head Start programs (including Early Head Start programs) by child welfare agencies; and children who are exposed to chronic violence or substance abuse.
3. To ensure that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.
4. To employ additional qualified classroom staff to reduce the child-to-teacher ratio in the classroom and additional qualified family service workers to reduce the family-to-staff ratio for those workers.
5. To ensure that Head Start programs have qualified staff that promote the language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.
6. To increase hours of program operation, including—
 - conversion of part-day programs to full-working day programs; and
 - increasing the number of weeks of operation in a calendar year.
7. To improve communitywide strategic planning and needs assessments for Head Start programs and collaboration efforts for such programs, including outreach to children described in no. 2 above.
8. To transport children in Head Start programs safely.
9. To improve the compensation and benefits of staff of Head Start agencies, in order to improve the quality of Head Start programs.

Attachment B

Office of Head Start Guidance on Implementing a Trauma-Informed Approach

Trauma occurs when frightening events or situations overwhelm a child or adult's ability to cope or deal with what has happened. These kinds of experiences cause an extended stress response and lasting effects on the physical and mental health of the individual. Trauma can occur in the form of a single event (e.g., a natural disaster or death of a close family member) or as a series of events or chronic condition (e.g., substance misuse, domestic and community violence, child abuse and neglect, extended homelessness, or food insecurity). Exposure to trauma is more common than most people believe. It is also multi-layered, with individual, community, and historical experiences. In addition to enrolled children and families, Head Start staff may experience trauma as well, along with stress associated with their role in supporting children and families impacted by trauma. That said, not everyone exposed to adverse experiences is traumatized.

Head Start and Early Head Start programs play a critical role in buffering the impact of trauma by promoting resilience for children, families, and staff. The effects of trauma are lessened by protective factors such as strong parent-child relationships; relationships between staff, children, and families in Head Start and Early Head Start

programs; and through relationships and supports within the community. Supporting staff wellness is a critical part of any trauma-informed approach in Head Start programs.

The Substance Abuse and Mental Health Services Administration (SAMHSA) defines a trauma-informed approach as one that: 1) **realizes** the widespread impact of trauma and understands potential paths for recovery; 2) **recognizes** potential signs and symptoms of trauma; 3) **responds** by fully integrating knowledge about trauma into program policies, procedures, and practices; and 4) **resists** re-traumatization of impacted individuals. For more information, please see [SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach](#).

Head Start Considerations for Funding Trauma-Informed Approaches

There are many ways Head Start and Early Head Start programs can use Quality Improvement funds to implement a comprehensive, ongoing trauma-informed approach. The following includes a limited, non-exhaustive list of examples:

Expand Mental Health Services

- Improve preventive mental health screening, assessment, and interventions
- Enhance mental health consultation for staff support and organizational improvement to help identify signs and symptoms of trauma and integrate supports and services to assist in healing
- Ensure mental health consultation and other related intervention services include a trauma-informed approach and are integrated at intake and orientation
- Build and/or enhance collaborative services with local substance abuse and mental health treatment programs, domestic violence service providers, disaster response programs, child welfare agencies, and others

Increase Classroom Quality

- Hire additional qualified education staff to lower classroom ratios, enhance caregiver-child relationships
- Provide ongoing coaching and support to education staff to address secondary stress and related turnover
- Hire behavioral specialists to support children, classroom staff, and parents
- Improve physical environments and learning spaces throughout the facility to help address the multiple domains of development and learning that are impacted by trauma
- Invest in professional development and staffing patterns that foster continuity of care, and consistent, predictable, and nurturing environments

Strengthen Family Services

- Enhance services that strengthen families, promote relationships, decrease parental stress, and improve family safety and financial security
- Strengthen service provision related to housing access and stability
- Provide enhanced job training, employment, education, and career services
- Help families better access healthcare and nutrition services
- Enhance transportation services to promote more regular participation by children and families in services designed to support development and learning and address trauma
- Improve collaboration efforts and alignment with family-serving agencies to lessen family confusion and stress in dealing with multiple agencies

Support a Trauma-Informed Workforce

- Provide training on trauma-informed approaches to all staff, governing boards, and Policy Councils, and ensure training is accompanied with coaching and opportunities for reflective practice and supervision
- Support staff capacity with salary increases and additional benefits, such as employee assistance services and break times
- Decrease family service staff and/or home visitor caseloads through hiring of additional qualified staff or other strategies

Create a Program-Wide Trauma-Informed Environment

- Ensure any trauma-informed training implemented at the management-, governing-, or policy-level includes oversight to examine how the approach is being implemented
- Conduct ongoing self-assessment to track program improvements related to integrating a trauma-informed approach over time
- Expand Health Services Advisory Committee efforts to better support health and mental health services for children and families by implementing trauma-informed approaches

ADMINISTRATIVE - 2

Approval of Supplemental Appropriation Resolution AS 20214 for the Department of Family Services to Accept Grant Funding from the Virginia Community College System (VCCS) for the Virginia Rapid Response COVID-19 Business Support Initiative

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 20214 for the Department of Family Services to accept funding from the Virginia Community College System for the Rapid Response COVID-19 Business Support Initiative, in the amount of \$396,208. The Governor has authorized rapid response funding, through the Workforce Innovation and Opportunity Act (WIOA), to provide layoff aversion funding to local businesses during the COVID-19 national emergency. No Local Cash Match is required. The grant period is March 1, 2020 to August 31, 2020. When grant funding expires, the County is under no obligation to continue funding the program. In an effort to access funding as quickly as possible, the Virginia Community College System indicated the County needed to accept the grant award as quickly as possible. Therefore, the Chairman of the Board of Supervisors signed the grant agreement on March 25, 2020. Formal Board approval is needed to appropriate the funding in the Federal-State Grant fund.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 20214 to accept funding from the Virginia Community College System in the amount of \$396,208 for the Virginia Rapid Response COVID-19 Business Support Initiative. Funding will support the layoff aversion strategies and activities that are designed to prevent, or minimize the duration of, unemployment resulting from layoffs due to COVID-19. There are no positions associated with this funding and no Local Cash Match is required.

TIMING:

Board approval is requested on April 14, 2020.

BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) is funded by the Department of Labor through the Virginia Community College System. WIOA funding provides comprehensive employment and training services to area employers, job seekers and youth. Fairfax County is the WIOA grant recipient for the Virginia Career Works-

Board Agenda Item
April 14, 2020

Northern Region that is comprised of Fairfax, Loudoun, and Prince William counties and the cities of Fairfax, Falls Church, Manassas, and Manassas Park. SkillSource Group, Inc. (SSG) is a separate nonprofit entity and the fiscal agent for WIOA funds for the Virginia Career Works-Northern Region.

On March 17, 2020, Virginia Governor Ralph Northam announced new measures to combat the Novel Coronavirus (COVID-19) outbreak, including the release of WIOA Rapid Response funding to support Northern Virginia employers to remain open during this emergency. Funding will support layoff aversion strategies and activities that are designed to prevent, or minimize the duration of, unemployment resulting from layoffs due to COVID-19 to qualifying employers who are eligible to remain open in the Northern Region. Examples of layoff aversion strategies include the following activities:

- Cleaning/sanitization services,
- Purchase software/programs that the employee would need to use from home to support his/her work,
- Purchase remote access supplies, including laptop computers and/or smart phones which the employee would need to use from home to support his/her work, or
- Other innovative methods that keep business open and workers employed.

Businesses with 250 or fewer employees are eligible to apply. An agreement with each employer describing deliverables and outcomes will be completed prior to receiving funding. Application requests shall not exceed \$25,000.

FISCAL IMPACT:

Funding from the Virginia Community College System for the Virginia Rapid Response COVID-19 Business Support Initiative, in the amount of \$396,208, will support the layoff aversion strategies and activities that are designed to prevent, or minimize the duration of, unemployment resulting from layoffs due to COVID-19. No Local Cash Match is required. As the designated fiscal agent for Virginia Career Works-Northern Region, funding will be administered by the SkillSource Group, Inc.; however, financial transactions will be reflected in the County's financial system. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated awards in FY 2020. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

Board Agenda Item
April 14, 2020

ENCLOSED DOCUMENTS:

Attachment 1: Award Documentation from Virginia Community College System

Attachment 2: Supplemental Appropriation Resolution AS 20124

STAFF:

Tisha Deeghan, Deputy County Executive

Michael Becketts, Director, Department of Family Services (DFS)

Theresa Byers, Finance Manager, DFS

Lisa Tatum, Division Director Self-Sufficiency, DFS



March 20, 2020

Sharon Bulova, Chairman
Fairfax County Board of Supervisors
12000 Government Center Pkwy, Suite 530
Fairfax, VA 22035

Dear Chairman Bulova:

Enclosed is a Workforce Innovation and Opportunity Act (WIOA) Notice of Obligation (NOO) authorizing your Local Workforce Development Area (LWDA) to provide layoff aversion funding to local businesses during the COVID-19 national emergency in accordance with the attached guidelines.

This grant award is released per the governor's press release dated March 17, 2020, titled Governor Northam Announces New Measures to Combat COVID-19 and Support Impacted Virginians. The attached document, titled Additional Assistance Funding, provides the guidance for implementing this award.

To accept the award, the attached NOO should be signed by the grant recipient and returned to wdslocalarea@vccs.edu.

The VCCS is the state administrative entity, grant recipient, and fiscal agent for Workforce Innovation and Opportunity Act (WIOA) Title I funds. The VCCS WIOA Title I Director of Administration and Compliance provides the oversight for this agreement and directs the implementation and administration of this grant. As the pass-through entity for WIOA funds, the VCCS is utilizing its DOL approved 24.8% indirect cost rate.

The period of performance for this award is March 1, 2020 through August 31, 2020. This is a cost reimbursable grant. Indirect costs and equipment purchase (goods at a cost of \$5,000 or more per item) are not allowable in this grant. VCCS will provide a Rapid Response Request for Reimbursement form which must be submitted monthly along with a performance report that will outline the activities that were completed with the federal funds. The request for reimbursement and monthly performance report must be completed within 20 days following the end of each month.

Closeout of the award will occur 45 days following the end of the performance period, or no later than October 15, 2020.

If you have any questions, please do not hesitate to contact Andrea Glaze, at (804) 819-5393 or aglaize@vccs.edu.

Sincerely,



George Taratsas
Director, WIOA Title I Administration and Compliance

Enclosures:

Notice of Obligation

Virginia COVID Layoff Guidance

Employer Information Form Virginia Rapid Response COVID-19 Business Support Initiative

Budget Template

Rapid Response Grant Narrative Template

cc: Northern Virginia Workforce Development Board
SkillSource Group, Inc

VIRGINIA COMMUNITY COLLEGE SYSTEM

Arboretum III - 300 Arboretum Place, Third Floor, Suite 200

Richmond, Virginia 23236

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

ISSUED BY: U. S. DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION

PASS-THROUGH ENTITY: VIRGINIA COMMUNITY COLLEGE SYSTEM

ISSUED DATE: June 4, 2019

Grant Number: AA-332060-19-55-A-51

NOTICE OF OBLIGATION

Virginia Rapid Response COVID-19 Business Support Initiative

Period of Performance: March 1, 2020-August 31, 2020

Subrecipient: Fairfax County

DUNS #: 074837626

NOO No.: RR COVID 11-19-01

Effective Date: 3/1/20

Program Code: 2100

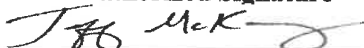
<u>CFDA</u>	<u>Fund Type</u>	<u>Amount</u>
17.278	WIOA Rapid Response	<u>396,208</u>

This Notice of Obligation awards U.S. Department of Labor Workforce Innovation and Opportunity Act (WIOA) funds to undertake activities in response to the COVID19 crisis in accordance with the attached guidelines.

The subrecipient must adhere to PY 19 WIOA Terms and Conditions, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 Code of Federal Regulations (CFR) Part 200, and U.S. Department of Labor exceptions codified at 2 CFR Part 2900.

By my signature, I accept the Terms and Conditions of this subaward and agree to use the funds as outlined.

Authorized Signature



Date

3/25/2020

Jeffrey C. McKay
Print Name

Chairman, Fairfax County Board of Supervisors
Title

Approved by

George Taratsas

Director WIOA Title I Administration and Compliance
Academic and Workforce Programs
(804) 819-5387

Date

cc: Northern Virginia Workforce Development Board

SkillSource Group, Inc.

County of Fairfax, Department of Administration for Human Services

Additional Assistance Funding

Guidance Related to the Governor's Press Release dated March 17, 2020, titled Governor Northam Announces New Measures to Combat COVID-19 and Support Impacted Virginians, which included support for Impacted Employers

The Governor is authorizing rapid response funding, through the Workforce Innovation and Opportunity Act, for employers eligible to remain open during this emergency. Funds may be used to clean facilities and support emergency needs.

Layoff aversion strategies and activities are designed to prevent, or minimize the duration of, unemployment resulting from layoffs due to COVID-19.

Each local workforce development area, and each business and employee within it, will be affected in different ways – the Governor's Chief Workforce Development Advisor is committed to the following:

- Providing general guidance and examples intended to stimulate creative strategies and solutions at the State and local areas;
- Providing specific references and resources when available; and
- Reviewing requests for layoff aversion projects in a timely manner, with an open willingness to consider and explore innovative approaches to meeting your community's needs.

Funding Available: \$1,500,000 Allocated to Local Workforce Development Area (LWDA) Grant Recipients of Workforce Innovation and Opportunity Act (WIOA) Title I Formula Funds and administered by the Local Workforce Development Board (LWDB)

Basis of Allocation: Allocation will be issued proportionate to each LWDA's working age population in the Commonwealth of Virginia; see below for individual area allocations

Workforce Region	Year	Labor Force	% of Total	Dollar Amount
Alexandria/Arlington (LWDA XII)	2019	257,493.09	6% \$	87,619
Bay Consortium (LWDA XIII)	2019	256,597.91	6% \$	87,314
Capital Region Workforce Partnership (LWDA IX)	2019	592,045.45	13% \$	201,460
Crater Area (LWDA XV)	2019	75,486.73	2% \$	25,686
Greater Peninsula (LWDA XIV)	2019	257,964.27	6% \$	87,779
Hampton Roads (LWDA XVI)	2019	593,210.55	13% \$	201,856
New River/Mt. Rogers (LWDA II)	2019	180,030.73	4% \$	61,260
Northern Virginia (LWDA XI)	2019	1,164,345.64	26% \$	396,208
Piedmont Workforce Network (LWDA VI)	2019	225,480.55	5% \$	76,726
Region 2000/Central VA (LWDA VII)	2019	124,373.82	3% \$	42,321
Shenandoah Valley (LWDA IV)	2019	273,502.82	6% \$	93,066

South Central (LWDA VIII)	2019	80,416.00	2% \$	27,363
Southwestern Virginia (LWDA I)	2019	71,429.82	2% \$	24,305
West Piedmont (LWDA XVII)	2019	86,944.45	2% \$	29,585
Western Virginia (LWDA III)	2019	168,838.73	4% \$	57,452
				\$ 1,500,000

Data source: Most recent LMI "labforce" dataset; Filtered to Workforce Region as area type; Filtered to 2019; Averaged the monthly values (since annual not present)

Source of Funds: Governor's WIOA Title I Rapid Response Reserve

Period of Availability: March 1, 2020, to August 31, 2020

State and federal resources and regulations

- [TEGL 19-16](#) (particularly pages 26-27)
- [20 CFR 682.320](#)
- VBWD 403-02: Rapid Response Activities: Layoff Aversion Assistance:
<https://viriniacareerworks.com/wp-content/uploads/Policy-403-02-Rapid-Response-Final.pdf>

General Guidance and "Innovative" Initiatives

In addition to being designed to mitigate or minimize potential job losses, the most important aspect of a proposed layoff aversion project is that it is *intentional*. That is, it includes a deliberate, planned strategy with expected outcomes.

When additional assistance funds are limited, priority must be given to layoff aversion projects that

- Support a local area's targeted sectors, and, where possible,
- Make use of other funding sources and leveraged resources.

A form will be provided on March 19th, 2020, to each LWDB Director for reporting the layoff aversion project each LWDA proposes to implement (see examples below). The project should be designed in consultation with, and have the support of, the local elected officials. The form will contain instructions for submission.

Examples of layoff aversion projects that use innovative strategies to address COVID-19-related effects on small businesses (250 or fewer employees) and workers include:

- A small business needs their employees to be at work, on site, but cannot afford frequent deep cleaning to help prevent potential exposure to COVID-19. **Layoff aversion funds could be used to pay for a cleaning/sanitization service.**
- A small business whose employees use specific software or computer applications asks their employees to work from home/remotely in order to support social distancing and limit potential exposure to COVID-19. **Layoff aversion funding could**

be used to purchase the software/programs that the employee would need to use from home to support their work.

- A call center environment needs to have their employees work from home/remotely in order to support social distancing and limit potential exposure to COVID-19. **Layoff aversion funding could be used to purchase remote access supplies, including laptop computers and/or smart phones, which the employee would need to use from home to support their work.**

LWDBs must complete an agreement with each employer to describe the project deliverables, and outcomes.

*Note: Layoff aversion funds can always be used to support innovative approaches and strategies; other business/employee needs could be substituted for COVID-19-related language in the examples above.

(From [TEGL 19-16](#), emphasis added) “...the regulations require that states and local areas have the capability to conduct layoff aversion; however, it is left to the discretion of the operators of Rapid Response programs to determine which strategies and activities are applicable in a given situation, based upon specific needs, policies, and procedures within the state and operating areas. In this way the regulations permit state and local rapid response operators the flexibility to meet the requirements of WIOA based on the specific needs of the companies and workers being served and the particular characteristics of each event, while ensuring that valuable and important solutions are delivered whenever possible. We encourage state and local rapid response teams to develop strategies that maximize the ability to deploy the appropriate layoff aversion solutions for the challenges they face.)

If you have questions about potential layoff aversion projects, please contact Randy Stamper at rstamper@vccs.edu or 804-819-4691.

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 20214

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held ~~in Conference Room 11 in the Government Center at 12000 Government Center Parkway, Fairfax Virginia~~ **electronically (due to the State of Emergency caused by the COVID-19 pandemic)** on April 14, 2020, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2020, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G6767, Department of Family Services	\$396,208
Grant:	1670098-2019, WIOA Rapid Response	

Reduce Appropriation to:

Agency:	G8787, Unclassified Admin	\$396,208
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Virginia Community College System, \$396,208

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 7936 Telegraph Road to STC THREE, LLC (Lee District)

ISSUE:

Authorization to advertise a public hearing to lease to STC THREE, LLC, the County-owned property at Kingstowne Fire Station, located at 7936 Telegraph Road, for the provision of telecommunications services for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held on ~~May 19, 2020~~ **June 9, 2020** at 3:30 p.m.

TIMING:

Board action is requested on April 14, 2020 to provide sufficient time to advertise the proposed public hearing on ~~May 19, 2020~~ **June 9, 2020** at 3:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of the Kingstowne Fire Station facility located at 7936 Telegraph Road on a County-owned parcel identified as Tax Map Number 100-1 ((1)) 16. The site is currently improved with a 150-foot telecommunications tower positioned at the rear of the property. The County has an existing lease with Crown Castle for a 650 square feet compound at the base of the monopole. This lease is scheduled to terminate on February 28, 2021.

Crown Castle, the property manager for Lessee, has approached the County about Lessee's desire to continue to use this site for the provision of telecommunications services and has negotiated a new lease with the County. The initial term will be five (5) years, with five 5-year options to extend the lease, for a total possible term of thirty (30) years. Lessee will pay approximately \$50,000 as the annual rental fee for its equipment during the first year of the extension, with scheduled rent increases of three percent (3%) per year thereafter. Lessee will also provide thirty percent (30%) of the rental payments from any future sublessees to the County as additional rent owed under the lease.

Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may lease its real property.

FISCAL IMPACT:

The lease will generate approximately \$50,000 in revenue during the first year of the extension. An administrative fee of \$2,000 will be paid within thirty (30) days of execution of the lease. All revenue will be deposited into the General Fund.

ENCLOSED DOCUMENTS:

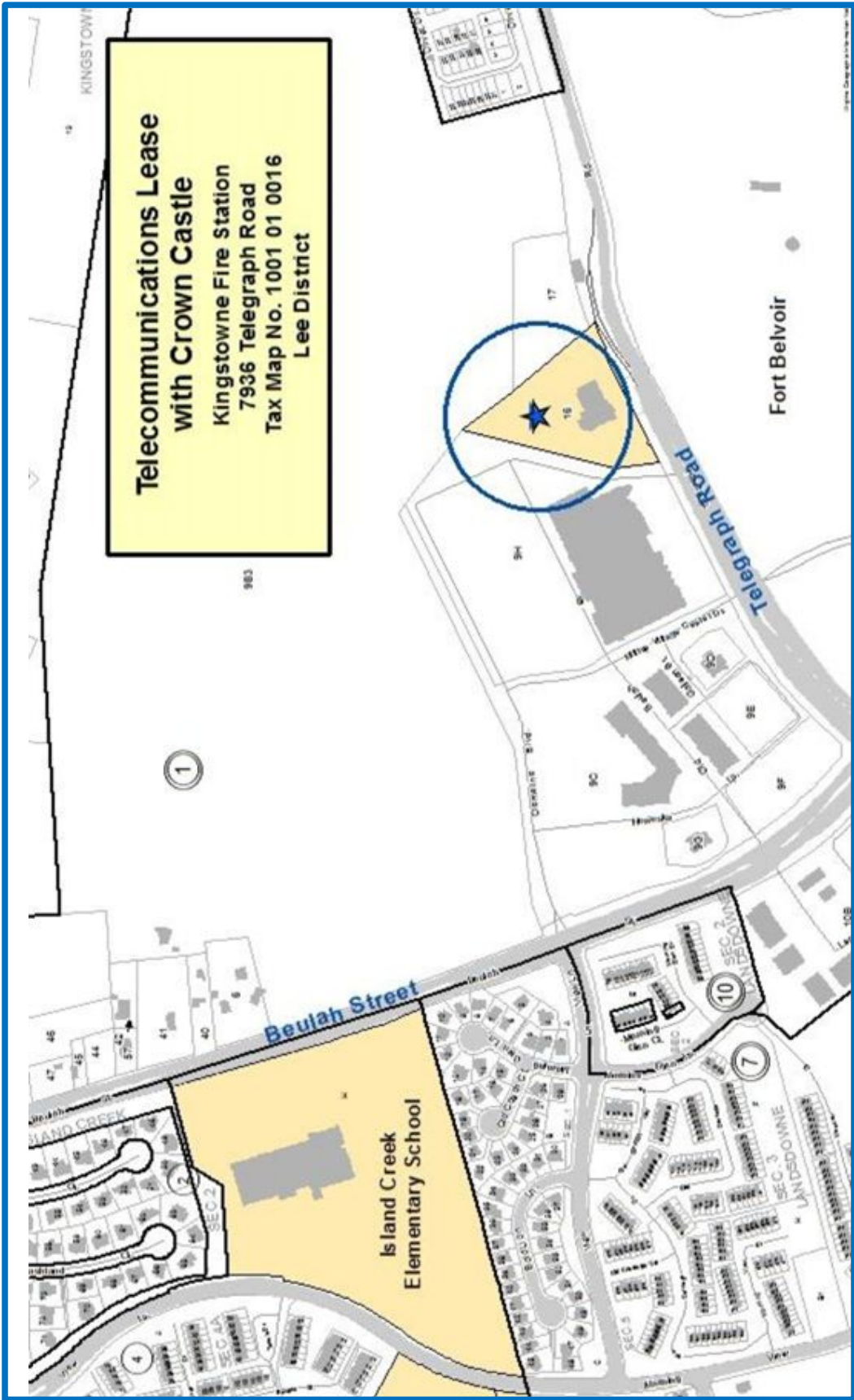
Attachment 1 – Location Map 1001 01 0016

STAFF:

Joseph M. Mondoro, Chief Financial Officer
José A. Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney



ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 7801 Maritime Lane to STC THREE, LLC (Springfield District)

ISSUE:

Authorization to advertise a public hearing to lease to STC THREE, LLC, the County-owned property at Pohick Fire Station, located at 7801 Maritime Lane, for the provision of telecommunications services for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held on ~~May 19, 2020~~ **June 9, 2020** at 3:30 p.m.

TIMING:

Board action is requested on April 14, 2020 to provide sufficient time to advertise the proposed public hearing on ~~May 19, 2020~~ **June 9, 2020** at 3:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of the Pohick Fire Station facility located at 7801 Maritime Lane on a County-owned parcel identified as Tax Map Number 97-2 ((1)) 3. The site is currently improved with an 88-foot telecommunications tower positioned near the entrance to the parking lot. The County has an existing lease with Crown Castle for a 446 square foot compound at the base of the monopole. T-Mobile subleases from Lessee space on the monopole and in the compound for its telecommunications equipment.

With this lease is scheduled to terminate on September 30, 2022, Crown Castle, the property manager for Lessee, has approached the County about Lessee's desire to continue to use this site for the provision of telecommunications services and has negotiated a new lease with the County. The initial term will be five (5) years, with five 5-year options to extend the lease, for a total possible term of thirty (30) years. Lessee will pay approximately \$52,000 as the annual rental fee for its equipment during the first year, with scheduled rent increases of three percent (3%) per year thereafter. Lessee will also continue to provide thirty percent (30%) of the rental payments from any sublessees to the County as additional rent owed under the lease. Total revenue from the existing T-Mobile sublease will amount to approximately \$15,000 in FY 2020.

Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may lease its real property.

FISCAL IMPACT:

The lease will generate approximately \$52,000 in revenue (plus thirty percent of any sublessees' rental payments) during the first year of the extension. An administrative fee of \$2,000 will be paid within thirty (30) days of execution of the lease. All revenue will be deposited into the General Fund.

ENCLOSED DOCUMENTS:

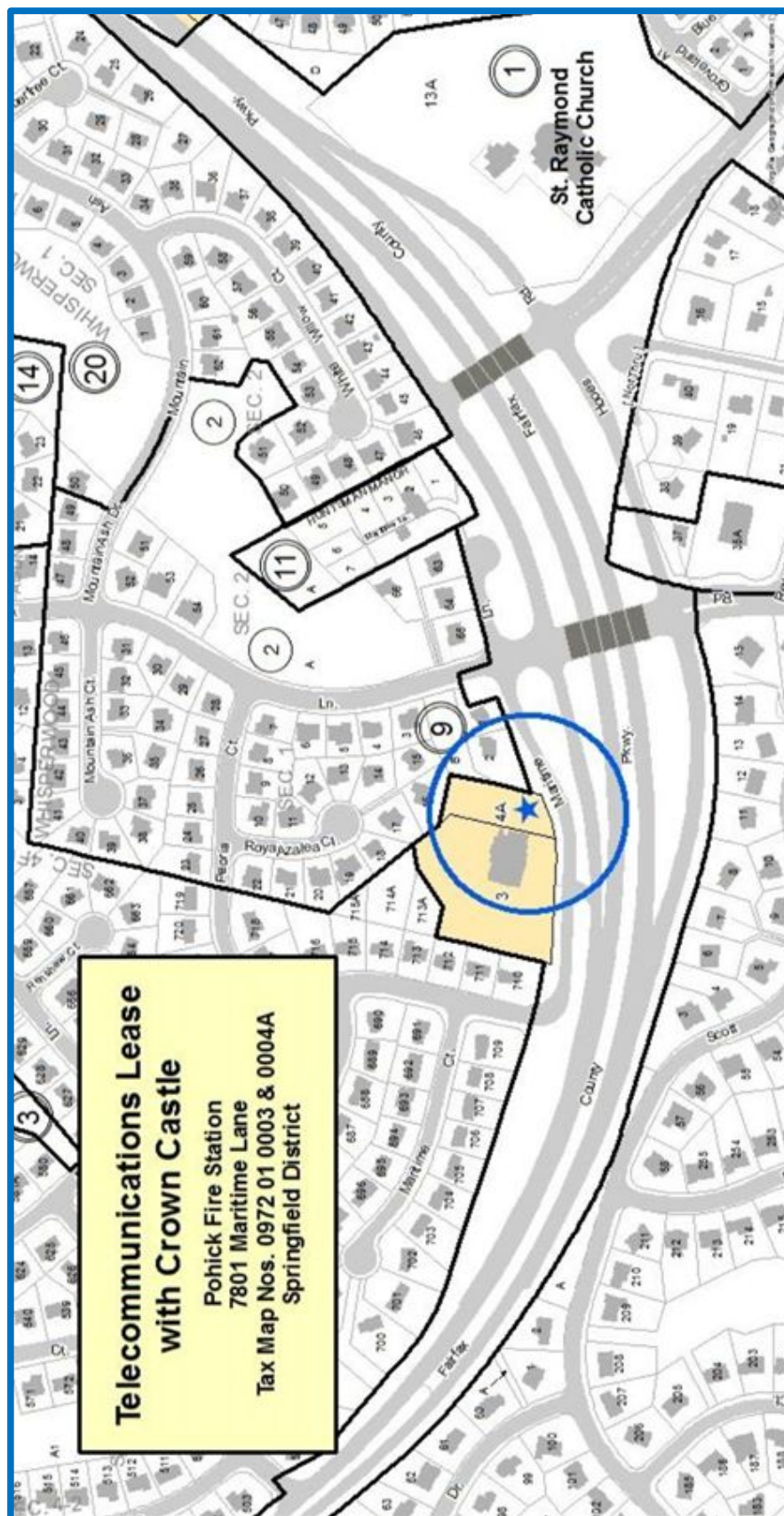
Attachment 1 – Location Map 0972 01 0003

STAFF:

Joseph M. Mondoro, Chief Financial Officer
José A. Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney



ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 14005 Vernon Street to STC THREE, LLC (Sully District)

ISSUE:

Authorization to advertise a public hearing to lease to STC THREE, LLC, the County-owned property at Chantilly Fire Station, located at 14005 Vernon Street, for the provision of telecommunications services for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held on ~~May 19, 2020~~ **June 9, 2020** at 3:30 p.m.

TIMING:

Board action is requested on April 14, 2020 to provide sufficient time to advertise the proposed public hearing on ~~May 19, 2020~~ **June 9, 2020** at 3:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of the Chantilly Fire Station facility located at 14005 Vernon Street on a County-owned parcel identified as Tax Map Number 34-4 ((6)) 62. The site is currently improved with a 150-foot telecommunications tower positioned at the rear of the fire station building. The County has an existing lease with Crown Castle for a 120 square feet compound at the base of the monopole. This lease is scheduled to terminate on May 21, 2020.

Crown Castle, the property manager for Lessee, has approached the County about Lessee's desire to continue to use this site for the provision of telecommunications services and has negotiated a new lease with the County. The initial term will be five (5) years, with five 5-year options to extend the lease, for a total possible term of thirty (30) years. Lessee will pay approximately \$54,000 as the annual rental fee for its equipment during the first year of the extension, with scheduled rent increases of three percent (3%) per year thereafter. Lessee will also provide thirty percent (30%) of the rental payments from any future sublessees to the County as additional rent owed under the lease.

Board Agenda Item
April 14, 2020

REVISED

FISCAL IMPACT:

The lease will generate approximately \$54,000 in revenue during the first year of the extension. An administrative fee of \$2,000 will be paid within thirty (30) days of execution of the lease. All revenue will be deposited into the General Fund.

ENCLOSED DOCUMENTS:

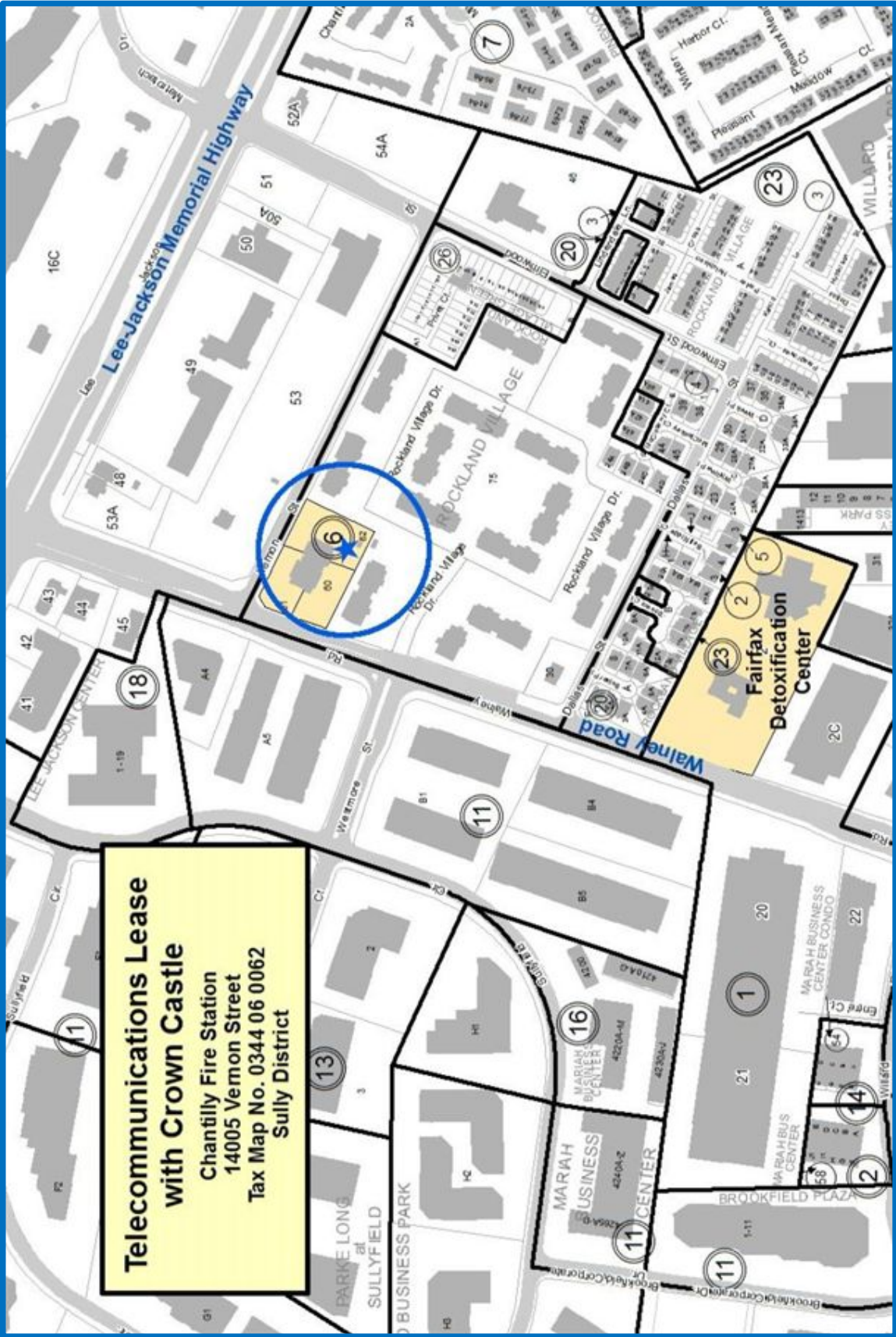
Attachment 1 – Location Map 0344 06 0062

STAFF:

Joseph M. Mondoro, Chief Financial Officer
José A. Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney



ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Lease County-Owned Property at 3721 Stonecroft Boulevard to STC THREE, LLC (Sully District)

ISSUE:

Authorization to advertise a public hearing to lease to STC THREE, LLC, the County-owned property at the Fairfax County Police Department (FCPD) Driver Training Facility, located at 3721 Stonecroft Boulevard, for the provision of telecommunications services for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held on ~~May 19, 2020~~ **June 9, 2020** at 3:30 p.m.

TIMING:

Board action is requested on April 14, 2020 to provide sufficient time to advertise the proposed public hearing on ~~May 19, 2020~~ **June 9, 2020** at 3:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of the FCPD Driver Training Facility located at 3721 Stonecroft Boulevard on a County-owned parcel identified as Tax Map Number 34-1 ((1)) 5. The site is currently improved with a 57-foot telecommunications tower positioned near the entrance to the parking lot. The County has an existing lease with Crown Castle for a 625 square foot compound at the base of the monopole. Network provider Cox Communications subleases from Lessee space on the monopole and in the compound for its telecommunications equipment.

With this lease is scheduled to terminate on September 30, 2022, Crown Castle, the property manager for Lessee, has approached the County about Lessee's desire to continue to use this site for the provision of telecommunications services and has negotiated a new lease with the County. The initial term will be five (5) years, with five 5-year options to extend the lease, for a total possible term of thirty (30) years. Lessee will pay approximately \$52,000 as the annual rental fee for its equipment during the first year, with scheduled rent increases of three percent (3%) per year thereafter. Lessee will also provide thirty percent (30%) of the rental payments from any future sublessees to the County as additional rent owed under the lease.

Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may lease its real property.

FISCAL IMPACT:

The lease will generate approximately \$52,000 in revenue during the first year of the extension. An administrative fee of \$2,000 will be paid within thirty (30) days of execution of the lease. All revenue will be deposited into the General Fund.

ENCLOSED DOCUMENTS:

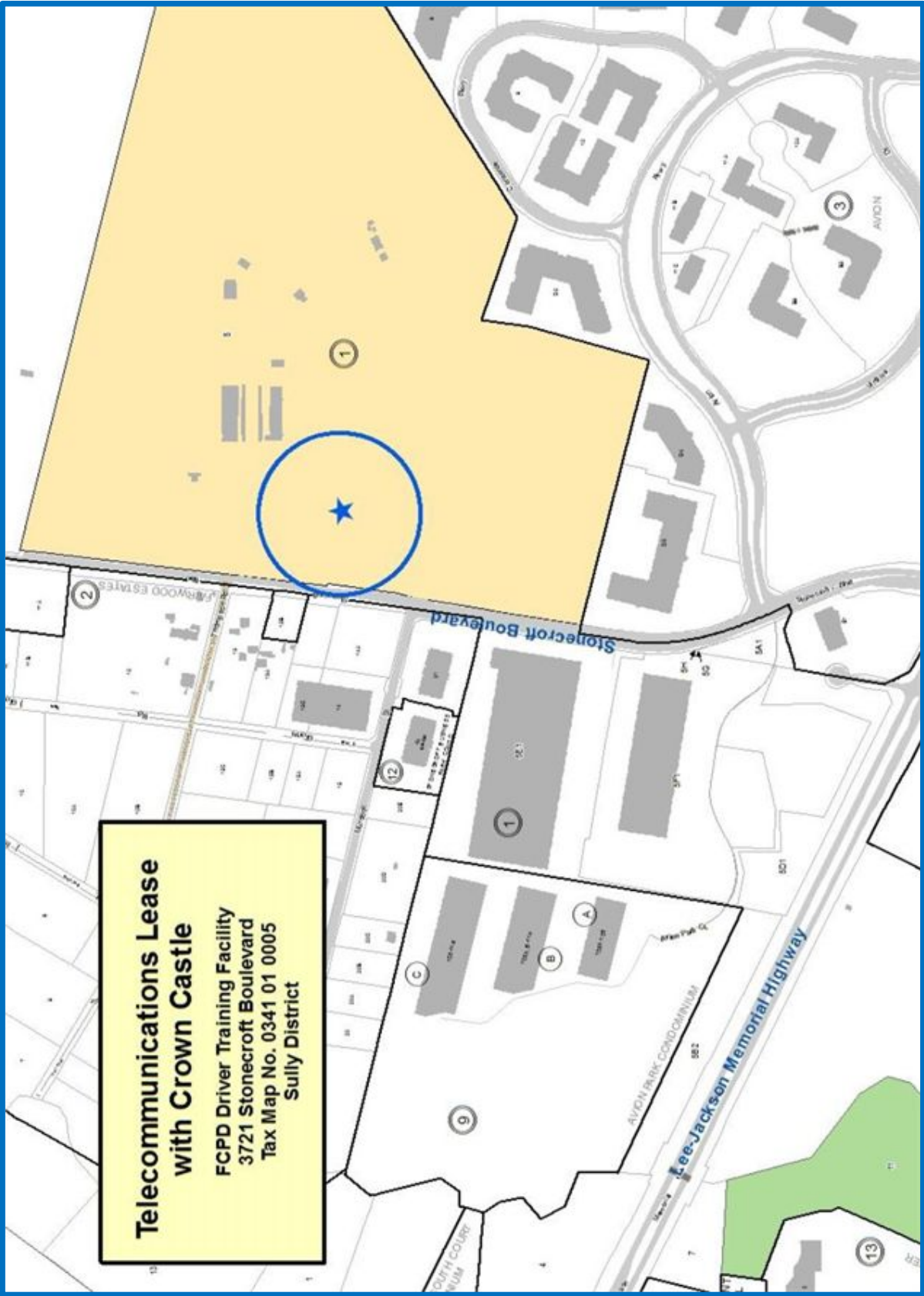
Attachment 1 – Location Map 0341 01 0005

STAFF:

Joseph M. Mondoro, Chief Financial Officer
José A. Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney



Board Agenda Item
April 14, 2020

ACTION - 1

Approval of a Resolution Supporting Three Additional Projects Being Submitted to the Northern Virginia Transportation Commission for FY 2021 to FY 2022 Commuter Choice Funding (Providence and Hunter Mill Districts)

ISSUE:

Board approval is requested of a resolution (Attachment 1) supporting three applications submitted to the Northern Virginia Transportation Commission (NVTC) by the City of Fairfax and Loudoun County for FY 2021 – FY 2022 Commuter Choice Program Funds and providing the County's concurrence that these projects be evaluated. Projects submitted by the County were previously endorsed by the Board on January 28, 2020.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Attachment 1, in substantial form, supporting three project applications by the City of Fairfax and Loudoun County for NVTC's Commuter Choice Program funds to improve access to transit and enhance transportation on I-66 Inside the Beltway.

TIMING:

Board of Supervisors' approval is requested on April 14, 2020, to provide NVTC a resolution of support for the applications, which were due on January 31, 2020. NVTC is expected to approve projects for its FY 2021-2022 Commuter Choice Program in Summer 2020.

BACKGROUND:

On November 14, 2019, NVTC approved the issuance of the FY 2021 – 2022 Commuter Choice Program Call for Projects. Funding is provided by toll revenues from I-66 Inside the Beltway for multimodal transportation projects. Project applications were due to NVTC on January 31, 2020, with a resolution of endorsement from each locality's governing body.

At its January 28, 2020, meeting, the Board of Supervisors adopted a resolution (Attachment 2) endorsing three projects to be submitted by Fairfax County to NVTC. The FY 2021 – 2022 I-66 Commuter Choice Program will follow the selection process prescribed in the Memorandum of Agreement between the Commonwealth Transportation Board (CTB), the Virginia Department of Transportation (VDOT), and

Board Agenda Item
April 14, 2020

NVTC, whereby eligible projects are evaluated, prioritized, selected and then submitted to the CTB for approval.

Following the actions taken by the Board, County staff was contacted by the City of Fairfax and Loudoun County requesting support for their projects.

The City of Fairfax proposes to install and operate four Capital Bikeshare stations within the portion of the Vienna Metrorail station "bike-shed" located in the City of Fairfax. These stations will connect to the Capital Bikeshare network in Fairfax County which includes planned stations near the Vienna Metrorail Station. These stations would also connect to additional proposed Capital Bikeshare stations in other parts of the City of Fairfax.

Loudoun County has submitted two projects for Commuter Choice funding. The first project will be an expansion and renewal of bus route 931/932 from Purcellville to the Wiehle-Reston East Metrorail Station. Funding is also being requested for the leasing of 150 spaces in the park-and-ride lot in Purcellville. The second project will be an expansion of bus service on Route 88X. The proposal will fund the operating cost of one extra bus that allows the Route 88X to be extended from the East Gate Park-and-Ride Lot to the Stone Ridge Park-and-Ride Lot, while maintaining approximately 30-minute headways. Both routes provide service at the Wiehle-Reston East Metrorail Station in Fairfax County.

FISCAL IMPACT:

There is no direct fiscal impact associated with this action.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution Supporting Three Additional Projects Being Submitted to the Northern Virginia Transportation Commission for FY 2021 to FY 2022 Commuter Choice Program Funds

Attachment 2 – Resolution approved on January 28, 2020, for Fairfax County projects to be submitted to the Northern Virginia Transportation Commission for FY 2021 to FY 2022 Commuter Choice Program Funds

STAFF:

Rachel Flynn, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Brent Riddle, Senior Transportation Planner, Coordination Section, FCDOT

Malcolm Watson, Transportation Planner, Coordination and Funding Division, FCDOT

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in ~~Conference Room 11 in the Fairfax County Government Center in Fairfax, Virginia,~~ **electronically (due to the State of Emergency caused by the COVID-19 pandemic)** on Tuesday, April 14, 2020, at which meeting a quorum was present and voting, the following resolution was adopted:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby supports the efforts of the City of Fairfax and Loudoun County in submitting several applications to the NVTC requesting FY 2021 – 2022 Commuter Choice Program Funds, and requests that the City of Fairfax and Loudoun County staff coordinate the implementation of the following projects with Fairfax County and the affected Fairfax County Supervisors:

- Installation and operation of four Capital Bikeshare stations located within the City of Fairfax
- Expansion and renewal of bus route 931/932 from Purcellville to the Wiehle-Reston East Metrorail Station
- Expansion of Route 88X from the East Gate Park-and-Ride Lot to the Wiehle-Reston East Metrorail

Adopted this 14th day of April 2020, Fairfax, Virginia.

A Copy - Teste

Jill G. Cooper
Clerk for the Board of Supervisors

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia on Tuesday, January 28, 2020, at which a quorum was present and voting, the following resolution was adopted:

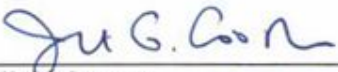
RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Fairfax County, Virginia, hereby authorizes the Director of the Fairfax County Department of Transportation to submit to the Northern Virginia Transportation Commission a request for funding from the I-66 Inside the Beltway Commuter Choice Program for FY2021-2022 for the following projects listed in priority order:

- McLean Station Second Entrance: This project proposes a second entrance to the McLean Metrorail on the north side of the station to provide a shortened, more convenient walk and visible access from areas north of the McLean Station that are redeveloping. *Funding request: \$1,000,000*
- Reston South Multimodal Improvements: *Funding Request: \$8,600,000*
 - New Express Route 598: The new route will provide express transit service from Reston South Park-and-Ride Lot to the Pentagon, Pentagon City and Crystal City in Arlington.
 - Intersection Improvements at Fox Mill and Pinecrest Road: The project is for the construction of a traffic signal and pedestrian crossings at the intersection of Fox Mill Road and Pinecrest Road.
 - Bicycle and Pedestrian Improvements: The proposed projects will provide ADA and AASHTO compliant pedestrian and bicycle improvements to the Park and Ride Lot from surrounding neighborhoods
- Bus Route 599 Fare Buy Down: The project proposes to reduce the fare from the current cost of \$7.50 to \$4.25. Reducing the fare is projected to increase ridership on Route 599 by between 5 and 10 percent. *Funding request: \$500,000*

ADOPTED this 28th day of January, 2020.

A Copy – Teste:



Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
April 14, 2020

ACTION - 2

Approval of Fairfax Connector May 2020 Service Changes

ISSUE:

Board of Supervisors' approval of Fairfax Connector's May 2020 service changes to Route 699, as well as implementation of the new Route 697.

RECOMMENDATION:

The County Executive recommends the Board approve Fairfax Connector's May 2020 service change proposals outlined below.

TIMING:

Board approval is requested on April 14, 2020, to allow for implementation on May 11, 2020.

BACKGROUND:

Fairfax Connector staff proposes service changes for implementation on May 11, 2020, to improve the customer experience and increase ridership through improved on-time performance, service reliability, and effectiveness. The planned implementation date of Routes 697 and 699 is May 11, 2020, in response to the Metrorail Orange Line shutdown. However, the COVID 19 pandemic may delay this implementation, as Fairfax Connector is responding to health concerns across the County by reducing transit operations. The proposed service changes are described below. Additional background information and proposal details are provided in Attachment III.

PROPOSAL DETAILS:

Route 697: Stringfellow Park-and-Ride Lot – L'Enfant Plaza Area

To improve travel time and increase capacity within the I-66 corridor, staff recommends implementing the new Route 697:

- Provide new express service between the Stringfellow Park-and-Ride Lot to the L'Enfant Plaza area.
- The estimated annual revenue hours are 7,000.
- The estimated annual operating cost is \$840,000. Funding will be provided by a Northern Virginia Transportation Commission (NVTC) I-66 Commuter Choice grant using toll revenue from inside the Beltway.

Board Agenda Item
April 14, 2020

- Implementation is planned for May 2020, based upon grant funding and fleet availability.

Route 699: Government Center – Downtown Washington, D.C.

To improve on-time performance and increase capacity, staff recommends the following service adjustments to Route 699:

- Provide additional express service between the Fairfax County Government Center and downtown Washington, D.C.
- Reverse commuter service will be implemented, with five trips in the morning and six trips in the afternoon. No additional revenue hours will be needed to implement the reverse commuter service.
- The estimated annual revenue hours will be increased to 8,900.
- The estimated annual operating cost is \$1,067,500. Funding will be provided by a NVTC I-66 Commuter Choice grant and the existing Connector budget.
- Implementation is planned for May 2020, based upon grant funding and fleet availability.

Public Involvement

To inform the public of the service changes and receive feedback from passengers, staff posted detailed information on the Fairfax Connector website and social media accounts, conducted an online survey, distributed flyers on all buses, hosted one public meeting and several pop-up events to directly engage the public, and reviewed and responded to public comments and questions. The public comments were incorporated into the proposal, where feasible. Of the total 340 comments received, 256 comments were in favor of the service changes. A summary of the public feedback and responses are included as Attachment IV.

TITLE VI:

The service changes to Route 699 and the new Route 697, proposed for implementation in May 2020, were reviewed as mandated by the Federal Transit Administration (FTA) in *Circular C4702.1B: Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The analysis showed the proposed service adjustments to Route 699 will not create a negative disparate impact on minority riders or a disproportionate burden on low-income riders. Instead, they will result in an overall service improvement for Fairfax Connector riders and the communities served. The new Route 697 did meet the threshold for major service change; however, this route will not create either a disparate impact on minority households or disproportionate burden on low-income households. As a result, no Title VI impacts were found for any of the May 2020 service changes. The Title VI analysis is included as Attachment V.

Board Agenda Item
April 14, 2020

FISCAL IMPACT:

The service changes to Route 699 and implementation of the new Route 697 will be funded through NVTC I-66 Commuter Choice grants using revenue from high-occupancy toll lanes inside the Beltway on I-66. The total of the two NVTC grants is \$6.2 million over two years, which includes the purchase of seven new buses. A portion of the Route 699 funding (\$75,600 for 630 annual revenue hours) will be covered by funds already included in Fund 40000 (County Transit System). There will be no fiscal impact to the General Fund for any of the May 2020 proposed service changes.

ENCLOSED DOCUMENTS:

Attachment I - News Release
Attachment II - Route Maps
Attachment III - Background Information and Proposal Details
Attachment IV - Public Comments Summary
Attachment V - Service Equity (Title VI) Analysis

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Dwayne Pelfrey, Division Chief, Transit Services Division, FCDOT
Michael Felschow, Planning Section Chief, Transit Services Division, FCDOT
Ray Johnson, Funding Section Chief, Coordination and Funding Division, FCDOT



NEWS RELEASE

Attachment I

Public Input Sought on Fairfax Connector May 2020 Service Changes

For Immediate Release

February 11, 2020

[Fairfax County Department of Transportation \(FCDOT\)](#) will hold a community input meeting on [Fairfax Connector](#) proposed service changes aimed to enhance customer service. The public is invited to attend and comment on the proposed changes. In addition to the community meeting, Fairfax Connector staff will connect with customers, in person at various locations affected by the changes.

The proposed service changes include a new express **Route 697** providing service between the [Stringfellow Park & Ride](#) and D St., SW near L'Enfant Plaza. The route will feature ten (10) morning trips to downtown D.C. and ten (10) afternoon trips to the Stringfellow Park & Ride. The proposed changes also include adding two (2) morning trips and two (2) afternoon trips on **Route 699** and to adjust departure times on most trips to better align with rider demand.

Public comments will be accepted until Tuesday, Feb. 25, 2020 at 5 p.m. After receiving and reviewing public feedback, FCDOT staff will present the final proposed changes to the [Fairfax County Board of Supervisors](#) in March 2020. If approved, the changes will **go into effect May 11, 2020**. Funding for these routes is provided by [NVTC Commuter Choice program](#).

Attend the Community Input Meeting

Tuesday, Feb. 18 at 7 p.m.

[Eagle View Elementary School](#)

4500 Dixie Hill Road in Fairfax

Transit access: Fairfax Connector [605](#), [621](#) and [623](#)

- [Meeting Presentation](#)

Give Your Input

There are several ways you can provide input on the proposed service changes:

- [Take the online survey](#)
- Fill out a comment form at the meeting.
- E-mail fairfaxconnector@fairfaxcounty.gov
- Call 703-339-7200, TTY 703-339-1608

Comments are due by **5 p.m. Tuesday, February 25, 2020**.

Stay Connected with Fairfax Connector

- Visit www.fairfaxconnector.com
- Call 703-339-7200, TTY 703-339-1608 (Mon.-Fri., 5 a.m. - 10 p.m.; Sat.-Sun., 7 a.m.- 9 p.m.)
- Follow us on [Twitter](#) & [Facebook](#)
- Visit a Connector Transit Store

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Follow Fairfax Connector on [Twitter](#) or [Facebook](#) or visit www.fairfaxcounty.gov/connector/news

Media Relations

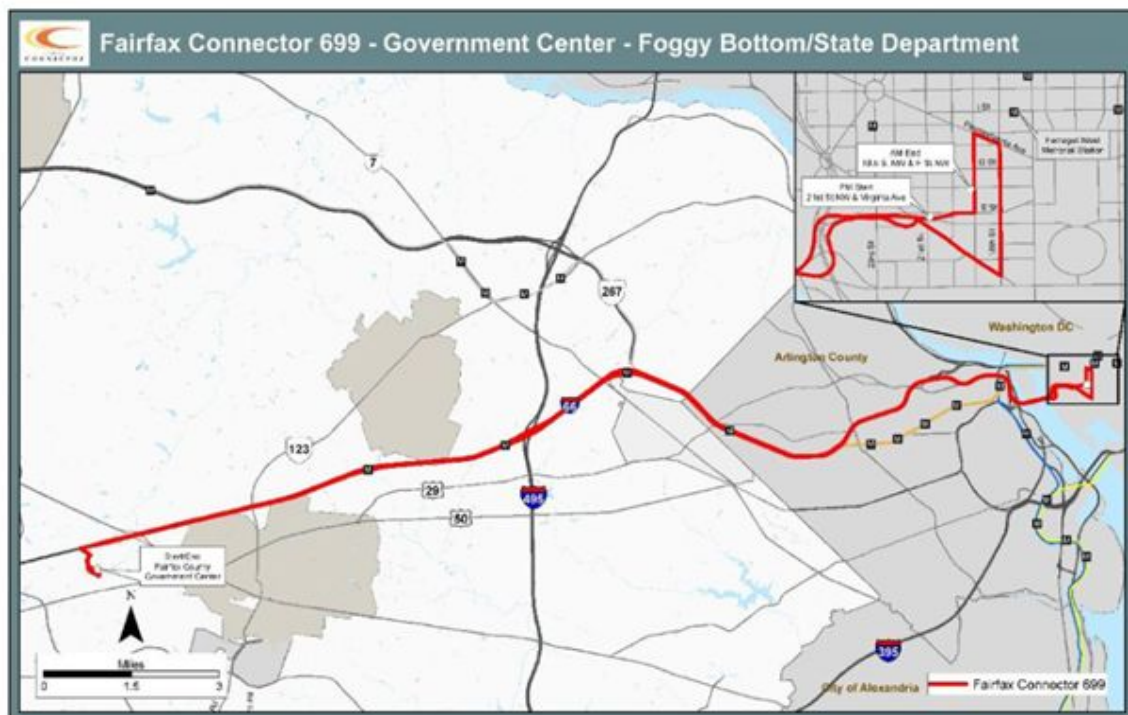
Robin P. Geiger, Head of Communications, [Fairfax County Department of Transportation](#), via [e-mail](#)

Call 703-877-5602, TTY 711 (direct) 703-826-6457, TTY 711 (cell) | 703-268-8953, TTY 711 (after hours)

Accessibility

Fairfax County Department of Transportation (FCDOT) ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA).

If you need this information in an alternate format or would like to request reasonable accommodations for persons with disabilities or limited English proficiency for events, contact FCDOT at 703-877-5600, TTY 711. Requests for assistance must be received at least 7 business days in advance of an event.



Background Information and Proposal Details

Service Changes

Route 697: Stringfellow Park-and-Ride Lot – L'Enfant Plaza Area

The new Route 697 will operate between the Stringfellow Park-and-Ride Lot to the L'Enfant Plaza area. This express bus service features ten inbound morning trips and ten outbound afternoon trips operating during peak travel periods. Funding for the service is being provided through the multi-modal grant program managed by the Northern Virginia Transportation Commission (NVTC) with revenue generated from tolls on I-66 inside the Beltway.

To improve travel time and increase capacity within the I-66 corridor, staff recommends implementing the new Route 697:

- Provide new express service between the Stringfellow Park-and-Ride Lot and L'Enfant Plaza area.
- The estimated annual revenue hours are 7,000.
- The estimated annual operating cost is \$840,000. Funding will be provided by a NVTC I-66 Commuter Choice grant.
- The NVTC grant includes \$3.1 million in vehicle cost for the purchase of six buses.
- Implementation is planned for May 11, 2020, based upon grant funding and fleet availability.

Route 699: Government Center – Downtown Washington, D.C.

Route 699 operates peak-hour express service from the Fairfax County Government Center to downtown Washington, D.C. The route was designed to increase capacity and improve connectivity along I-66 using the toll lanes inside the Beltway. However, ridership has continued to rise (with an average of 27 passengers per trip), causing overcrowding on the morning and afternoon buses. To further increase capacity, the number of trips during the morning and afternoon peak hours will each be increased from 11 to 13. This route was funded under the first NVTC grant process for I-66 inside the Beltway. Staff submitted a grant renewal, which was approved for continued funding with additional resources to allow for expansion of Route 699. The renewed grant covers the costs of operations for two additional years and one expansion bus.

To improve on-time performance and increase capacity, staff recommends the following service adjustment to Route 699:

- Provide additional express service between the Fairfax County Government Center and downtown Washington, D.C.
- Reverse commuter service will be implemented, with five trips in the morning and six trips in the afternoon. No additional revenue hours will be needed to implement the reverse commuter service.
- The estimated annual revenue hours will be increased to 8,900. Funding for 8,270 annual revenue hours will be covered by a NVTC I-66 Commuter Choice

grant, and the remaining 630 annual revenue hours will be covered by Fund 40000 (County Transit System).

- The estimated annual operating cost is \$1,067,500. Funding will be provided by a NVTC I-66 Commuter Choice grant.
- The NVTC grant includes \$520,000 in vehicle cost for the purchase of one bus.
- Implementation is planned for May 2020, based upon grant funding and fleet availability.

Public Comments Summary

Below is a summary of the public comments received regarding the May 2020 service change proposal, in response to the following:

- Public meeting on February 18, 2020, at Eagle View Elementary
- Posters highlighting proposed changes and engagement opportunities posted in Fairfax Connector buses
- Written, telephone, or social media comments

Route(s)	Comment	Summary Response
621 / 623 / 699	Please consider adding the Routes 621 and 623 trips between the Vienna Metrorail Station and Government Center that are outside the hours of the Route 699 timetable, so riders know other options are available outside of the peak period for Route 699 trips to connect to the Government Center.	County staff will include this comment in the route optimization study for the 600-series routes, which will be conducted this year.
621 / 623 / 699	Routes 621 and 623 to/from the Government Center should make a better connection from the Government Center and Penderbrook Drive (instead of via the Vienna Metrorail Station in the P.M.).	County staff will include this comment in the route optimization study for the 600-series routes, which will be conducted this year.
624 / 630 / 631 / 632 / 634 / 697	Please consider adding Routes 624, 630, 631, 632, and 634 trips between the Vienna Metrorail Station and Stringfellow Park-and-Ride Lot that are outside the hours of the Route 697 timetable, so riders know other options are available outside of the peak period Route 697 trips to connect to Stringfellow.	County staff will include this comment in the route optimization study for the 600-series routes, which will be conducted this year.
624 / 631 / 632 / 697	It sounds great as long as the bus Routes 631, 632, and 624 are kept in service. This will save us from the Metro.	No changes are currently proposed for Routes 624, 631, and 632.
631 / 632	Thanks for the 631 and 632 Connectors. When I started using those routes five years ago, it was standing room only every day during the evening rush. Thanks to your expansion of the number of buses, it's a much more pleasant ride home.	
631 / 632 / 634 / 697	I take Routes 631, 632, and 634 to Vienna, and then Metro to work in Arlington. I really hope the new Route 697 service does not cut out or limit those routes.	No changes are currently proposed for Routes 624, 631, and 632.
631 / 632 / 697	Please also look carefully at coordinating the 697 schedules with the 631 and 632 schedules.	County staff will review the current schedules for Routes 631 and 632, and will adjust the Route 697 schedule as needed to minimize wait times.

Route(s)	Comment	Summary Response
697	116 respondents to the online survey embraced the proposed service to L'Enfant Plaza from the Stringfellow Park-and-Ride Lot, with no reservations. Many of the respondents believe that the much-needed service is not only complementary, but also it will help shorten their commute to downtown D.C., will provide an option during the summer Metrorail Orange Line closing, and will help with the ongoing congestion on I-66.	
697	Ten respondents expressed their desire for stops near the White House and World Bank, as well as Farragut North and Foggy Bottom Metrorail Stations.	County staff recommends using Route 699, which serves the World Bank area.
697	Eight respondents requested stops along Constitution Avenue and near the Federal Triangle area.	No stops are currently proposed at these locations; however, these locations may be considered for stops in the future.
697	Please consider adding a stop or two along Constitution Avenue for Route 697, to help those who work near Federal Triangle / Metro Center / Red Line stops. It would add convenience and attract more riders.	County staff has identified two candidate stop locations on Constitution Avenue and is in discussions with WMATA regarding access to these locations.
697	Any consideration to extend the morning span of service for people leaving after peak hours?	County staff will be monitoring ridership on Route 697 and may consider schedule adjustments in the future.
697	Is the implementation of Route 697 a definitive plan, or is there a possibility that it will not go through?	Grant funding has been secured from the Northern Virginia Transportation Commission (NVTC). Once the County Board approves the service change, Route 697 will be implemented. The target date is May 11, 2020.
697	Would this be on weekends as well (limited service perhaps)? Wondering if this would be a good way to get to D.C. for folks other than commuters. I would be very much in favor of this. We should have more optimal ways to get to D.C. since Metro is always having some kind of issue and driving / parking is not great either.	Weekend service is not currently proposed for Route 697; however, weekend service may be considered in the future.
697	Add an 18 and K Street NW stop (near Farragut West Metrorail Station).	County staff has identified two candidate stop locations on Constitution Avenue and is in discussions with WMATA regarding access to these locations.

Route(s)	Comment	Summary Response
697	Will it only stop at L'Enfant, or will there be any stops in between, say in Arlington?	No stops are currently proposed at these locations; however, these locations may be considered for stops in the future.
697	Stops should be near 15th and 16th Streets.	County staff has identified two candidate stop locations on Constitution Avenue and is in discussions with WMATA regarding access to these locations.
697	As I am likely unable to make it on time for the 7 P.M. meeting this evening due to my work commitment, I would strongly be supportive of the new express routes (especially Route 697), because they will be extremely helpful and beneficial for people like me. If I may, I would also like to request the first morning trip begin earlier, say at 5 A.M. or even 4:30 A.M., if possible.	County staff will be monitoring ridership on Route 697 and may consider schedule adjustments in the future.
697	I am requesting that Route 697 make a stop at Federal Triangle near the Ronald Reagan Building.	No stop is currently proposed at this location; however, this location may be considered for a stop in the future.
697	Looking forward to using it every day. Would there be any stops on the way?	No additional stops are currently proposed; however, additional stops may be considered in the future.
697	Waste of funds. It duplicates the Metrorail. Use these resources to better serve Fairfax County.	Route 697 service is designed as part of a multi-modal approach to increase transit capacity and reduce congestion along the I-66 corridor.
697	Although, I feel this is a much-needed service, I would like to request Metro Center or somewhere nearby as a stop.	No stop is currently proposed at this location; however, this location may be considered for a stop in the future.
697	Would be nice if it makes a stop at or near the State Department building (Virginia Avenue and 21st).	No stop is currently proposed at this location; however, this location may be considered for a stop in the future.
697	Sounds like a great help. Route 699 has proven to be so popular, it is hard to get a seat.	Route 697 service would increase transit capacity along the I-66 corridor.
697	If I lived closer to Stringfellow, I would definitely try riding this bus.	

Route(s)	Comment	Summary Response
697	Absolutely yes. Would be great if the first morning trip can begin at 4 A.M. Thank you.	County staff will be monitoring ridership on Route 697 and may consider schedule adjustments in the future.
697	I could use this bus because I can continue to my workplace on Metro from L'Enfant. It will depend on the cost, but not having to change from the bus to Metro in the mornings would be nice. Depending on traffic, the return trip may be less convenient.	The Stringfellow Park-and-Ride Lot is free, and the cost for Route 697 will be \$4.25 for a one-way trip. Using Metrorail would increase the cost to \$5.35 for a one-way trip.
697	Given the upcoming temporary closures of the Vienna, Dunn Loring, and West Falls Church Metrorail Stations due to upcoming maintenance, I think Route 697 is a very good option for many citizens to utilize.	
697	A coach bus would be golden! This option certainly beats Metro. I will be interested to look at the times projected. I am currently driving to VRE in Burke to go to L'Enfant Plaza.	No over-the-road coaches are currently proposed.
697	Sounds great! I would definitely ride in the afternoon / evening, but it may not start as early as I do. I catch the 4:42 A.M. bus from the Stringfellow Park-and-Ride Lot to the Vienna Metrorail Station.	County staff will be monitoring ridership on Route 697 and may consider schedule adjustments in the future.
697	Would be nice if you made a stop at the Pentagon before going downtown. Maybe on every other bus.	No stop is currently proposed at this location; however, this location may be considered for a stop in the future.
697	Would love to see a weekend version of Route 697, even if it runs less.	Weekend service is not currently proposed for Route 697; however, weekend service may be considered in the future.
697	There is a significant number of passengers who travel on this route between 6 and 7 A.M. Will there be enough buses?	County staff will be monitoring ridership on Route 697 and may consider schedule adjustments in the future.
697	Yes, would be helpful to get more express buses from Stringfellow to D.C. On rare occasions I might have to go to Ronald Reagan Building. However, my office now at Mark Center will move to Ashburn near IAD in a year. I don't believe there is any bus going there, so no choice but to drive there.	No stop is currently proposed at the Ronald Reagan Building; however, this location may be considered for a stop in the future. Loudoun County Transit serves the Ashburn area. At this time, County staff is planning on adding Connector service to the Sterling Plaza and the Northern Virginia Community College (Loudoun Campus) in Loudoun County.

Route(s)	Comment	Summary Response
697	Could you please provide the stop details in D.C.?	This information is included on the public timetable and Bus Tracker online.
697	I would not use Route 697 at this time.	
697	What about a bus route from Vienna Metrorail Station to D.C.?	County staff in examining this service option for the future.
697	Great, but how did Fairfax Connector arrive at a decision to make the final destination L'Enfant Plaza, instead of a more generic stop like the Metro Center for example?	This location was chosen based upon connectivity to employment centers and access to I-395.
697	Would there be any stops to the EPA / Reagan Building?	No stops are currently proposed at these locations; however, these locations may be considered for stops in the future.
697	This is a great proposed express service. I hope the morning trip will start as early as 5:30 A.M. to help out the early birds. Will the bus go by the Smithsonian? That would help. Thank you for this new express service.	County staff will be monitoring ridership on Route 697 and may consider schedule adjustments in the future. No stop is currently proposed at this location; however, this location may be considered for a stop in the future.
697	Include stops at 14th and C Street SW and perhaps Independence and 12th Street SW. L'Enfant Plaza is already serviced by VRE and Metro, but other blocks in SW D.C. are not.	No stops are currently proposed at these locations; however, these locations may be considered for stops in the future.
697	I am interested in the stops in D.C. on the way to L'Enfant.	No additional stops are currently proposed; however, additional stops may be considered in the future.
697	I would like to express my support for the proposed addition of a bus route directly from the Stringfellow Park-and-Ride Lot to downtown D.C. I am a 10-year bus-to-Metro commuter, and with the planned maintenance on the western end of the Orange Line this summer, the addition of such a bus route would be very welcome by me and my fellow commuters. It almost seems to be a necessity to add such a route in order to avoid significant overcrowding and massively increased commute times during these Metrorail Station improvements. Thank you very much for your consideration, and I look forward to following the updates on this closely.	

Route(s)	Comment	Summary Response
697 / 698	You are starting Route 697 from Stringfellow (free parking), and Route 699 leaves from the Government Center (free parking). Why does Route 698 leave from Vienna (no free parking). Why not have some of the trips on Route 698 leave from the Government Center?	Route 698 operates from the Vienna Metrorail Station, which is a major transfer point for Fairfax Connector routes. As such, it provides bus-to-bus connections between an established network of Centreville and Chantilly commuter routes and Route 698 express service. An extension of Route 698 to the Fairfax County Government Center or Stringfellow Park-and-Ride Lot may be considered in the future after completion of the Vaden Road bridge project, which will include the addition of HOV ramps to and from the express lanes. This would provide Route 698 buses with a fast connection to the Vienna Metrorail Station transit center, limiting the time needed to serve what would then be an intermediate (rather than terminal) stop on the route.
697 / 699	In the same coverage pattern of Route 699 (taking a loop and covering the Federal agencies), Route 697 should also provide similar coverage so all major agencies are covered and reachable.	County staff will be monitoring ridership on Route 697 and may consider schedule or route adjustments in the future. No additional stops are currently proposed; however, additional stops may be considered in the future.
697 / 699	I would continue to use Route 699.	
697 / 699	I wish Route 699 started at Stringfellow. Great idea though on Route 697. Navy Yard next please.	County staff is planning transit service to the Navy Yard once funding is identified.
697 / 699	Are you considering additional bus routes into D.C. besides Routes 697 and 699?	County staff will continue to examine future routes to meet the community's transit demand and needs. County staff is planning transit service to the Navy Yard once funding is identified.

Route(s)	Comment	Summary Response
697 / 699	<p>My family and I were so pleased to see your announcement regarding the new Route 697 and additional buses to Route 699. Both appear to be excellent ideas and one of the only viable solutions for reducing some of the traffic congestion on I-66. While it is possible we would use Route 697, we are currently daily users of the Route 699 bus. Route 699 is a lifesaver for us. The parking is convenient, the drop-off spots are well chosen, and the drivers are courteous and professional. In general, we could not be happier. The only challenge is that given the limited number of buses currently running, the chain effect of having either an issue with traffic or a mechanical issue is quite profound. There are sometimes in the evenings when there is a long delay before the next bus arrives. Adding additional buses will help minimize the impact of disruptions and make it more predictable that another bus will be coming along soon. Thank you again for the great work you all are doing and for coming up with new initiatives that will directly help residents of Fairfax County who work in the district. Best of luck with this initiative. Please keep charging forward!</p>	<p>The addition of two morning and two afternoon trips to Route 699 will increase the frequency of buses during the peak morning and afternoon travel periods.</p>
697 / 699	<p>I support the Route 699 proposed changes, but rarely ride it due to work location and pick-up points. The new Route 697 is a much better match for my work location.</p>	
698 / 699	<p>Why don't you have Route 698 leave from the Government Center? That way we will not have to pay for parking at the Vienna Metrorail Station.</p>	<p>There is free, but limited, parking at the Fairfax County Government Center. In the future, more parking will be available at the Monument Park-and-Ride Lot, which is currently under design. County staff will examine route adjustments and future routes to serve this new facility. Passengers can alternatively use Route 623 to access the express Route 698 and will receive full credit on their fares for transferring to and from Route 698.</p>
699	<p>Five respondents asked for additional stops near the Farragut West, Foggy Bottom, and Metro Center Metrorail Stations.</p>	<p>No stops are currently proposed at these locations; however, these locations may be considered for stops in the future.</p>

Route(s)	Comment	Summary Response
699	<p>107 respondents of the online survey are in favor of the proposed changes for the following reasons:</p> <ul style="list-style-type: none"> • The additional trips would address the overcrowding issue. • The wait time between trips will be decreased. • The additional trips will help with the surge in travel demand during the WMATA summer shutdown. 	
699	Four respondents asked for a stop at the Stringfellow Park-and-Ride Lot.	No stop is currently proposed at this location; however, this location may be considered for a stop in the future.
699	Twelve respondents of the online survey are in favor of the proposed changes but request early departure times in the eastbound direction and late departure times in the westbound direction.	County staff will be monitoring ridership on Route 699 and may consider schedule adjustments in the future.
699	I was wondering whether you were considering a bus from Stone Road in Centreville or from the Stringfellow Park-and-Ride Lot that followed the same route straight into D.C. with drop offs at/around Virginia Avenue and E Street? I know you have Route 599 from Reston and Route 699 from the Government Center, and they are excellent; but it takes too long to get there.	County staff is examining future express service on I-66 from Centreville to several key locations along the corridor.
699	Consider adding a couple of midday trips to Route 699 for riders who split their workday between Fair Lakes and D.C.	No midday trips are being contemplated at this time, since it would require additional grant or local funding; however, midday trips are available through a bus-rail connection.
699	The 7 A.M. bus is very helpful for me; please do not change it. 7:10 A.M. is too late for me. You can add 6:30 and 6:45 A.M. I beg you not to change the 7 A.M. bus timing.	County staff will be monitoring ridership on Route 699 and may consider schedule adjustments in the future.
699	It makes sense as long as the collected fares cover the majority of the expenses.	Route 699 service is designed as part of multi-modal approach to increase transit capacity and reduce congestion along the I-66 corridor.

Route(s)	Comment	Summary Response
699	Again, waste of funds. It duplicates the Metro. Use these resources to add bus service in Fairfax County.	Route 699 service is designed as part of multi-modal approach to increase transit capacity and reduce congestion along the I-66 corridor.
699	I would like to start by providing my sincere thanks for the hard work you do to keep Route 699 running smoothly. In addition, I would like to compliment your skillful drivers for navigating big buses through heavy traffic and construction day after day. It cannot be easy. Both my wife and I use the bus every workday to commute to / from the Department of State. Having this bus has made an enormous difference in our lives, and we both consider it to be a wonderful service. You and your teams deserve positive recognition for helping the environment and reducing traffic congestion. I hope you may also be willing to consider a request and some feedback. It appears to be there is sufficient demand to run an additional bus and decrease the times between buses. Doing so might help to mitigate some of the challenges of events beyond your control (I-66 traffic, accidents, breakdowns, etc.). Adding an additional bus (or even two) would build a bit more redundancy into the system and lower the painful impact of operational issues. I am sure there is significant demand for additional resources, but I do hope you will be able to make this happen. Thank you again for your hard work, amazing service, and considering this request and suggestion.	
699	Wonderful idea, but why not try Route 697 first and see if there is any less demand on Route 699 after adding the new Route 697? If demand becomes less, no need to add two extra trips.	Based upon analysis, County staff determined there is a demand for both express routes.
699	Yes. I used to take Route 699 every day, but it became so unreliable and inconvenient that I have been taking the Metro from Vienna to Farragut West instead.	The additional proposed service for Route 699 is designed to improve reliability by making adjustments to travel time within the corridor.
699	It would be nice to add 9:10 A.M. for an additional morning trip.	County staff will be monitoring ridership on Route 699 and may consider schedule adjustments in the future.
699	It would have been beneficial to see buses every 10 minutes instead of 15 minutes, but I will take it.	There is currently not enough funding for a 10-minute frequency.

Route(s)	Comment	Summary Response
699	Would not use Route 699 at this time.	
699	Adding two trips to Pentagon / Crystal City would be better.	No stops are currently proposed at these locations; however, these locations may be considered for stops in the future.
699	I like the proposed service. However, evening service must be on time. After 5 P.M., there is a lot of delays. Buses can wait at Virginia Avenue and start on time.	The additional proposed service for Route 699 is designed to improve reliability by making adjustments to travel time within the corridor.
699	I use Route 699 daily, and I would appreciate a more reliable schedule, especially in the westbound during the evenings.	The additional proposed service for Route 699 is designed to improve reliability by making adjustments to travel time within the corridor.
699	I am in favor of the changes, but what I would really like to see is more frequent service (such as every 10 minutes). Also, the real-time notices are not accurate.	There is currently not enough funding for a 10-minute frequency.
699	Would be good if they add service to the southwest part of D.C.	No stops are currently proposed at these locations; however, these locations may be considered for stops in the future.
699	What about bus services from the Vienna Metrorail Station to D.C.?	County staff is examining future express service on I-66 to several key locations along the corridor.
699	They are moving the 7:00 A.M. to 6:55 A.M., which is not possible for me because I have young children I must care for. Changing to 6:55 A.M. will impact my children's ability to get ready and arrive at school on time. Please understand my struggles as a single parent, thank you. I urge you to keep the timing at 7:00 A.M.	County staff will be monitoring ridership on Route 699 and may consider schedule adjustments in the future.
699	There is a need for trips throughout the day. There are empty buses returning to Fairfax that can provide an option for a reverse commute. Sometimes we go in for just a morning meeting, and we would like to travel back to Fairfax. If it is easier, just have one or two pick-up points spread apart for reverse commute. The service needs to be nimble. People work outside of the government, so keep service open on holidays (like Presidents Day), or keep options open for snow days and early closures. We park at the Government Center, so we need to get back there.	Reverse commuter service will be implemented with the proposed Route 699 service adjustments, providing five trips in the morning and six trips in the afternoon. Additional reverse commuter service into Fairfax is available through a bus-rail connection transferring to a 600-series route.

Route(s)	Comment	Summary Response
699	Please do not adjust the 7 A.M. bus. That time works out perfect for me. Keep the 7 A.M. Also, an additional trip between 4 and 5 P.M. is recommended.	County staff will be monitoring ridership on Route 699 and may consider schedule adjustments in the future.
699	Hope this becomes a reality.	
699	Is parking free, safe-lighted, ADA compliant, etc. for people who do not work at the Government Center?	The Fairfax County Government Center parking is free, lighted, and ADA compliant.
699	The addition of two morning and two afternoon trips is a great start! But as the route grows, the Connector should be able to react quicker to growth in demand. The request for additional trips on Twitter has been there for a while now. Also, please develop an app with real-time bus positioning and real-time ETAs. What you have now is awful.	County staff will be monitoring ridership on Route 699 and may consider schedule adjustments in the future. Route 699 service is limited by the amount of available funding. The County will be implementing real-time arrival information this year.
699	I have not used Route 699 because the drop-off sites in D.C. are not convenient to my work location (Capitol South), nor are they close enough to Metro stops in D.C. to be timesaving for me.	No stops are currently proposed at these locations; however, these locations may be considered for stops in the future.
699	This does not affect me personally.	
699	As you know, it has been a while that we have been experiencing overcapacity on the Route 699 3:35 P.M. westbound trips. On most days, you have at least two dozen passengers standing. Many fellow passengers strongly urge the Connector to add an earlier schedule, such as 3:20 P.M. to relieve the situation.	The proposed adjustments to Route 699 are designed to reduce overcrowding through additional buses and trips. County staff will be monitoring ridership on Route 699 and may consider schedule adjustments in the future.
699	This option is difficult, since the location is extremely congested.	
699	Provide detail of what stops would be serviced.	This information is included online through the public timetable, Bus Tracker, and Google. There are three stops in Fairfax County and six stops in Washington, D.C.
699	Please consider express service from the Stone Road Park-and-Ride Lot to the K Street area.	County staff is examining future express service on I-66 to several key locations along the corridor.

**Title VI Service Equity Analysis
Proposed May 2020 Fairfax Connector Service Changes**

Summary of Analysis Results

The service changes proposed for implementation in May 2020 were reviewed as mandated by the Federal Transit Administration (FTA) in *Circular C-4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. Routes 697 and 699 are included in these changes. Only Route 697 qualified as experiencing a major service change, thereby requiring further analysis to investigate disparate impacts on minority riders or disproportionate burdens on low-income riders associated with that route's proposed changes. The proposed service changes are expected to have a positive impact on Fairfax Connector riders, including the communities along the routes.

Relevant Fairfax County Title VI Program Elements

A service equity analysis may require the evaluation of as many as four items depending on the route's nature, proposed changes, and served environment. The policies listed in this section are contained in the County's Title VI Program, as approved by the Board of Supervisors on July 25, 2017.

A major service change is defined as either an increase or decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

A disparate impact occurs when the difference between minority riders and non-minority riders affected by a proposed service change or fare change is 10 percent or greater.

A disproportionate burden occurs when the difference between low-income riders and non-low-income riders affected by a proposed service change or fare change is 10 percent or greater.

An adverse effect occurs when the proposed service change meets any of the following criteria for minority or low-income populations:

- *New or additional service*: if other service was eliminated to release resources
- *Headway change*: if headway increased by at least 20 percent
- *Alignment change*: if at least 15 percent of the alignment is eliminated or modified
- *Span of service change*: if the span of service decreases by at least 10 percent
- *Elimination of entire route*

Circular C-4702.1B provides the following guidance related to proposed service changes vis-à-vis a finding of a potential disparate impact:

"If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only if*:

- “the transit provider has a substantial legitimate justification for the proposed service change; and
- “the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider’s legitimate program goals.” (*Circular C-4702.1B*, page IV-16; emphasis in original)

FCDOT measured the minority population living within the service area of the affected route alignment and compared the percentage of minority population within that area to the percentage of non-minorities living in that area to determine whether the service change would cause a disparate impact. Additionally, the percentage of low-income households within the service area of the affected route alignment was measured and compared to the percentage of non-low-income households in that area to determine whether a service change would cause a disproportionate burden.

Overview

The May 2020 service changes include Routes 697 and 699.

Route 697: Stringfellow Park-and-Ride Lot – L’Enfant Plaza Area

- Provide ten morning trips and ten afternoon trips as new express bus service between Stringfellow Park-and-Ride Lot and L’Enfant Plaza Area.
- Serve major regional employment centers by connecting western Fairfax County to Metrorail services and downtown Washington, D.C.
- Figure 1 shows the proposed routing for Route 697.

Route 699: Government Center – Downtown Washington, D.C.

- Add two morning trips and two afternoon trips to increase capacity, thereby accommodating a rising service demand.

Figure 1: Route 697 Proposed Routing



Major Service Change Evaluation

Each of the two routes included in the service changes was first evaluated against the major service change threshold defined in the County's Title VI Program. Table 1 shows that Route 699 did not meet the major service change threshold. Therefore, further analysis to investigate disparate impacts on minority riders or disproportionate burdens on low-income riders associated with the Route 699 proposed changes was not required. However, since Route 697 met the major service change threshold, the disparate impact and disproportionate burden analyses were performed for that route.

Table 1: Proposed Service Changes

Route	Proposed Service Changes	Percentage Change in Revenue Hours			Percentage Change in Revenue Miles		
		Weekday	Sat	Sun	Weekday	Sat	Sun
697	Add new express route	100%	N/A	N/A	100%	N/A	N/A
699	Add trips to increase capacity	15%	N/A	N/A	15%	N/A	N/A

Route 697: Stringfellow Park-and-Ride Lot – L'Enfant Plaza Area

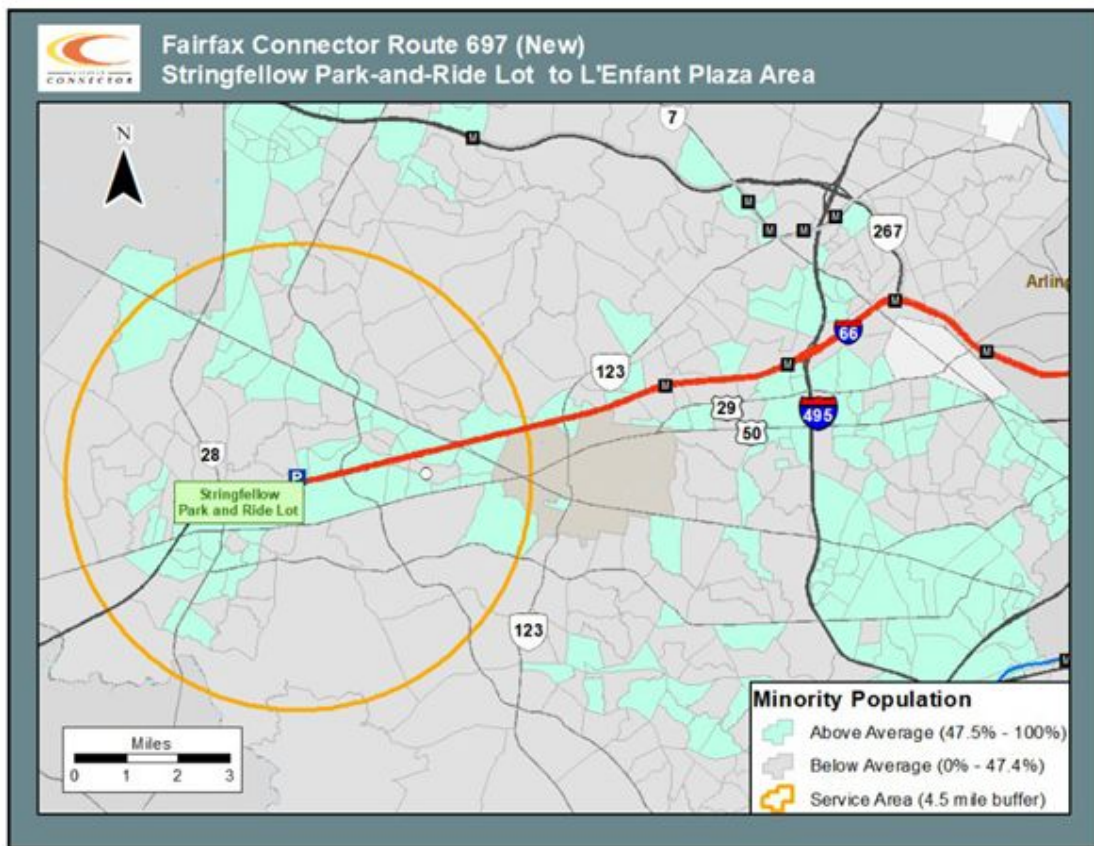
FCDOT plans to add new express bus service between Stringfellow Park-and-Ride Lot and L'Enfant Plaza Area. Route 697 was examined to determine whether the new route would create a disparate impact and/or disproportionate burden. If such an impact was identified, then further justification for the service change would be needed.

Disparate Impact: The percentage of minority population living within the service area¹ of Route 697 in Fairfax County is 48.3 percent, and the percentage of non-minority population living in that area is 51.7 percent (see Table 2). The difference between the minority population and non-minority population affected by the proposed service change is negative 3.4 percent, which does not exceed the disparate impact threshold of positive 10 percent. Also, implementation of this new route will not result in a reduction of service to other minority populations within the County; instead, it will increase access for minority populations and all populations throughout the region. Therefore, the proposed new route will not create a disparate impact. Figure 2 shows the proposed route alignment in relation to predominantly minority census block groups.

Table 2: Route 697 Disparate Impact

Route	Total Route Population	Minority Population	Non-minority Population	% of Minority	% of Non-minority	Difference	Disparate Impact
697	186,982	90,370	96,612	48.3%	51.7%	-3.4%	No

Figure 2: Route 697 Minority Population Map



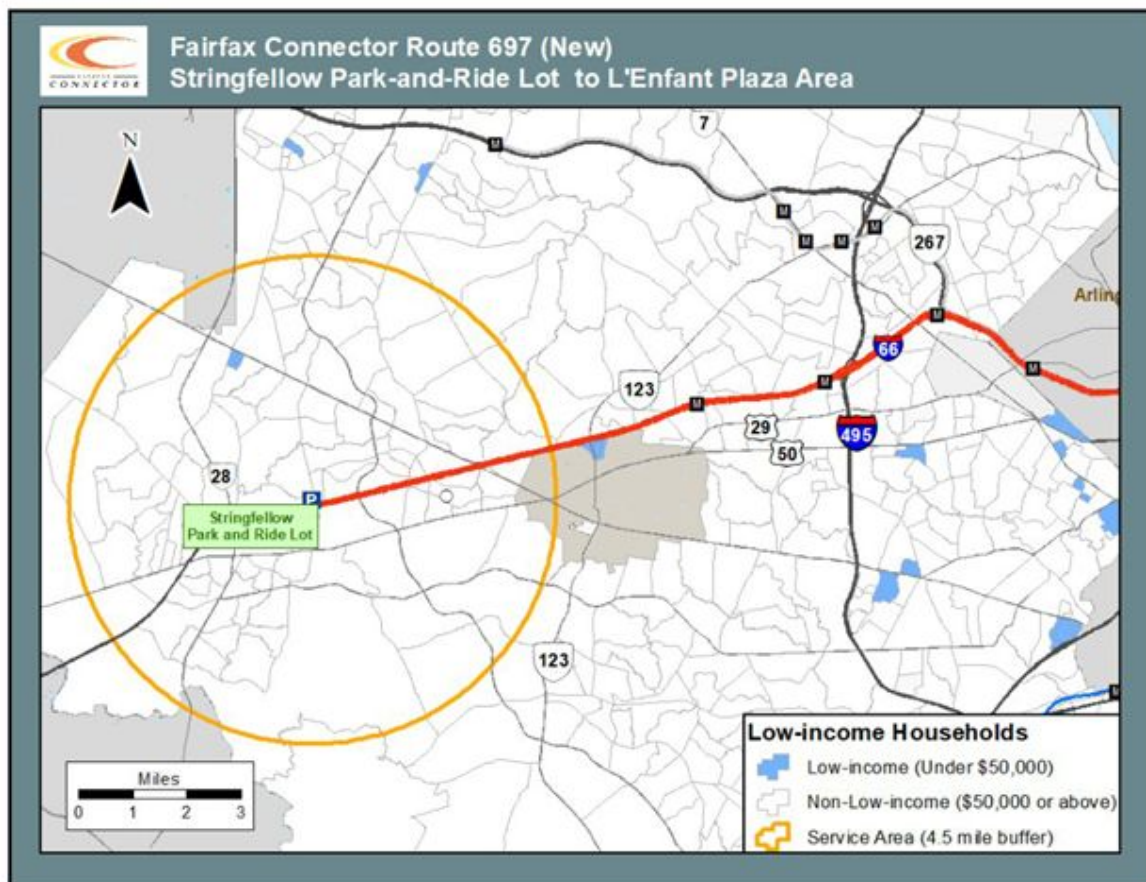
¹ The demographic information for this route was pulled from a 4.5-mile buffer around the Stringfellow Park-and-Ride Lot. The 4.5-mile buffer is the median distance traveled to a similar park-and-ride lot facility in Reston according to a license plate study conducted in 2008. The Reston facility serves the express Route 599.

Disproportionate Burden: The percentage of low-income households that live within the Fairfax County service area of Route 697 is 15.3 percent. This is 69.4 percent less than the percentage of non-low-income households (see Table 3). The difference between the low-income households and non-low-income households does not exceed the disproportionate burden threshold of 10 percent. Therefore, implementing the new Route 697 will not create a disproportionate burden on low-income households. Figure 3 shows the proposed route alignment in relation to predominantly low-income census block groups.

Table 3: Disproportionate Burden

Route	Total Route Households	Low-Income Households	Non-low-income Households	% of Low-income	% of Non-low-income	Difference	Disproportionate Burden
697	72,319	11,070	61,249	15.3%	84.7%	-69.4%	No

Figure 3: Route 697 Low-Income Households Map



Conclusion

The service changes proposed for implementation in May 2020 were reviewed as mandated by the FTA in *Circular C-4702.1B Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The Title VI analysis showed that the proposed service changes to Route 699 will not meet the major service change threshold, thereby requiring no disparate impact or disproportionate burden analysis. Additionally, the Title VI analysis showed that the proposed Route 697, while meeting the major service change threshold, will not create either a disparate impact on minority households or a disproportionate burden on low-income households. The May 2020 proposed service changes are expected to improve overall transit service for Fairfax Connector riders by improving access and mobility to major regional employment centers in downtown Washington, D.C., as well as by increasing capacity within the I-66 corridor.

Board Agenda Item
April 14, 2020

ACTION - 3

Authorization for the Department of Transportation to Apply for Funding and Endorsement for the United States Department of Transportation's FY2020 Better Utilizing Investments to Leverage Development Discretionary Grant Program (Lee and Mount Vernon Districts)

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Department of Transportation (FCDOT) to apply for funding from the United States Department of Transportation (USDOT) FY 2020 Better Utilizing Investments to Leverage Development (BUILD) Discretionary Grant Program. Funding in the amount of \$25.0 million will be requested for the Richmond Highway Bus Rapid Transit (BRT) Project. The project application requires a project endorsement resolution (Attachment 1) from the local governing body; therefore, Board approval of Attachment 1 is also requested.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize FCDOT to apply for funding in the amount of \$25.0 million through the FY 2020 BUILD Discretionary Grant Program and to adopt the project endorsement resolution in substantial form as Attachment 1.

TIMING:

Board approval is requested on April 14, 2020, to meet the submission deadline of May 18, 2020.

BACKGROUND:

On February 18, 2020, USDOT issued a Notice of Funding Opportunity for the FY 2020 BUILD discretionary grant program. The BUILD Discretionary Grant Program has replaced the Transportation Investment Generating Economic Recovery (TIGER) discretionary grant program.

BUILD Discretionary Grant Program applications will be evaluated based on the following criteria: safety, state of good repair, economic competitiveness, environmental sustainability, innovation, and partnership. Eligible projects include, but are not limited to:

Board Agenda Item
April 14, 2020

- (1) Highway, bridge, or other road projects;
- (2) public transportation projects;
- (3) passenger and freight rail transportation projects;
- (4) port infrastructure investments (including inland port infrastructure and land ports of entry); and
- (5) intermodal projects.

The FY 2020 Further Consolidated Appropriations Act appropriated \$1.0 billion to be awarded by the USDOT for the BUILD Discretionary Grant Program. The FY 2020 BUILD grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant local or regional impact. The FY 2020 Further Consolidated Appropriations Act requires that FY 2020 BUILD funds are only available for obligation through September 30, 2022. All FY 2020 BUILD funds must be expended by September 30, 2027.

Formal Board authorization is requested for FCDOT to apply for FY 2020 BUILD Discretionary Grant Program funds. FCDOT staff reviewed criteria for awarding BUILD funding and recommends applying for the Richmond Highway BRT Project, previously approved by the Board in the Transportation Priorities Plan on January 28, 2014. FCDOT will be seeking the maximum grant award of \$25.0 million. The following is a brief description of the project:

The Richmond Highway BRT project includes median running BRT along Richmond Highway (US Route 1) from the Huntington Metrorail Station to Fort Belvoir. This multi-modal project will include: nine new transit stations; cycle tracks for bicyclists; continuous sidewalks; and, accommodate automobiles and other motorized vehicles. The project will also include Intelligent Transportation System improvements to facilitate BRT service, e.g., transit signal priority and signal pre-emption for emergency vehicles.

In May 2015, the Fairfax County Board of Supervisors endorsed Phases 1 and 2 as the preferred transit alternative, which implements median running BRT from the Huntington Metrorail Station area to Fort Belvoir. The County is working with a Project Management Consultant (PMC) team that is helping with the delivery of the first two phases of the project including BRT design, environmental compliance, and funding strategy. The project team is currently undertaking design and environmental work.

FISCAL IMPACT:

The total project estimate is \$730.0 million. To date, the County has secured approximately \$361.8 million to support this project. Grant funding of \$25.0 million is being requested from USDOT for the Richmond Highway BRT project. The total

Board Agenda Item
April 14, 2020

required Local Cash Match (LCM) requirement of \$6.25 million has been identified in Fund 40010, County and Regional Transportation Projects. No new General Fund resources are required. If funding is awarded, staff will submit another item to accept the award and the appropriation will be included in Fund 50000, Federal-State Grant Fund as part of a quarterly review.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution of Endorsement of Pursuit of FY2020 United States Department of Transportation BUILD Discretionary Grant Program Funding

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Chief, Coordination and Funding Division (CFD), FCDOT
Eric Teitelman, Chief, Capital Projects and Operations Division (CPTED), FCDOT
Vanessa Aguayo-Thomas, Sr. Transportation Planner, CPTED, FCDOT
Ray Johnson, Chief, Funding Section (FS), CFD, FCDOT
Mike Lake, Sr. Transportation Planner, FS, CFD, FCDOT

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held ~~in Conference Room 11 in the Fairfax County Government Center of Fairfax, Virginia,~~ **electronically (due to the State of Emergency caused by the COVID-19 pandemic)** on Tuesday, April 14, 2020, at which meeting a quorum was present and voting, the following resolution was adopted.

PROJECT ENDORSEMENT RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves submission to the United States Department of Transportation a request for \$25,000,000 in funding through the Better Utilizing Investments to Leverage Development (BUILD) FY 2020 Discretionary Grant Program for Richmond Highway Bus Rapid Transit Project.

Adopted this 14th day of April, 2020, Fairfax, Virginia

ATTEST _____
Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
April 14, 2020

ACTION - 4

Endorsement of Design Plans for Fairfax County Parkway Widening and Pope's Head Road Interchange Project (Springfield and Braddock Districts)

ISSUE:

Board endorsement of the Virginia Department of Transportation (VDOT) Design Public Hearing plans for the Fairfax County Parkway Widening and Popes Head Road interchange. This multimodal project is intended to reduce congestion, improve safety, enhance traffic operations, and provide facilities for pedestrians and bicyclists. The project will construct an interchange at Fairfax County Parkway and Popes Head Road and facilitate the connection of the extension of Shirley Gate Road to the interchange.

RECOMMENDATION:

The County Executive recommends that the Board endorse the design plans for the Fairfax County Parkway Widening and Pope's Head Road Interchange project administered by VDOT as generally presented at the December 12, 2019, Design Public Hearing (Attachment 1) and authorize the Director of the Fairfax County Department of Transportation (FCDOT) to transmit the Board's endorsement to VDOT (Attachment 2).

TIMING:

The Board should take action on this matter on April 14, 2020, to allow VDOT to proceed with final design plans and enter the Right-of-Way phase in late 2020 to keep the project on schedule.

BACKGROUND:

The Fairfax County Transportation Plan, adopted by the Board of Supervisors on July 31, 2006, and amended through September 2, 2015, depicts the Fairfax County Parkway as a planned six-lane facility with an interchange at the Pope's Head Road and future Shirley Gate Road extension intersections. The interchange of Fairfax County Parkway with Pope's Head Road and the future extension of Shirley Gate Road is the first phase of a larger Fairfax County Parkway improvement project. The purpose of the overall project is to reduce congestion and improve safety and accessibility for drivers, bicyclists, and pedestrians by widening approximately 5.5 miles of the Parkway from four lanes to six lanes from north of U.S. 29 (Lee Highway) to south of Route 123 (Ox Road) that will happen in three phases. The proposed widening project also includes

Board Agenda Item
April 14, 2020

improvements to the interchange at Route 123, improvements to the intersection with Burke Center Parkway, providing a continuous shared-use path within the project limits, and a change in limited access control.

The overall project is split into three phases, Phase I consists of constructing the interchange at Pope's Head Road and the future extension of Shirley Gate Road; Phase 2 includes the widening of the Parkway from U.S. 29 to Nomes Court; and Phase 3 includes the widening of the Parkway from Nomes Court to Route 123, which includes improvements to the Route 123 interchange and to the Burke Center Parkway intersection. This item seeks endorsement of all three phases of the project, although it is likely that only the first two phases of the project will advance at this time due to funding.

PUBLIC HEARING COMMENTS:

In accordance with the Code of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Design Public Hearing was held on Thursday, December 12, 2019, which concerned all three phases of the proposed project. Approximately 114 individuals attended the Design Public Hearing. VDOT received 26 written comments either at the hearing or during the open comment period which extended until December 23, 2019, as well as 24 oral comments received at the hearing. Of those comments, nine supported the project as proposed and presented, two supported the project as proposed and presented with modifications, seven opposed the project as a whole, and 32 had no position. Twelve of the comments were related to the interchange at Pope's Head Road, eight of which were in support and four in opposition to the proposed design. Six comments were related to noise barriers and the noise abatement criteria and policy. A copy of the Design Public Hearing brochure is attached (Attachment 1). The comments are currently being addressed by VDOT in conjunction with WR&A, their design consultant.

In reviewing the project design plans, County staff recommends that the Board of Supervisors endorse the plans.

PROJECT SCHEDULE:

Phase 1 (Pope's Head Road Interchange):
Design Public Hearing – December 12, 2019
Begin Right-of-Way Acquisition – Late 2020
Begin Construction – Late 2022
Estimated Completion – Late 2024

Board Agenda Item
April 14, 2020

Phase 2 (Fairfax County Parkway Widening North):
Design Public Hearing – December 12, 2019
Right-of-Way Acquisition – Late 2021-Mid 2023
Construction – Late 2023-Late 2025

Phase 3 (Fairfax County Parkway Widening South):
Design Public Hearing – December 12, 2019
Right-of-Way Acquisition – Target 2023*
Construction – Target 2025-2026*
*Subject to funding availability

FISCAL IMPACT:

There is no fiscal impact associated with this Board item. Phase 1 of the project is expected to cost \$93 million; Phase 2 of the project is expected to cost \$108.4 million; and Phase 3 of the project is expected to cost \$98.4 million. State Smart Scale, Northern Virginia Transportation Authority, and Revenue Sharing funding as well as local funding have been secured to fully fund Phase 1 and much of Phase 2 of the project. Fairfax County has applied for additional NVTa funding to address the Phase 2 funding gap. NVTa will make a decision during Summer 2020. No funding has been identified for Phase 3 at this time.

ENCLOSED DOCUMENTS:

Attachment 1: December 12, 2019, Design Public Hearing Brochure and Letter from Commonwealth Following Public Hearing
Attachment 2: Letter for transmitting Board Endorsement of the Fairfax County Parkway and Popes Head Interchange

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Michael J. Guarino, Chief, Capital Projects Section (CPS), FCDOT
Tad Borkowski, Transportation Planner IV, CPS, FCDOT
Nick Alexandrow, Transportation Planner III, CPS, FCDOT

Get Involved

VDOT representatives will review and evaluate information received as a result of this meeting. Please fill out the comment sheet provided in this brochure if you have any comments or questions. You may leave the sheet or any other written comments in the comment box, or mail/email your comments.

Comments must be postmarked, emailed or delivered to VDOT by **December 23, 2019**.

Send comments to Mr. Sitaram Kodali at the address below or email **meetingcomments@vdot.virginia.gov**. Please reference "Fairfax County Parkway Widening" in the subject line.

Project information shared at this meeting will be available online at **www.virginiadot.org/projects** and at VDOT's Northern Virginia Office.

Contact Information

Primary Contact: Sitaram Kodali, P.E. sitaram.kodali@vdot.virginia.gov	Location & Design	4975 Alliance Drive Fairfax, VA 22030	703-691-6710
Andrew Beacher, P.E. andrew.beacher@vdot.virginia.gov	Preliminary Engineering	4975 Alliance Drive Fairfax, VA 22030	703-259-2239
Brian Costello brian.costello@vdot.virginia.gov	Right of Way & Utilities	4975 Alliance Drive Fairfax, VA 22030	703-259-2986
Jennifer McCord jennifer.mccord@vdot.virginia.gov	Communications	4975 Alliance Drive Fairfax, VA 22030	703-259-1779

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VDOT
Virginia Department
of Transportation



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Design Public Hearing



Fairfax County Parkway Widening and Popes Head Road Interchange Fairfax County

Thursday, December 12, 2019
6:30 p.m. to 8:30 p.m.
Presentation starts at 7 p.m.

James W. Robinson, Jr. Secondary School
5035 Sideburn Road
Fairfax, VA 22032

Design Public Hearing

Welcome to the Virginia Department of Transportation's (VDOT) design public hearing on proposed plans to widen Fairfax County Parkway (Route 286) from four to six lanes between Route 29 (Lee Highway) and Route 123 (Ox Road).

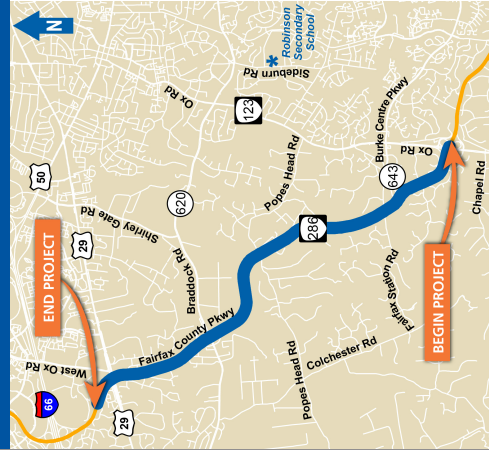
The proposed project design also includes an interchange at Popes Head Road and the future Shirley Gate Road extension, improvements to the Route 123 interchange and Burke Centre Parkway intersection, and a new shared-use path from Burke Centre Parkway to Route 123. We look forward to your active participation.

give VDOT comments and/or suggestions on the proposed project. VDOT strives to ensure that all members of the community have the opportunity to participate in public decisions on transportation projects and programs affecting them.

VDOT representatives are present to discuss the project information and NEPA process and answer your questions. A comment sheet is included in this brochure and your input is encouraged. All written comments received on this project will be reviewed by the design team.

A court reporter is present at tonight's meeting to take your comments.

Project Overview



Purpose:




Aims to reduce congestion and improve safety and accessibility

Project Length:

About five miles from Route 29 (Lee Highway) to Route 123 (Ox Road)

Improvements:

Widen Fairfax County Parkway from four to six lanes between Route 29 and Route 123, build an interchange at Popes Head Road and the future Shirley Gate Road extension, improve the Route 123 interchange and Burke Centre Parkway intersection, and construct the missing shared-use path segment from Burke Centre Parkway to Route 123.

Project Description	
<p>This project aims to reduce congestion and improve safety and accessibility for drivers, bicyclists and pedestrians by widening Fairfax County Parkway (Route 286) from four to six lanes between Route 29 (Lee Highway) and Route 123 (Ox Road). The proposed project design also includes an interchange at Popes Head Road and the future Shirley Gate Road extension, improvements to the Route 123 interchange and Fairfax County Parkway/Burke Centre Parkway intersection, and providing a continuous shared-use path within the project limits by constructing the missing segment from Burke Centre Parkway to Route 123.</p> <p>The preferred design option for the Popes Head Road interchange incorporates three roundabouts that aims to have traffic flow freely via two new bridges over Fairfax County Parkway.</p>	
Design Features	
<p>Popes Head Road and Shirley Gate Road Extension Interchange – Triple Roundabouts</p> <ul style="list-style-type: none"> Removes the signalized intersection. Provides direct access to the future Shirley Gate Road extension and Patriot Park with connections to the realigned Popes Head Road. Allows traffic to flow without traffic signals. Includes two new bridges over Fairfax County Parkway. 	
<p>Burke Centre Parkway Intersection Modifications</p> <ul style="list-style-type: none"> Provides a free flowing right-turn lane and acceleration lane from westbound Burke Parkway to northbound Fairfax County Parkway. Reconfigures the intersection to make westbound Burke Centre Parkway right-turn only and restrict left-turns from southbound Fairfax County Parkway onto Burke Centre Parkway during morning peak periods only. 	
<p>Route 123 Interchange Modifications</p> <ul style="list-style-type: none"> Adds a second exit lane from southbound Fairfax County Parkway to Route 123, adds a third left-turn lane onto southbound Route 123, and adds a third northbound lane on Route 123 between Little Ox Road and Fairfax County Parkway. Removes free flowing right-turn lane from southbound Fairfax County Parkway to northbound Route 123 to eliminate the weave of traffic within the interchange and provide a signal protected crossing of the ramp. 	

Estimated Project Cost	Anticipated Schedule
<p>Preliminary Engineering: \$14 million</p> <p>Right of Way Acquisition/Utility Relocation: \$19.5 million</p> <p>Construction:</p> <p>Popes Head Interchange: \$73.3 million</p> <p>Widening: \$183 million</p> <p>Total Cost: \$290 million</p> <p>These project costs are estimates and subject to change as the project design is further developed. Currently, the Popes Head interchange is fully funded and the widening is partially funded.</p> <p>The project is being financed with federal, state and local funds, including Smart Scale and Northern Virginia Transportation Authority funding.</p>	<p>Design Public Hearing Dec. 12, 2019</p> <p>Comment Period Ends Dec. 23, 2019</p> <p>Begin Popes Head Road Interchange Right of Way Acquisition As early as late 2020</p> <p>Begin Popes Head Road Interchange Construction As early as late 2022</p> <p>Fairfax County Parkway widening construction will begin after the Popes Head Road interchange.</p>
Civil Rights	Environmental Review
<p>VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact VDOT Civil Rights at 703-259-1775.</p>	<p>In compliance with the National Environmental Policy Act (NEPA) and 23 CFR Parts 771 and 772, an Environmental Assessment (EA) (which includes a Preliminary Noise Analysis) was prepared and approved by the Federal Highway Administration (FHWA) for public availability. Pursuant to the National Historic Preservation Act, Section 106 and 36 CFR 800, information concerning the potential effects of the proposed improvements on historic properties is also included in the EA. In accordance with 23 CFR 774, notice is given of the FHWA's intent to issue Section 4(f) de minimis impact findings with respect to the project's use of Patriot and Popes Head Parks.</p>
Right of Way	
<p>Preliminary right of way impacts presented on the displays are conceptual in nature and may change as the design is refined. The property owners will be informed of the exact location of the easements during the right of way acquisition process and prior to construction.</p> <p>Information about right of way purchase is discussed in VDOT's brochure, "Right of Way and Utilities: Guide for Property Owners and Tenants." Copies of this brochure are available here from VDOT personnel. After this meeting, information regarding right of way may be obtained from the right of way contact listed in this brochure.</p>	



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, Virginia 22030

Stephen C. Brich, P.E.
Commissioner

February 20, 2020

Michael Guarino, P.E.
Chief, Capital Projects Division
Fairfax County Department of Transportation
Center Pointe I Building
4050 Legato Road
Fairfax, VA 22033

Subject: **Request for Fairfax County Board of Supervisors Endorsement**
Route 286 (Fairfax County Parkway) Widening and Popes Head Road Interchange
Project No: 0286-029-259, P101, B621, B622, B623, B624, B625, B627, B628,
B629, B630, B631, B632, D604, D605; 0286-029-365, B619, B620
Federal Project No: STP-5A01(775)
UPC: 107937, 111725
County: Fairfax

Dear Mr. Guarino,

In accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Design Public Hearing was held for the above mentioned project on December 12, 2019, between 6:30 p.m. and 8:30 p.m. at James W. Robinson, Jr. Secondary School, 5035 Sideburn Road, Fairfax, VA 22032 located in Fairfax County.

The purpose of this project is to reduce congestion and improve safety and accessibility for drivers, bicyclists and pedestrians by widening approximately 5.5 miles of Route 286 (Fairfax County Parkway) from four lanes to six lanes from 0.62 miles north of Route 29 (Lee Highway) to 0.15 miles south of Route 123 (Ox Road). The proposed project also includes constructing an interchange at Popes Head Road and the future Shirley Gate Road extension, improvements to

the Route 123 interchange and Fairfax County Parkway/Burke Centre Parkway intersection, providing a continuous shared-use path within the project limits by constructing the missing segment from Burke Centre Parkway to Route 123, and a change in limited access control.

For reference, the project is split into three phases, each with independent utility: Phase I (UPC 111725) consists of constructing an interchange at Popes Head Road and the future Shirley Gate Road Extension, Phase II (UPC 107937) consists of the widening of Route 286 from 0.62 miles north of Route 29 to 0.21 miles south of Nomes Court, and Phase III (UPC to be determined) consists of the widening of Route 286 from 0.21 miles south of Nomes Court to 0.15 miles south of Route 123, improving the Route 123 interchange and Burke Centre Parkway intersection, and constructing the missing shared-use path segment from Burke Centre Parkway to Route 123. This letter seeks approval for the design of all three phases.

At the Public Hearing, citizens were provided the following project information in the form of a brochure, presentation and displays:

- Environmental documentation:
 - In compliance with the National Environmental Policy Act (NEPA) and 23 CFR Parts 771 and 772, an Environmental Assessment (EA) (which includes a Preliminary Noise Analysis) was prepared and approved by the Federal Highway Administration (FHWA) for public availability.
 - Pursuant to the National Historic Preservation Act, Section 106 and 36 CFR 800, information concerning the potential effects of the proposed improvements on historic properties is included in the EA.
 - In accordance with 23 CFR 774, notice is given of the FHWA's intent to issue Section 4(f) de minimus impact findings with respect to the project's use of Patriot and Popes Head Parks.
- Project scope and phasing:
 - Phase I – a new interchange at Popes Head Road and future Shirley Gate Road Extension eliminating the existing signalized intersection at Popes Head Rd, and providing direct access to the future Shirley Gate Road extension and Patriot Park from Fairfax County Parkway. Additional major design features of this phase include:
 - Three proposed roundabouts; two on Popes Head Road and one on the future Shirley Gate Rd Extension
 - Two new bridges over Fairfax County Parkway
 - A shared use path along Shirley Gate Road and sidewalk along Popes Head Road
 - Extending Ladues End Lane to connect to Colchester Meadow Lane
 - Stormwater management ponds
 - Phase II – widening of Fairfax County Parkway by adding a third lane in each direction in the existing median from 0.62 miles north of Route 29 to 0.21 miles south of Nomes Court. Additional major design features of this phase include:
 - A shared use path
 - Stormwater management ponds
 - Noise barriers

- Phase III - widening of Fairfax County Parkway by adding a third lane in each direction in the existing median from 0.21 miles south of Nomes Court to 0.15 miles south of Route 123. Additional major design features of this phase include:
 - Stormwater management ponds
 - A new shared use path along Fairfax County Parkway northbound between Burke Centre Parkway and Route 123
 - Existing noise barrier modification
 - Burke Centre Parkway intersection modifications including a free flowing right-turn lane and acceleration lane from westbound Burke Centre Parkway onto northbound Fairfax County Parkway, and reconfiguration of the intersection to make westbound Burke Centre Parkway right-turn only and restrict left-turns from southbound Fairfax County Parkway onto Burke Centre Parkway during the morning peak periods.
 - Route 123 interchange modifications including a second exit lane from southbound Fairfax County Parkway onto Route 123, a third left-turn lane onto southbound Route 123, a third northbound lane onto Route 123 between Little Ox Road and Fairfax County Parkway, and removal of the free flowing right-turn lane from southbound Fairfax County Parkway onto northbound Route 123 to eliminate the weave of traffic within the interchange and provide a signal-protected crossing of the ramp.
- Project displays:
 - The displays at the meeting showed proposed changes in limited access control and the extent of right of way impacts on the adjacent properties along the roadway corridor that may be needed as the project is currently proposed.
 - As the design is further developed, additional easements and/or right of way may be required beyond what is shown on the displayed preliminary plans.

In summary, one hundred and fourteen (114) citizens attended the Design Public Hearing and a total of 26 written/mailed comments and 24 oral comments were received for the record. Of those, 9 supported the project as proposed and presented, 2 supported the project as proposed and presented with modifications, 7 opposed the project as a whole, and 32 had no position.

As you know, the project is being financed with local, state (including SMART SCALE), Northern Virginia Transportation Authority (NVTA), and Revenue Sharing funding as presented at the Design Public Hearing, and the cost for all three phases is as follows:

	Phase I	Phase II	Phase III	TOTAL
Engineering Design	\$10,000,000	\$14,000,000	\$0	\$24,000,000
Right of Way Acquisition/Utility Relocation	\$9,700,000	\$4,400,000	\$5,400,000	\$19,500,000
Construction	\$73,300,000	\$90,000,000	\$93,000,000	\$256,300,000
				\$299,800,000

The anticipated project development and delivery schedule for all three phases of the project, as presented at the Design Public Hearing, is shown below:

	Phase I	Phase II	Phase III
Design Public Hearing Meeting	December 12, 2019		
Right of Way Acquisition/Utility Relocation	Late 2020	Late 2021	Target 2023
Advertise for Construction	Late 2022	Late 2023	Target 2025
Construction Begins	Late 2022	Late 2023	Target 2025
Construction Ends	Late 2024	Late 2025	Target 2026

In light of the above, it is requested that the Fairfax County Board of Supervisors endorse the subject project, by resolution, as proposed and presented at the Design Public Hearing.

In support of this request, the following documentation is also attached:

- Public Hearing Description
- Newspaper Notice of Public Hearing
- Public Hearing Brochure and Comment Sheet
- Public Hearing Sign-In Sheet
- Court Reporter Transcript
- Written and Emailed Comments
- Summary of All Comments with Responses

Should you have any questions, or require any additional information, please contact me directly at (703) 259-2239 or andrew.beacher@vdot.virginia.gov.

Sincerely,



Andrew G. Beacher, P.E.
Manager, Arlington/Fairfax Preliminary Engineering
Northern Virginia District
Virginia Department of Transportation



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Ms. Helen L. Cuervo, P.E.
District Administrator
Northern Virginia District
Virginia Department of Transportation
4975 Alliance Drive
Fairfax, Virginia 22030

Subject: Board of Supervisors Endorsement of Fairfax County Parkway Widening and
Popes Head Interchange, UPC 107937 and 111725

Dear Ms. Cuervo:

On April 14, 2020, the Fairfax County Board of Supervisors endorsed the design plans to widen approximately 5.5 miles of the Fairfax County Parkway (Route 286) from four to six lanes between Ox Road (Route 123) and Lee Highway (U.S. 29), as presented at the December 12, 2020, public hearing. This multimodal project is intended to reduce congestion, improve safety, enhance traffic operations, and provide facilities for pedestrians and bicyclists. It will be completed in three phases. The first phase is an interchange at Pope's Head Road; the second phase is the widening from U.S. 29 to Nomes Court; and the third phase is the widening from Nomes Court to Route 123.

Please call Nick Alexandrow at (703) 877-5754 or me at (703) 877-5663, if you have any questions or need additional information. Thank you for your assistance with this important project.

Sincerely,

Tom Biesiadny
Director

cc: Members, Board of Supervisors
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Sitaram Kodali, P.E., Project Manager, VDOT
Nicholas Roper, P.E., Project Development, VDOT
Andrew Beacher, Manager, Preliminary Engineering, VDOT

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



Mr. Garrett Moore
September 12, 2012
Page 2 of 2

Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Michael J. Guarino, Chief, Capital Projects Section, FCDOT
Tad Borkowski, Capital Projects Section, FCDOT
Nick Alexandrow, Capital Projects Section, FCDOT

Board Agenda Item
April 14, 2020

ACTION - 5

Approval of Amendment to the Guidelines for the Economic Opportunity Reserve

ISSUE:

Board of Supervisors approval is requested to amend the “Eight Principles of Investment in Economic Opportunities to Support Economic Success”. The amended Principles would modify the criteria for the use of funds from the Economic Opportunity Reserve to allow for the County to more effectively consider programs to support small business impacted by COVID-19, including impacts from federal, state, and local actions to stop the spread of COVID-19.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors amend the Principles as provided in Attachment 1. The guidelines and process will become effective April 15, 2020.

TIMING:

Board approval is requested on April 14, 2020, to allow the Board to consider funding programs to support small businesses impacted by COVID-19 for funding from the Economic Opportunity Reserve.

BACKGROUND:

As part of the FY 2016 budget adoption, the Board of Supervisors created the Economic Opportunity Reserve (EOR) to act as a revolving reserve, with flexible replenishment, to address opportunities that are identified as Board priorities

The purpose of the EOR is stated in the Ten Principles of Sound Financial Management, as revised on April 21, 2015. The reserve is meant to stimulate economic growth and will provide for strategic investment opportunities that are identified as priorities by the Board of Supervisors.

On February 28, 2017, the Board adopted the Eight Principles of Investment in Economic Opportunities to Support Economic Success (Principles) as the Board’s guidance for allocating funds from the EOR. They reiterate the Board’s reserve policy, describe the Board’s role in project selection and funding authorization, and detail reserve use, project type and associated criteria. The current Principles define three

Board Agenda Item
April 14, 2020

types of projects that could be funded: Capital Improvement, Property Acquisition, and Programming Support. Each of these project types would need to be in alignment of Board priorities for economic success and equitable growth, as defined by the Board, and would have appropriate evaluation criteria. Staff recommends that a fourth type of project be added: COVID-19 Economic Mitigation Projects. This will allow the Board additional flexibility for investments that mitigate the impacts of the COVID-19 response to the economic success of Fairfax County and resident businesses. The revised policy would remain in effect through 2022 and could be revisited if requested by the Board.

On February 28, 2017, the Board also adopted a [three-step process](#) to evaluate investments made from the Economic Opportunity Reserve. In order to react quickly to the economic challenges posed by the COVID-19 response, COVID-19 Economic Mitigation Projects will be brought to the earliest available Board Meeting and/or Board Committee meeting for review and evaluation.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Amended Eight Principles of Investment in Economic Opportunities to Support Economic Success

STAFF:
Joseph Mondoro, Chief Financial Officer
Rachel Flynn, Deputy County Executive
Christina Jackson, Director, Department of Management and Budget
Rachel Moudry, Director, Department of Economic Initiatives
Joe LaHait, Debt Coordinator, Department of Management and Budget
Scott Sizer, Catalytic Projects and Incentives, Department of Economic Initiatives

ASSIGNED COUNSEL:
Alan Weiss, Assistant County Attorney

Eight Principles of Investment in Economic Opportunities to Support Economic Success (as Amended on April 14, 2020)

- 1. Reserve Goal.** The Economic Opportunity Reserve will be utilized by Fairfax County to support the Strategic Plan to Facilitate the Economic Success of Fairfax County. A goal of that Plan is to take action to create a diversified and prosperous economy that engages all segments of the community. The Reserve will allow the County to provide strategic investment in opportunities to stimulate economic growth in Board priority areas.

The Reserve will be used to invest in capital development projects, property acquisition, and programming support, as further described in these guidelines.

Fairfax County has a spectrum of funding mechanisms available to support projects. The Economic Opportunity Reserve will be used to invest in projects that are not typically supported through the traditional CIP and capital construction process, joint-venture/public private partnership approaches, economic development programs, or standard procurement processes. Use of the Economic Opportunity Reserve is intended to provide for opportunities outside of the standard budgeting processes, and to assist with the economic impacts of the COVID-19 pandemic response and preserving the economic success of Fairfax County.

- 2. Budget Plan.** The Economic Opportunity Reserve will equal one percent of total General Fund disbursements in any given fiscal year, when fully funded. Replenishment of the Economic Opportunity Reserve will follow the reserve funding policy.
- 3. Reserve Allocation Authority.** The Board of Supervisors will review any proposed use of Reserve funds by the County Executive. No investments shall be made from the Reserve without Board approval.
- 4. Balance Management.** Reserve funds shall be invested per all applicable terms of the County Investment Policy.
- 5. Project Consideration**
 - a. Projects shall only be nominated by a member of the Board Supervisors or the County Executive.
 - i. The County Executive will propose methods to solicit ideas from the community on a regular basis for consideration by the Board.

- b. Projects must have a development partner who shall have primary responsibility for managing the project.
- c. Projects that do not directly benefit Fairfax County will not be considered.

6. Reserve Award Uses. The use of the Reserve funds will be for 'one-time' investment in projects that are deemed appropriate by the Board of Supervisors. Investments must meet the following minimum criteria:

- a. Investment will be for 'one time' investment expenditures.
 - i. Due to the impact of federal, state, and local responses to containing the COVID-19 pandemic, Reserve funds can be utilized for investments to fund programs and operations that respond to the economic impacts of the COVID-19 pandemic through 2022. These are further defined below as COVID-19 Mitigation Projects.
 - ii. No use of ~~these~~ funds shall be for facility operations or facility maintenance for any non-COVID-19 Economic Mitigation Projects.
- b. Investment must pose no direct or indirect liability to the County.
- c. Once an investment is made, there is no implication of further project investments or obligations for the project on the part of the County.
- d. Criteria for project awards shall be established by the Board of Supervisors, as set forth herein.
- e. Project types will be evaluated in one of ~~three~~ four categories:
 - i. Capital development projects;
 - ii. Property acquisition; ~~and~~
 - iii. Programming support for economic development activities, as identified in the Strategic Plan to Facilitate the Economic Success of Fairfax County; and,
 - iv. Programs that mitigate the impacts of the COVID-19 pandemic through the provision of strategies and/or direct support for the economic impacts of COVID-19 to the economic success of Fairfax County and businesses.

7. Project Criteria and Guidelines

- a. Projects must be aligned with Board priorities for generating economic success and equitable growth.
 - i. The purpose for the County's investment will be clearly defined, including measures to evaluate investment returns and benefits to County residents.
 - ii. Periodic reporting will occur on investments and the efficacy of project guidelines.

- b. Investments will seek a reasonable return on investment. A benchmark evaluation of return on investment over a 10 year period will be used.
 - i. Projects may also be evaluated to the extent that they meet County identified service needs or provide clearly defined public benefits to the community.
 - ii. An investment can be used as an incentive to encourage matching funds from a non-profit, state, or private sector funding source. This use of an investment should be used as a way to leverage the County investment, rather than defray investments by other parties.
- c. The annual amount dedicated to investments from the Economic Opportunity Reserve will be established by the Board.
- d. *Capital Development Projects:*
 The primary goal for capital development projects is to invest in projects that support Board economic success and equitable growth policies. The primary metric considered will be the impact the investment will have on creating value, increasing economic growth and generating taxable revenue.
 - i. Candidate projects should be generally consistent with the county's Comprehensive Plan and Capital Improvement Program. Innovative ideas for projects that support economic growth and are deemed feasible will be considered on merit.
 - ii. Revenue enhancements from project investment considered will include, but are not limited to; real estate, BPOL, TOT, personal property, sales tax, and other related tax benefits created by the investment.
 - iii. The target minimum amount of investment per project award is \$500,000.
 - iv. As a general rule, investments should not exceed 50% of the total project costs.
- e. *Property Acquisition Projects:*
 The primary goal for property acquisition projects is the tactical investment in real property or assets to facilitate future economic growth.
 - i. The County may use the property for the purpose that the project award was made for, or may choose to reallocate the property for other project uses at a later date.
- f. *Programming Support Projects:*
 The primary goal for programming support projects is to allow for the County Executive to make appropriate investments in actions to further Strategic Plan to Facilitate the Economic Success of Fairfax County goals.
- g. *COVID-19 Economic Mitigation Projects:*
The primary goal for COVID-19 economic mitigation projects is to allow for the

investment in projects that mitigate the impacts of the COVID-19 response to the economic success of Fairfax County and resident businesses.

- 8. Reserve Replenishment.** The Reserve may be replenished through a variety of mechanisms, including financial returns from Economic Opportunity Reserve investments. The County Executive will make recommendations as part of the Budget Quarterly Reviews. If elements of the investment have been moved to a more traditional capital project funding process, those capital project funding sources may be used to replenish the Reserve up to the full amount of the investment.

ACTION - 6

Authorization to Establish the Fairfax County Small Business COVID-19 Recovery Microloan Fund

ISSUE:

Board of Supervisors' authorization to: 1) allocate \$2,500,000 of Economic Opportunity Reserve (EOR) dollars into COVID-19 economic relief efforts; 2) establish a Fairfax County Small Business COVID-19 Recovery Microloan Fund ("Fund"); 3) transfer \$1,217,500 of the \$2,500,000 to the Fairfax County Economic Development Authority (FCEDA); 4) permit the FCEDA transfer these funds to the Community Business Partnership (CBP); 5) enter into a Memorandum of Understanding (MOU) with the CBP to allow them to distribute and administer these funds to eligible Fairfax County small businesses; and 6) have staff in the Department of Economic Initiatives (DEI) monitor the distribution and administration of these funds to determine the most effective use of the remaining \$1,282,500 (within 45 days).

RECOMMENDATION:

The County Executive recommends the Board of Supervisors (Board) approve the following: 1) allocation of \$2,500,000 of Economic Opportunity Reserve (EOR) dollars into COVID-19 economic relief efforts; 2) establish a Fairfax County Small Business COVID-19 Recovery Microloan Fund ("Fund"); 3) transfer \$1,217,500 of the \$2,500,000 to the Fairfax County Economic Development Authority (FCEDA); 4) permit the FCEDA transfer these funds to the Community Business Partnership (CBP); 5) enter into a Memorandum of Understanding (MOU) with the CBP to allow them to distribute and administer these funds to eligible Fairfax County small businesses; and 6) have staff in the Department of Economic Initiatives (DEI) monitor the distribution and administration of these funds to determine the most effective use of the remaining \$1,282,500.

TIMING:

Board action is requested on April 14, 2020, in order to establish the loan program by May 1, 2020.

BACKGROUND:

The state and local measures taken to control the Coronavirus (COVID-19) pandemic are unprecedented and adversely impact the small business community. Shortly after Governor Northam announced statewide restrictions on non-essential businesses on March 23, 2020, the County Executive directed staff to evaluate and develop programs

Board Agenda Item
April 14, 2020

for the Board's review to support small businesses impacted by the response to COVID-19.

At the BOS Budget Committee held on March 31, 2020, staff presented a proposal for a small business microloan program as part of the [Fiscal Year 2020 Third Quarter Review](#) to support the small business community which has been adversely impacted by measures taken to control the Coronavirus (COVID-19) pandemic (Attachment 2). At the Board's direction, staff is now requesting approval to utilize up to \$2,500,000 from Fund 10015: Economic Opportunity Reserve to support affected small businesses who employ fewer than 50 people. This subset of small businesses represents approximately 94% of all businesses in Fairfax County.

To achieve this, staff proposes to establish the Fairfax County Small Business COVID-19 Recovery Microloan Fund (the "COVID-19 Recovery Fund") to provide loans of up to \$20,000 per qualifying, affected small businesses. Loans will be made available to qualifying businesses on a first-come, first-served basis, and can be used for working capital, rent, equipment, debt payments, inventory, and other business critical cash operating expenses. Staff is proposing an initial commitment of \$1,000,000 in loans through this fund. Eligibility criteria, loan terms, permissible uses for the funds and other key loan terms are included in the Fairfax County Small Business COVID-19 Recovery Microloan Fund Guidelines (Attachment A).

To be eligible to apply for these loans, prospective applicants must participate in a brief pre-submission counseling session and be recommended by a Fairfax County-recognized small business counseling program. Examples of these programs include, but are not limited to, those offered by CBP, The Mason Enterprise Center or other Small Business Development Center, the Financial Empowerment Center, and Virginia Career Works. The purpose of this pre-submission counseling session is to ensure businesses are directed to the most appropriate federal, state or local support programs and to assist as many small business owners as possible.

The attached Memorandum of Understanding between the Board and the CBP, a Fairfax County-based 501(c)3 organization would authorize the CBP to administer the application review process and initial disbursement of the COVID-19 recovery loans. A total of \$217,500 is requested for CBP to hire staff to administer this fund for two (2) years. Interest payments will be retained by CBP to support fund administration beyond the second year. CBP will apply for technical assistance grants with the US Treasury's Community Development Financial Institution Fund (CDFI) as well as the Small Business Administration's (SBA) microloan program to sustain program administration after year two. Repaid principal amounts will be returned to this CBP fund and will be redeployed by CBP consistent with the Microloan Fund Guidelines, with the exception of the requirement for potential borrowers demonstrating adverse impacts to their business as a result of COVID-19.

Board Agenda Item
April 14, 2020

Staff continues to evaluate the most effective means of supporting small businesses during the COVID-19 pandemic. No later than forty five (45) days after the establishment of this fund, staff will make a recommendation to the Board whether to contribute additional funds into the COVID-19 Recovery Fund, to establish a similar relationship with other non-profit partner(s) to facilitate other small business loans, and/or with alternative options to deploy the balance of the requested funds to support economic recovery. The Board can also increase this fund at any time in the future.

FISCAL IMPACT:

Funding for the allocation of \$2,500,000 is available in the current year appropriations in Fund 10015: Economic Opportunity Reserve. An initial allocation of \$1,217,500 will be transferred through the Fairfax County Economic Development Authority to the CBP for \$1,000,000 for eligible loans and \$217,500 for two years of administering the COVID-19 Recovery Fund, per the terms of Attachment 1. The \$1,282,500 balance of the County \$2,500,000 allocation will remain in Fund 10015, Economic Opportunity Reserve to consider for additional economic recovery options.

ENCLOSED DOCUMENTS:

Attachment 1 - Memorandum of Understanding Between Community Business Partnership and Fairfax County Board of Supervisors including Fairfax County Small Business COVID-19 Recovery Microloan Fund Guidelines (Attachment A)

Attachment 2 - The Proposal Presentation from the March 31 Budget Committee can be found online at:

https://www.fairfaxcounty.gov/budget/sites/budget/files/assets/documents/budget%20committee%20meeting/2020/mar-31/2020_mar_31_budgetcomm_fy2020thirdquarter.pdf#page=14

Attachment 3 - The Fund Statement for Fund 10015: Economic Opportunity Reserve can be found online at:

<https://www.fairfaxcounty.gov/budget/sites/budget/files/assets/documents/fy2021/advertised/volume2/10015.pdf>

STAFF:

Rachel Flynn, Deputy County Executive

Joe Mondoro, Chief Financial Officer

Joe LaHait, Department of Management and Budget

Rebecca Moudry, Director, Department of Economic Initiatives

Meaghan Kiefer, Department of Economic Initiatives

Scott Sizer, Department of Economic Initiatives

ASSIGNED COUNSEL:

Alan Weiss, Assistant County Attorney

**MEMORANDUM OF UNDERSTANDING
BETWEEN
COMMUNITY BUSINESS PARTNERSHIP
AND
FAIRFAX COUNTY BOARD OF SUPERVISORS**

This Memorandum of Understanding (“MOU”) is made as of the ____ day of _____, 2020, by and between Community Business Partnership, a Virginia non-profit corporation with a place of business at 6564 Loisdale Court, Suite 600, Springfield, Virginia 22150 (“CBP”) and the Fairfax County Board of Supervisors, a body corporate and politic (“Board”), ~~through its Department of Economic Initiatives (“DEI”),~~ with a place of business at 12000 Government Center Parkway, Suite 432, Fairfax, Virginia 22035.

RECITALS

R-1 Fairfax County small businesses have been adversely and immediately impacted by the COVID-19 related economic downturn.

R-2 The Board, **through its Department of Economic Initiatives (“DEI”),** seeks to provide aid and assistance to these businesses, **with a particular emphasis on small businesses that may not be aware of or have access to information about other assistance, including federal programs.**

R-3 CBP has historical and expert knowledge on loaning public funds to small businesses. **CBP has been a US Treasury certified Community Development Financial Institution (CDFI) since 2016 and has a 1.5 person staff that is dedicated to properly and professionally providing debt financing to businesses unable to find traditional sources of capital. CBP has three US Small Business programs that provide expert counseling to CBP borrowers. All three programs are expected to add full time staff as a result of increased grant awards through the CARES Act recently passed by Congress.**

R-4 The Board and CBP have an existing arrangement pursuant to which the Board has appropriated funds to the Fairfax County Economic Development Authority (“FCEDA”) which in turns disburses the funds to CBP in accordance with terms approved by the Board. The disbursement of funds is made through a memorandum of agreement between FCEDA and CBP (formerly South Fairfax Regional Business Partnership), dated December 15, 1997, as subsequently modified (the “EDA MOA”).

R-5 The Board and CBP desire to enter into a new agreement providing for the Board to appropriate to FCEDA \$1,217,500.00 (the “DEI Funds”) for a microloan project (“Project”) with the understanding that FCEDA will in turn disburse the DEI Funds to CBP in accordance with the terms agreed upon by the Board and CBP as described in this MOU. The appropriated funds will be made to FCEDA at such time and in such increments as necessary for CBP to carry out the Project.

R-6 FCEDA has agreed to modify the EDA MOA to provide for FCEDA to disburse the DEI Funds to CBP for the Project.

NOW, THEREFORE, in consideration of the mutual benefits and obligations set forth in this MOU, the Board and CBP agree as follows:

1. Microloan Project Description and Activities

- 1.1. Classification of Proceeds. This Project will consist of the awarding of the DEI Funds in the aggregate amount of \$1,217,500.00 to FCEDA to be disbursed by FCEDA to CBP, of which \$1,000,000.00 will be used for the purpose of lending in accordance with Attachment A, while \$217,500.00 will be used by CBP for administration costs associated with this Project. The DEI Funds will be made available to FCEDA as such time and in such amounts as may be necessary for CBP to carry out the Project in accordance with this MOU.

CBP will use the DEI Funds solely for the purposes described herein and consistent with the required terms and conditions of this MOU and the EDA MOA.

- 1.2. Lending. CBP will make loans aggregating to \$1,000,000 (the “Initial Loans”) exclusively to sustain or evolve pre-COVID-19 solvent businesses that have been severely adversely affected by the COVID-19 outbreak, in accordance with the criteria established by DEI and CBP as set forth in Attachment A. Principal repayments of the Initial Loans, will be used toward future lending ~~in accordance with Attachment A, except for the requirement that they be “used to sustain or evolve the pre-COVID-19 business as described in Section 2 below.”~~
- 1.3. Administration. Realizing the expertise needed to oversee the successful deployment and ongoing management of the Project, CBP will maintain professional lending employee(s). Interest payments will be retained by CBP to compensate staff administering ~~this fund~~ **the DEI Funds** beyond the second year. CBP will apply for technical assistance grants with the US Treasury’s CDFI Fund as well as the SBA’s microloan program to sustain the program after year two.

- 1.4. **Borrower Compliance.** Only businesses properly licensed in Fairfax County, including its towns, and complying with the eligibility requirements set forth on Attachment A will be allowed to participate in the program.
- 1.5. **Governmental Permits.** As part of the eligibility criteria, borrowers will be required to submit a Non-Residential Use Permit for their business location(s) as well as evidence of a current Business and Professional Occupational License (BPOL).
- 1.6. **Collateral and Guarantees.** Initial Loans will not require borrowers to provide specific collateral to be approved for financing, but rather they may be collateralized through a personal guaranty, personal property lien, or other form of security.

2. Fairfax County Small Business Revolving Loan Fund

- 2.1. **Funding.** Principal repayments will be returned to CBP to be deposited in the Small Business Revolving Loan Fund to be established by CBP consistent with this MOU (“Fairfax County Small Business Revolving Loan Fund”). This new fund will supersede the existing County Microloan Fund established in 2018 and the outstanding balance from the County Microloan Fund will be transferred to the Fairfax County Small Business Revolving Loan Fund to make loans to small businesses in Fairfax County.
- 2.2. **Qualifying Small Businesses.** Businesses eligible to receive funding from this account will be as defined on Attachment A, as may be modified in accordance with Section 2.2.2.
 - 2.2.1.1. Loans from the Fairfax County Small Business Revolving Loan Fund, unlike the Initial Loans, will not be stipulated to be “used to sustain or evolve the pre-COVID-19 business.”
 - 2.2.2. As part of the assessment of the reports provided to DEI by CBP, the Board and CBP may mutually agree to modify the terms reflected on Attachment A without requiring an amendment to this MOU. Examples of potential modifications include:
 - a. adjusting the lending rate to ensure a competitive rate which is favorable to borrowers;
 - b. the list of permissible uses for borrowed funds;
 - c. the eligibility criteria;

d. the submission requirements for application review.

3. Public Relations

- 3.1. Fairfax County Use of CBP for Publicity. CBP hereby grants ~~DEI~~ **Fairfax County** the right to use the CBP's name, likeness, and logo in any public relations or publicity efforts. This includes, but is not limited to, press releases, media interviews, website, publications, brochures, etc. Fairfax County's publicity efforts may also include details about CBP's project, contract, or other publicly available information.
- 3.2. CBP Acknowledgement of Fairfax County's Interest in the Project. CBP also will also acknowledge ~~DEI~~ **Fairfax County** appropriately in all organizational and public forums as to the support, financial and otherwise, that has been provided to the Project. This recognition will include, but will not be limited to, print/electronic media, publications, interviews, brochures, website, etc.

4. Schedule

- 4.1. **DEI Funds Disbursement.** Following execution of this MOU, \$1,108,750 of the **DEI Funds** will be transferred to the FCEDA for immediate disbursement to CBP from an initial account to be established by CBP (the "Initial DEI Funds Account"). Beginning in April, 2021, the balance of the DEI Funds will be transferred, in quarterly increments, to the FCEDA for disbursement to CBP, upon receipt of the quarterly reports as outlined in the Reporting Requirements section, below.
- 4.2. Implementation Schedule. ~~DEI~~**The Board** and CBP have agreed to an Implementation Schedule, commencing on May 1, 2020, and providing for the initial disbursement of all DEI Funds, commencing on May 1, 2020, and completing such initial disbursements ("Initial Loan Disbursements") by no later than ~~April 30, 2022~~ **October 31, 2020** ("Initial Lending Completion Date"). CBP will loan all principal repayment amounts as soon as practicable, in accordance with this MOU and the EDA MOU. The Initial Lending Completion Date may be extended only with the permission of the ~~DEI~~**Board**.

5. Insurance

- 5.1. CBP's Liability Insurance. CBP will, at its sole expense, obtain and maintain in force insurance in such amounts and covering such risks as are customary for entities engaged in the same or similar business to include, where applicable, comprehensive general liability covering any activities on CBP property. At a minimum, this will include insurance against all claims of bodily injury or property damage, in amounts of not less than \$2,000,000 per claim and up to \$4,000,000 per incident.

6. Reporting Requirements

- 6.1. Quarterly Reporting. CBP will provide DEI with a loans receivable ~~reasonably satisfactory to DEI~~ report on a quarterly basis, which will detail all loans made with DEI Funds used for this Project, except that the first report will be for a partial quarter. **Reports will also include fund balance, amount available to lend, demographic data of the borrowers (including self-identification by gender, ethnicity and race), average loan per business, location of businesses which apply for as well as businesses who receive loans, broken down by Fairfax County Magisterial District, average number of employees, business sectors and types, and number of inquiries of those seeking loan funding.** These reports will be provided to DEI by the following dates:

DEI Funds Reporting Year One

1. July 15, 2020 for the months of May and June, 2020
2. October 15, 2020 for the months of July, August, and September, 2020
3. January 15, 2021 for the months of October, November, and December, 2020
4. April 15, 2021 for the months of January, February, and March 2021

DEI Funds Reporting Year Two

1. July 15, 2021 for the months of April, May, and June, 2021
2. October 15, 2021 for the months of July, August, and September, 2021
3. January 15, 2021 for the months of October, November, and December, 2021
4. April 15, 2022 for the months of January, February, and March 2022

DEI Funds Reporting Year Three and Beyond

CBP will provide annual reports for the preceding full fiscal year every July 15.

- 6.2. Subrecipient Financial Reporting. CBP will submit to DEI its annual audited financial statements within 120 days of its fiscal year end.
- 6.3. Closeout Agreement. ~~DEI will enter into a Closeout Agreement with the CBP, which will specify the reporting and other requirements applicable to the closeout of this Project.~~ **At such time as the Initial Loans have been disbursed, but no later than January 31, 2021, CBP will close the Initial DEI Funds Account and file a final cumulative report. Any DEI Funds remaining in the Initial DEI Funds Account will be refunded to the Board to be returned to the Economic Opportunity Reserve Fund. Notwithstanding the reporting requirements outlined above, once this Initial DEI Funds Account is closed, only annual reports will be required, except as stated below.**

7. Accounting, Audit, and Record Keeping Requirements

- 7.1. Accounting Records. CBP will keep all Project-related accounts and records, which fully disclose the amount and disposition by CBP of the DEI Funds, including all loans made with the principal repayments of the Initial Loan Disbursements, the total cost of the Project, and the amount and nature of any portion of the Project cost supplied by other sources, and such other financial records pertinent to the Project. Records to be maintained will include Project fiscal records consisting of all books, documents, ledgers, systems and expenses incurred, including, but not limited to, purchase, requisitions, orders, invoices, vouchers, bills and receipts, inventories, and all lien documents.
- 7.2. Time Period. All of the records, documents, and data described above and all income verification information will be kept during the performance of the Project, and for three (3) years after its completion or until the satisfactory completion of an audit, whichever is later.
- 7.3. Availability of Records. Subrecipients of the DEI Funds will make available to the DEI or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of CBP pertinent to this MOU.

8. Indemnification

- 8.1. Indemnification. CBP will indemnify and hold harmless the Board, and all employees and agents of the Board including all employees and agents of DEI, from and against all liability, judgments, claims, demands, suits, actions, losses, penalties, fines, damages, costs and expenses, including without limitation attorneys' fees including the value of legal services provided by the County Attorney's Office, of any kind or nature whatsoever, due to or arising out of or from CBP's administration of the Project or any breach by CBP of its obligations under this MOU.

9. Maintenance of Corporate Existence

- 9.1. Corporate Existence. CBP will both preserve and maintain the legal existence and good standing of its nonprofit corporation status and its registration in Virginia as is required to do business in the Commonwealth.
- 9.2. Scope of Mission. CBP agree that the its Articles of Incorporation and Corporate Bylaws as submitted with the Project application and incorporated herein by reference, provide an adequate administrative mechanism for assuring the CBP's mission of for providing loan funding and support to Fairfax County businesses, as required pursuant to this MOU.

10. Termination by Board

- 10.1. Termination. The parties agree that the Board may terminate this MOU at any time ~~for any reason~~ **if the Board determines that it is in the best interest of Fairfax County. Any termination will be effected by delivery of notice to CBP and will state the date when the termination will be effective, provided that no termination will be effective until at least 30 days after prior written notice is delivered to CBP.**

11. Miscellaneous Provisions

- 11.1. Compliance with Laws. CBP will comply with all applicable federal, state and local laws, statutes, regulation, executive orders and rules as they relate to the application, acceptance and use of funds for this Project, including, but not limited to, the requirements as specified in this MOU.
- 11.2. No assignment. CBP will not assign or transfer any of its rights or obligations under this MOU without the prior written consent of DEI, and any attempted assignment or transfer will be ineffective, null, void, and of no effect.

- 11.3. Amendments. No amendment or modification of any provision of this MOU will be effective unless it is in writing and executed by both parties ~~and approved by DEI~~.
- 11.4. This MOU, together with all attachments, schedules and exhibits thereto, contains the full, final, and exclusive statement of the MOU of the parties and supersedes all prior understandings, representations, or agreements, whether written or oral, with respect to such subject matter.

In witness whereof, Community Business Partners and the Fairfax County Board of Supervisors;
~~through the Fairfax County Department of Economic Initiatives;~~ have executed this MOU as of
the date first above written.

COMMUNITY BUSINESS PARTNERSHIP

By: _____

Name: _____

Title: _____

FAIRFAX COUNTY BOARD OF SUPERVISORS

~~By: Fairfax County Department of Economic Initiatives~~ _____

By: _____

Name: _____

Title: _____

Fairfax County Small Business COVID-19 Recovery Microloan Fund Guidelines

Pre-Submission Consultation

To be eligible to apply for these loans, prospective applicants must participate in a brief pre-submission counseling session and be recommended by a Fairfax County recognized small business counseling program including but not limited to those offered by Community Business Partnership, The Mason Enterprise Center or other Small Business Development Center, the Financial Empowerment Center or Virginia Career Works. The purpose of this pre-submission counseling session is to ensure businesses are directed to the most appropriate federal, state or local support programs and to assist as many small business owners as possible.

Eligibility

This funding is established for for-profit small businesses with one or more location(s), including the principal place of business, in Fairfax County that are able to demonstrate that they were solvent prior to the Covid-19 outbreak and that they were negatively impacted by the state and federal mandates intended to contain the spread of coronavirus or business disruption and injury due to Covid-19. Loan assistance is intended to provide interim relief. To be eligible, businesses must have:

- 50 or fewer total employees; for businesses with multiple locations, the 50-employee limit is the total for all business locations inside or outside of Fairfax County
- Must be established and operating in Fairfax County for two (2) or more years. Exceptions can be made with the demonstration of a strong “contract backlog report”.
- Minimum personal credit score of 600. Exceptions can be made if there is no evidence of derogatory credit in the last two years.
- Global Debt Service Coverage (GDSC, in the range of 1:1) and debt to income ratio (in the range of 40%), considering pre-Covid-19 and anticipated post-Covid-19 business income and operations.
- No outstanding liens or legal judgments, and in good standing.

The following businesses are not eligible for this loan: banks, financial services, sole proprietorships, home-based businesses, e-commerce, seasonal businesses which operate only part of the year, businesses whose primary products and services are ~~oriented to age-restricted consumers~~ **age-restricted in terms of eligible consumers**, franchise businesses, except for those franchises which are locally-owned and operated.

Use Limitations

Funding can be used for: working capital, equipment, rent, debt payments, inventory and other business critical cash operating expenses. Funding must be used to sustain or evolve the pre-COVID-19 business. It cannot be used to pay debts to close the business or to start a new business; borrower must agree to maintain the business in a commercial location in Fairfax County for the duration of the loan.

Terms, Rates, and Conditions

Loan Amount:	Up to \$20,000, per business, no more than one business per borrower
Term & Amortization:	Up to 6 years
Repayment:	Loan payment deferred for six (6) months; Principal and interest (P&I) monthly payments due thereafter.
Interest Rate:	Fixed at the rate of the Small Business Administration Economic Injury Disaster Loan (SBA EIDL) rate at the time of the loan award, currently 3.75%
Origination Fees:	\$0
Closing Fees:	\$0
Collateral:	Personal guaranty and UCC lien on business assets

Required documentation

- Current Commercial Business Lease (if applicable)
- Business & personal tax returns for the previous two years
- Monthly sales history, for the previous two years
- Year-end profit-and-loss statement and balance sheet for the previous two years
- Current profit-and-loss statement
- Current debt schedule
- Contract backlog report
- Accounts receivable/accounts payable reports for the previous two years
- The most recent Federal income tax returns for the applicant business for the previous two years
- Current Fairfax County BPOL license and Non-Residential Use/Occupancy Permit

Board Agenda Item
April 14, 2020

ACTION - 7

Adoption of a Resolution to Adjust the Schedule of Regular Board of Supervisors Meetings During Calendar Year 2020

ISSUE:

Board approval of adjustments to its previously adopted regular meeting schedule during April and May of calendar year 2020.

RECOMMENDATION:

The County Executive recommends that the Board approve revisions to its adopted 2020 meeting schedule by adding meeting dates on April 28, 29, and 30, dedicated to a budget public hearing, as well as on May 12. The Resolution also removes from the calendar the budget public hearing that was scheduled for part of the April 14 regular meeting and for April 15 and 16, as well as meeting scheduled for May 19.

TIMING:

Immediate. Virginia law requires the Board to provide seven days prior to the new meeting day unless the procedures for calling a special meeting are invoked.

BACKGROUND:

Virginia Code Section 15.2-1416 requires the governing body of each county to establish the schedule of its regular meetings at the annual meeting, which is the first meeting of the year. At its annual meeting on January 14, 2020, the Board by Resolution established the days of January 14, January 28, February 11, February 25, March 10, March 24, April 14, April 15, April 16, April 28, May 5, May 19, June 9, June 23, July 14, July 28, September 15, September 29, October 6, October 20, November 17, and December 1 for regular meetings.

Virginia Code Section 15.2-1416 authorizes the Board to schedule additional regular meetings after notice required by Virginia law, as the need may rise. In order to make such adjustments to the meeting schedule, the law requires the Board to pass a resolution.

FISCAL IMPACT:

None.

Board Agenda Item
April 14, 2020

ENCLOSED DOCUMENT:

Attachment 1 - Resolution to Adjust the Schedule of Regular Board of Supervisors Meetings During Calendar Year 2020

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

ASSIGNED COUNSEL:

Elizabeth D. Teare, County Attorney

**RESOLUTION TO ADJUST THE SCHEDULE OF REGULAR BOARD OF
SUPERVISORS MEETINGS DURING CALENDAR YEAR 2020**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic) on Tuesday, April 14, 2020, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Virginia Code Section 15.2-1416 required the Board of Supervisors of Fairfax County, Virginia, to assemble at its first meeting in January to adopt a schedule for its regular meetings in calendar year 2020; and,

WHEREAS, at its first meeting in January 2020, the Board of Supervisors of Fairfax County, Virginia, adopted a schedule for calendar year 2020 that established January 14, January 28, February 11, February 25, March 10, March 24, April 14, April 15, April 16, April 28, May 5, May 19, June 9, June 23, July 14, July 28, September 15, September 29, October 6, October 20, November 17, and December 1 as regular meeting days; and

WHEREAS, Virginia Code Section 15.2-1416 authorizes the Board of Supervisors to subsequently prescribe any day other than that initially established as a meeting day by passing a resolution as to such future meeting day;

NOW, THEREFORE, BE IT RESOLVED, that during calendar year 2020,

1. In addition to the meetings already scheduled, the Board of Supervisors will meet on April 28 at 4:00 p.m., and on April 29 and April 30 at 3:00 p.m., to hear public comment on the proposed budget, and on May 12 at 9:30 a.m.; and

2. The meetings on April 28, April 29, April 30, and May 12, 2020, will be held electronically due to the State of Emergency caused by the COVID-19 pandemic, unless the Chairman determines that the meeting can safely and practically be held in the Government Center.

Virginia Code Section 15.2-1416 does not require a Resolution to remove meetings from the calendar. However, the Board of Supervisors meeting on April 14 will not include public hearings on the budget, and the Board will not meet on April 15, April 16, or May 19.

Given under my hand on this day _____ of _____, 2020.

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
April 14, 2020

ACTION - 8

Adoption of an Emergency Uncodified Ordinance to Extend the Validity of Certain Development Approvals to Assure Continuity in Fairfax County Government During the Novel Coronavirus Disease 2019 (COVID-19) Emergency

ISSUE:

Virginia Code § 15.2-1413 authorizes the County to adopt ordinances that “provide a method to assure continuity in its government” in the event of a disaster. The COVID-19 emergency is a type of disaster contemplated by this statute, and this ordinance extends the validity of certain development approvals and thus enables the County’s Land Development Services to devote its limited resources to maintaining continuity in government.

RECOMMENDATION:

The County Executive and County Attorney recommend that the Board adopt the emergency ordinance provided as Attachment 1.

TIMING:

Board action is requested on April 14, 2020, to assure the continued validity of approvals that would otherwise expire or require time-consuming, case-by-case attention to extend, at the expense of operations to assure continuity in those aspects of Fairfax County government conducted by Land Development Services.

BACKGROUND:

As this Board is aware, on March 12, the Governor declared a State of Emergency due to COVID-19, and on March 30, he ordered all individuals in Virginia to remain at their place of residence until June 10, 2020. He also extended prior orders limiting gatherings to no more than ten people and closing certain businesses until June 10, 2020.

In response to the emergency, the County has taken a number of steps, including closing County buildings to the general public. This measure has presented a challenge to Land Development Services, whose Director approves thousands of plans, plats, grading permits, parking reductions, and Public Facilities Manual modifications and waivers every year. While the agency has reacted rapidly by instituting a wide range of

Board Agenda Item
April 14, 2020

electronic services, it is operating with reduced staff under unprecedented constraints. A significant number of the Director's approvals are set to expire during or shortly after the emergency, many on July 1, 2020. While the Director has authority to approve extensions of many of these approvals, doing so requires submission and consideration of individual requests. In the midst or aftermath of the present emergency, compounded by the impending expiration of a significant number of plans and plats, these requirements pose an unnecessary impediment to Land Development Services' operations and to by-right development that is critical to the County's economic vitality.

This emergency ordinance automatically extends the validity of expiring Director-approved plans, plats, grading permits, parking reductions, and modifications or waivers of Public Facilities Manual standards until 60 days after the Board of Supervisors takes appropriate action to end the declared emergency. By temporarily supplanting this cumbersome extension process, this ordinance will help to assure continuity in government by enabling LDS to continue providing its essential services to homeowners and the development community. The ordinance does not address building permits or building plans, which are approved and administered by the Fairfax County Building Official. Nor does it address preliminary subdivision plats, which are not subject to extension.

Virginia Code § 15.2-1413 expressly authorizes the adoption of the attached ordinance, which provides a means for assuring continuity in LDS's essential governmental services.

The proposed ordinance will become effective upon adoption, but it may only be enforced for 60 days from the date of adoption unless it is readopted by the Board before then. The ordinance contains an enactment clause directing the Clerk for the Board of Supervisors to advertise a public hearing within the 60-day period, at which time the Board will consider readopting the emergency ordinance or a similar ordinance that assures continuity in Fairfax County Government during the COVID-19 pandemic.

FISCAL IMPACT:

There is no anticipated fiscal impact on the FY 2020 County budget; however, failure to extend the validity of plans, permits, and other approvals would likely adversely affect the County residential and commercial construction markets.

Board Agenda Item
April 14, 2020

ENCLOSED DOCUMENTS:

Attachment 1 - Emergency Uncodified Ordinance to Extend the Validity of Certain Development Approvals to Assure Continuity in Fairfax County Government During the Novel Coronavirus Disease (COVID-2019) Emergency

STAFF:

William D. Hicks, P.E., Director, LDS
Eleanor K. Coddington, Division Director, LDS

ASSIGNED COUNSEL:

Elizabeth D. Teare, County Attorney
T. David Stoner, Deputy County Attorney

**AN EMERGENCY UNCODIFIED ORDINANCE TO EXTEND THE VALIDITY OF
CERTAIN DEVELOPMENT APPROVALS TO ASSURE CONTINUITY IN FAIRFAX
COUNTY GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019
(COVID-19) EMERGENCY**

AN EMERGENCY UNCODIFIED ORDINANCE to extend the validity of certain development approvals to assure continuity in Fairfax County government during the COVID-19 Emergency, as authorized by Virginia Code §§ 15.2-1413 and -1427.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That the following uncodified ordinance is hereby adopted:

A. Purpose of the Ordinance.

This ordinance extends the validity of certain development approvals to assure continuity in Fairfax County government during the COVID-19 emergency. Fairfax County government comprises not only the Board of Supervisors, but also numerous County agencies that fulfill essential government functions and provide essential government services within the locality. Among those agencies is Land Development Services, which has responsibility for ensuring that all development in Fairfax County meets the safety and health standards of all applicable codes and County ordinances. These provisions are intended to ensure the continued ability of Land Development Services to carry out its functions during this emergency.

This ordinance is being adopted in response to the COVID-19 outbreak. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a National Emergency beginning March 1, 2020. On March 12, 2020, Governor Ralph Northam issued a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19). The Governor declared the emergency “to continue to prepare and coordinate our response to the potential spread of COVID-19, a communicable disease of public health threat” and he found that “[t]he anticipated effects of COVID-19 constitute a disaster as described in § 44-146.16 of the Code of Virginia.” The Governor’s Declaration of a State of Emergency remains in effect until June 10, 2020, unless sooner amended or rescinded. Effective March 16, 2020, Governor Northam and the State Health Commissioner jointly issued an Order declaring a state public health emergency. On March 17, 2020, the Fairfax County Director

1 of Emergency Management, with the consent of the Board of Supervisors,
2 declared a local state of emergency due to the potential spread of COVID-19.
3 The local Declaration of Emergency remains in effect until the Board of
4 Supervisors takes appropriate action to end the declared emergency.

5 The Public Health Emergency Order issued jointly by the Governor and the State
6 Health Commissioner effective March 16, 2020, consistent with all other expert
7 opinions, observes that COVID-19 spreads from person to person, transmitted
8 via respiratory droplets, and can be spread from an infected person who does not
9 have symptoms to another person. No vaccine or known treatment options exist
10 at this time.

11 On March 23, 2020, the Governor issued Executive Order 53, which ordered all
12 public and private schools closed for the remainder of the 2019–2020 school
13 year and imposed temporary restrictions on restaurants, recreational
14 entertainment, public and private gatherings, and non-essential retail businesses.
15 On March 30, 2020, the Governor issued Executive Order 55, which ordered all
16 individuals in Virginia to remain at their places of residence until June 10, 2020,
17 except as set forth in that order and Executive Order 53.

18 The Director of Land Development Services approves thousands of plans, plats,
19 grading permits, parking reductions, and Public Facilities Manual modifications
20 and waivers every year. While the agency has responded rapidly to the
21 COVID-19 emergency, it is operating with reduced staff under unprecedented
22 constraints—including the closure of County buildings to the general public and
23 the Governor’s orders that Virginia residents remain at home. A significant
24 number of the Director’s approvals are set to expire during or shortly after the
25 emergency, many on July 1, 2020. While the Director has authority to approve
26 extensions of many of these approvals, doing so requires submission and
27 consideration of individual requests. In the midst or aftermath of the present
28 emergency, these requirements pose an unnecessary impediment to Land
29 Development Services’ operations and to by-right development that is critical to
30 the County’s economic vitality.

31 To reduce COVID-19 emergency impacts to the homebuilding and commercial
32 construction industries, homeowners, and County government, this emergency
33 ordinance automatically extends the validity of Director-approved plans, plats,
34 grading permits, parking reductions, and modifications or waivers of Public
35 Facilities Manual standards until 60 days after the Board of Supervisors takes
36 appropriate action to end the declared emergency. This emergency ordinance
37 thus eliminates the need for case-by-case requests and action to extend these

1 approvals. This ordinance does not address building permits or building plans,
2 which are approved and administered by the Fairfax County Building Official.
3 Nor does it address preliminary subdivision plats, which are not subject to
4 extension.

5 **B. Virginia Statutory Authority for the Ordinance.**

6 Virginia Code § 15.2-1413 authorizes localities to adopt an ordinance to “provide
7 a method to assure continuity in its government, in the event of an enemy attack
8 or other disaster,” “[n]otwithstanding any contrary provision of law, general or
9 special.” The Governor’s Declaration of a State of Emergency found that “[t]he
10 anticipated effects of COVID-19 constitute a disaster as described in § 44-146.16
11 of the Code of Virginia.”

12 Virginia Code § 15.2-1427 authorizes counties to adopt emergency ordinances
13 without prior notice; however, no such ordinance may be enforced for more than
14 60 days unless readopted in conformity with the provisions of the Virginia Code.

15 Virginia Code § 15.2-2260 and -2261 provide minimum periods of validity for
16 preliminary subdivision plats, final subdivision plats, and site plans. Those
17 statutes also authorize the extension of validity for final subdivision plats and site
18 plans. In addition, under Virginia Code § 15.2-2209.1, certain subdivision plats
19 and site plans “remain valid until July 1, 2020, or such later date provided for by
20 the terms of the locality’s approval, local ordinance, resolution or regulation, or for
21 a longer period as agreed to by the locality. Any other plan or permit associated
22 with such plat or site plan extended by this subsection shall likewise be extended
23 for the same time period has been extends the validity of such plats and plans.”

24 **C. Definitions.**

25 “Continuity in Fairfax County government” includes, without limitation, those
26 actions, and the coordination of actions, that are necessary to assure the
27 continuation of the public body’s essential functions and services. By way of
28 example and not limitation, such necessary actions include those related to
29 (1) the public body’s finances, such as public hearings and adoption of its FY
30 2021 budget and establishing fees, appropriations of funds; and funding
31 requests, as applicable; (2) contracts that need action by the governing board of
32 the public body; (3) applications, appeals, or other requests that are subject to
33 mandatory or directory time frames for action; (4) satisfying due process or other
34 constitutional requirements; (5) public safety; and (6) measures that help sustain
35 the County’s economy.

1 “Director” means the Director of Fairfax County Land Development Services.

2 “Emergency” means the outbreak of the respiratory illness referred to as the
3 novel coronavirus or COVID-19, as described in the Governor’s Declaration of a
4 State of Emergency and the local Declaration of Emergency, and the spread and
5 effects of COVID-19, which constitute a disaster as defined in Virginia Code
6 § 44-146.16.

7 “Emergency and its aftermath” means the period subject to the local Declaration
8 of Emergency, including any extension of that period, plus the 60 days following
9 that emergency period.

10 “Director-approved plan, plat, permit, or modification” means any plan, plat,
11 grading permit, parking reduction, Public Facilities Manual modification, or Public
12 Facilities Manual waiver approved by the Director. The phrase does not include
13 building plans or building permits approved by the Fairfax County Building
14 Official, nor does it include preliminary subdivision plats.

15 **D. Extension of Plan and Permit Approvals.**

16 For any Director-approved plan, plat, permit, or modification that would otherwise
17 have expired during the emergency and before the expiration or repeal of this
18 emergency ordinance, it will remain valid until the end of the emergency and its
19 aftermath—i.e., 60 days after the conclusion of the emergency as declared by
20 the Board of Supervisors.

21 **E. Supersession of Inconsistent Requirements.**

22 The provisions of this Ordinance apply notwithstanding any contrary provision of
23 law, general or special, as authorized in Virginia Code § 15.2-1413.

24 **2. That this ordinance will become effective upon adoption.**

25 **3. That this ordinance is being adopted on an emergency basis as allowed**
26 **by Virginia Code § 15.2-1427(F), and may be enforced for no more than**
27 **60 days from the date of adoption, unless the Board readopts this**
28 **ordinance in conformity with all applicable provisions of state law and**
29 **following the procedures established in this ordinance.**

30 **4. That the Clerk for the Board of Supervisors will schedule a public**
31 **hearing on May 12, 2020, at which the Board will consider readopting**
32 **this ordinance or a similar ordinance that assures continuity in Fairfax**
33 **County Government during the COVID-19 pandemic. Such ordinance**

1 will be limited in its effect to a period not exceeding six months after the
2 emergency and will provide for a method for the resumption of normal
3 governmental authority by the end of the six-month period. The Clerk
4 will publish descriptive notice of the Board's intention to propose the
5 ordinance for passage once a week for two successive weeks as
6 required by Virginia Code §§ 15.2-1427 and -2204.

7 5. That if the Virginia General Assembly enacts legislation, or the
8 Governor issues an order, that extends the validity of any of the
9 approvals affected by this ordinance beyond the period provided for in
10 the ordinance, those approvals will be extended as set forth in such
11 state law or order.

12 6. That the Sections, subsections, paragraphs, sentences, clauses,
13 phrases, and words of this ordinance are severable. If any Section,
14 subsection, paragraph, sentence, clause, phrase, or word is declared
15 unconstitutional or otherwise invalid by the lawful judgment or decree
16 of any court of competent jurisdiction, its unconstitutionality or
17 invalidity shall not affect the validity of any of the remaining Sections,
18 subsections, paragraphs, sentences, clauses, phrases, and words of
19 this ordinance, since the same would have been enacted by the Board
20 of Supervisors without and irrespective of any unconstitutional or
21 otherwise invalid Section, subsection, paragraph, sentence, clause,
22 phrase or word being included.

23 GIVEN under my hand this _____ day of _____ 2020.
24
25

26 _____
27 Jill G. Cooper
28 Clerk for the Board of Supervisors
29 Department of Clerk Services

Board Agenda Item
April 14, 2020

ACTION - 9

Adoption of an Emergency Uncodified Ordinance to Establish Methods to Assure Continuity in Fairfax County Government and Conduct of Meetings of Boards, Authorities, Commissions, and Regional and Interjurisdictional Public Bodies within Fairfax County Government During the Novel Coronavirus Disease 2019 (COVID-19) Emergency

ISSUE:

This ordinance establishes additional methods for ensuring that essential public business conducted by governmental bodies in Fairfax County, other than the Board of Supervisors, may continue during the COVID-19 emergency. Virginia Code § 15.2-1413 authorizes localities to adopt an ordinance, notwithstanding any other provision of law, general or special, that provides methods to “assure continuity in its government” in the event of a disaster. The COVID-19 emergency is a type of disaster contemplated by this statute. The ordinance distinguishes some County boards, authorities, and commissions (BACs) from those that are completely independent from this Board, namely the School Board, Economic Development Authority, Fairfax Water, and Board of Zoning Appeals. It also includes regional and interjurisdictional bodies. This Ordinance is similar to the Emergency Ordinance the Board adopted on March 24, 2020.

RECOMMENDATION:

The County Executive and County Attorney recommend that the Board adopt the emergency ordinance provided as Attachment 1.

TIMING:

Board action is requested on April 14, 2020, to assure that adequate methods are available in a timely manner to assure continuity in Fairfax County government services and functions provide by BACs, including Independent Boards, as well as regional and interjurisdictional bodies.

BACKGROUND:

As this Board is aware, on March 12 the Governor declared a State of Emergency due to COVID-19, and on March 30, he ordered all individuals in Virginia to remain at their place of residence until June 10, 2020. He also extended prior orders limiting gatherings to no more than ten people and closing certain business to June 10, 2020.

The Virginia Freedom of Information Act (VFOIA), Virginia Code §§ 2.2-3700 to -3714, allows for fully electronic meetings to discuss the emergency itself. VFOIA makes no provision for addressing business necessary to assure the continuation of essential County government functions and services if it is unsafe or impractical to assemble a physical quorum.

Given this situation, BACs, Independent Boards, and regional and interjurisdictional bodies that are necessary to ensure the continuation of essential functions and services must be able to meet without a quorum physically assembled to address those issues that are not necessarily related to the emergency itself. Virginia Code § 15.2-1413 expressly authorizes the adoption of the attached ordinance, which provides a method for these public bodies to address such matters if it is unsafe to assemble a physical quorum.

There are differences in how each BAC may invoke this ordinance. Much like a similar ordinance enacted on March 24, 2020, that applies only to this Board, this ordinance establishes that the County BACs and Independent Boards will follow FOIA's usual procedures whenever possible. If, in the judgment of the chairman of the BAC or Independent Board, it is unsafe to assemble a physical quorum, a fully electronic meeting may be held in accordance with FOIA's existing provisions to address the emergency itself. If the BAC or Independent Board's Chairman determines that any meeting is being conducted for the purpose of assuring continuity in Fairfax County government and the usual procedures cannot be implemented safely or practically, then the ordinance provides a method for conducting an electronic meeting to address matters related to continuity in the County Government. For those BACs that have matters requiring a public hearing by law, public comment will be solicited and received by written or electronic communication prior to the vote on the matter. An electronic meeting cannot occur unless a quorum of the BAC is participating remotely.

The process for conducting an electronic meeting varies slightly depending on the nature of the BAC. The ordinance requires County BACs to provide detailed advance notice to the Clerk for the Board of Supervisors and the public of their intention to conduct an electronic meeting. For those County BACs listed in Appendix A of the

Board Agenda Item
April 14, 2020

ordinance, that notice must be posted at least three working days in advance, in accordance with FOIA. BACs not so listed may still conduct an electronic meeting under this ordinance, but they must provide notice to the Clerk for the Board of Supervisors and the County Attorney, and public notice must be given earlier than the three working days required by FOIA. The Independent Boards are solely responsible for identifying which of their essential functions and services are necessary to assure continuity in government and providing public notice.

Finally, this ordinance also authorizes regional and interjurisdictional public bodies of which the County is a member to meet through electronic communication means without a quorum of members physically assembled at one location, and further authorizes any County appointee, designee, or representative to such entities to participate in the meeting electronically as long as those public bodies provided proper notice, a quorum is present, and arrangements are made for public access.

The proposed ordinance will become effective upon adoption, but it may only be enforced for 60 days from the date of adoption unless it is readopted by the Board before then. The ordinance contains an enactment clause directing the Clerk for the Board of Supervisors to advertise a public hearing within the 60-day period, at which time the Board will consider readopting the emergency ordinance or a similar ordinance that assures continuity in Fairfax County Government during the COVID-19 pandemic.

FISCAL IMPACT:

There is no anticipated fiscal impact.

ENCLOSED DOCUMENTS:

Attachment 1- Emergency Uncodified Ordinance to Establish Methods to Assure Continuity in Fairfax County Government and Conduct of Meetings of Boards, Authorities, Commissions, and Regional and Interjurisdictional Public Bodies within Fairfax County Government During the Novel Coronavirus Disease (COVID-2019) Emergency

STAFF:

Elizabeth D. Teare, County Attorney

**AN EMERGENCY UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO
ASSURE CONTINUITY IN FAIRFAX COUNTY GOVERNMENT AND CONDUCT OF
MEETINGS OF BOARDS, AUTHORITIES, COMMISSIONS, AND REGIONAL AND
INTERJURISDICTIONAL PUBLIC BODIES WITHIN FAIRFAX COUNTY
GOVERNMENT DURING THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19)
EMERGENCY**

AN EMERGENCY UNCODIFIED ORDINANCE to establish methods to assure continuity in Fairfax County government and conduct of meetings of the various boards, authorities, commissions, and regional and interjurisdictional public bodies within Fairfax County government during the COVID-19 Emergency, as authorized by Virginia Code §§ 15.2-1413 and -1427.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That the following uncodified ordinance is hereby adopted:

A. Purpose of the Ordinance.

This ordinance establishes methods to assure continuity in Fairfax County government during the COVID-19 emergency. Fairfax County government comprises not only the Board of Supervisors, but also numerous boards, authorities, commissions, and regional and interjurisdictional public bodies that fulfill essential government functions and provide essential government services within the locality that may be disrupted or halted if these public bodies are not able to meet during the emergency. These provisions are intended to ensure the continued ability of these governmental entities to conduct necessary public business in a manner consistent with Virginia state law and federal, state, and local health directives and guidance, all while maintaining transparency and public participation to the greatest extent feasible.

This ordinance is being adopted in response to the COVID-19 outbreak. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a National Emergency beginning March 1, 2020. On March 12, 2020, Governor Ralph Northam issued a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19). The Governor declared the emergency “to continue to prepare and coordinate our response to the potential spread of COVID-19, a communicable disease of

1 public health threat” and he found that “[t]he anticipated effects of COVID-19
2 constitute a disaster as described in § 44-146.16 of the Code of Virginia.” The
3 Governor’s Declaration of a State of Emergency remains in effect until June 10,
4 2020, unless sooner amended or rescinded. Effective March 16, 2020, Governor
5 Northam and the State Health Commissioner jointly issued an Order declaring a
6 state public health emergency. On March 17, 2020, the Fairfax County Director
7 of Emergency Management, with the consent of the Board of Supervisors,
8 declared a local state of emergency due to the potential spread of COVID-19.
9 The local Declaration of Emergency remains in effect until the Board of
10 Supervisors takes appropriate action to end the declared emergency.

11
12 The Public Health Emergency Order issued jointly by the Governor and the State
13 Health Commissioner effective March 16, 2020, consistent with all other expert
14 opinions, observes that COVID-19 spreads from person to person, transmitted
15 via respiratory droplets, and can be spread from an infected person who does not
16 have symptoms to another person. No vaccine or known treatment options exist
17 at this time.

18
19 On March 23, 2020, the Governor issued Executive Order 53, which ordered all
20 public and private schools closed for the remainder of the 2019-2020 school year
21 and imposed temporary restrictions on restaurants, recreational entertainment,
22 public and private gatherings, and non-essential retail businesses. On March 30,
23 2020, the Governor issued Executive Order 55, which ordered all individuals in
24 Virginia to remain at their places of residence until June 10, 2020, except as set
25 forth in that order and Executive Order 53.

26
27 The prolonged duration of this emergency and the Governor’s orders to Virginia
28 residents to remain at home necessitate the adoption of the following methods to
29 ensure that certain components of the government of Fairfax County are able to
30 conduct essential business during the emergency.

31 **B. Virginia Statutory Authority for the Ordinance.**

32 Virginia Code § 15.2-1413 authorizes localities to adopt an ordinance to “provide
33 a method to assure continuity in its government, in the event of an enemy attack
34 or other disaster,” “[n]otwithstanding any contrary provision of law, general or
35 special.” The Governor’s Declaration of a State of Emergency found that “[t]he
36 anticipated effects of COVID-19 constitute a disaster as described in § 44-146.16
37 of the Code of Virginia.”
38

1 Virginia Code § 15.2-1427 authorizes counties to adopt emergency ordinances
2 without prior notice; however, no such ordinance may be enforced for more than
3 60 days unless readopted in conformity with the provisions of the Virginia Code.

4
5 Virginia Code § 2.2-3708.2(A)(3) allows any public body to meet via electronic
6 communications without a quorum physically assembled together “when the
7 Governor has declared a state of emergency,” “the catastrophic nature of the
8 declared emergency makes it impracticable or unsafe to assemble a quorum in a
9 single location,” and “the purpose of the meeting is to address the emergency.”
10 Public notice must be given using the best available method, in light of the nature
11 of the emergency, and it must be provided contemporaneously with the notice
12 provided to the members of the public body. Finally, arrangements must be
13 made for the public to access the meeting.

14
15 Virginia Code § 2.2-3708.2(A)(1) allows any public body to participate in a
16 meeting via electronic communications if (1) it has a written policy allowing for
17 such electronic participation; (2) a quorum of the public body is physically
18 assembled at the primary meeting location; (3) the public body makes
19 arrangements for the voice of the remote participant to be heard by all persons at
20 the primary location; and (4) any member requesting remote participation is
21 unable to attend the meeting due either to a temporary or permanent disability or
22 other medical condition that prevents the member's physical attendance, or to a
23 personal matter that is identified with specificity.

24 25 **C. Definitions.**

26 “Continuity in Fairfax County government” includes, without limitation, those
27 actions, and the coordination of actions, that are necessary to assure the
28 continuation of the public body’s essential functions and services. By way of
29 example and not limitation, such necessary actions include those related to
30 (1) the public body’s finances, such as public hearings and adoption of its FY
31 2021 budget and establishing fees, appropriations of funds; and funding
32 requests, as applicable; (2) contracts that need action by the governing board of
33 the public body; (3) applications, appeals, or other requests that are subject to
34 mandatory or directory time frames for action; (4) satisfying due process or other
35 constitutional requirements; (5) public safety; and (6) measures that help sustain
36 the County’s economy.

1 "Electronic communication" means the use of technology having electrical,
2 telephonic, digital, magnetic, wireless, optical, electromagnetic, or similar
3 capabilities to transmit or receive information.

4
5 "Emergency" means the outbreak of the respiratory illness referred to
6 as the novel coronavirus or COVID-19, as described in the Governor's
7 Declaration of a State of Emergency and the local Declaration of Emergency,
8 and the spread and effects of COVID-19, which constitute a disaster as defined
9 in Virginia Code § 44-146.16.

10
11 "Meeting" has the definition given at Virginia Code § 2.2-3701.

12
13 "Public body" has the definition given at Virginia Code § 2.2-3701 and as used in
14 this ordinance it refers to Fairfax County government boards, authorities, and
15 commissions referenced in Section D, the Independent Boards identified in
16 Section E, and the regional boards and interjurisdictional public bodies
17 referenced in Section F.

18
19 "Usual procedures" means the requirements and procedures established by the
20 Virginia Freedom of Information Act for public meetings. If the public body has
21 adopted a written policy allowing for and governing participation of its members
22 by electronic communication means as allowed by Virginia Code
23 § 2.2-3708.2(C), then "usual procedures" includes remote participation by a
24 member of the public body as long as a quorum of the public body is physically
25 assembled at the meeting location.

26
27 **D. Meeting Procedures for County Boards, Authorities, and Commissions.**

- 28
29 1. Scope. This Section D applies to those Fairfax County government
30 boards, authorities, and commissions (collectively referred to as County
31 BACs) that are necessary for continuity in Fairfax County government.
32 This Section does not apply to the entities referenced in Section E, below.
33
34 2. Usual procedures. For any meeting at which a County BAC transacts
35 public business with any purpose other than addressing the emergency or
36 assuring continuity in government, the County BAC will meet in

1 accordance with all usual procedures established by the Virginia Freedom
2 of Information Act

- 3
- 4 3. Emergency procedures. If the purpose of a meeting of the County BAC is
5 to address the emergency, it will meet in accordance with all usual
6 procedures established by the Virginia Freedom of Information Act unless,
7 in the judgment of the County BAC's Chairman, the catastrophic nature of
8 the declared emergency makes it impracticable or unsafe to physically
9 assemble a quorum at one location, in which case the County BAC will
10 meet solely through electronic communication means to discuss the
11 emergency in accordance with the emergency procedures established by
12 FOIA and specifically Virginia Code § 2.2-3708.2(A)(3). In no event shall
13 any action be taken by the County BAC in an electronic meeting unless a
14 quorum is participating remotely. If the County BAC follows the
15 procedures established by Virginia Code § 2.2-3708.2(A)(3), the County
16 BAC will state on the record the nature of the emergency, the fact that the
17 meeting is being held electronically, and the type of electronic
18 communication means being used, and the County BAC will make
19 arrangements for public access to the meeting.

20

21 4. Continuity in government procedures.

22 (A) Each County BAC desiring to use the continuity in government
23 meeting procedures established in this Section D.4 is responsible for (i)
24 identifying its essential functions and services; (ii) deciding what actions or
25 coordination of actions are necessary to assure the continuation of those
26 essential functions and services; and (iii) defending any challenge to such
27 identification or decision.

28

29 (B) If any meeting or any part of a meeting of the County BAC is being
30 conducted for the purpose of assuring continuity in government, the
31 County BAC will meet in accordance with all usual procedures established
32 by the Virginia Freedom of Information Act to the extent possible.

33

34 (C) If, in the judgment of the County BAC's Chairman, items proposed to
35 be considered are necessary to assure continuity in government and the
36 usual procedures cannot be implemented safely or practically, the method
37 by which the County BAC will schedule and conduct any meeting to
38 consider the items will be as follows.

39

1 (1) The Chairman of any County BAC that intends to meet in accordance
2 with the continuity in government procedures established in this
3 Section D.4 must provide advance notice of the proposed agenda, a
4 brief explanation of the purpose of the meeting and how it qualifies as
5 continuity in Fairfax County government. The notice must identify how
6 the County BAC plans to comply with the continuity in government
7 procedures, particularly the requirement to enable public access to the
8 meeting. For any County BAC listed on Appendix A, the notice must
9 be provided to the Clerk for the Board of Supervisors at the same time
10 notice is posted in accordance with FOIA. For any County BAC not
11 listed on Appendix A, the notice must be provided to the Clerk for the
12 Board of and the County Attorney at least seven calendar days before
13 the proposed meeting and all required public notice must be posted at
14 least six calendar days prior to the proposed meeting. In either case,
15 the full advance notice described above must be made available to the
16 public wherever notice of the meeting is posted.

17
18 (2) The meeting may be held solely through electronic communication
19 means without a quorum of members physically assembled at one
20 location, but only after notice of the meeting is given in accordance
21 with Section D.4(C)(1) above and applicable laws. In no event shall
22 any action be taken by the County BAC in an electronic meeting unless
23 a quorum is participating remotely.

24
25 (3) The meeting may be held without permitting members of the public to
26 be physically present in the same location as any of the members of
27 the County BAC, but alternative arrangements for public access will be
28 made. Such alternative public access may be through electronic
29 communication, including but not limited to audio, telephonic, or video
30 broadcast.

31 (4) Before action may be taken on any item, the County BAC must first
32 approve that the item or items are necessary to assure continuity in
33 government and that the usual procedures cannot be implemented
34 safely or practically. A motion may be made and voted upon before
35 each item or as to the entire agenda, as may be determined by the
36 Chairman of the County BAC.

1 (5) For any such matter requiring a public hearing by law, public comment
2 will be solicited and received via written or electronic communication
3 prior to the vote on the matter. All such comments will be provided to
4 the members of the County BAC and made a part of the record of the
5 meeting.

6
7 5. Chairman's duties. If the County BAC's Chairman is absent, then state or
8 local law or the County BAC's bylaws, as applicable, govern who may
9 fulfill the Chairman's duties in his or her absence.

10
11 **E. Meeting Procedures for the Fairfax County School Board, Fairfax**
12 **County Economic Development Authority, Fairfax Water, and Fairfax**
13 **County Board of Zoning Appeals.**

14 1. Scope. This Section E applies to only to the governing boards of the
15 Fairfax County School Board, Economic Development Authority, and
16 Water Authority (d/b/a Fairfax Water) (collectively referred to as
17 Independent Boards), each of which is constituted as a separate entity
18 under Virginia state law and has its own governing board and legal
19 counsel, and the Board of Zoning Appeals, the establishment of which
20 was mandated by state law, the members of which are appointed by the
21 Fairfax County Circuit Court, and which is represented by its own legal
22 counsel. Each of these Independent Boards fulfill essential government
23 functions and provide essential government services within the boundaries
24 of Fairfax County, that may be disrupted or halted if these public bodies
25 are not able to meet during the emergency.

26
27 2. Usual procedures. For any meeting at which an Independent Board
28 transacts public business with any purpose other than addressing the
29 emergency or assuring continuity in government, the Independent Board
30 will meet in accordance with all usual procedures established by the
31 Virginia Freedom of Information Act.

32
33 3. Emergency procedures. If the purpose of a meeting of the Independent
34 Board is to address the emergency, it will meet in accordance with all
35 usual procedures established by the Virginia Freedom of Information Act
36 unless, in the judgment of the Independent Board's Chairman, the
37 catastrophic nature of the declared emergency makes it impracticable or

1 unsafe to physically assemble a quorum at one location, in which case the
2 Independent Board will meet solely through electronic communication
3 means to discuss the emergency in accordance with the emergency
4 procedures established by FOIA and specifically Virginia Code
5 § 2.2-3708.2(A)(3). In no event shall any action be taken by Independent
6 Board in an electronic meeting unless a quorum is participating remotely.
7 If the Independent Board follows the procedures established by Virginia
8 Code § 2.2-3708.2(A)(3), the Independent Board will state on the record
9 the nature of the emergency, the fact that the meeting is being held
10 electronically, and the type of electronic communication means being
11 used, and the Independent Board will make arrangements for public
12 access to the meeting.

13 4. Continuity in government procedures.

14 (A) The Fairfax County School Board, Economic Development Authority,
15 Water Authority, and the Board of Zoning Appeals are each solely
16 responsible for (i) identifying their essential functions and services, (ii)
17 deciding what actions or coordination of actions are necessary to assure
18 the continuation of those essential functions and services, and (iii)
19 defending any challenge to such identification or decision.

20
21 (B) If any meeting or any part of a meeting of the Independent Board is
22 being conducted for the purpose of assuring continuity in government, the
23 Independent Board will meet in accordance with all usual procedures
24 established by the Virginia Freedom of Information Act to the extent
25 possible.

26
27 (C) If, in the judgment of the Chairman of the Independent Board, items
28 proposed to be considered are necessary to assure continuity in
29 government and the usual procedures cannot be implemented safely or
30 practically, the method by which the Independent Board will conduct any
31 meeting to consider the items will be as follows.

32 (1) The meeting may be held solely through electronic communication
33 means without a quorum of members physically assembled at one
34 location, but only after notice of the meeting is given in accordance
35 with applicable laws. In no event shall any action be taken by the

1 public body in an electronic meeting unless a quorum is participating
2 remotely.

3 (2) The meeting may be held without permitting members of the public to
4 be physically present in the same location as any of the members of
5 the Independent Board, but alternative arrangements for public access
6 will be made. Such alternative public access may be through
7 electronic communication, including but not limited to audio,
8 telephonic, or video broadcast.

9 (3) Before action may be taken on any item, the Independent Board must
10 first approve that the item or items are necessary to assure continuity
11 in government and that the usual procedures cannot be implemented
12 safely or practically. A motion may be made and voted upon before
13 each item or as to the entire agenda, as may be determined by the
14 Chairman of the Independent Board.

15 (4) For any such matter requiring a public hearing by law, public comment
16 will be solicited and received via written or electronic communication
17 prior to the vote on the matter. All such comments will be provided to
18 the members of the Independent Board and made a part of the record
19 of the meeting.

20 5. Chairman's duties. If the Independent Board's Chairman is absent, then
21 state or local law or the public body's bylaws, as applicable, govern who
22 may fulfill the Chairman's duties in his or her absence.
23

24
25 **F. Meetings of Regional Boards and Interjurisdictional Public Bodies on**
26 **which Fairfax County is Represented.**

27 Fairfax County is a member of numerous regional and interjurisdictional public
28 bodies that are subject to FOIA and that have legal responsibility for essential
29 governmental functions and services in the County. These public bodies include,
30 among others, the Northern Virginia Transportation Authority, the Northern
31 Virginia Transportation Commission, the Northern Virginia Regional Commission,
32 Virginia Railway Express Operations Board, Northern Virginia Regional Park
33 Authority, the Upper Occoquan Service Authority, and the Washington
34 Metropolitan Area Transportation Authority.

1 The Board of Supervisors authorizes these public bodies to meet through
2 electronic communication means without a quorum of members physically
3 assembled at one location, and further authorizes any County appointee,
4 designee, or representative to such entities to participate in the meeting
5 electronically provided that: (1) The purpose of the meeting is to ensure
6 continuity in government as defined in § C above; (2) notice of the meeting is
7 given in accordance with applicable laws; (3) arrangements are made for public
8 access to the meeting; and (4) a quorum of the public body is participating
9 remotely.

10
11 **G. Supersession of Inconsistent Requirements.**

12 The provisions of this Ordinance apply notwithstanding any contrary provision of
13 law, general or special, as authorized in Virginia Code § 15.2-1413.

- 14
15
16 **2. That this ordinance will become effective upon adoption.**
- 17
18 **3. That this ordinance is being adopted on an emergency basis as allowed**
19 **by Virginia Code § 15.2-1427(F), and may be enforced for no more than**
20 **60 days from the date of adoption, unless the Board readopts this**
21 **ordinance in conformity with all applicable provisions of state law and**
22 **following the procedures established in this ordinance.**
- 23
24 **4. That the Clerk for the Board of Supervisors will schedule a public**
25 **hearing on May 12, 2020, at which the Board will consider readopting**
26 **this ordinance or a similar ordinance that assures continuity in Fairfax**
27 **County Government during the COVID-19 pandemic. Such ordinance**
28 **will be limited in its effect to a period not exceeding six months after the**
29 **emergency and will provide for a method for the resumption of normal**
30 **governmental authority by the end of the six-month period. The Clerk**
31 **will publish descriptive notice of the Board's intention to propose the**
32 **ordinance for passage once a week for two successive weeks as**
33 **required by Virginia Code § 15.2-1427.**
- 34
35 **5. That if the Virginia General Assembly enacts legislation, or the**
36 **Governor issues an order, that allows local public bodies to conduct**
37 **electronic meetings as set forth in Virginia Code § 2.2-3708.2(A)(3) to**
38 **address matters unrelated to the emergency, then the public bodies**

1 encompassed within this ordinance may meet as set forth in such state
2 law or order.

3

4 6. That the Sections, subsections, paragraphs, sentences, clauses,
5 phrases, and words of this ordinance are severable. If any Section,
6 subsection, paragraph, sentence, clause, phrase, or word is declared
7 unconstitutional or otherwise invalid by the lawful judgment or decree
8 of any court of competent jurisdiction, its unconstitutionality or
9 invalidity shall not affect the validity of any of the remaining Sections,
10 subsections, paragraphs, sentences, clauses, phrases, and words of
11 this ordinance, since the same would have been enacted by the Board
12 of Supervisors without and irrespective of any unconstitutional or
13 otherwise invalid Section, subsection, paragraph, sentence, clause,
14 phrase or word being included.

15

16 GIVEN under my hand this _____ day of _____, 2020.

17

18

19

20

21

22

23

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

APPENDIX A

BOARDS, AUTHORITIES, AND COMMISSIONS AUTHORIZED TO USE ABBREVIATED NOTICE PROCEDURES

1. Board of Building and Fire Prevention Code Appeals
2. Chesapeake Bay Preservation Ordinance Exception Review Committee
3. Civil Service Commission
4. Electoral Board
5. Fairfax County Employees' Retirement System Board of Trustees
6. Fairfax-Falls Church Community Services Board
7. Geotechnical Review Board
8. Head Start/Early Head Start Policy Council
9. Health Care Advisory Board
10. Library Board
11. McLean Community Center Governing Board
12. Park Authority
13. Planning Commission
14. Police Officers Retirement System Board of Trustees
15. Redevelopment and Housing Authority
16. Reston Community Center Board of Governors
17. Uniformed Retirement System Board of Trustees

ACTION - 10

Approval of Exclusion of Certain “Emergency Responders” and “Health Care Providers” from the Families First Coronavirus Response Act

ISSUE:

Board approval to exclude certain employees who are “emergency responders” or “health care providers” from the emergency family medical leave as required by the Families First Coronavirus Response Act.

BACKGROUND:

On March 19, 2020, the Families First Coronavirus Response Act (FFCRA) was signed into law and took effect April 1, 2020. The FFCRA requires certain employers, including public employers, to provide their employees with emergency paid sick leave and emergency family medical leave for specified reasons related to COVID-19. The U.S. Department of Labor (DOL) administers and enforces the new law’s paid leave requirements. On April 1, 2020, DOL issued temporary regulations for emergency paid sick leave and emergency family medical leave under the FFCRA. While the regulations took effect April 1, 2020, the DOL is accepting comments through April 10, 2020. The requirement to provide emergency paid sick leave and emergency family medical leave is currently set to expire on December 31, 2020.

The emergency paid sick leave portion of the FFCRA requires the County to provide paid sick leave to eligible employees. The amount of paid sick leave depends on the reason the leave is needed. In general, full-time employees who are unable to work or telework are eligible for up to two weeks (80 hours) of paid sick leave at 100% their regular rate of pay, up to a maximum of \$511/day and \$5,110 in total, or pro-rated for part-time employees based on their regularly scheduled hours, for the following COVID-19 related events:

- Employee is subject to federal, state, or local quarantine or isolation order;
- Employee has been advised by a healthcare provider to self- quarantine; or
- Employee is experiencing symptoms of COVID-19 and is seeking medical diagnosis from a health care provider.

Full-time employees who are unable to work or telework are eligible for up to two weeks (80 hours) of paid sick leave at 2/3 their regular rate of pay, up to a maximum of

Board Agenda Item
April 14, 2020

\$200/day and \$2,000 in total, or pro-rated for part-time employees based on their regularly scheduled hours, for the following COVID-19 related events:

- Employee is caring for individual, as defined in 29 CFR § 826.20(a)(5), in quarantine or isolation, or caring for such individual who has been advised by a health care provider to self-quarantine; or
- Employee is caring his/her for minor son or daughter whose school or place of care is closed ONLY if no other suitable person is available to care for the son or daughter.

The term “individual” is defined to mean “an Employee’s immediate family member, a person who regularly resides in the Employee’s home, or a similar person with whom the Employee has a relationship that creates an expectation that the Employee would care for the person if he or she were quarantined or self-quarantined.” 29 CFR § 826.20(a)(5). The term “individual” does not include persons with whom the Employee has no personal relationship.” *Id.*

In regard to emergency family medical leave, the FFCRA requires the County to provide all employees (full-time, part-time, temporary and seasonal) on the payroll for 30 days up to 12 weeks of leave if they are unable to work or telework as a result of schools being closed or childcare being unavailable. The leave entitlement is as follows:

- First two weeks (usually 10 workdays) are unpaid; or
- Employees can elect to use personal leave at 100% their regular rate of pay; or
- Full time employees who have not used their emergency paid sick leave entitlement are eligible to take up to 80 hours of emergency paid sick leave (calculated at 2/3 their regular rate of pay up to a maximum \$200/day and \$2,000 in total). Rate of pay is pro-rated for employees working less than full-time; and
- The remainder of the 10 weeks is paid at 2/3 of employees’ regular rate of pay with a maximum pay of \$200/day and \$10,000 in total. Rate of pay is pro-rated for employees working less than full-time.

Because the emergency family medical leave is an expansion of the Family and Medical Leave Act (FMLA) of 1993 it counts towards an employee’s entitlement to 12 weeks of FMLA in a 12-month period. 29 CFR § 826.23(b).

Board Agenda Item
April 14, 2020

If an eligible employee is unable to work or telework due to COVID-19 and meets the requirements for either emergency paid sick leave and/or emergency family medical leave, the County must provide the employee with the requested leave, regardless of whether or not it impacts the County's ability to maintain adequate staffing levels to respond to the COVID-19 pandemic. An employer who fails to provide an employee with emergency paid sick leave or who discharges, disciplines, or discriminates against an employee for exercising his/her rights to emergency paid sick leave is considered to have failed to pay the minimum wage as required by section 6 of the Fair Labor Standards Act (FLSA), and is subject to the enforcement provisions in the FLSA. 29 CFR § 826.150. Those provisions include liability in the amount of the unpaid wages, an additional amount as liquidated damages, reasonable attorney's fees, costs, and injunctive relief.

An employer who interferes with, restrains, denies the exercise of or the attempt to exercise any right, or discriminates against an employee in regard to emergency family medical leave is subject to the enforcement provisions in 29 CFR § 825.400. 29 USC § 2615, 29 CFR § 826.151. Under 29 CFR § 825.400, employees may file a private lawsuit or may file a complaint with the DOL. If the employer is found to have violated the FMLA, the employee may recover: "wages, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or, where no such tangible loss has occurred, such as when FMLA leave was unlawfully denied, any actual monetary loss sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to . . . 12 weeks of wages for the employee in a case involving leave for any other FMLA qualifying reason." Additionally, the FMLA allows an employee to recover interest on the amount awarded, liquidated damages, and if appropriate, an employee may also be entitled to employment, reinstatement, and promotion. Finally, in addition to any judgment awarded by the Court, the employee is also entitled to recover reasonable attorney's fees and expert witness fees as well as other costs. 29 CFR § 825.400.

The FFCRA allows employers to exclude employees who are "health care providers" or "emergency responders," as defined in the FCCRA, from emergency paid sick leave or emergency family medical leave or both. As applicable to the County, "health care providers" includes "any individual who is capable of providing health care services necessary to combat the COVID-19 public health emergency." Anyone employed at any local health department or agency is included within the definition of "health care provider." "Emergency responders" is broadly defined to include:

anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. This includes but is not limited to . . . law enforcement officers, correctional institution personnel, fire fighters, emergency medical

Board Agenda Item
April 14, 2020

services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

In its regulations allowing employers to exclude emergency responders from the FCCRA, the DOL recognized that:

On the one hand, the FFCRA provides for paid sick leave and expanded family and medical leave so employees will not be forced to choose between their paychecks and the individual and public health measures necessary to combat COVID-19. *On the other hand, providing paid sick leave or expanded family and medical leave does not come at the expense of fully staffing the necessary functions of society, including the functions of emergency responders. The FFCRA should be read to complement—and not detract from—the work being done on the front lines to treat COVID-19 patients, prevent the spread of COVID-19, and simultaneously keep Americans safe and with access to essential services.*

29 CFR Part 826. (Emphasis added.)

In order to meet and maintain staffing levels in certain departments that provide essential services to County residents and to be able to respond to the COVID-19 pandemic, the County Executive recommends that employees in the following department/agencies be excluded from the FFCRA's emergency family medical leave coverage: the Health Department; the Police Department, the Fire Department; the Sheriff's Office, the Office of Emergency Management; the Department of Public Safety Communications; Child Welfare Workers and Adult Protective Services Workers, including their supervisors, in the Department of Family Services; and the Fairfax-Falls Church Community Services Board. Employees in these departments will still be eligible for emergency paid sick leave if they meet the requirements for such leave.

Pursuant to a 2016 agreement entered between the Board and the Fairfax County Sheriff, her employees are covered under the County's personnel system, and therefore would be covered by the FFCRA unless excluded. The Sheriff consents to her employees being excluded from coverage of the emergency family medical leave requirement of the FFCRA.

Board Agenda Item
April 14, 2020

RECOMMENDATION:

The County Executive recommends that the Board exclude the County's Health Department employees from emergency family medical leave coverage under the FFCRA. Additionally, the County Executive recommends that the Board exclude the following emergency responders from emergency family medical leave coverage under the FFCRA: employees in the Police Department; employees in the Fire Department; employees in the Sheriff's Office; employees in the Office of Emergency Management; employees in the Department of Public Safety Communications; Child Welfare Workers and Adult Protective Services Workers, including their supervisors, in the Department of Family Services; and the Fairfax-Falls Church Community Services Board.

TIMING:

Action is requested today to provide sufficient time for implementation and communication with the workforce.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Cathy Spage, Director, Department of Human Resources

ASSIGNED COUNSEL:

Karen L. Gibbons, Deputy County Attorney
Robert M. Hardy, Assistant County Attorney

Board Agenda Item
April 14, 2020

ACTION - 11

Extension of Review Period for 2232 Application (Hunter Mill District)

ISSUE:

Extension of review period for 2232 application to ensure compliance with review requirements of *Section 15.2-2232* of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-H19-6

TIMING:

Board action is required by April 14, 2020, to extend the review period for the application noted above before its expiration date.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." The need for the full time of an extension may not be necessary, and is not intended to set a date for final action.

The review period for the following application should be extended:

2232-H19-6	Fairfax County Park Authority Lake Fairfax Park Master Plan Revision Tax Map Nos. 18-1 ((1)) 6 and 7, 18-1 ((7)) C, 18-2 ((1)) 39, 18-3 ((1)) 1A and 3, and 18-4 ((1)) 1 1400 Lake Fairfax Drive Reston, VA Hunter Mill District Accepted June 11, 2019 Expiration Date May 11, 2020 Extended to August 11, 2020 (2 nd Extension)
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Board Agenda Item
April 14, 2020

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
None.

STAFF:
Rachel Flynn, Deputy County Executive
Barbara A. Byron, Director, Department of Planning and Development, DPD
Michelle K. Stahlhut, Chief, Facilities Planning Branch, Planning Division, DPD
Bryan D. Botello, Planner, Facilities Planning Branch, Planning Division, DPD

INFORMATION – 1

Fairfax Connector May 2020 Temporary Service Adjustments Related to I-66
Construction (Providence and Hunter Mill Districts)

BACKGROUND:

As part of the I-66 roadway project, the Virginia Department of Transportation (VDOT) will be demolishing and reconstructing the Cedar Lane Bridge to accommodate the new express lanes along I-66 outside the Beltway. VDOT has proposed a full closure of the Cedar Lane Bridge to facilitate these construction activities and reduce the amount of time for reconstruction and traffic disruption. This closure will impact Fairfax Connector Routes 462 and 467, which will need to be detoured until VDOT reopens the Cedar Lane Bridge. In addition, VDOT has proposed to enhance both routes to provide additional non-single occupant vehicle connectivity during the closure. Based upon VDOT's construction schedule, the proposed transit route detours need to be implemented by mid-May 2020. County staff has developed schedules and route alignments for the detours. A traditional public meeting will not be conducted as planned, due to the COVID-19 health crisis. Instead, VDOT is preparing a public presentation video to inform the public about the bridge reconstruction process, the proposed transit service adjustments and the alternative of keeping the bridge partially open during the reconstruction (which will extend the construction period significantly), as well as to obtain public comments. Following the completion of the bridge reconstruction, Routes 462 and 467 will return to their present alignments, schedules, and levels of service. It is estimated the temporary detours will end by December 2020.

To maintain access and mobility, staff recommends the following temporary service adjustments to Routes 462 and 467:

- Detour these two routes via Gallows Road and Cottage Street.
- Add one bus to each of the two routes to address the additional time needed for buses to traverse the detour.
- Adjust the Route 467 schedule to improve efficiency with 30-minute headways on weekdays.
- Expand Saturday service hours on Route 467 to operate from 6A.M. to 11P.M. with 60-minute headways.
- Add Sunday service on Route 467 operating from 8A.M. to 8P.M. with 60-minute headways.
- The estimated additional annualized revenue hours for Route 462 are 900.
- The estimated additional annualized revenue hours for Route 467 are 2,600.
- The estimated combined increase in operating cost for these two routes is \$432,000.

Board Agenda Item
April 14, 2020

TITLE VI:

The detours on Routes 462 and 467 will last less than 12 months. Therefore, no Title VI evaluation is required on either of these two routes.

FISCAL IMPACT:

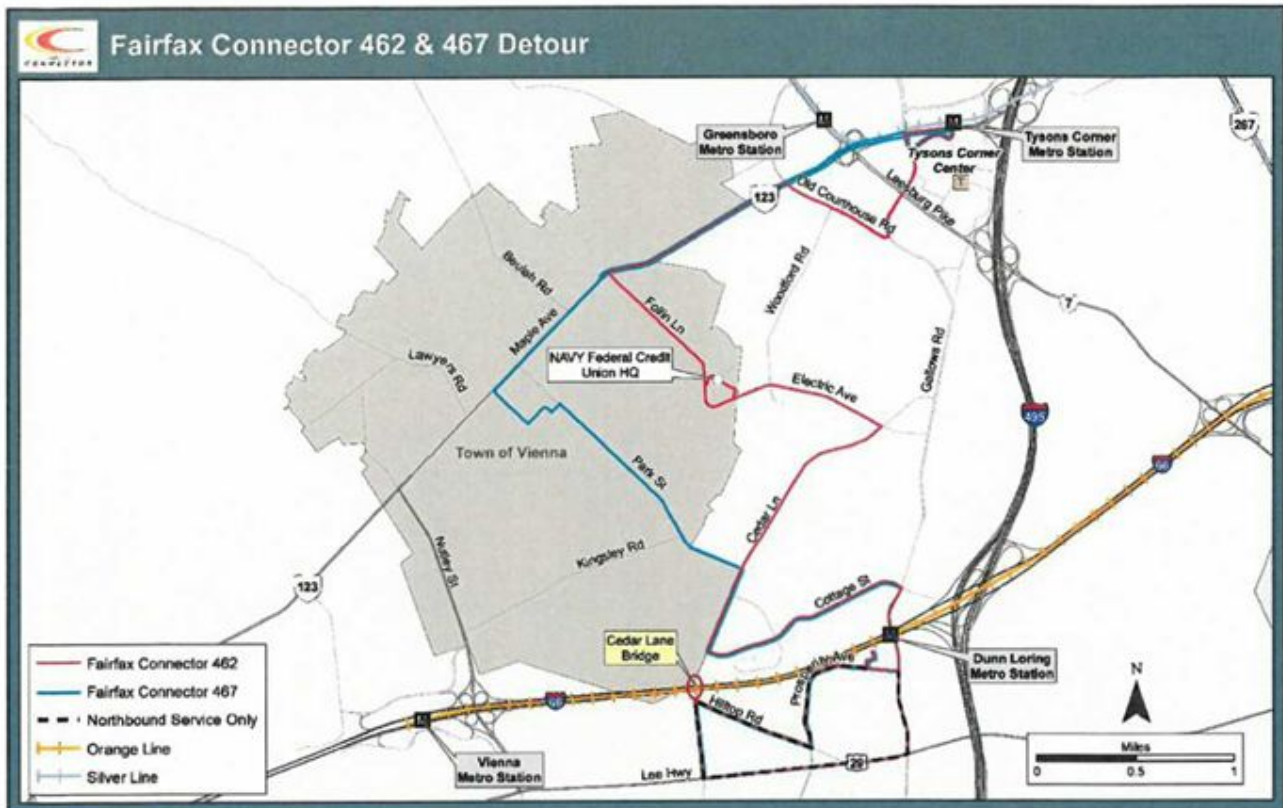
The additional operating cost of \$432,000 for the service adjustments to Routes 462 and 467 will be funded through an agreement with VDOT. There will be no fiscal impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment I - Route Map

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Dwayne Pelfrey, Division Chief, Transit Services Division, FCDOT
Michael Felschow, Planning Section Chief, Transit Services Division, FCDOT
Ray Johnson, Funding Section Chief, Coordination and Funding Division, FCDOT
Martha Coello, Chief, Special Projects Division, FCDOT



Board Agenda Item
April 14, 2020

2:00 p.m.

Public Hearing to Consider Adoption of an Uncodified Ordinance to Establish Methods to Assure Continuity in Fairfax County Government and Conduct of Board of Supervisors Meetings During the Novel Coronavirus 2019 (COVID-19) Emergency, and to Repeal the Emergency Ordinance Adopted on March 24, 2020, Which is Hereby Replaced

ISSUE:

Virginia Code § 15.2-1413 authorizes localities to adopt an ordinance that will “assure continuity in its government” in the event of a disaster. The COVID-19 emergency is a type of disaster contemplated by this statute, and this ordinance establishes additional methods for ensuring that public business related to continuity in government may continue. This ordinance repeals and replaces the emergency ordinance the Board adopted on March 24, 2020, on the same topic.

RECOMMENDATION:

The County Executive and County Attorney recommend that the Board adopt the ordinance provided as Attachment 1.

TIMING:

Board action is requested on April 14, 2020, to assure that adequate methods are available in a timely manner to assure continuity in Fairfax County government.

BACKGROUND:

On March 24, 2020, the Board of Supervisors adopted an emergency uncodified ordinance to establish methods to assure continuity in Fairfax County government and the conduct of Board meetings during the Novel Coronavirus 2019 (COVID-19) emergency. State law allows county Boards of Supervisors to adopt emergency ordinances without prior notice, but the emergency ordinance was posted on the County’s website on March 23, 2020, to provide the best notice possible to the public under the circumstances. An emergency ordinance cannot be enforced for more than 60 days unless it is readopted in conformity with the usual provisions of law. The ordinance currently before the Board repeals and replaces the emergency ordinance.

Board Agenda Item
April 14, 2020

The Virginia Freedom of Information Act (VFOIA), Virginia Code §§ 2.2-3700 to -3714, allows for fully electronic meetings to discuss the emergency itself. VFOIA makes no provision for addressing business related to the continuity of the County government if a quorum cannot be physically assembled.

Under the current circumstances, the Board of Supervisors should have all available tools at its disposal to best position it to address matters relating to the ongoing continuity of County government during the COVID-19 pandemic. Virginia Code Section 15.2-1413 expressly authorizes the adoption of the attached ordinance, which provide a method for the Board of Supervisors to be able to address such matters in the event it is unsafe to assemble a physical quorum.

The ordinance establishes that the Board of Supervisors will follow FOIA's usual procedures (including the provisions of its electronic meeting policy) whenever possible. If, in the Chairman's judgment, it is unsafe to assemble a physical quorum, a fully electronic meeting may be held in accordance with FOIA's existing provisions to address the emergency itself. If the Chairman determines that any meeting is being conducted for the purpose of assuring continuity in Fairfax County government and the usual procedures cannot be implemented safely or practically, then the ordinance provides a method for conducting an electronic meeting to address matters related to the continuity of the County Government.

The usual measures for ensuring transparency of County government are maintained for all electronic meetings to the greatest extent possible in the ordinance. The public may view all electronic meetings of the Board of Supervisors on Channel 16 on cable television and via live streaming on the County's website at www.fairfaxcounty.gov. For any matter that requires a public hearing, the Board would allow the receipt of public comment by written or electronic communication rather than in-person testimony.

By state law, an ordinance providing for continuity in government must be limited in its effect for no more than six months after the disaster and it must provide a method for the resumption of normal government authority by the end of the six-month period. The proposed ordinance provides that it will remain in effect no longer than six months after the Board of Supervisors terminates the local Declaration of Emergency. Within that six-month period, the Board will restore normal governmental authority by repealing the ordinance.

Board Agenda Item
April 14, 2020

Most of the terms of the proposed replacement ordinance are identical to those in the emergency ordinance, but some changes were made to refer to more recent developments and add more specificity. Among the changes were:

- Section A was updated to include references to the Governor's most recent orders about COVID-19 and the prolonged duration of the emergency.
- The statutory authority for the Board to adopt an emergency ordinance was deleted from Section B.
- Examples were added to the definition of "continuity in government" in Section C to further clarify its meaning, **and the definition of "meeting" was supplemented to include meetings added to the Board calendar.**
- A reference to the state laws about who presides at meetings when the Chairman and the Vice-Chairman are absent was added to Section D.
- Section E was revised to clarify that it suspends inconsistent ordinance and superseded other inconsistent laws.
- **Several enactment clauses were added, including one** to confirm that if the General Assembly enacts legislation, or the Governor issues an order, that allows local public bodies to conduct electronic meetings as set forth in Virginia Code § 2.2-3708.2(A)(3) to address matters unrelated to the emergency, then the Board of Supervisors may meet as set forth in such state law or order.

FISCAL IMPACT:

There is no anticipated fiscal impact.

ENCLOSED DOCUMENTS:

Attachment 1- Proposed Uncodified Ordinance to Establish Methods to Assure Continuity In Fairfax County Government and Conduct of Board of Supervisors Meetings During the COVID-2019 Emergency, and to Repeal the Emergency Ordinance Adopted on March 24, 2020, Which is Hereby Replaced

STAFF:

Elizabeth D. Teare, County Attorney

**AN UNCODIFIED ORDINANCE TO ESTABLISH METHODS TO ASSURE
CONTINUITY IN FAIRFAX COUNTY GOVERNMENT AND CONDUCT OF BOARD OF
SUPERVISORS MEETINGS DURING THE NOVEL CORONAVIRUS DISEASE 2019
(COVID-19) EMERGENCY, AND TO REPEAL THE EMERGENCY ORDINANCE
ADOPTED ON MARCH 24, 2020, WHICH IS HEREBY REPLACED**

AN UNCODIFIED ORDINANCE to establish methods to assure continuity in Fairfax County government and conduct of Board of Supervisors meetings during the COVID-19 Emergency as authorized by Virginia Code § 15.2-1413, and to repeal the emergency uncodified ordinance on the same subject, which was adopted on March 24, 2020, and is hereby replaced by this ordinance.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That the following uncodified ordinance is hereby adopted:

A. Purpose of the Ordinance.

This ordinance establishes methods to assure continuity in Fairfax County government, including the Board of Supervisors' procedures for meetings, during the COVID-19 emergency. These provisions are intended to ensure the Board of Supervisors' ability to conduct necessary public business in a manner consistent with Virginia state law and federal, state, and local health directives and guidance, all while maintaining transparency and public participation to the greatest extent feasible.

This ordinance is being adopted in response to the COVID-19 outbreak. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a National Emergency beginning March 1, 2020. On March 12, 2020, Governor Ralph Northam issued a Declaration of a State of Emergency due to Novel Coronavirus (COVID-19). The Governor declared the emergency "to continue to prepare and coordinate our response to the potential spread of COVID-19, a communicable disease of public health threat" and he found that "[t]he anticipated effects of COVID-19 constitute a disaster as described in § 44-146.16 of the Code of Virginia." The Governor's Declaration of a State of Emergency remains in effect until June 10, 2020, unless sooner amended or rescinded. Effective March 16, 2020, Governor Northam and the State Health Commissioner jointly issued an Order

1 declaring a state public health emergency. On March 17, 2020, the Fairfax
2 County Director of Emergency Management, with the consent of the Board of
3 Supervisors, declared a local state of emergency due to the potential spread of
4 COVID-19. The local Declaration of Emergency remains in effect until the Board
5 of Supervisors takes appropriate action to end the declared emergency.

6
7 The Public Health Emergency Order issued jointly by the Governor and the State
8 Health Commissioner effective March 16, 2020, consistent with all other expert
9 opinions, observes that COVID-19 spreads from person to person, transmitted
10 via respiratory droplets, and can be spread from an infected person who does not
11 have symptoms to another person. No vaccine or known treatment options exist
12 at this time.

13
14 On March 23, 2020, the Governor issued Executive Order 53, which ordered all
15 public and private schools closed for the remainder of the 2019-2020 school year
16 and imposed temporary restrictions on restaurants, recreational entertainment,
17 public and private gatherings, and non-essential retail businesses. On March 30,
18 2020, the Governor issued Executive Order 55, which ordered all individuals in
19 Virginia to remain at their places of residence until June 10, 2020, except as set
20 forth in that order and Executive Order 53.

21
22 The prolonged duration of this emergency and the Governor's orders to Virginia
23 residents to remain at home necessitate the adoption of the following methods to
24 ensure that the Board of Supervisors is able to conduct essential business during
25 the emergency.

26 27 **B. Virginia Statutory Authority for the Ordinance.**

28
29 Virginia Code § 15.2-1413 authorizes localities to adopt an ordinance to "provide
30 a method to assure continuity in its government, in the event of an enemy attack
31 or other disaster," "[n]otwithstanding any contrary provision of law, general or
32 special." The Governor's Declaration of a State of Emergency found that "[t]he
33 anticipated effects of COVID-19 constitute a disaster as described in § 44-146.16
34 of the Code of Virginia."

35
36 Virginia Code § 2.2-3708.2(A)(3) allows the Board of Supervisors to meet via
37 electronic communications without a quorum physically assembled together
38 "when the Governor has declared a state of emergency," "the catastrophic nature
39 of the declared emergency makes it impracticable or unsafe to assemble a
40 quorum in a single location," and "the purpose of the meeting is to address the

1 emergency.” Public notice must be given using the best available method, in
2 light of the nature of the emergency, and it must be provided contemporaneously
3 with the notice provided to the members of the public body. Finally,
4 arrangements must be made for the public to access the meeting.

5
6 Virginia Code § 2.2-3708.2(A)(1) allows members of the Board of Supervisors to
7 participate in a meeting via electronic communications if (1) it has a written policy
8 allowing for such electronic participation; (2) a quorum of the Board of
9 Supervisors is physically assembled at the primary meeting location; (3) the
10 Board of Supervisors makes arrangements for the voice of the remote participant
11 to be heard by all persons at the primary location; and (4) any member
12 requesting remote participation is unable to attend the meeting due either to a
13 temporary or permanent disability or other medical condition that prevents the
14 member's physical attendance, or to a personal matter that is identified with
15 specificity. The Board adopted an electronic communications policy on
16 March 24, 2020.

17 18 **C. Definitions.**

19 “Continuity in Fairfax County government” includes, without limitation, those
20 actions, and the coordination of actions, that are necessary to assure the
21 continuation of the County’s essential functions and services. By way of example
22 and not limitation, such necessary actions include those related to (1) the
23 County’s finances, such as the public hearings and adoption of the FY 2021
24 budget, tax rate, and utilities fees; appropriations of funds; and funding requests;
25 (2) contracts that need Board action; (3) applications, appeals, or other requests
26 that are subject to mandatory or directory time frames for action; (4) satisfying
27 due process or other constitutional requirements; (5) public safety; and (6)
28 measures that help sustain the County’s economy.

29
30 “Electronic communication” means the use of technology having electrical,
31 telephonic, digital, magnetic, wireless, optical, electromagnetic, or similar
32 capabilities to transmit or receive information.

1 “Emergency” means the outbreak of the respiratory illness referred to
2 as the novel coronavirus or COVID-19, as described in the Governor’s
3 Declaration of a State of Emergency and the local Declaration of Emergency,
4 and the spread and effects of COVID-19, which constitute a disaster as defined
5 in Virginia Code § 44-146.16.

6
7 “Meeting” means a regular meeting of the Board of Supervisors as established
8 on the schedule approved by the Board of Supervisors at its 2020 Annual
9 Meeting on January 14, 2020, **any meeting subsequently added to the**
10 **meeting schedule**, the meetings of any Board of Supervisors Committee, and
11 any special or emergency meeting called as allowed by Virginia Code
12 §§ 15.2-1417 and -1418.

13
14 “Usual procedures” means the requirements and procedures established by the
15 Virginia Freedom of Information Act for public meetings, including remote
16 participation by a Board member as long as a quorum of the Board is physically
17 assembled at the meeting location, as allowed by Virginia Code
18 § 2.2-3708.2(A)(1) and the policy adopted by the Board on March 24, 2020.

19
20 **D. Board of Supervisors’ Meeting Procedures.**

- 21
- 22 1. For any meeting at which the Board of Supervisors transacts public
23 business with any purpose other than addressing the emergency or
24 assuring continuity in Fairfax County government, the Board of
25 Supervisors will meet in accordance with all usual procedures established
26 by the Virginia Freedom of Information Act.
27
 - 28 2. If the purpose of a meeting of the Board of Supervisors is to address the
29 emergency, the Board of Supervisors will meet in accordance with all
30 usual procedures established by the Virginia Freedom of Information Act
31 unless, in the judgment of the Chairman, the catastrophic nature of the
32 declared emergency makes it impracticable or unsafe to physically
33 assemble a quorum at one location, in which case the Board will meet
34 solely through electronic communication means to discuss the emergency
35 in accordance with the emergency procedures established by FOIA and
36 specifically Virginia Code § 2.2-3708.2(A)(3). In no event shall any action
37 be taken by the Board in an electronic meeting unless a quorum is
38 participating remotely. If the Board follows the procedures established by

1 Virginia Code § 2.2-3708.2(A)(3), the Board will state on the record the
2 nature of the emergency, the fact that the meeting is being held
3 electronically, and the type of electronic communication means being
4 used, and the Board will make arrangements for public access to the
5 meeting.

- 6
7 3. (A) In addition, if any meeting or any part of a meeting of the Board of
8 Supervisors is being conducted for the purpose of assuring continuity in
9 Fairfax County government, the Board of Supervisors will meet in
10 accordance with all usual procedures established by the Virginia Freedom
11 of Information Act to the extent possible.

12
13 (B) If, in the judgment of the Chairman, items proposed to be considered
14 are necessary to assure continuity in Fairfax County government and the
15 usual procedures cannot be implemented safely or practically, then, under
16 the authority granted to the Board by Virginia Code § 15.2-1413, the
17 method by which the Board will conduct any meeting to consider the items
18 will be as follows.

- 19
20 (1) The meeting may be held solely through electronic communication
21 means without a quorum of members physically assembled at one
22 location, but only after notice of the meeting is given in accordance
23 with applicable laws. In no event shall any action be taken by the
24 Board in an electronic meeting unless a quorum is participating
25 remotely.
- 26
27 (2) The meeting may be held without permitting members of the public to
28 be physically present in the same location as any of the Board
29 members, but alternative arrangements for public access will be made.
30 Such alternative public access may be through electronic
31 communication, including but not limited to audio, telephonic, or video
32 broadcast.
- 33
34 (3) Before action may be taken on any item, the Board must first approve
35 that the item or items are necessary to assure continuity in Fairfax
36 County government and that the usual procedures cannot be
37 implemented safely or practically. A motion may be made and voted
38 upon before each item or as to the entire agenda, as may be
39 determined by the Chairman.
- 40

- 1 (4) For any such matter requiring a public hearing by law, public comment
2 will be solicited and received via written or electronic communication
3 prior to the vote on the matter. All such comments will be provided to
4 the members of the Board and made a part of the record of the
5 meeting.
6
- 7 4. If the Chairman, or both the Chairman and the Vice-Chairman, are absent,
8 then the provisions of Virginia Code §§ 15.2-802 and -1422 will apply.
9
10

11 **E. Supersession or Suspension of Inconsistent Requirements**

- 12 1. The provisions of this Ordinance apply notwithstanding any contrary
13 provision of law, general or special, as authorized in Virginia Code
14 § 15.2-1413.
- 15 2. Any policies, procedures, or ordinances previously adopted by the Board
16 are suspended to the extent they are inconsistent with this Ordinance.
- 17
18
- 19 **2. That this ordinance will become effective upon adoption.**
- 20
- 21 **3. That this ordinance will remain in effect no longer than six months after**
22 **the Board of Supervisors terminates the local Declaration of**
23 **Emergency. Within that six-month period, the Board will resume normal**
24 **governmental authority in accordance with Virginia Code § 15.2-1413 by**
25 **repealing this ordinance in compliance with Virginia Code § 15.2-1427.**
26
- 27 **4. That if the Virginia General Assembly enacts legislation, or the**
28 **Governor issues an order, that allows local public bodies to conduct**
29 **electronic meetings as set forth in Virginia Code § 2.2-3708.2(A)(3) to**
30 **address matters unrelated to the emergency, then the Board of**
31 **Supervisors may meet as set forth in such state law or order.**
32
- 33 **5. That the emergency ordinance adopted on March 24, 2020, to establish**
34 **methods to assure continuity in Fairfax County government and**
35 **conduct of Board of Supervisors meetings during the COVID-19**
36 **Emergency is repealed and replaced by this ordinance.**
37

1 **6. That the Sections, subsections, paragraphs, sentences, clauses,**
2 **phrases, and words of this ordinance are severable. If any Section,**
3 **subsection, paragraph, sentence, clause, phrase, or word is declared**
4 **unconstitutional or otherwise invalid by the lawful judgment or decree**
5 **of any court of competent jurisdiction, its unconstitutionality or**
6 **invalidity shall not affect the validity of any of the remaining Sections,**
7 **subsections, paragraphs, sentences, clauses, phrases, and words of**
8 **this ordinance, since the same would have been enacted by the Board**
9 **of Supervisors without and irrespective of any unconstitutional or**
10 **otherwise invalid Section, subsection, paragraph, sentence, clause,**
11 **phrase or word being included.**

12
13 GIVEN under my hand this _____ day of _____, 2020.

14
15
16
17 _____
18 Jill G. Cooper
19 Clerk for the Board of Supervisors
 Department of Clerk Services

Board Agenda Item
April 14, 2020

2:00 p.m.

Public Hearing on AF 2019-DR-004 (Mane Manor LLC and Normandy Farm LLC) to Permit the Creation of an Agricultural and Forestal District, Located on 31.54 Acres of Land Zoned R-E (Dranesville District)

This property is located generally surrounding 9640 Georgetown Pike, and at the terminus of Rossmore Ct., Great Falls. Tax Map 13-1 ((1)) 39B, 40, 50B, 50C; 13-1 ((6)) E; 8-3 ((1)) 41A and 41B.

The Board of Supervisors deferred this public hearing at the March 24, 2020, meeting until April 14, 2020, at 2:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On March 11, 2020, the Planning Commission voted 10-0 (Commissioners Bennett and Strandlie were absent from the meeting) to recommend to the Board of Supervisors approval of AF 2019-DR-004 to amend Appendix F of the Fairfax County Code to establish the Normandy Farm and Mane Manor Local Agricultural and Forestal District, subject to the proposed ordinance provisions dated March 4, 2020.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Ellen Alster, Planner, DPD

Board Agenda Item
April 14, 2020

2:00 p.m.

Public Hearing on RZ 2019-LE-015 (TPC Van Dorn LC) to Rezone from R-1, R-3 and C-8 to C-8 to Permit a Vehicle Sales, Rental and Ancillary Service Establishment with an Overall Floor Area Ratio of 0.20, Located on Approximately 5.88 Acres of Land (Lee District) (Concurrent with SE 2019-LE-020)

and

Public Hearing on SE 2019-LE-020 (TPC Van Dorn LC) to Permit a Vehicle Sales, Rental and Ancillary Service Establishment and a Waiver of Certain Sign Regulations, Located on Approximately 5.88 Acres of Land Zoned C-8 (Lee District) (Concurrent with RZ 2019-LE-015)

This property is located in the S.W. quadrant of McGuin Dr. and South Van Dorn St. Tax Map 81-2 ((2)) 2; 81-2 ((3)) 5, 5A, 5B, 6, 7, and McGuin Dr. public right-of-way to be vacated and/or abandoned.

This property is located at 5636 and 5644 South Van Dorn St. and 5816, 5820, 5900 and 5906 McGuin Dr., Alexandria, 22310. Tax Map 81-2 ((2)) 2; 81-2 ((3)) 5, 5A, 5B, 6, 7, and McGuin Dr. public right-of-way to be vacated and/or abandoned.

The Board of Supervisors deferred this public hearing at the March 24, 2020, meeting until April 14, 2020, at 2:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On March 11, 2020, the Planning Commission voted 10-0 (Commissioners Bennett and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2019-LE-015, subject to the execution of proffered conditions consistent with those dated February 24, 2020; and
- Approval of SE 2019-LE-020, subject to the proposed development conditions dated February 25, 2020.

Board Agenda Item
April 14, 2020

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Daniel Creed, Planner, DPD

Board Agenda Item
April 14, 2020

2:00 p.m.

Public Hearing on RZ 2019-SU-009 (Elm Street Communities, Inc.) to Rezone from I-3, AN and WS to PDH-8, AN and WS to Permit Residential Development with an Overall Density of 7.88 Dwelling Units per Acre Including Density Associated with Affordable Housing and Approval of the Conceptual Development Plan, Located on Approximately 19.92 Acres of Land (Sully District) (Concurrent with PCA 78-S-063-09, PCA 85-S-061-06 and PCA 86-S-039)

and

Public Hearing on PCA 78-S-063-09 (Elm Street Communities, Inc.) to Amend the Proffers for RZ 78-S-063, Previously Approved for Light Intensity Industrial Uses, to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.435, Located on Approximately 11.07 Acres of Land Zoned I-3, WS and AN (Sully District) (Concurrent with RZ 2019-SU-009, PCA 85-S-061-06 and PCA 86-S-039)

and

Public Hearing on PCA 85-S-061-06 (Elm Street Communities, Inc.) to Amend the Proffers for RZ 85-S-061, Previously Approved for Light Intensity Industrial Uses, to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.435, Located on Approximately 0.53 Acres of Land Zoned I-3, WS and AN (Sully District) (Concurrent with RZ 2019-SU-009, PCA 78-S-063-09 and PCA 86-S-039)

and

Public Hearing on PCA 86-S-039 (Elm Street Communities, Inc.) to Amend the Proffers for RZ 86-S-039, Previously Approved for Light Intensity Industrial Uses, to Permit Deletion of Land Area and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.435, Located on Approximately 6.18 Acres of Land Zoned I-3, WS and AN (Sully District) (Concurrent with RZ 2019-SU-009, PCA 78-S-063-09 and PCA 85-S-061-06)

This property is located E. of Parkstone Dr. and S. of Conference Center Dr., immediately S. of 14800 and 14850 Conference Center Dr. Tax Map 43-4 ((1)) 16.

This property is located E. of Parkstone Dr. and S. of Conference Center Dr., immediately S. of 14800 and 14850 Conference Center Dr. Tax Map 43-4 ((1)) 16 (pt.).

Board Agenda Item
April 14, 2020

This property is located E. of Parkstone Dr. and S. of Conference Center Dr., immediately S. of 14800 and 14850 Conference Center Dr. Tax Map 43-4 ((1)) 16 (pt.).

This property is located E. of Parkstone Dr. and S. of Conference Center Dr., immediately S. of 14800 and 14850 Conference Center Dr. Tax Map 43-4 ((1)) 16 (pt.).

The Board of Supervisors deferred this public hearing at the March 24, 2020, meeting until April 14, 2020, at 2:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On February 12, 2020, the Planning Commission voted 8-0-1 (Commissioner Strandlie abstained from the vote and Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2019-SU-009 and its associated Conceptual Development Plan (CDP), subject to the execution of proffered conditions consistent with those dated February 7, 2020;
- Approval of PCA 78-S-063-09;
- Approval of PCA 85-S-061-06;
- Approval of PCA 86-S-039;
- Modification of Par. 2 of Sect. 6-407 of the Zoning Ordinance to modify the 200-square foot privacy yard requirement to allow a minimum 4-foot minimum rear yard as shown on the CDP/Final Development Plan (FDP); and
- Modification of Par. 2 of Sect. 11-302 of the Zoning Ordinance to permit private streets in the proposed development to exceed the maximum 600-foot length limitation as shown on the CDP/FDP.

In a related action, the Planning Commission voted 8-0-1 (Commissioner Strandlie abstained from the vote and Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to approve FDP 2019-SU-009, subject to the development conditions dated December 31, 2019, as amended, and subject to the Board's approval of the concurrent applications.

Board Agenda Item
April 14, 2020

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Emma Estes, Planner, DPD

Board Agenda Item
April 14, 2020

2:00 p.m.

Public Hearing on RZ 2015-PR-014 (1690 Old Meadow Holdings, LLC) to Rezone from C-7, R-30, I-4 and H-C to PTC and H-C to Permit Office Development with an Overall Floor Area Ratio of 5.02 and Approval of the Conceptual Development Plan, Located on Approximately 1.31 Acres of Land (Providence District) (Concurrent with SE 2015-PR-029)

and

Public Hearing on SE 2015-PR-029 (1690 Old Meadow Holdings, LLC) to Permit an Increase in Floor Area Ratio from 2.50 to 5.02 in the PTC Zoning District, Located on Approximately 1.31 Acres of Land Zoned C-7, R-30, I-4 and H-C (Providence District) (Concurrent with RZ 2015-PR-014)

This property is located on the S. side of Dolley Madison Boulevard and W. side of Old Meadow Road. Tax Map 29-4 ((6)) 101B and a portion of the former Dolley Madison Blvd., public right-of-way, recently conveyed to the applicant.

This property is located at 1690 Old Meadow Road, McLean, 22102. Tax Map 29-4 ((6)) 101B and a portion of the former Dolley Madison Blvd., public right-of-way, recently conveyed to the applicant.

The Board of Supervisors deferred this public hearing on April 9, 2019, to May 7, 2019. On May 7, 2019, the Board of Supervisors deferred the public hearing indefinitely.

This application was filed on land area inclusive of VDOT right-of-way which was in the process of being acquired by the applicant. While VDOT on behalf of the Commonwealth concurred in the filing of the application, they generally will not sign the proffers, and would not in this case. Signed proffers are not required for the Planning Commission public hearing, but are required for the Board of Supervisors public hearing. Therefore, this case was heard by the Planning Commission and then deferred by the applicant until such time as they were able to complete the acquisition of the land and amend the application to reflect the new ownership.

No substantive changes have been made to the application since the case was considered by the Planning Commission.

Board Agenda Item
April 14, 2020

The Board of Supervisors deferred this public hearing at the March 24, 2020, meeting until April 14, 2020, at 2:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On April 3, 2019, the Planning Commission voted 9-0-1 (Commissioner Sargeant abstained from the vote. Commissioners Strandlie and Tanner were absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2015-PR-014, subject to the execution of proffered conditions consistent with those dated March 6, 2019;
- A modification of Section 2-505 of the Zoning Ordinance to permit structures and/or plantings on a corner lot at an intersection as shown on the CDP/FDP and as proffered;
- A modification of Section 2-506 of the Zoning Ordinance to permit parapet walls, cornices, or similar projections up to a maximum height of four feet;
- A waiver of Section 6-506 of the Zoning Ordinance to permit a district size of less than ten acres;
- A modification of Section 10-104 of the Zoning Ordinance to increase the maximum allowable fence height up to six feet in height along Route 123 and up to twelve feet in height facing the internal service drive;
- A modification of Sections 11-201 and 11-203 of the Zoning Ordinance to permit the minimum number of required loading spaces as shown on the CDP/FDP;
- Approval of SE 2015-PR-029, subject to the development conditions dated March 12, 2019; and
- That staff be directed to identify and create concrete and achievable steps to accelerate areawide transportation improvements that will mitigate traffic and queuing on Old Meadow Road. In identifying improvements and solutions, staff should coordinate with stakeholders on Old Meadow Road, including residents and business owners and property owners. Improvements to consider include, but are not limited to, the Metropolitan Washington Airports Authority (MWAA)

Board Agenda Item
April 14, 2020

realignment of Old Meadow Road and Route 123 intersection, the construction of Lincoln Street and Roosevelt Street from Old Meadow Road to Magarity Road, the acceleration of previously approved proffered transportation commitments such as the traffic signal at the intersection of Old Meadow Road and Colshire Meadow Road, and the Tysons East grid of streets. This analysis should be done on an expedited basis with an update provided to the Planning Commission and the Board of Supervisors.

In a related action, the Planning Commission voted 9-0-1 to approve FDP 2015-PR-014, subject to the development conditions dated March 12, 2019 and subject to the Board of Supervisors' approval of RZ 2015-PR-014.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Stephen Gardner, Planner, DPD

Board Agenda Item
April 14, 2020

2:30 p.m.

Public Hearing on PCA 2002-HM-043-04/CDPA 2002-HM-043-03 (Arrowbrook Centre, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2002-HM-043, previously approved for Mixed-Use Development, to Permit Site Design Modifications and Revisions to Proffers at a Floor Area Ratio of 3.01, Located on Approximately 3.37 Acres of Land Zoned PDC (Dranesville District)

This property is located on the W. side of Centreville Rd., N. of Arrowbrook Centre Dr. and S. of Dulles Airport Access Rd. Tax Map 16-3 ((20)) 5 (pt.), 7C (pt.), 4A and 16-3 ((20)) (1) D(pt.).

The Board of Supervisors deferred this public hearing at the March 24, 2020, meeting until April 14, 2020, at 2:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On February 12, 2020, the Planning Commission voted 9-0 (Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2002-HM-043-04 and the associated Conceptual Development Plan Amendment, subject to the execution of proffered conditions consistent with those dated February 10, 2020;
- Reaffirmation of the modification of Sect. 2-506 of the Zoning Ordinance to allow a parapet wall, cornice or similar project to exceed the established height limit by more than three feet as shown on the CDPA/FDPA;
- Reaffirmation of the modification of Sect. 6-206 of the Zoning Ordinance to allow the maximum residential gross floor area (secondary use) permitted in the PDC District of 50 percent of principal uses to increase to 62 percent of the development in accordance with the uses shown on the CDPA and the proffered conditions;
- Reaffirmation of the modification of Par. 2 of Sect. 6-207 of the Zoning Ordinance requiring a minimum 200 square foot privacy yard for each single-family attached dwelling in favor of the rooftop terraces and open space areas shown on the CDPA and FDPA;

Board Agenda Item
April 14, 2020

- Reaffirmation of the modification of the private street limitation in Sect. 11-302 of the Zoning Ordinance;
- Reaffirmation of the modification of the transitional screening yard and barrier requirements within the property and to uses adjacent to the north in favor of the streetscape and landscaping shown on the CDPA/FDPA;
- Reaffirmation of the modification of the loading requirement in favor of the load spaces depicted on the CDPA/FDPA;
- Reaffirmation of the Public Facilities Manual Standards 12-0310.4E (9) to permit a reduction of the minimum planting width requirement from eight feet to a minimum of four feet as shown on the CDPA/FDPA and described in the proffers;
- Waiver of Sect. 16-403 of the Zoning Ordinance requiring a final development plan as a prerequisite to a site or public improvement plan in the PDC District to permit the construction of the trailside park depicted on the CDPA; and
- Waiver of Sect. 13-202 and 12-203 of the Zoning Ordinance for interim surface parking lots prior to construction of parking garages or buildings.

In a related action, the Planning Commission voted 9-0 (Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to approve FDPA 2002-HM-043-06, subject to the development conditions dated February 12, 2020.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Zachary Fountain, Planner, DPD

Board Agenda Item
April 14, 2020

2:30 p.m.

Public Hearing on PCA 87-V-064-03 (McDonald's USA, LLC) to Amend the Proffers for RZ 87-V-064, Previously Approved for a Retail Shopping Center, to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of .09, Located on Approximately 39,999 Square Feet of Land Zoned C-8 (Mount Vernon District) (Concurrent with SEA 94-V-030)

and

Public Hearing on SEA 94-V-030 (McDonald's USA, LLC) to Amend SE 94-V-030, Previously Approved for a Restaurant with Drive Through, to Permit Associated Modifications to Site Design and Development Conditions, Located on Approximately 39,999 Square Feet of Land Zoned C-8 (Mount Vernon District) (Concurrent with PCA 87-V-064-03)

This property is located on the W. side of Richmond Hwy., N. of Armistead Rd. and S. of Lorton Rd. Tax Map 108-3 ((1)) 25.

This property is located at 9398 Richmond Hwy., Lorton, 22079. Tax Map 108-3 ((1)) 25.

The Board of Supervisors deferred this public hearing at the March 24, 2020, meeting until April 14, 2020, at 2:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On March 11, 2020, the Planning Commission voted 10-0 (Commissioners Bennett and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 87-V-064-03, subject to the execution of proffered conditions consistent with those dated February 18, 2020, and contained in Appendix 1 of the Staff Report; and
- Approval of SEA 94-V-030, subject to the proposed development conditions dated February 19, 2020, and contained in Appendix 2 of the Staff Report.

Board Agenda Item
April 14, 2020

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Joseph Onyebuchi, Planner, DPD

Board Agenda Item
April 14, 2020

2:30 p.m.

Public Hearing on PCA 84-L-083-02 (The United Community of Muslims of the United States of America) to Amend the Proffers for RZ 84-L-083, Previously Approved for a Warehouse and Storage Yard, to Permit a Place of Worship and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.20, Located on Approximately 1.14 Acres of Land Zoned I-5 (Lee District)

This property is located on the E. side of Cinder Bed Rd., approx. 370 ft. S. of the Terminus of Cinder Bed Rd. Tax Map 99-2 ((1)) 20.

The Board of Supervisors deferred this public hearing at the March 24, 2020, meeting until April 14, 2020, at 2:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On February 12, 2020, the Planning Commission voted 9-0 (Commissioners Clarke, Cortina, and Niedzielski-Eichner were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 84-L-083-02, subject to the execution of proffered conditions consistent with those dated February 7, 2020;
- Waiver of peripheral parking lot landscaping requirements for the southern portion of the parking lot; and
- Modification of the transitional screening requirements along the portion of the northern property line in favor of that shown on the Generalized Development Plan.

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Daniel Creed, Planner, DPD

Board Agenda Item
April 14, 2020

2:30 p.m.

Public Hearing on RZ 2019-SP-014 (Brightview Senior Living Development, LLC) to Rezone from R-1 and WS to PDH-4 and WS to Permit Additional Land Area for an Independent Living and Assisted Living Facility with No Increase in Density or Intensity, Located on Approximately 0.16 Acres of Land (Springfield District) (Concurrent with PCA/CDPA 2017-SP-017)

and

Public Hearing on PCA/CDPA 2017-SP-017 (Brightview Senior Living Development, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2017-SP-017, Previously Approved for an Independent Living and Assisted Living Facility, to Permit Independent Living and an Assisted Living Facility and Associated Modifications to Proffers and Site Design at a Density of 15.16 Dwelling Units per Acre and a Floor Area Ratio of 0.21, Located on Approximately 5.62 Acres of Land Zoned PDH-4 and WS (Springfield District) (Concurrent with RZ 2019-SP-014)

This property is located on the S. side of Lee Hwy. approx. 450 ft. W. of Summit Dr. Tax Map 55-4 ((1)) 36B.

This property is located on the S. side of Lee Hwy. approx. 450 ft. W. of its intersection with Summit Dr. Tax Map 55-4 ((1)) 31A.

PLANNING COMMISSION RECOMMENDATION:

On February 26, 2020, the Planning Commission voted 11-0 (Commissioner Clarke was absent from the vote) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2019-SP-014 and the associated Conceptual Development Plan (CDP), CDP 2019-SP-014, subject to the execution of proffered conditions consistent with those dated February 26, 2020;
- Approval of PCA 2017-SP-017 and the associated Conceptual Development Plan Amendment (CDPA), CDPA 2017-SP-017, subject to the execution of proffered conditions consistent with those dated February 26, 2020;
- Modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance to modify the transitional screening planting requirements along the western property line in

Board Agenda Item
April 14, 2020

favor of using the existing vegetation supplemented with the proposed plantings as shown on the CDP/FDP/CDPA/FDPA;

- Modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance to modify the placement of the barrier requirement to the periphery of the western property line as shown on the CDP/FDP/CDPA/FDPA;
- Reaffirmation of the modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance to modify the transitional screening planting requirements along the northern, southern, and eastern property lines in favor of using the existing vegetation supplemented with the proposed plantings as shown on the CDP/FDP/CDPA/FDPA;
- Reaffirmation of the modification of Par. 3 of Sect. 13-305 of the Zoning Ordinance to modify the placement of the barrier requirement to the periphery of the eastern and southern property line as shown on the CDP/FDP/CDPA/FDPA;
- Reaffirmation of the waiver of Par. 3 of Sect. 13-305 of the Zoning Ordinance to waive the barrier requirement along the northern property line;
- Reaffirmation of the modification of Par. 13 of Section 11-203 of the Zoning Ordinance to modify the loading space requirement for three loading spaces in lieu of that shown on the CDP/FDP/CDPA/FDPA;
- Reaffirmation of the modification of Pars. 2 and 3 of Sect. 17-201 of the Zoning Ordinance of the construction requirements for the shared use path and service drive along Lee Highway in lieu of that shown on the CDP/FDP/CDPA/FDPA;
- Reaffirmation of the waiver of Par. 3 of Section 17-201 of the Zoning Ordinance to waive the requirement to provide interparcel access to east and west in lieu of the service drive as shown on the CDP/FDP/CDPA/FDPA; and
- Reaffirmation of the waiver of Par. 2 of Sect. 17-201 of the Zoning Ordinance to waive the requirement to construct a sidewalk along Lee Highway in lieu of the Shared Use Path as shown on the CDP/FDP/CDPA/FDPA.

In a related action, the Planning Commission voted 11-0 (Commissioner Clarke was absent from the vote) to approve FDP 2019-SP-014 and FDPA 2017-SP-017, subject to the development conditions dated February 5, 2020.

**To Be Deferred to
6/23/2020 at 3:30
p.m.**

Board Agenda Item
April 14, 2020

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Kelly Atkinson, Planner, DPD

Board Agenda Item
April 14, 2020

2:30 p.m.

Public Hearing on PCA 2016-SU-015 (Old Lee Road, LLC) to Amend the Proffers for RZ 2016-SU-005, Previously Approved for New Vehicle Storage, Vehicle Major and Light Service Establishment, to Permit New Vehicle Storage, Vehicle Major and Vehicle Light Service Establishment and Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.10, Located on Approximately 5.35 Acres of Land Zoned I-5, AN and WS (Sully District)

This property is located on the N. side of Old Lee Rd. approx. 500 ft. E. of its intersection with Stonecroft Blvd. Tax Map 43-2 ((1)) 2

PLANNING COMMISSION RECOMMENDATION:

On February 26, 2020, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of PCA 2016-SU-015, subject to the execution of proffered conditions consistent with those dated February 5, 2020; and
- Reaffirmation of a modification of Sect. 13-305 of the Zoning Ordinance in favor of that shown on the Generalized Development Plan (GDP).

ENCLOSED DOCUMENTS:

Planning Commission Verbatim Excerpt and Staff Report available online at:
<https://www.fairfaxcounty.gov/planning-development/board-packages>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
Sharon Williams, Planner, DPD

Board Agenda Item
April 14, 2020

**To Be Deferred to
7/14/20 at 4:00 p.m.**

3:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the
Construction of Hunter Village Dr Walkway (Wentworth to Flax) (Springfield District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-088-038, Hunter Village Drive Walkway from Wentworth Place to Flax Street, Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On March 24, 2020, the Board authorized advertisement of a public hearing to be held on April 14, 2020, at 3:00 p.m.

BACKGROUND:

The County is planning to construct a five-foot wide concrete sidewalk along the north side of Hunter Village Drive from Flax Street to approximately 250 linear feet east of Wentworth Place, for a total length of approximately 550 linear feet.

Land rights for these improvements are required on four properties, one of which has been acquired by the Land Acquisition Division. The construction of this project requires the acquisition of Deeds of Dedication and Grading Agreement and Temporary Construction Easements.

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

Board Agenda Item
April 14, 2020

**To Be Deferred to
7/14/20 at 4:00 p.m.**

FISCAL IMPACT:

Funding is available in Project 2G40-088-000, County Six Year Plan Bike & Pedestrian Program, in Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2020 – FY 2024 Adopted Capital Improvement Program (with future Fiscal Years to FY 2029). No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 3-A).

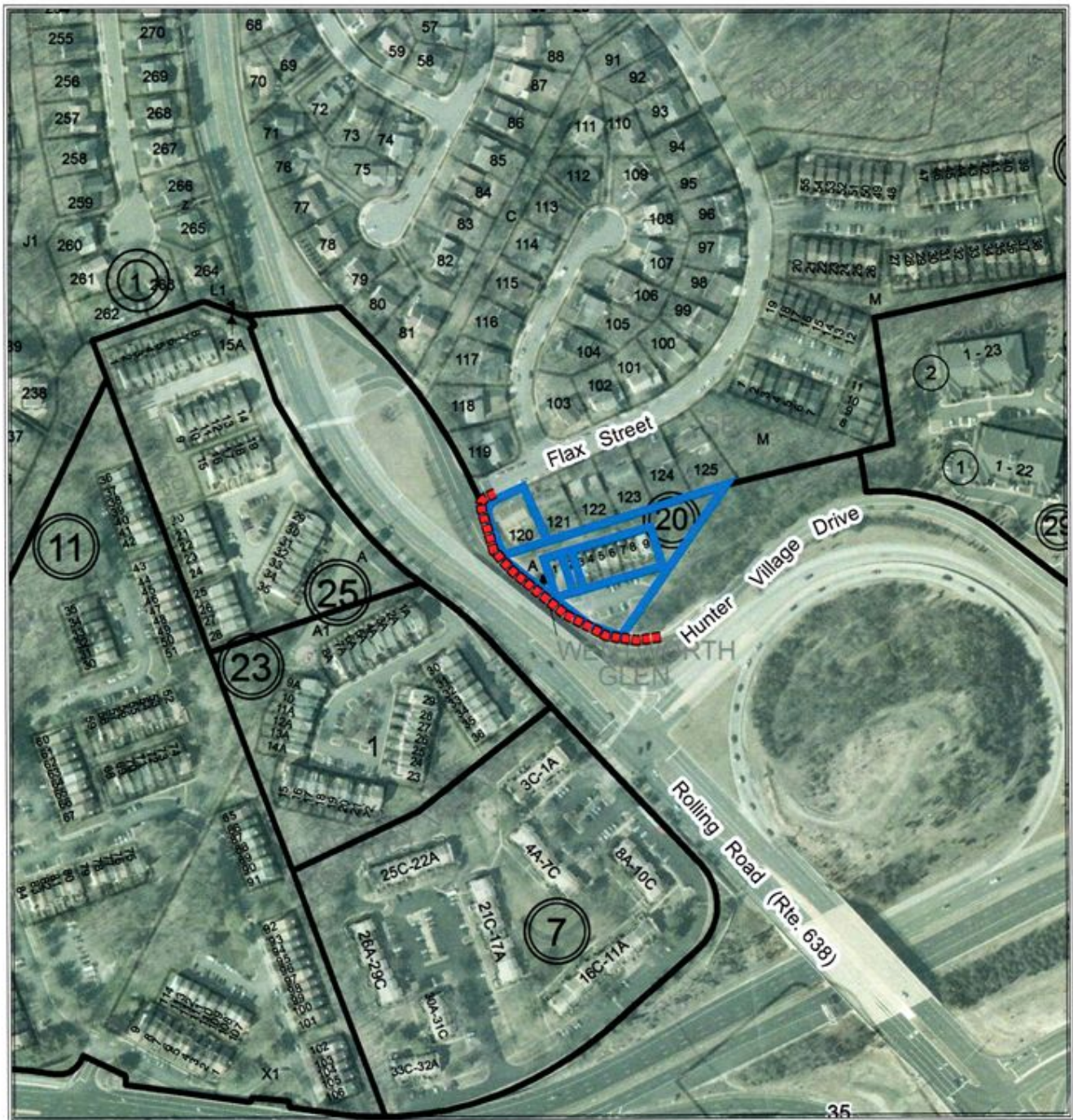
STAFF:

Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Pelto, Assistant County Attorney



HUNTER VILLAGE DRIVE WALKWAY WENTWORTH TO FLAX

Project 2G40-088-038

Tax Map: 089-4

Springfield District

Affected Properties:

Proposed Improvements:

0 5 10 20
Miles



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in Conference Room 11 in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, April 14, 2020, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain 2G40-088-038, Hunter Village Dr Walkway from Wentworth Place to Flax Street had been approved; and

WHEREAS, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

WHEREAS, the property interests that are necessary have been identified; and

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than May 29, 2020.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 3-A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of constructing a five-foot wide concrete sidewalk along the north side of Hunter Village Drive from Flax Street to approximately 250 linear feet east of Wentworth Place, for a total length of approximately 550 linear feet as shown and described in the plans of Project 2G40-088-

038, Hunter Village Dr Walkway from Wentworth Place to Flax Street on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to May 15, 2020, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

RESOLVED, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES
Project 2G40-088-038 Hunter Village Dr Walkway
(Wentworth Place to Flax Street)
(Springfield District)

PROPERTY OWNER(S)

TAX MAP NUMBER

1. Wentworth Glen Homeowners Association, Inc.

089-4-20-A

Address (Legal Description):
Wentworth Glen, Parcel A – Common Area

2. Serra Karacam 089-4-20-0001

Address:
7940 Wentworth Place, Springfield, VA 22152

3. Russell Carl Bannerman 089-4-20-0002

Address:
7938 Wentworth Place, Springfield, VA 22152

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 089-4-20-A

Legal Description: Wentworth Glen, Parcel A – Common Area

OWNER(S): Wentworth Glen Homeowners Association, Inc.

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

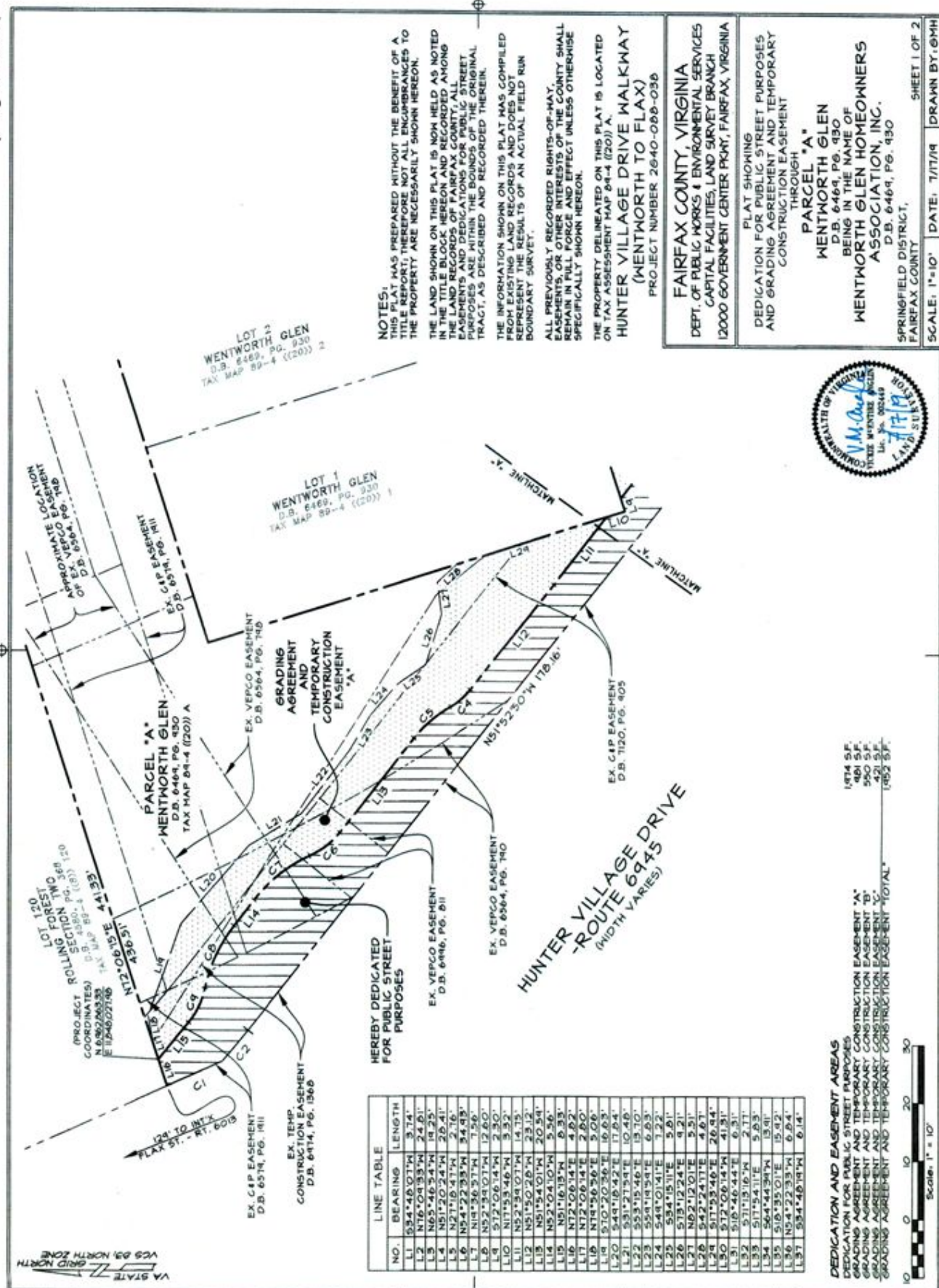
Dedication - 1,974 sq. ft.

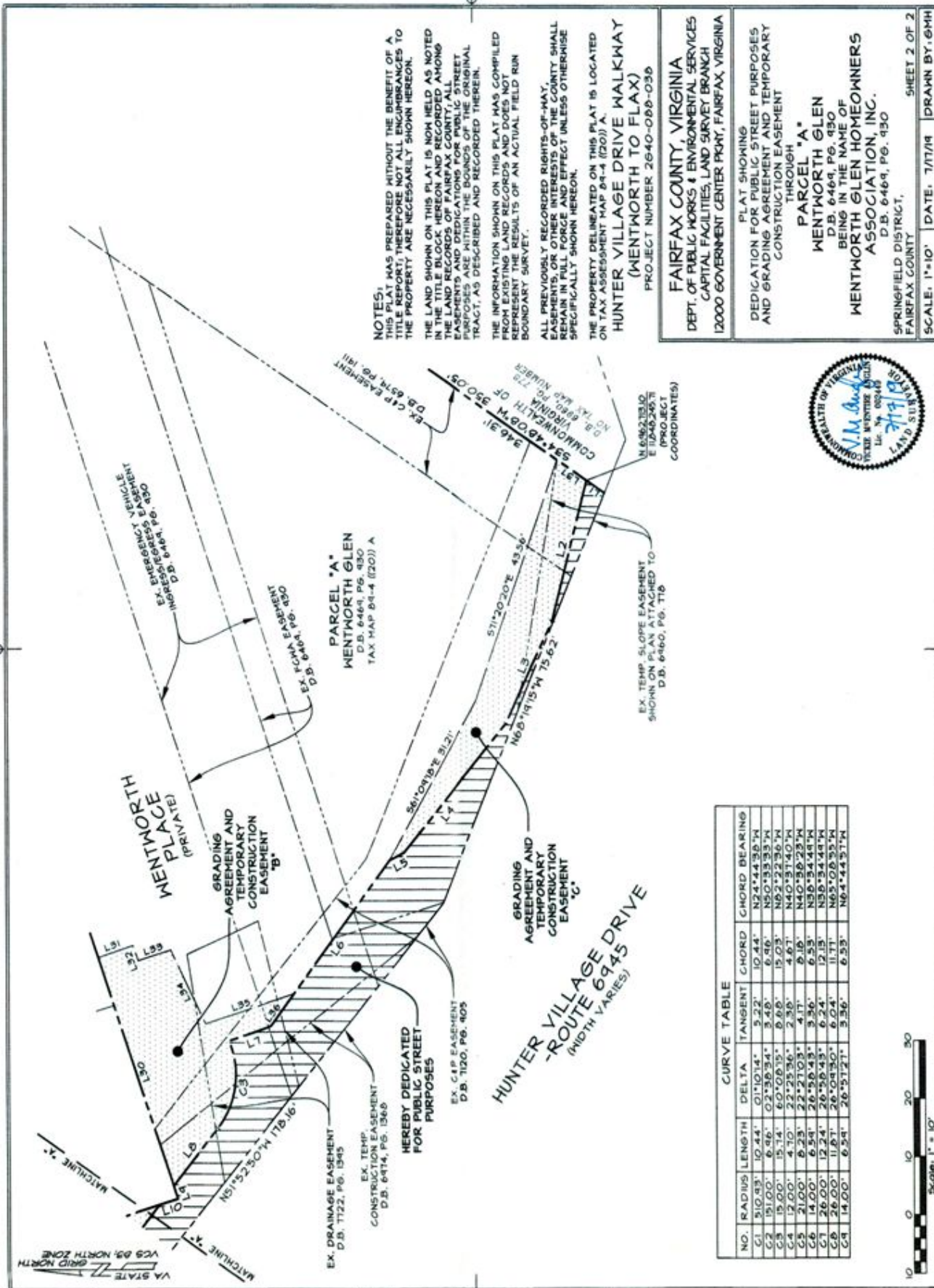
Grading Agreement and Temporary Construction Easement – 1,952 sq. ft.

VALUE

Estimated value of interests and damages:

FOUR THOUSAND EIGHT HUNDRED AND FORTY DOLLARS (\$4,840.00)





ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 089-4-20-0001

Street Address: 7940 Wentworth Place, Springfield, VA 22152

OWNER(S): Serra Karacam

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

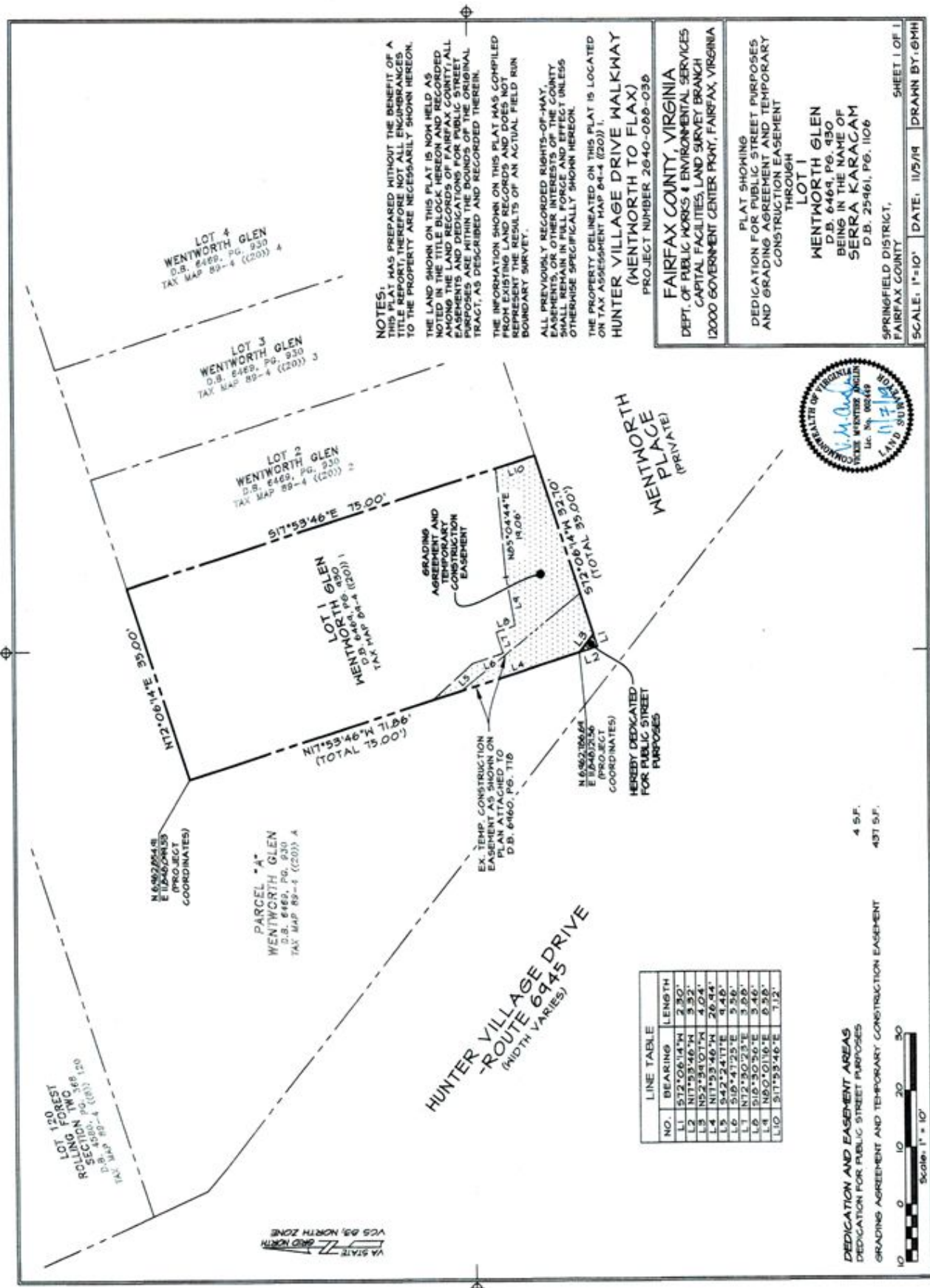
Deed of Dedication – 4 sq. ft.

Grading Agreement and Temporary Construction Easement – 437 sq. ft.

VALUE

Estimated value of interests and damages:

ONE THOUSAND SEVEN HUNDRED SEVENTY DOLLARS (\$1,770.00)



AFFECTED PROPERTY

Tax Map Number: 089-4-20-0002

Street Address: 7938 Wentworth Place, Springfield, VA 22152

OWNER(S): Russell Carl Bannerman

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

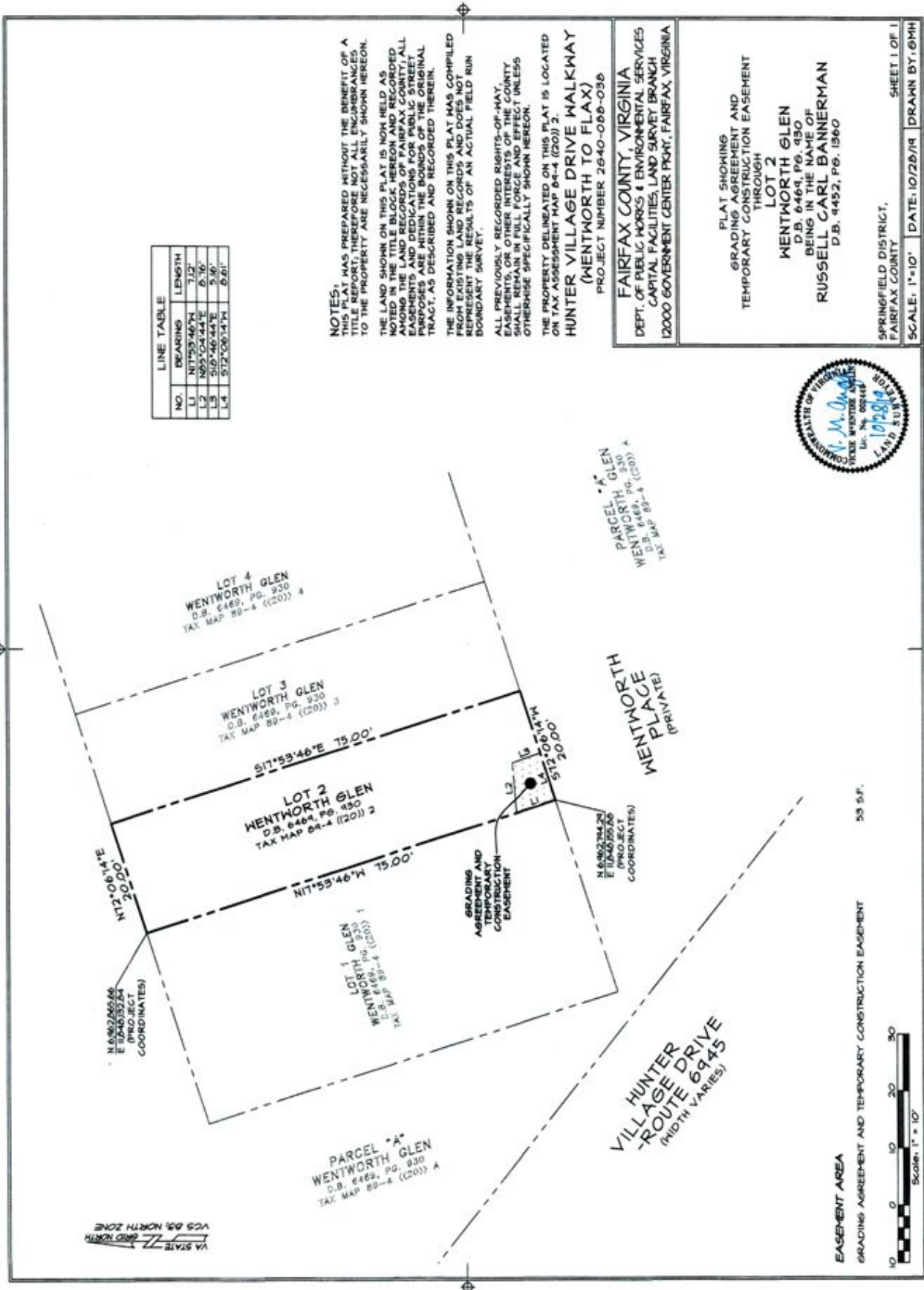
Grading Agreement and Temporary Construction Easement – 53 sq. ft.

VALUE

Estimated value of interests and damages:

SIX HUNDRED EIGHTY DOLLARS (\$680.00)

ATTACHMENT 3-A



Board Agenda Item
April 14, 2020

3:00 p.m.

Public Hearing on the FY 2021 Effective Tax Rate Increase

ISSUE:

Because the assessed value of existing property has increased by one percent or more, Virginia Code Section 58.1-3321 requires the Board to hold a public hearing on the real estate tax rate.

RECOMMENDATION:

The original FY 2021 Advertised Budget Plan was balanced based on a real estate tax rate of \$1.180, which is an increase of \$0.03 over the current rate for FY 2020. However, an updated proposal that recognizes the impact of the coronavirus pandemic was provided to the Board on April 7, 2020. This updated proposal recommends maintaining the current real estate tax rate of \$1.150. Action on the tax rate is recommended to take place on May 12, 2020, as part of the annual adoption of the tax rate resolution, after the public hearings on the FY 2021 Advertised Budget Plan beginning on April 28, 2020, and the Board markup on May 5, 2020.

TIMING:

On March 10, 2020, the Board authorized advertisement of a public hearing to be held on April 14, 2020, at 3:00 p.m.

BACKGROUND:

On March 10, 2020, the Board of Supervisors authorized advertisement of a tax rate of \$1.180 per \$100 of assessed value. The original FY 2021 Advertised Budget Plan was balanced based on this rate. However, an updated proposal that recognizes the impact of the coronavirus pandemic was provided to the Board on April 7, 2020. This updated proposal recommends maintaining the current real estate tax rate of \$1.150 per \$100 of assessed value. The Board may adopt a lower tax rate than advertised, but it cannot adopt a higher tax rate without advertising that higher rate. Board action must also result in a balanced budget.

Even if the tax rate remained unchanged, a public hearing would still be required because the total assessed value of existing property has increased by more than one percent. Under such circumstances, Virginia Code Section 58.1-3321 requires that the Board advertise a public hearing and take action to adopt the proposed FY 2021 rate rather than the rate computed by the statutory formula. It should be noted that the total

Board Agenda Item
April 14, 2020

increase in assessed value of existing properties is expected to be 2.71 percent, including an increase of 2.65 percent for residential real property and an increase of 2.87 percent for non-residential real property. As a result, most property owners would experience an increase in their real estate tax bill even if the tax rate remains unchanged.

The following language, based on Virginia Code and included in the advertisement for this public hearing, describes the effective tax increase due to appreciation and a constant tax rate.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 2.71 percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.1197 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: Fairfax County, Virginia, proposes to adopt a tax rate of \$1.180 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0603 per \$100, or 5.39 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 3.52 percent¹.

FISCAL IMPACT:

The advertised FY 2021 real estate tax rate of \$1.180 per \$100 of assessed value results in the revenue projections outlined in the FY 2021 Advertised Budget Plan. A tax rate of \$1.15 per \$100 of assessed value results in the revenue projections outlined in the FY 2021 Updated Budget Proposal. If the tax rate is lowered to a rate of \$1.1197 per \$100 of assessed value as described by Virginia Code Section 58.1-3321, then the revenue projection set forth in the FY 2021 Advertised Budget Plan would decrease by \$159.8 million.

Board Agenda Item
April 14, 2020

ENCLOSED DOCUMENTS:

None.

STAFF:

Bryan J. Hill, County Executive
Joe Mondoro, Chief Financial Officer
Jaydeep Doshi, Director, Department of Tax Administration
Christina Jackson, Director, Department of Management and Budget
Philip Hagen, Deputy Director, Department of Management and Budget

ASSIGNED COUNSEL:

Patricia McCay, Senior Assistant County Attorney

¹ The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2021 disbursements as shown in the FY 2021 Advertised Budget Plan reflect an increase of 1.71 percent over the FY 2020 level.

Board Agenda Item
April 14, 2020

**To Be Deferred to
4/28/2020 at 4:00
p.m.**

3:00 p.m.

Public Hearing on Proposed Amendments to Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, and Charges for Hauled Wastewater

ISSUE:

Public Hearing to consider adoption of ordinances to amend and readopt Fairfax County Code Section 67.1-10-2, relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, and Charges for Hauled Wastewater:

- 1) re-affirming the Sewer Service Charges for FY 2020, adjusting the Sewer Service Charges for FY 2021 through FY 2024, and establishing the Sewer Service Charges for FY 2025;
- 2) re-affirming the Base Charges for FY 2020, adjusting the Base Charges for FY 2021 through FY 2024, and establishing the Base Charges for FY 2025;
- 3) re-affirming the Availability Charges (including the fixture unit rate for nonresidential uses) for FY 2020, adjusting the Availability Charges for FY 2021 through FY 2024, and establishing the Availability Charges for FY 2025;
- 4) re-affirming the Hauled Wastewater Charges for FY 2020, adjusting the Hauled Wastewater Charges for FY 2021 through FY 2024, and establishing the Hauled Wastewater Charges for FY 2025; and
- 5) making certain revisions of a housekeeping nature, such as deleting outdated sections of the code.

Although the sewer charges in the sewer ordinance, Chapter 67.1, are multi-year, all sewer charges are reviewed, adjusted as necessary, and adopted annually to ensure sewer charges are accurately priced.

RECOMMENDATION:

The County Executive recommends that the Board adopt the amended ordinances as set forth in Attachment I.

TIMING:

Public notices of the ordinance revisions were advertised on March 27th and April 3rd,

Board Agenda Item
April 14, 2020

2020. Decision on the sewer rate revisions and sewage handlers fees will coincide with the markup and adoption of the FY 2021 Advertised Budget Plan. FY 2021 new charges will become effective on July 1, 2020.

BACKGROUND:

In January 2020, the Wastewater Management Program and its consultants, Raftelis Financial Consultants, Inc. (Raftelis), completed the annual “Revenue Sufficiency and Rate Analysis” (the Rate Study) for the Sewer System. Based upon the results of the Rate Study, changes are proposed to the previously approved rates for FY 2021 to FY 2024.

The following proposed 5-year rate schedule will meet the Program’s current and projected 5-year revenue requirements of approximately \$1,241 million by increasing both the Base Charge and Sewer Service Charge, which is the industry practice. This allows for recovering a portion of the Program’s costs through the Base Charge and recovering the remaining required revenues through the Sewer Service Charge, based on the volume of water consumed. New or revised rates that were not advertised as part of last year’s annual rate schedule review are shown in **bold**. Note that the proposed adjustments to Base Charges and Sewer Service Charges for FY 2021 through FY 2024 are less than those presented to the Board during last year’s budget process.

The proposed Base Charge of \$35.50 per quarterly bill will recover 21.9 percent of the costs in FY 2021. Industry practice is to recover 25 to 30 percent of the total costs through a Base Charge. In order to strive towards such recovery rate, a phased-in approach is being proposed, as shown in the following table.

BASE CHARGE SCHEDULE* Cost (\$) per Quarterly Bill Proposed New Rates in Bold						
Type of Connection	Current Rate	New Rates				
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Residential (3/4" meter)	\$32.91	\$35.50	\$39.05	\$43.12	\$47.36	\$49.73
All customers based on meter size						
3/4" and smaller, or no meter	\$32.91	\$35.50	\$39.05	\$43.12	\$47.36	\$49.73
1"	\$82.28	\$88.75	\$97.63	\$107.80	\$118.40	\$124.33
1 1/2"	\$164.55	\$177.50	\$195.25	\$215.60	\$236.80	\$248.65
2"	\$263.28	\$284.00	\$312.40	\$344.96	\$378.88	\$397.84
3"	\$493.65	\$532.50	\$585.75	\$646.80	\$710.40	\$745.95
4"	\$822.75	\$887.50	\$976.25	\$1,078.00	\$1,184.00	\$1,243.25
6"	\$1,645.50	\$1,775.00	\$1,952.50	\$2,156.00	\$2,368.00	\$2,486.50
8"	\$2,632.80	\$2,840.00	\$3,124.00	\$3,449.60	\$3,788.80	\$3,978.40
10" and larger	\$3,784.65	\$4,082.50	\$4,490.75	\$4,958.80	\$5,446.40	\$5,718.95

SEWER SERVICE CHARGE SCHEDULE* Per 1,000 gallons of water consumption Proposed New Rates in Bold						
	Current Rate	New Rates				
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Sewer Service Charge	\$7.28	\$7.56	\$7.94	\$8.20	\$8.48	\$8.90

*Proposed adjustments to Base Charges and Sewer Service Charges for FY 2021 through FY 2024 are less than those presented to the Board during last year's budget process.

PROPOSED AVAILABILITY CHARGE SCHEDULE

The County has completed reviewing the adequacy of the amount of the Availability Charge. Based upon the results of this review, the Availability Charge is proposed to increase to \$8,423 from \$8,340, a 1.0 percent increase, for a single-family residence. The revised, 5-year rate schedule for the Availability Charges is as follows:

AVAILABILITY CHARGE SCHEDULE Proposed New Rates in Bold						
Type of Connection	Current Rate	New Rates				
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Single-Family Detached	\$8,340	\$8,423	\$8,423	\$8,423	\$8,423	\$8,423
Lodging House, Hotel, Inn or Tourist Cabin	\$8,340	\$8,423	\$8,423	\$8,423	\$8,423	\$8,423
Townhouse	\$6,672	\$6,739	\$6,739	\$6,739	\$6,739	\$6,739
Apartment	\$6,672	\$6,739	\$6,739	\$6,739	\$6,739	\$6,739
Mobile Home	\$6,672	\$6,739	\$6,739	\$6,739	\$6,739	\$6,739
Any other residential dwelling unit	\$6,672	\$6,739	\$6,739	\$6,739	\$6,739	\$6,739
Hotels, Motels, or Dormitory rental unit	\$2,085	\$2,106	\$2,106	\$2,106	\$2,106	\$2,106

Availability Charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single-family detached dwelling per premises.

The revised, 5-year rate schedule for the fixture unit charge for nonresidential uses is as follows:

AVAILABILITY CHARGE SCHEDULE Cost (\$) per Quarterly Bill Proposed New Rates in Bold						
	Current Rate	New Rates				
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Nonresidential per fixture unit	\$417	\$421	\$421	\$421	\$421	\$421

The County's Sewer Service Charges, Base Charges, and Availability Charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single-Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of December 2019 (FY 2020). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's equivalent base charge and sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

**Comparison of Average Service Charges and Availability Charges for SFREs as
of December 2019 (FY 2020)
Based on 18,000 gallons per quarter for all jurisdictions**

Jurisdiction*	Average Annual Sewer Service Billing	Sewer Availability Fees
DCWASA	\$1,164	----
City of Alexandria	\$843	\$8,859
WSSC (improved)	\$796	\$14,500
Arlington County	\$655	\$2,760
Fairfax County	\$656	\$8,340
Prince William County	\$597	\$10,800
Loudoun Water	\$496	\$8,373

The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of \$32.91 as of December 2019 (FY 2020).

Quarterly Base Charges for Sewer Service for Residential Customers	
DC Water	\$ 68.61
Loudoun Water	\$ 34.60
Fairfax County	\$ 32.91
Alexandria Renew Enterprises	\$ 32.49
Prince William County Service Authority	\$ 31.35
Washington Suburban Sanitation Commission	\$ 28.50
Neighboring Utilities Average	\$ 39.11

HAULED WASTEWATER CHARGES

The County's Septage Receiving Facility (SRF) was constructed to receive and treat septage from local onsite sewage disposal systems in accordance with Section 15.2-2123 of the Code of Virginia. In addition, the SRF receives landfill leachate, portable toilet waste, restaurant grease, and recycled carwash water. Hauled Wastewater Charges were introduced in FY 2020 to recover a portion of the costs of operation, maintenance, and upcoming necessary improvements to the SRF. The proposed charges for FY 2021 are as follows:

- (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes.
- (2) Low-Strength Waste - \$7.56 per 1,000 gallons of the hauler's truck capacity for portable toilet, landfill leachate, or any such low-strength wastewater. This rate is based on the proposed Sewer Service Charge for FY 2021 and will be modified as the Sewer Service Charge is adjusted in the future.

FISCAL IMPACT:

In FY 2021, assuming a water usage for a typical residential customer of 18,000 gallons/quarter (or 72,000 gallons/year), the annual sewer bill will be approximately \$686 per year, which is an increase of \$30.52 (or \$2.54 per month) over the FY 2020 sewer bill. In FY 2021, approximately \$10.9 million in additional revenues will be generated with the proposed Sewer Service Charge and the Base Charge over the *FY 2020 Revised Budget Plan*. Revenues from the collection of Sewer Service Charges, Base Charges, Availability Charges, and Hauled Wastewater Charges are recorded in Fund 69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

Attachment I: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (clean version)

Attachment Ia: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (with amendments tracked)

STAFF:

Rachel Flynn, Deputy County Executive

Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)

Shahram Mohsenin, Director, DPWES, Wastewater Planning and Monitoring Division

ASSIGNED COUNSEL:

Emily H. Smith, Assistant County Attorney

**AN ORDINANCE AMENDING
ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO
CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE
SEWERAGE FACILITIES OF THE COUNTY**

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Section 67.1-10-2, relating to charges for the availability of, connection to, and/or use of the sewerage facilities of the County.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as follows:

ARTICLE 10. - Charges

Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges, and Hauled Wastewater Charges.

(a) *Availability Charges:*

- (1) *Residential uses:* The following schedule of availability charges for residential uses desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
(A)	Single-Family Detached	\$8,340	\$8,423	\$8,423	\$8,423	\$8,423	\$8,423
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8,340	8,423	8,423	8,423	8,423	8,423
(C)	Townhouse	6,672	6,739	6,739	6,739	6,739	6,739
(D)	Apartment	6,672	6,739	6,739	6,739	6,739	6,739
(E)	Mobile Home	6,672	6,739	6,739	6,739	6,739	6,739
(F)	Any other residential dwelling unit	6,672	6,739	6,739	6,739	6,739	6,739

(G)	Hotel, Motel, or Dormitory rental unit	2,085	2,106	2,106	2,106	2,106	2,106
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21

22

23 (2) *Commercial and all other uses:* The following schedule of fixture unit rates for
 24 computing availability charges for all nonresidential uses is hereby established and
 25 imposed:

	Fiscal Year (July 1 - June 30)					
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Fixture unit rate	\$417	\$421	\$421	\$421	\$421	\$421

26

27 The availability charge will be computed as the number of fixture units (including roughed-in
 28 fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code
 29 (VUSBC), (as amended), Section 101.2, Note 1, which incorporates by reference the 2012
 30 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with
 31 a minimum charge equivalent to one single-family detached dwelling per premises. For Significant
 32 Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer
 33 System and other industrial or commercial Users determined by the Director to have processes
 34 generating significant wastewater flows, the availability charge will be calculated on the basis of
 35 equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-
 36 family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users
 37 and other industrial or commercial Users determined by the Director to have processes generating
 38 significant flow will be equal to the current rate for a single-family detached dwelling unit times
 39 the number of equivalent units associated with the permitted flow. The number of equivalent units
 40 is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day.
 41 Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to
 42 drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture
 43 units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such
 44 discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other
 45 equipment, or such other rates as the Director shall determine.

46 (3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate
 47 applicable to each fiscal year is subject to annual review by the Board.

48 (b) *Connection Charges.*

- (1) *Residential and community uses:* Except as otherwise provided herein, there is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers, or other such similar community uses, to the Facilities of the County.
- (2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.
- (3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.
- (4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.
- (c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been installed by the County at the expense of Fairfax County.
- (d) *Service charges:* There are hereby established and imposed the following sanitary sewer service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Sewer Service Charge, \$/1,000 gallons	\$7.28	\$7.56	\$7.94	\$8.20	\$8.48	\$8.90

- (e) *Base charges:* There are hereby established and imposed the following quarterly base charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Residential Base Charge	\$32.91	\$35.50	\$39.05	\$43.12	\$47.36	\$49.73

Commercial: (meter size)						
$\frac{3}{4}$ " and smaller, or no meter	\$32.91	\$35.50	\$39.05	\$43.12	\$47.36	\$49.73
1"	\$82.28	\$88.75	\$97.63	\$107.80	\$118.40	\$124.33
1½"	\$164.55	\$177.50	\$195.25	\$215.60	\$236.80	\$248.65
2"	\$263.28	\$284.00	\$312.40	\$344.96	\$378.88	\$397.84
3"	\$493.65	\$532.50	\$585.75	\$646.80	\$710.40	\$745.95
4"	\$822.75	\$887.50	\$976.25	\$1,078.00	\$1,184.00	\$1,243.25
6"	\$1,645.50	\$1,775.00	\$1,952.50	\$2,156.00	\$2,368.00	\$2,486.50
8"	\$2,632.80	\$2,840.00	\$3,124.00	\$3,449.60	\$3,788.80	\$3,978.40
10" and larger	\$3,784.65	\$4,082.50	\$4,490.75	\$4,958.80	\$5,446.40	\$5,718.95

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71 If requested, the Base Charge for nonresidential customers who have sub-meters for irrigation and
 72 other water uses that do not enter the sewer system will be adjusted based on their sub-meter size
 73 per above table. In no case the Base Charge will be smaller than that for $\frac{3}{4}$ " and smaller meter.

74 (1) *Effective date:* The Service charges and Base charges will change on July 1st of each
 75 new fiscal year. For metered accounts, the change is effective with meter readings
 76 beginning October 1st of each year. For unmetered accounts, the change is effective with
 77 billings beginning October 1st of each year.

78 (2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).

houses with a separate water service line meter.	
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

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(D) The winter-quarter-maximum consumption is determined as follows:

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(i) The quarterly-daily-average consumption of water is the consumption, measured by the water service line meter for the period between meter readings divided by the number of days elapsed between meter readings.

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(ii) The quarterly consumption is 91.5 times the quarterly-daily-average consumption of water in leap years or 91.25 times the quarterly-daily-average consumption in non-leap years.

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(iii) The winter-quarter-consumption is the quarterly consumption determined at the water service line meter reading scheduled between February 1 and April 30. The winter-quarter-consumption of each respective year shall be applicable to the four quarterly sewer billings rendered in conjunction with the regular meter reading scheduled after the next May.

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(iv) All water delivered to the premises, as measured by the winter-quarter-consumption for single-family dwellings and townhouses or the meter of all other Users, shall be deemed to have been discharged to the Facilities of the County. However, any person may procure the installation of a second water service line meter. Such person may notify the Director of such installation, in which event the Director shall make such inspection or inspections as may be necessary to ascertain that no water delivered to the premises or only the water delivered through any such additional meter may enter the Facilities of the County. If the Director determines that water delivered through an additional meter may not enter the Facilities of the County, no charge hereunder shall be based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured by such meter. The cost of all inspections required by the foregoing provisions

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for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

(E) For single-family premises as in (e)(2)(A) not able to register valid meter readings for the measurement of winter-quarter-consumption the following billing method shall apply:

(i) Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.

(ii) Such premises may be billed on the basis of the average winter-quarter-consumption for similar dwelling units or the current quarterly consumption, as registered by water service line meter, or based on historical water usage. Accounts for single-family premises established by a builder for sewerage service during construction shall be considered a nonresidential use.

(3) Premises not having metered water supply or having both well water and public metered water supply:

(A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-quarter-consumption, during the applicable winter quarter, of similar dwelling units, times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-family residential customer may apply to the County, via the water supplier providing water service to the area in which the residential customer is located, for special billing rates, based on average per capita consumption of water in similar type units.

(B) All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load Factors for All Other Premises. There shall be an additional charge equal to the effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures discharging continuously or semi-continuously. Volume of continuous or semi-continuous discharge shall be deemed to be that used in determining availability charge.

(f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled Wastewater Charges:

(1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes.

(2) Low-Strength Waste - Based on prevailing Sewer Service Charge per 1,000 gallons of the hauler's truck capacity for portable toilet, landfill leachate, or any such low-strength wastewater. This rate will be adjusted as the Sewer Service Charge is adjusted from time to time.

152 *TABLE I. Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value(DFU)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2

Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
Fiscal Year (July 1 - June 30)

Fixture Units	Load Factor	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
20 or less	1.00	182.00	189.00	198.50	205.00	212.00	222.50
21 to 30	1.25	227.50	236.25	248.13	256.25	265.00	278.13
31 to 40	1.45	263.90	274.05	287.83	297.25	307.40	322.63
41 to 50	1.60	291.20	302.40	317.60	328.00	339.20	356.00
51 to 60	1.75	318.50	330.75	347.38	358.75	371.00	389.38
61 to 70	1.90	345.80	359.10	377.15	389.50	402.80	422.75
71 to 80	2.05	373.10	387.45	406.93	420.25	434.60	456.13
81 to 90	2.20	400.40	415.80	436.70	451.00	466.40	489.50
91 to 100	2.30	418.60	434.70	456.55	471.50	487.60	511.75
101 to 110	2.40	436.80	453.60	476.40	492.00	508.80	534.00
111 to 120	2.55	464.10	481.95	506.18	522.75	540.60	567.38
121 to 130	2.65	482.30	500.85	526.03	543.25	561.80	589.63
131 to 140	2.75	500.50	519.75	545.88	563.75	583.00	611.88
141 to 150	2.85	518.70	538.65	565.73	584.25	604.20	634.13
151 to 160	2.95	536.90	557.55	585.58	604.75	625.40	656.38
161 to 170	3.05	555.10	576.45	605.43	625.25	646.60	678.63

ATTACHMENT I

171 to 180	3.15	573.30	595.35	625.28	645.75	667.80	700.88
181 to 190	3.25	591.50	614.25	645.13	666.25	689.00	723.13
191 to 200	3.35	609.70	633.15	664.98	686.75	710.20	745.38
201 to 210	3.45	627.90	652.05	684.83	707.25	731.40	767.63
211 to 220	3.55	646.10	670.95	704.68	727.75	752.60	789.88
221 to 230	3.65	664.30	689.85	724.53	748.25	773.80	812.13
231 to 240	3.75	682.50	708.75	744.38	768.75	795.00	834.38
241 to 250	3.85	700.70	727.65	764.23	789.25	816.20	856.63
251 to 260	3.90	709.80	737.10	774.15	799.50	826.80	867.75
261 to 270	4.00	728.00	756.00	794.00	820.00	848.00	890.00
271 to 280	4.05	737.10	765.45	803.93	830.25	858.60	901.13
281 to 290	4.10	746.20	774.90	813.85	840.50	869.20	912.25
291 to 300	4.15	755.30	784.35	823.78	850.75	879.80	923.38
301 to 310	4.20	764.40	793.80	833.70	861.00	890.40	934.50
311 to 320	4.30	782.60	812.70	853.55	881.50	911.60	956.75
321 to 330	4.40	800.80	831.60	873.40	902.00	932.80	979.00
331 to 340	4.50	819.00	850.50	893.25	922.50	954.00	1,001.25
341 to 350	4.60	837.20	869.40	913.10	943.00	975.20	1,023.50
351 to 360	4.70	855.40	888.30	932.95	963.50	996.40	1,045.75
361 to 370	4.80	873.60	907.20	952.80	984.00	1,017.60	1,068.00

ATTACHMENT I

371 to 380	4.90	891.80	926.10	972.65	1,004.50	1,038.80	1,090.25
381 to 390	5.00	910.00	945.00	992.50	1,025.00	1,060.00	1,112.50
391 to 400	5.10	928.20	963.90	1,012.35	1,045.50	1,081.20	1,134.75
401 to 410	5.20	946.40	982.80	1,032.20	1,066.00	1,102.40	1,157.00
411 to 420	5.30	964.60	1,001.70	1,052.05	1,086.50	1,123.60	1,179.25
421 to 430	5.40	982.80	1,020.60	1,071.90	1,107.00	1,144.80	1,201.50
431 to 440	5.50	1,001.00	1,039.50	1,091.75	1,127.50	1,166.00	1,223.75
441 to 450	5.60	1,019.20	1,058.40	1,111.60	1,148.00	1,187.20	1,246.00
451 to 460	5.70	1,037.40	1,077.30	1,131.45	1,168.50	1,208.40	1,268.25
461 to 470	5.80	1,055.60	1,096.20	1,151.30	1,189.00	1,229.60	1,290.50
471 to 480	5.90	1,073.80	1,115.10	1,171.15	1,209.50	1,250.80	1,312.75
481 to 490	6.00	1,092.00	1,134.00	1,191.00	1,230.00	1,272.00	1,335.00
491 to 500	6.10	1,110.20	1,152.90	1,210.85	1,250.50	1,293.20	1,357.25
501 to 525	6.25	1,137.50	1,181.25	1,240.63	1,281.25	1,325.00	1,390.63
526 to 550	6.50	1,183.00	1,228.50	1,290.25	1,332.50	1,378.00	1,446.25
551 to 575	6.75	1,228.50	1,275.75	1,339.88	1,383.75	1,431.00	1,501.88
576 to 600	7.00	1,274.00	1,323.00	1,389.50	1,435.00	1,484.00	1,557.50
601 to 625	7.25	1,319.50	1,370.25	1,439.13	1,486.25	1,537.00	1,613.13
626 to 650	7.50	1,365.00	1,417.50	1,488.75	1,537.50	1,590.00	1,668.75
651 to 675	7.75	1,410.50	1,464.75	1,538.38	1,588.75	1,643.00	1,724.38

ATTACHMENT I

676 to 700	8.00	1,456.00	1,512.00	1,588.00	1,640.00	1,696.00	1,780.00
701 to 725	8.20	1,492.40	1,549.80	1,627.70	1,681.00	1,738.40	1,824.50
726 to 750	8.40	1,528.80	1,587.60	1,667.40	1,722.00	1,780.80	1,869.00
751 to 775	8.60	1,565.20	1,625.40	1,707.10	1,763.00	1,823.20	1,913.50
776 to 800	8.80	1,601.60	1,663.20	1,746.80	1,804.00	1,865.60	1,958.00
801 to 825	9.00	1,638.00	1,701.00	1,786.50	1,845.00	1,908.00	2,002.50
826 to 850	9.20	1,674.40	1,738.80	1,826.20	1,886.00	1,950.40	2,047.00
851 to 875	9.35	1,701.70	1,767.15	1,855.98	1,916.75	1,982.20	2,080.38
876 to 900	9.50	1,729.00	1,795.50	1,885.75	1,947.50	2,014.00	2,113.75
901 to 925	9.65	1,756.30	1,823.85	1,915.53	1,978.25	2,045.80	2,147.13
926 to 950	9.80	1,783.60	1,852.20	1,945.30	2,009.00	2,077.60	2,180.50
951 to 975	9.95	1,810.90	1,880.55	1,975.08	2,039.75	2,109.40	2,213.88
976 to 1,000	10.15	1,847.30	1,918.35	2,014.78	2,080.75	2,151.80	2,258.38
1,001 to 1,050	10.55	1,920.10	1,993.95	2,094.18	2,162.75	2,236.60	2,347.38
1,051 to 1,100	10.90	1,983.80	2,060.10	2,163.65	2,234.50	2,310.80	2,425.25
1,101 to 1,150	11.30	2,056.60	2,135.70	2,243.05	2,316.50	2,395.60	2,514.25
1,151 to 1,200	11.70	2,129.40	2,211.30	2,322.45	2,398.50	2,480.40	2,603.25
1,201 to 1,250	12.00	2,184.00	2,268.00	2,382.00	2,460.00	2,544.00	2,670.00
1,251 to 1,300	12.35	2,247.70	2,334.15	2,451.48	2,531.75	2,618.20	2,747.88
1,301 to 1,350	12.70	2,311.40	2,400.30	2,520.95	2,603.50	2,692.40	2,825.75

ATTACHMENT I

1,351 to 1,400	13.00	2,366.00	2,457.00	2,580.50	2,665.00	2,756.00	2,892.50
1,401 to 1,450	13.25	2,411.50	2,504.25	2,630.13	2,716.25	2,809.00	2,948.13
1,451 to 1,500	13.50	2,457.00	2,551.50	2,679.75	2,767.50	2,862.00	3,003.75
1,501 to 1,600	14.05	2,557.10	2,655.45	2,788.93	2,880.25	2,978.60	3,126.13
1,601 to 1,700	14.60	2,657.20	2,759.40	2,898.10	2,993.00	3,095.20	3,248.50
1,701 to 1,800	15.15	2,757.30	2,863.35	3,007.28	3,105.75	3,211.80	3,370.88
1,801 to 1,900	15.70	2,857.40	2,967.30	3,116.45	3,218.50	3,328.40	3,493.25
1,901 to 2,000	16.25	2,957.50	3,071.25	3,225.63	3,331.25	3,445.00	3,615.63
2,001 to 2,100	16.80	3,057.60	3,175.20	3,334.80	3,444.00	3,561.60	3,738.00
2,101 to 2,200	17.35	3,157.70	3,279.15	3,443.98	3,556.75	3,678.20	3,860.38
2,201 to 2,300	17.90	3,257.80	3,383.10	3,553.15	3,669.50	3,794.80	3,982.75
2,301 to 2,400	18.45	3,357.90	3,487.05	3,662.33	3,782.25	3,911.40	4,105.13
2,401 to 2,500	19.00	3,458.00	3,591.00	3,771.50	3,895.00	4,028.00	4,277.50
2,501 to 2,600	19.55	3,558.10	3,694.95	3,880.68	4,007.75	4,144.60	4,349.88
2,601 to 2,700	20.10	3,658.20	3,798.90	3,989.85	4,120.50	4,261.20	4,472.25
2,701 to 2,800	20.65	3,758.30	3,902.85	4,099.03	4,233.25	4,377.80	4,594.63
2,801 to 2,900	21.20	3,858.40	4,006.80	4,208.20	4,346.00	4,494.40	4,717.00
2,901 to 3,000	21.75	3,958.50	4,110.75	4,317.38	4,458.75	4,611.00	4,839.38
3,001 to 4,000	26.00	4,732.00	4,914.00	5,161.00	5,330.00	5,512.00	5,785.00
4,001 to 5,000	29.50	5,369.00	5,575.50	5,855.75	6,047.50	6,254.00	6,563.75

ATTACHMENT I

5,001 to 6,000	33.00	6,006.00	6,237.00	6,550.50	6,765.00	6,996.00	7,342.50
6,001 to 7,000	36.40	6,624.80	6,879.60	7,225.40	7,462.00	7,716.80	8,099.00
7,001 to 8,000	39.60	7,207.20	7,484.40	7,860.60	8,118.00	8,395.20	8,811.00
8,001 to 9,000	42.75	7,780.50	8,079.75	8,485.88	8,763.75	9,063.00	9,511.88
9,001 to 10,000	46.00	8,372.00	8,694.00	9,131.00	9,430.00	9,752.00	10,235.00
10,001 to 11,000	48.85	8,890.70	9,232.65	9,696.73	10,014.25	10,356.20	10,869.13
11,001 to 12,000	51.60	9,391.20	9,752.40	10,242.60	10,578.00	10,939.20	11,481.00
12,001 to 13,000	54.60	9,937.20	10,319.40	10,838.10	11,193.00	11,575.20	12,148.50
13,001 to 14,000	57.40	10,446.80	10,848.60	11,393.90	11,767.00	12,168.80	12,771.50
14,001 to 15,000	60.00	10,920.00	11,340.00	11,910.00	12,300.00	12,720.00	13,350.00

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159 NOTES:

160 (1) Base charge is not included in rates above.

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GIVEN under my hand this _____ day of _____, 2020

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Jill G. Cooper
Clerk for the Board of Supervisors

**AN ORDINANCE AMENDING
ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO
CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE
SEWERAGE FACILITIES OF THE COUNTY**

**AN ORDINANCE to amend the Fairfax County Code by amending and
readopting Section 67.1-10-2, relating to charges for the availability of,
connection to, and/or use of the sewerage facilities of the County.**

Be it ordained by the Board of Supervisors of Fairfax County:

- 1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as follows:**

ARTICLE 10. - Charges.

Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges, and Hauled Wastewater Charges.

(a) Availability Charges:

- (1) Residential uses:** The following schedule of availability charges for residential uses desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2020 19	FY 202 10	FY 202 21	FY 202 32	FY 202 43	FY 202 54
(A)	Single-Family Detached	\$8, 340100	\$8, 423340	\$8, 423340	\$8, 423340	\$8, 423340	\$8, 423340
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8, 340100	8, 423340	8, 423340	8, 423340	8, 423340	8, 423340
(C)	Townhouse	6, 672480	6, 739672	6, 739672	6, 739672	6, 739672	6, 739672
(D)	Apartment	6, 672480	6, 739672	6, 739672	6, 739672	6, 739672	6, 739672
(E)	Mobile Home	6, 672480	6, 739672	6, 739672	6, 739672	6, 739672	6, 739672

(F)	Any other residential dwelling unit	6,672,480	6,739,672	6,739,672	6,739,672	6,739,672	6,739,672
(G)	Hotel, Motel, or Dormitory rental unit	2,085,25	2,106,085	2,106,085	2,106,085	2,106,085	2,106,085

(2) *Commercial and all other uses:* The following schedule of fixture unit rates for computing availability charges for all nonresidential uses is hereby established and imposed:

	Fiscal Year (July 1-June 30)					
	FY 2020 19	FY 202 10	FY 202 21	FY 202 32	FY 202 43	FY 202 54
Fixture unit rate	\$417 05	\$421 7	\$421 7	\$421 7	\$421 7	\$421 7

The availability charge will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code (VUSBC), (as amended), Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum charge equivalent to one single-family detached dwelling per premises. For Significant Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System and other industrial or commercial Users determined by the Director to have processes generating significant wastewater flows, the availability charge will be calculated on the basis of equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other industrial or commercial Users determined by the Director to have processes generating significant flow will be equal to the current rate for a single-family detached dwelling unit times the number of equivalent units associated with the permitted flow. The number of equivalent units is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day. Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other equipment, or such other rates as the Director shall determine.

(3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate applicable to each fiscal year is subject to annual review by the Board of Supervisors.

(b) *Connection Charges.*

(1) *Residential and community uses:* Except as otherwise provided herein, there is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers, or other such similar community uses, to the Facilities of the County.

~~(A) — The above Connection Charges are effective beginning on July 1, 2011, for all Facilities of the County constructed after July 1, 2011. During the period of July 1, 2011, through June 30, 2012, Connection Charges for connections to Facilities of the County constructed prior to July 1, 2011, will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00). Provided, however, the Director may extend the deadline for connection to Facilities of the County from July 1, 2012, to December 31, 2012, if the Director determines that for reasons beyond the control of the owner of the premises, at least one of the following conditions are met:~~

~~(i) — All applicable fees and charges have been paid to the County and other appropriate governmental agencies prior to June 30, 2012;~~

~~(ii) — All applicable permits have either been applied for or obtained prior to June 30, 2012;~~

~~(iii) — The owner of the premises can show diligent and active efforts to connect to the Facilities of the County prior to June 30, 2012;~~

~~(iv) — The owner has been delayed by the actions of a third party, e.g., delays in the issuance of permits or inspections by any government agency or other party; or~~

~~(v) — The delays have been caused by an Act of God.~~

~~(B) — Connection Charges for connection to the Facilities of the County in the County's Extension and Improvement (E&I) Program that were under design for construction on or before April 12, 2011, and that were not completed on or before that date, will be \$6.00 per front foot of premises (with a minimum of \$300.00 and a maximum of \$600.00) provided all of the following conditions are met:~~

~~(i) — property owners in the E&I project area agree to grant all required easements within four months from the completion of the design;~~

~~(ii) — 50 percent of the property owners in the E&I project area pay the required Availability Charges within four months from the completion of the design; and~~

~~(iii) — connections to the Facilities of the County are made by no later than June 30, 2012, or within one year from the completion of the construction of the E&I project, whichever comes last, provided, however, the Director shall have the power to extend this deadline by up to six months for the hardship reasons set forth in subsections (A)(i) through (A)(v), above, provided, however, that in lieu of the date June 30, 2012, the operative date for such extensions shall be one~~

year from the date of completion of construction of the E&I project for which a connection is requested.

(2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.

(3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

(c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been installed by the County at the expense of Fairfax County.

(d) *Service charges:* There are hereby established and imposed the following sanitary sewer service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 2020 19	FY 202 1 0	FY 202 2 1	FY 202 3 2	FY 202 4 3	FY 202 5 4
Sewer Service Charge, \$/1,000 gallons	\$7. 28 00	\$7. 56 28	\$7. 94 64	\$8. 20 8.02	\$8. 48 28	\$8. 90 56

(e) *Base charges:* There are hereby established and imposed the following quarterly base charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2020 19	FY 202 1 0	FY 202 2 1	FY 202 3 2	FY 202 4 3	FY 202 5 4
Residen tial Base Charge	\$ 32.91 30.38	\$ 35.50 32.91	\$ 39.05 36.20	\$ 43.12 39.82	\$ 47.36 43.9 7	\$ 49.73 48.2 9

Commercial: (meter size)						
¾" and smaller, or no meter	\$ <u>32.91</u> 30.38	\$ <u>35.50</u> 32.91	\$ <u>39.05</u> 36.20	\$ <u>43.12</u> 39.82	\$ <u>47.36</u> 43.97	\$ <u>49.73</u> 48.29
1"	\$ <u>82.28</u> 75.95	\$ <u>88.75</u> 82.28	\$ <u>97.63</u> 90.50	\$ <u>107.80</u> 99.55	\$ <u>118.40</u> 109.93	\$ <u>124.33</u> 120.73
1½"	\$ <u>164.55</u> 151.90	\$ <u>177.50</u> 164.55	\$ <u>195.25</u> 181.00	\$ <u>215.60</u> 199.10	\$ <u>236.80</u> 219.85	\$ <u>248.65</u> 241.45
2"	\$ <u>263.28</u> 243.04	\$ <u>284.00</u> 263.28	\$ <u>312.40</u> 289.60	\$ <u>344.96</u> 318.56	\$ <u>378.88</u> 351.76	\$ <u>397.84</u> 386.32
3"	\$ <u>493.65</u> 455.70	\$ <u>532.50</u> 493.65	\$ <u>585.75</u> 543.00	\$ <u>646.80</u> 597.30	\$ <u>710.40</u> 659.55	\$ <u>745.95</u> 724.35
4"	\$ <u>822.75</u> 759.50	\$ <u>887.50</u> 822.75	\$ <u>976.25</u> 905.00	\$ <u>1,078.00</u> 995.50	\$ <u>1,184.00</u> 99.25	\$ <u>1,243.25</u> 07.25
6"	\$ <u>1,645.50</u> 1,519.00	\$ <u>1,775.00</u> 1,645.50	\$ <u>1,952.50</u> 1,810.00	\$ <u>2,156.00</u> 1,991.00	\$ <u>2,368.00</u> 1,98.50	\$ <u>2,486.50</u> 14.50
8"	\$ <u>2,632.80</u> 2,430.40	\$ <u>2,840.00</u> 2,632.80	\$ <u>3,124.00</u> 2,896.00	\$ <u>3,449.60</u> 3,185.60	\$ <u>3,788.80</u> 3,517.60	\$ <u>3,978.40</u> 3,632.00
10" and larger	\$ <u>3,784.65</u> 3,493.70	\$ <u>4,082.50</u> 3,784.65	\$ <u>4,490.75</u> 4,130.00	\$ <u>4,958.80</u> 4,599.30	\$ <u>5,446.40</u> 5,056.55	\$ <u>5,718.95</u> 5,353.35

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106 If requested, the Base Charge for non-residential customers who have sub-meters for irrigation
 107 and other water uses that do not enter the sewer system will be adjusted based on their sub-meter
 108 size per above table. In no case the Base Charge will be smaller than that for ¾" and smaller meter.

109 (1) *Effective date:* The Service charges and Base charges will change on July 1st of each
 110 new fiscal year. For metered accounts, the change is effective with meter readings
 111 beginning October 1st of each year. For unmetered accounts, the change is effective with
 112 billings beginning October 1st of each year.

113 (2) Premises having a metered water supply:

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

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115 (D) The winter-quarter-maximum consumption is determined as follows:

- 116 (i) The quarterly-daily-average consumption of water is the consumption,
 117 measured by the water service line meter for the period between meter readings
 118 divided by the number of days elapsed between meter readings.
- 119 (ii) The quarterly consumption is 91.5 times the quarterly-daily-average
 120 consumption of water in leap years or 91.25 times the quarterly-daily-average
 121 consumption in non-leap years.
- 122 (iii) The winter-quarter-consumption is the quarterly consumption determined at
 123 the water service line meter reading scheduled between February 1 and April 30.
 124 The winter-quarter-consumption of each respective year shall be applicable to
 125 the four quarterly sewer billings rendered in conjunction with the regular meter
 126 reading scheduled after the next May.
- 127 (iv) All water delivered to the premises, as measured by the winter-quarter-
 128 consumption for single-family dwellings and townhouses or the meter of all
 129 other Users, shall be deemed to have been discharged to the Facilities of the
 130 County. However, any person may procure the installation of a second water
 131 service line meter. Such person may notify the Director of such installation, in
 132 which event the Director shall make such inspection or inspections as may be
 133 necessary to ascertain that no water delivered to the premises or only the water
 134 delivered through any such additional meter may enter the Facilities of the
 135 County. If the Director determines that water delivered through an additional
 136 meter may not enter the Facilities of the County, no charge hereunder shall be

based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

- (E) For single-family premises as in (e)(2)(A) not able to register valid meter readings for the measurement of winter-quarter-consumption the following billing method shall apply:
- (i) Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.
 - (ii) Such premises may be billed on the basis of the average winter-quarter-consumption for similar dwelling units or the current quarterly consumption, as registered by water service line meter, or based on historical water usage. Accounts for single-family premises established by a builder for sewerage service during construction shall be considered a nonresidential use.
- (3) Premises not having metered water supply or having both well water and public metered water supply:
- (A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-quarter-consumption, during the applicable winter quarter, of similar dwelling units, times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-family residential customer may apply to the County, via the water supplier providing water service to the area in which the residential customer is located, for special billing rates, based on average per capita consumption of water in similar type units.
 - (B) All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load Factors for All Other Premises. There shall be an additional charge equal to the effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures discharging continuously or semi-continuously. Volume of continuous or semi-continuous discharge shall be deemed to be that used in determining availability charge.
- (f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled Wastewater Charges:

- (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for ~~S~~septic tank and restaurant grease-wastes.
- (2) Low-Strength Waste – Based on prevailing Sewer Service Charge per 1,000 gallons of the hauler's truck capacity for portable toilet, ~~and~~ landfill leachate, or any such low-strength wastewater. This rate will be adjusted as the Sewer Service Charge is adjusted from time to time.

TABLE I. Table of Fixture Units

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value(DFU d.f.u.)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2

Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1

1 ½ inches	2
2 inches	3
2 ½ inches	4
3 inches	5
4 inches	6

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TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
 Fiscal Year (July 1—June 30)

Fixture Units	Load Factor	FY 2020 19	FY 2021 0	FY 2022 1	FY 2023 2	FY 2024 3	FY 2025 4
20 or less	1.00	<u>182.00</u> 175.00	189 2 .00	<u>198.50</u> 1.00	<u>205.00</u> 00.50	<u>212.00</u> 07.00	<u>222.50</u> 14.00
21 to 30	1.25	<u>227.50</u> 218.75	<u>236.25</u> 27.50	<u>248.13</u> 38.75	<u>256.25</u> 0.63	<u>265.00</u> 58.75	<u>278.13</u> 67.50
31 to 40	1.45	<u>263.90</u> 253.75	<u>274.05</u> 63.90	<u>287.83</u> 76.95	<u>297.25</u> 0.73	<u>307.40</u> 0.15	<u>322.63</u> 10.30

41 to 50	1.6 0	<u>291.20280.0</u> 0	<u>302.40291.20</u>	<u>317.6005.60</u>	<u>328.000.80</u>	<u>339.201.20</u>	<u>356.0042.40</u>
51 to 60	1.7 5	<u>3318.5006.2</u> 5	<u>330.7518.5</u> 0	<u>347.3834.25</u>	<u>358.750.88</u>	<u>371.0062.25</u>	<u>389.3874.50</u>
61 to 70	1.9 0	<u>345.80</u> <u>332.50</u>	<u>359.1045.8</u> 0	<u>377.1562.90</u>	<u>389.500.95</u>	<u>402.80393.3</u> 0	<u>422.7506.60</u>
71 to 80	2.0 5	<u>373.10</u> <u>358.75</u>	<u>387.4573.1</u> 0	<u>406.93391.5</u> 5	<u>420.2511.03</u>	<u>434.6024.35</u>	<u>456.1338.70</u>
81 to 90	2.2 0	<u>400.40</u> <u>385.00</u>	<u>415.8000.4</u> 0	<u>436.7020.20</u>	<u>451.0041.10</u>	<u>466.4055.40</u>	<u>489.5070.80</u>
91 to 100	2.3 0	<u>418.60402.5</u> 0	<u>434.7018.6</u> 0	<u>456.5539.30</u>	<u>471.5061.15</u>	<u>487.6076.10</u>	<u>511.75492.2</u> 0
101 to 110	2.4 0	<u>436.80420.0</u> 0	<u>453.6036.8</u> 0	<u>476.4058.40</u>	<u>492.0081.20</u>	<u>508.80496.8</u> 0	<u>534.0013.60</u>
111 to 120	2.5 5	<u>464.10</u> <u>446.25</u>	<u>481.9564.1</u> 0	<u>506.18487.0</u> 5	<u>522.7511.28</u>	<u>540.6027.85</u>	<u>567.3845.70</u>

121 to 130	2.6 5	<u>482.30</u> <u>463.75</u>	<u>500.85</u> <u>482.30</u>	<u>526.03</u> <u>06.15</u>	<u>543.25</u> <u>31.33</u>	<u>561.80</u> <u>48.55</u>	<u>589.63</u> <u>67.10</u>
131 to 140	2.7 5	<u>500.50</u> <u>481.25</u>	<u>519.75</u> <u>00.50</u>	<u>545.88</u> <u>25.25</u>	<u>563.75</u> <u>51.38</u>	<u>583.00</u> <u>69.25</u>	<u>611.88</u> <u>588.50</u>
141 to 150	2.8 5	<u>518.70</u> <u>498.75</u>	<u>538.65</u> <u>18.70</u>	<u>565.73</u> <u>44.35</u>	<u>584.25</u> <u>71.43</u>	<u>604.20</u> <u>589.95</u>	<u>634.13</u> <u>09.90</u>
151 to 160	2.9 5	<u>536.90</u> <u>516.25</u>	<u>557.55</u> <u>36.90</u>	<u>585.58</u> <u>63.45</u>	<u>604.75</u> <u>591.48</u>	<u>625.40</u> <u>10.65</u>	<u>656.38</u> <u>31.30</u>
161 to 170	3.0 5	<u>555.10</u> <u>533.75</u>	<u>576.45</u> <u>55.10</u>	<u>605.43</u> <u>582.55</u>	<u>625.25</u> <u>11.53</u>	<u>646.60</u> <u>31.35</u>	<u>678.63</u> <u>52.70</u>
171 to 180	3.1 5	<u>573.30</u> <u>51.25</u>	<u>595.35</u> <u>73.30</u>	<u>625.28</u> <u>01.65</u>	<u>645.75</u> <u>31.58</u>	<u>667.80</u> <u>52.05</u>	<u>700.88</u> <u>674.10</u>
181 to 190	3.2 5	<u>591.50</u> <u>568.75</u>	<u>614.25</u> <u>591.50</u>	<u>645.13</u> <u>20.75</u>	<u>666.25</u> <u>51.63</u>	<u>689.00</u> <u>72.75</u>	<u>723.13</u> <u>695.50</u>
191 to 200	3.3 5	<u>609.70</u> <u>586.25</u>	<u>633.15</u> <u>09.70</u>	<u>664.98</u> <u>39.85</u>	<u>686.75</u> <u>71.68</u>	<u>710.20</u> <u>693.45</u>	<u>745.38</u> <u>16.90</u>
201 to 210	3.4 5		<u>652.05</u> <u>27.90</u>	<u>684.83</u> <u>58.95</u>	<u>707.25</u> <u>691.73</u>	<u>731.40</u> <u>14.15</u>	<u>767.63</u> <u>38.30</u>

		<u>627.90603.7</u> 5					
211 to 220	3.5 5	<u>646.10621.2</u> 5	<u>670.9546.1</u> 0	<u>704.68678.0</u> 5	<u>727.7511.78</u>	<u>752.6034.85</u>	<u>789.8859.70</u>
221 to 230	3.6 5	<u>664.30638.7</u> 5	<u>689.8564.3</u> 0	<u>724.53697.1</u> 5	<u>748.2531.83</u>	<u>773.8055.55</u>	<u>812.13781.1</u> 0
231 to 240	3.7 5	<u>682.50656.2</u> 5	<u>708.75682.</u> 50	<u>744.3816.25</u>	<u>768.7551.88</u>	<u>795.0076.25</u>	<u>834.3802.50</u>
241 to 250	3.8 5	<u>700.70673.7</u> 5	<u>727.6500.7</u> 0	<u>764.2335.35</u>	<u>789.2571.93</u>	<u>816.20796.9</u> 5	<u>856.6323.90</u>
251 to 260	3.9 0	<u>709.80682.5</u> 0	<u>737.1009.8</u> 0	<u>774.1544.90</u>	<u>799.5081.95</u>	<u>826.8007.30</u>	<u>867.7534.60</u>
261 to 270	4.0 0	<u>728.00700.0</u> 0	<u>756.0028.0</u> 0	<u>794.0064.00</u>	<u>820.0002.00</u>	<u>848.0028.00</u>	<u>890.0056.00</u>
271 to 280	4.0 5	<u>737.10708.7</u> 5	<u>765.4537.1</u> 0	<u>803.93773.5</u> 5	<u>830.2512.03</u>	<u>858.6038.35</u>	<u>901.13866.7</u> 0
281 to 290	4.1 0	<u>746.20717.5</u> 0	<u>774.9046.2</u> 0	<u>7813.8583.1</u> 0	<u>840.5022.05</u>	<u>869.2048.70</u>	<u>912.25877.4</u> 0

291 to 300	4.1 5	<u>755.30726.2</u> 5	<u>784.3555.3</u> 0	<u>823.78792.6</u> 5	<u>850.7532.08</u>	<u>879.8059.05</u>	<u>923.38888.1</u> 0
301 to 310	4.2 0	<u>764.40735.0</u> 0	<u>793.8064.4</u> 0	<u>833.7002.20</u>	<u>861.0042.10</u>	<u>890.4069.40</u>	<u>934.50898.8</u> 0
311 to 320	4.3 0	<u>782.60752.5</u> 0	<u>812.70782.</u> 60	<u>853.5521.30</u>	<u>881.5062.15</u>	<u>911.60891.1</u> 0	<u>956.7520.20</u>
321 to 330	4.4 0	<u>800.80770.0</u> 0	<u>831.6000.8</u> 0	<u>873.4040.40</u>	<u>902.00882.2</u> 0	<u>932.8010.80</u>	<u>979.0041.60</u>
331 to 340	4.5 0	<u>819.00787.5</u> 0	<u>850.5019.0</u> 0	<u>893.2559.50</u>	<u>922.5002.25</u>	<u>954.0031.50</u>	<u>1,001.25963</u> .00
341 to 350	4.6 0	<u>837.20805.0</u> 0	<u>869.4037.2</u> 0	<u>913.10878.6</u> 0	<u>943.0022.30</u>	<u>975.2052.20</u>	<u>1,023.50984</u> .40
351 to 360	4.7 0	<u>855.40822.5</u> 0	<u>888.3055.4</u> 0	<u>932.95897.7</u> 0	<u>963.5042.35</u>	<u>996.4072.90</u>	<u>1,045.7505.</u> 80
361 to 370	4.8 0	<u>873.60840.0</u> 0	<u>907.20873.</u> 60	<u>952.8016.80</u>	<u>984.0062.40</u>	<u>1,017.60993</u> .60	<u>1,068.0027.</u> 20
371 to 380	4.9 0		<u>926.10891.</u> 80	<u>972.6535.90</u>	<u>1,004.50982</u> .45	<u>1,038.8014.</u> 30	

		<u>891.80857.5</u> 0					<u>1,090.2548-</u> 60
381 to 390	5.0 0	<u>910.00875.0</u> 0	<u>945.40.00</u>	<u>992.5055.00</u>	<u>1,025.0002-</u> 50	<u>1,06035.00</u>	<u>1,112.50070</u> .00
391 to 400	5.1 0	<u>928.20892.5</u> 0	<u>963.9028.2</u> 0	<u>1,012.35974</u> .40	<u>1,045.5022-</u> 55	<u>1,081.2055-</u> 70	<u>1,134.75094</u> .40
401 to 410	5.2 0	<u>946.40940.0</u> 0	<u>982.8046.4</u> 0	<u>1,032.20993</u> .20	<u>1,066.0042-</u> 60	<u>1,102.40076</u> .40	<u>1,157.0042-</u> 80
411 to 420	5.3 0	<u>964.60927.5</u> 0	<u>1,001.7096</u> 4.60	<u>1,052.0542-</u> 30	<u>1,086.5062-</u> 65	<u>1,123.60097</u> .40	<u>1,179.2534-</u> 20
421 to 430	5.4 0	<u>982.80945.0</u> 0	<u>1,020.6098</u> 2.80	<u>1,071.9034-</u> 40	<u>1,107.00082</u> .70	<u>1,144.8047-</u> 80	<u>1,201.50455</u> .60
431 to 440	5.5 0	<u>1,001.00962</u> .50	<u>1,039.5004-</u> 00	<u>1,091.7550-</u> 50	<u>1,127.5002-</u> 75	<u>1,166.0038-</u> 50	<u>1,223.75477</u> .00
441 to 450	5.6 0	<u>1,019.20980</u> .00	<u>1,058.4049-</u> 20	<u>1,111.60069</u> .60	<u>1,148.0022-</u> 80	<u>1,187.2059-</u> 20	<u>1,246.00498</u> .40
451 to 460	5.7 0	<u>1,037.40997</u> .50	<u>1,077.3037-</u> 40	<u>1,131.45088</u> .70	<u>1,168.5042-</u> 85	<u>1,208.40479</u> .90	<u>1,268.2549-</u> 80

461 to 470	5.8 0	<u>1,055.604</u> ,0 15.00	1,059 <u>6.205</u> ; 60	1,151.300 <u>7</u> ; 80	1,189.006 <u>2</u> ; 90	1,229.600 <u>0</u> ; 60	1,290.504 <u>1</u> ; 20
471 to 480	5.9 0	<u>1,073.804</u> ,0 32.50	1,115.100 <u>7</u> 3.80	1,171.152 <u>6</u> ; 90	1,209.504 <u>8</u> 95	1,250.802 <u>1</u> ; 30	1,312.752 <u>6</u> 60
481 to 490	6.0 0	<u>1,092.004</u> ,0 50.00	1,134.000 <u>9</u> 2.00	1,191.004 <u>6</u> ; 00	1,230.000 <u>3</u> ; 00	1,274 <u>2.00</u>	1,335.002 <u>8</u> 40
491 to 500	6.1 0	<u>1,110.204</u> ,0 67.50	1,152.904 <u>0</u> ; 20	1,210.854 <u>6</u> 10	1,250.502 <u>3</u> ; 05	1,293.206 <u>2</u> ; 70	1,357.250 <u>5</u> ; 40
501 to 525	6.2 5	<u>1,137.504</u> ,0 93.75	1,181.253 <u>7</u> ; 50	1,240.634 <u>9</u> 75	1,281.255 <u>3</u> ; 13	1,325.002 <u>9</u> 75	1,390.633 <u>7</u> ; 50
526 to 550	6.5 0	<u>1,183.004</u> ,1 37.50	1,228.504 <u>8</u> 3.00	1,290.254 <u>1</u> ; 50	1,332.500 <u>3</u> ; 25	1,378.004 <u>5</u> ; 50	1,446.253 <u>9</u> 00
551 to 575	6.7 5	<u>1,228.504</u> ,1 81.25	1,275.752 <u>8</u> ; 50	1,339.882 <u>8</u> 25	1,383.755 <u>3</u> ; 38	1,431.003 <u>9</u> 25	1,501.884 <u>4</u> 50
576 to 600	7.0 0	<u>1,274.004</u> ,2 25.00	1,323.002 <u>7</u> 4.00	1,389.503 <u>7</u> ; 00	1,435.000 <u>3</u> ; 50	1,484 <u>49.00</u>	1,557.504 <u>9</u> 00

601 to 625	7.2 5	1,319.50 1,319.50 +268.75	1,370.25 1,370.25 +950	1,439.13 1,439.13 +384.75	1,4586.25 1,4586.25 +63.63	1,537.00 1,537.00 +00.75	1,613.13 1,613.13 +554.50
626 to 650	7.5 0	1,365.00 1,365.00 +342.50	1,417.50 1,417.50 +365.00	1,488.75 1,488.75 +32.50	1,537.50 1,537.50 +00.75	1,590.00 1,590.00 +52.50	1,668.75 1,668.75 +05.00
651 to 675	7.7 5	1,410.50 1,410.50 +356.25	1,464.75 1,464.75 +10.50	1,538.38 1,538.38 +480.25	1,588.75 1,588.75 +53.88	1,643.00 1,643.00 +04.25	1,724.38 1,724.38 +658.50
676 to 700	8.0 0	1,456.00 1,456.00 +400.00	1,512.00 1,512.00 +456.00	1,588.00 1,588.00 +28.00	1,640.00 1,640.00 +04.00	1,696.00 1,696.00 +56.00	1,780.00 1,780.00 +12.00
701 to 725	8.2 0	1,492.40 1,492.40 +435.00	1,549.80 1,549.80 +492.40	1,627.70 1,627.70 +566.20	1,681.00 1,681.00 +44.40	1,738.40 1,738.40 +697.40	1,824.50 1,824.50 +754.80
726 to 750	8.4 0	1,528.80 1,528.80 +470.00	1,587.60 1,587.60 +28.80	1,667.40 1,667.40 +04.40	1,722.00 1,722.00 +684.20	1,780 1,780 +38.80	1,869.00 1,869.00 +797.60
751 to 775	8.6 0	1,565.20 1,565.20 +505.00	1,625.40 1,625.40 +565.20	1,707.10 1,707.10 +642.60	1,763.00 1,763.00 +24.30	1,823.20 1,823.20 +780.20	1,913.50 1,913.50 +840.40
776 to 800	8.8 0	1,601.60 1,601.60 +540.00	1,663.20 1,663.20 +1.60	1,746.80 1,746.80 +680.80	1,804.00 1,804.00 +764.40	1,865.60 1,865.60 +21.60	1,958.00 1,958.00 +883.20

801 to 825	9.0 0	<u>1,638.00</u> +5 75.00	<u>1,701.00</u> 63 8.00	<u>1,786.50</u> +9 00	<u>1,845.00</u> 04 50	<u>1,908.00</u> 863 00	<u>2,002.50</u> +9 26.00
826 to 850	9.2 0	<u>1,674.40</u> +6 10.00	<u>1,738.80</u> 67 4.40	<u>1,826.20</u> 757 20	<u>1,886.00</u> 44 60	<u>1,950.40</u> 04 40	<u>2,047.00</u> +9 68.80
851 to 875	9.3 5	<u>1,701.70</u> +6 36.25	<u>1,767.15</u> 70 1.70	<u>1,855.98</u> 785 85	<u>1,916.75</u> 874 68	<u>1,982.20</u> 35 45	<u>2,080.38</u> 00 90
876 to 900	9.5 0	<u>1,729.00</u> +6 62.50	<u>1,795.50</u> 29 00	<u>1,885.75</u> 14 50	<u>1,947.50</u> 04 75	<u>2,014.00</u> +9 66.50	<u>2,113.75</u> 033 00
901 to 925	9.6 5	<u>1,756.30</u> +6 88.75	<u>1,823.85</u> 75 6.30	<u>1,915.53</u> 843 15	<u>1,978.25</u> 34 83	<u>2,045.80</u> +9 97.55	<u>2,147.13</u> 065 10
926 to 950	9.8 0	<u>1,783.60</u> +7 15.00	<u>1,852.20</u> 78 3.60	<u>1,945.30</u> 871 80	<u>2,009.00</u> +9 64.90	<u>2,077.60</u> 28 60	<u>2,180.50</u> 097 20
951 to 975	9.9 5	<u>1,810.90</u> +7 41.25	<u>1,880.55</u> 10 90	<u>1,975.08</u> 00 45	<u>2,039.75</u> +9 94.98	<u>2,109.40</u> 059 65	<u>2,213.88</u> +29 30
976 to 1,000	10. 15 0	<u>1,847.30</u> +7 76.25	<u>1,918.35</u> 84 7.30	<u>2,014.78</u> +9 38.65	<u>2,080.75</u> 35 08	<u>2,151.80</u> 01 05	<u>2,258.38</u> +72 10
1,001 to	10. 55		<u>1,993.95</u> 20 10	<u>2,094.18</u> +5 05	<u>2,162.75</u> +15 28	<u>2,236.60</u> +83 85	

1,05 0		<u>1,920.101,8</u> 46.25					2,347.38257 .70
1,05 1 to 1,10 0	10. 90	<u>1,983.801,9</u> 07.50	<u>2,060.101,9</u> 83.80	<u>2,163.65081</u> .90	<u>2,234.50185</u> .45	<u>2,310.80256</u> .30	2,425.25332 .60
1,10 1 to 1,15 0	11. 30	<u>2,056.601,9</u> 77.50	<u>2,135.7005</u> 6.60	<u>2,243.05158</u> .30	<u>2,316.50265</u> .65	<u>2,395.6039.</u> 10	2,514.25418 .20
1,15 1 to 1,20 0	11. 70	<u>2,129.402,0</u> 47.50	<u>2,211.3012</u> 9.40	<u>2,322.45234</u> .70	<u>2,398.5045.</u> 85	<u>2,480.4021.</u> 90	2,603.25503 .80
1,20 1 to 1,25 0	12. 00	<u>2,184.002,1</u> 00.00	<u>2,268.0018</u> 4.00	<u>2,382.00292</u> .00	<u>2,460.00406</u> .00	<u>2,544.00484</u> .00	2,670.00568 .00
1,25 1 to 1,30 0	12. 35	<u>2,247.702,1</u> 61.25	<u>2,334.1524</u> 7.70	<u>2,451.48358</u> .85	<u>2,531.75476</u> .18	<u>2,618.20556</u> .45	2,747.88642 .90
1,30 1 to 1,35 0	12. 70	<u>2,311.402,2</u> 22.50	<u>2,400.3031</u> 1.40	<u>2,520.95425</u> .70	<u>2,603.50546</u> .35	<u>2,692.4028.</u> 90	2,825.75717 .80
1,35 1 to 1,40 0	13. 00	<u>2,366.002,2</u> 75.00	<u>2,457.0036</u> 6.00	<u>2,580.50483</u> .00	<u>2,665.00606</u> .50	<u>2,756.00691</u> .00	2,892.50782 .00

1,40 1 to 1,45 0	13. 25	<u>2,411.502,3</u> 18.75	<u>2,504.2541</u> 1.50	<u>2,630.13530</u> .75	<u>2,716.25656</u> .63	<u>2,809.00742</u> .75	<u>2,948.13835</u> .50
1,45 1 to 1,50 0	13. 50	<u>2,457.00</u> <u>2,362.50</u>	<u>2,551.5045</u> 7.00	<u>2,679.75578</u> .50	<u>2,767.5006.</u> 75	<u>2,862.00794</u> .50	<u>3,003.752,8</u> 89.00
1,50 1 to 1,60 0	14. 05	<u>2,557.102,4</u> 58.75	<u>2,655.4555</u> 7.10	<u>2,788.93683</u> .55	<u>2,880.25817</u> .03	<u>2,978.6008.</u> 35	<u>3,126.13006</u> .70
1,60 1 to 1,70 0	14. 60	<u>2,657.202,5</u> 55.00	<u>2,759.4065</u> 7.20	<u>2,898.10788</u> .60	<u>2,993.0027.</u> 30	<u>3,095.2022.</u> 20	<u>3,248.50124</u> .40
1,70 1 to 1,80 0	15. 15	<u>2,757.302,6</u> 51.25	<u>2,863.3575</u> 7.30	<u>3,007.282,8</u> 93.65	<u>3,105.75037</u> .58	<u>3,211.80136</u> .05	<u>3,370.88242</u> .10
1,80 1 to 1,90 0	15. 70	<u>2,857.402,7</u> 47.50	<u>2,967.3085</u> 7.40	<u>3,116.452,9</u> 98.70	<u>3,218.50147</u> .85	<u>3,328.40249</u> .90	<u>3,493.25359</u> .80
1,90 1 to 2,00 0	16. 25	<u>2,957.502,8</u> 43.75	<u>3,071.252,9</u> 57.50	<u>3,225.63103</u> .75	<u>3,331.25258</u> .13	<u>3,445.00363</u> .75	<u>3,615.63477</u> .50
2,00 1 to 2,10 0	16. 80	<u>3,057.60</u> <u>2,940.00</u>	<u>3,175.2005</u> 7.60	<u>3,334.80208</u> .80	<u>3,444.00368</u> .40	<u>3,561.60477</u> .60	<u>3,738.00595</u> .20

2,10 1 to 2,20 0	17. 35	<u>3,157.703,0</u> 36.25	<u>3,279.1515</u> 7.70	<u>3,443.98313</u> .85	<u>3,556.75478</u> .68	<u>3,678.20591</u> .45	<u>3,860.38712</u> .90
2,20 1 to 2,30 0	17. 90	<u>3,257.803,1</u> 32.50	<u>3,383.1025</u> 7.80	<u>3,553.15418</u> .90	<u>3,669.50588</u> .95	<u>3,794.8005,</u> 30	<u>3,982.75830</u> .60
2,30 1 to 2,40 0	18. 45	<u>3,357.903,2</u> 28.75	<u>3,487.0535</u> 7.90	<u>3,662.33523</u> .95	<u>3,782.25699</u> .23	<u>3,911.40819</u> .15	<u>4,105.133,9</u> 48.30
2,40 1 to 2,50 0	19. 00	<u>3,458.003,3</u> 25.00	<u>3,591.0045</u> 8.00	<u>3,771.50629</u> .00	<u>3,895.0009,</u> 50	<u>4,028.003,9</u> 33.00	<u>4,277.50066</u> .00
2,50 1 to 2,60 0	19. 55	<u>3,558.103,4</u> 21.25	<u>3,694.9555</u> 8.10	<u>3,880.68734</u> .05	<u>4,007.753,9</u> 19.78	<u>4,144.60046</u> .85	<u>4,349.88183</u> .70
2,60 1 to 2,70 0	20. 10	<u>3,658.203,5</u> 17.50	<u>3,798.9065</u> 8.20	<u>3,989.85839</u> .10	<u>4,120.50030</u> .05	<u>4,261.20160</u> .70	<u>4,472.25301</u> .40
2,70 1 to 2,80 0	20. 65	<u>3,758.303,6</u> 13.75	<u>3,902.8575</u> 8.30	<u>4,099.033,9</u> 44.15	<u>4,233.25140</u> .33	<u>4,377.80274</u> .55	<u>4,594.63419</u> .10
2,80 1 to 2,90 0	21. 20	<u>3,858.403,7</u> 10.00	<u>4,006.803,8</u> 58.40	<u>4,208.20049</u> .20	<u>4,346.00250</u> .60	<u>4,494.40388</u> .40	<u>4,717.00536</u> .80

2,90 1 to 3,00 0	21. 75	<u>3,958.503,8</u> 06.25	<u>4,110.753,9</u> 58.50	<u>4,317.381,54</u> .25	<u>4,458.75360</u> .88	<u>4,611.00502</u> .25	<u>4,839.38654</u> .50
3,00 1 to 4,00 0	26. 00	<u>4,732.004,5</u> 50.00	<u>4,914.0073</u> 2.00	<u>5,161.004,9</u> 66.00	<u>5,330.00213</u> .00	<u>5,512.00382</u> .00	<u>5,785.00564</u> .00
4,00 1 to 5,00 0	29. 50	<u>5,369.005,1</u> 62.50	<u>5,575.5036</u> 9.00	<u>5,855.75634</u> .50	<u>6,047.505,9</u> 14.75	<u>6,254.00106</u> .50	<u>6,563.75313</u> .00
5,00 1 to 6,00 0	33. 00	<u>6,006.005,7</u> 75.00	<u>6,237.0000</u> 6.00	<u>6,550.50303</u> .00	<u>6,765.00616</u> .50	<u>6,996.00831</u> .00	<u>7,342.50062</u> .00
6,00 1 to 7,00 0	36. 40	<u>6,624.806,3</u> 70.00	<u>6,879.6062</u> 4.80	<u>7,225.406,9</u> 52.40	<u>7,462.00298</u> .20	<u>7,716.80534</u> .80	<u>8,099.007,7</u> 89.60
7,00 1 to 8,00 0	39. 60	<u>7,207.206,9</u> 30.00	<u>7,484.4020</u> 7.20	<u>7,860.60563</u> .60	<u>8,118.007,9</u> 39.80	<u>8,395.20197</u> .20	<u>8,811.00474</u> .40
8,00 1 to 9,00 0	42. 75	<u>7,780.507,4</u> 81.25	<u>8,079.757,7</u> 80.50	<u>8,485.88165</u> .25	<u>8,763.75571</u> .38	<u>9,063.008,8</u> 49.25	<u>9,511.88148</u> .50
9,00 1 to 10,0 00	46. 00	<u>8,372.008,0</u> 50.00	<u>8,694.0037</u> 2.00	<u>9,131.008,7</u> 86.00	<u>9,430.00223</u> .00	<u>9,752.00522</u> .00	<u>10,235.009,</u> 844.00

10,001 to 11,000	48.85	<u>8,890.708,5</u> 48.75	<u>9,232.658,8</u> 90.70	<u>9,696.73330</u> 35	<u>10,014.259,</u> 794.43	<u>10,356.2011</u> 1.95	<u>10,869.1345</u> 3.90
11,001 to 12,000	51.60	<u>9,391.209,0</u> 30.00	<u>9,752.4039</u> 1.20	<u>10,242.609,</u> 855.60	<u>10,578.0034</u> 5.80	<u>10,939.2068</u> 1.20	<u>11,481.0004</u> 2.40
12,001 to 13,000	54.60	<u>9,937.209,5</u> 55.00	<u>10,319.409,</u> 937.20	<u>10,838.1042</u> 8.60	<u>11,193.0010</u> 947.30	<u>11,575.2030</u> 2.20	<u>12,148.5011</u> 684.40
13,001 to 14,000	57.40	<u>10,446.8010</u> 045.00	<u>10,848.604</u> 46.80	<u>11,393.9010</u> 963.40	<u>11,767.0050</u> 8.70	<u>12,168.8011</u> 881.80	<u>12,771.5028</u> 3.60
14,001 to 15,000	60.00	<u>10,920.0010</u> 500.00	<u>11,340.000,</u> 920.00	<u>11,910.0046</u> 0.00	<u>12,300.0003</u> 0.00	<u>12,7420.00</u>	<u>13,350.0012</u> 840.00

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NOTES:

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(1) Base charge is not included in rates above.

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GIVEN under my hand this _____ day of _____, 202019

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Jill G. Cooper~~Catherine A. Chianese~~
Clerk for the Board of Supervisors

Board Agenda Item
April 14, 2020

3:00 p.m.

Public Hearing to Consider Adopting an Ordinance to Establish an Admissions Tax

ISSUE:

A public hearing to consider amending Chapter 4, Taxation and Finance of the *Code of the County of Fairfax, Virginia* to establish a new Article 29 – Admissions Tax pursuant to Virginia Code § 58.1-3818.

RECOMMENDATION:

Consistent with the FY 2021 Advertised Budget Plan, the County Executive recommended that, after holding a public hearing, the Board adopt the proposed amendments to Chapter 4, Taxation and Finance of the *Code of the County of Fairfax, Virginia* to establish a new Article 29 – Admissions Tax pursuant to Virginia Code § 58.1-3818. In the budget update released by the County Executive on April 7, 2020, the recommendation for adoption of an Admissions Tax was eliminated from the FY 2021 budget proposal.

Staff recommends that the decision about whether to adopt the ordinance be deferred to May 5, 2020. If adopted, the ordinance will take effect on October 1, 2020.

TIMING:

On March 24, 2020, the Board authorized advertisement of a public hearing to be held on April 14, 2020 at 3:00 p.m., and adoption of the ordinance will be deferred to May 5, 2020.

BACKGROUND:

Virginia Code § 58.1-3818 authorizes Fairfax County to levy a tax, not to exceed 10%, on the amount of charge for admissions to any event. The Code of Virginia requires localities to prescribe by ordinance the terms, conditions, and amount of the admissions tax to be charged. The ordinance may classify between events conducted for charitable and non-charitable purposes.

The proposed ordinance seeks to levy a four percent Admissions Tax on every non-charitable event taking place within the County to be effective October 1, 2020. This new tax will provide additional resources to support the priority outcome areas of the Countywide Strategic Plan, including Cultural and Recreational Opportunities.

Board Agenda Item
April 14, 2020

FISCAL IMPACT:

If approved, an Admissions Tax of four percent with an effective date of October 1, 2020 is expected to generate \$2.31 million in FY 2021. This revenue was included in the FY 2021 Advertised Budget Plan. The full-year revenue generated from this tax is estimated at over \$3 million. It should be noted that the projected revenue was eliminated from the updated FY 2021 budget proposal released by the County Executive on April 7, 2020.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code § 58.1-3818

Attachment 2 – Proposed Ordinance to amend Chapter 4 of the Fairfax County Code

STAFF:

Joseph M. Mondoro, Chief Financial Officer

Christina Jackson, Director, Department of Management and Budget

Jaydeep “Jay” Doshi, Director, Department of Tax Administration (DTA)

Juan B. Rengel, Director, Personal Property and Business License Division, DTA

ASSIGNED COUNSEL:

Corinne N. Lockett, Senior Assistant County Attorney

§ 58.1-3818. Admissions tax in certain counties.

A. Fairfax, Arlington, Dinwiddie, Prince George and Brunswick Counties are hereby authorized to levy a tax on admissions charged for attendance at any event. The tax shall not exceed 10 percent of the amount of charge for admission to any such event. Notwithstanding any other provisions of law, the governing bodies of such counties shall prescribe by ordinance the terms, conditions and amount of such tax and may classify between events conducted for charitable and those conducted for noncharitable purposes.

B. Notwithstanding the provisions of subsection A, Culpeper County and New Kent County are hereby authorized to levy a tax on admissions charged for attendance at any event as set forth in subsection A.

C. Notwithstanding the provisions of subsection A, Charlotte County, Clarke County, Madison County, Nelson County, and Sussex County are hereby authorized to levy a tax on admissions charged for attendance at any spectator event; however, a tax shall not be levied on admissions charged to participants in order to participate in any event. The tax shall not exceed 10 percent of the amount of charge for admission to any event. Notwithstanding any other provisions of law, the governing body of such county shall prescribe by ordinance the terms, conditions and amount of such tax and may classify between the events as set forth in § 58.1-3817.

D. Notwithstanding the provisions of subsections A, B and C, localities may, by ordinance, elect not to levy an admissions tax on admission to an event, provided that the purpose of the event is solely to raise money for charitable purposes and that the net proceeds derived from the event will be transferred to an entity or entities that are exempt from sales and use tax pursuant to § 58.1-609.11.

Code 1950, § 58-404.2; 1971, c. 212; 1977, c. 573; 1978, c. 432; 1984, c. 675; 1995, c. 201; 1998, cc. 150, 532; 1999, c. 986; 2001, c. 485; 2003, cc. 757, 758; 2005, c. 106; 2007, c. 813.

3/6/20 DRAFT

**AN ORDINANCE ADOPTING
ARTICLE 29 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE, RELATING
TO
IMPLEMENTATION OF AN ADMISSIONS TAX**

**AN ORDINANCE to amend the Fairfax County Code by adopting
Article 29 of Chapter 4 relating to implementation of an Admissions
Tax.**

Be it ordained by the Board of Supervisors of Fairfax County:

- 1. That Chapter 4, Article 29, of the Fairfax County Code is adopted, as follows:**

ARTICLE 29. – Admissions Tax.

Section 4-29-1. – Title.

This ordinance shall hereafter be known, cited and referred to as the Fairfax County
“Admissions Tax”.

Section 4-29-2. - Definitions.

- (a) *Admission charge* means a charge made, directly or indirectly, to a person or group of persons for entry into any event, including charges paid for entry into multiple events by season ticket or subscription, which entitles the bearer to enter an event. Such charge excludes any separately stated federal or state tax thereon, or any separately stated service charge made by an agent or party other than the owner or operator for the sale or issuance of a ticket or receipt.
- (b) *Charitable purposes* means any charitable, benevolent, humane, philanthropic, patriotic, eleemosynary, educational, informative, religious, humane, cultural or similar purpose intended to better the condition of society or otherwise organized for the benefit of the general public.
- (c) *County* means the government of Fairfax County, Virginia. Whenever a service provider is required to provide notice, to remit taxes, or to report to the County, then that service provider shall provide that notice, those taxes, or that report to the Director of the County Department of Tax Administration.

- 41 (d) *Director* means Director of the Department of Tax Administration or any duly
42 authorized deputies or agents of the Director.
43
- 44 (e) *Event* means any amusement, entertainment, performance, exhibition or similar
45 production, open to the general public. Event includes without limitation:
46 circuses, carnivals, motion pictures, fairs, shows and exhibitions of all kinds;
47 dances; tours; sporting events; theatrical, dramatic, operatic and musical and
48 similar performances; lectures, talks, symposia, and performances similar thereto.
49 The foregoing enumeration of amusements shall not be deemed to exclude other
50 amusements and entertainments otherwise within the meaning of those words.
51
- 52 (f) *Open to the general public* means available for attendance by any person upon
53 payment of an admission charge to enter the event, without, in addition to such
54 payment, (i) meeting any duly established requirements or selection criteria for
55 membership in or belonging to a bona fide society, club, congregation,
56 organization, party or similar group, or (ii) making or promising to make a
57 donation, subscription or other similarly valuable contribution to the owner or
58 operator, or to the designee thereof, which exceeds a commercially reasonable
59 relationship to the economic value of the event to the person admitted.
60
- 61 (g) *Owner or operator* means a person who owns, operates, conducts, promotes,
62 produces, or provides an event.

63 **Section 4-29-3 – Amount and levy of tax.**
64

65 Except as set forth in Section 4-29-4 below, there is hereby levied an admissions tax in
66 the amount of 4% of any charge for general admission to an event as defined herein.
67 Where the admission charge is \$0.50 or less, no tax shall be payable under this Article.
68

69 **Section 4-29-4 – Exclusion from tax.**
70

71 There shall be no admissions tax on any admission charge for any event conducted for
72 charitable purposes.
73

74 **Section 4-29-5- Situs.**
75

76 The tax imposed by this Article shall be levied on admission charges for events that occur
77 within Fairfax County, irrespective of the location at which admission to such events may
78 be sold, contracted for, or paid.
79

80 **Section 4-29-6 - Collection of tax.**
81

82 (a) Every owner or operator, or the agent thereof, shall collect the amount of such tax
83 from the person making the payment at the time the payment is made.

84 (b) The taxes required to be collected under subsection (a) shall be deemed to be held
85 in escrow by the owner or operator required to collect such tax, jointly and
86 severally, until remitted to the County as provided in this Article.
87

88 **Section 4-29-7 - Authority of Director.**

89 The Director shall have the power and the duty of enforcing this Article including the
90 authority to adopt reasonable procedures and regulations for the administration of the
91 admissions tax and shall remit all taxes collected under this Article to the County.
92

93 **Section 4-29-8 - Reports and remittances generally.**

94
95 (a) Every owner or operator collecting admissions taxes shall prepare a report for
96 each calendar month, upon such forms and setting forth such information as the
97 Director may prescribe and require, showing the number of persons admitted, the
98 amount of admission charges collected, the amount of the taxes due on such
99 charges under this Article, and the amount of taxes being remitted along with the
100 report, and shall sign and deliver the report, and remit the taxes, to the Director.
101

102 (b) Such reports and remittances shall be submitted to the Director monthly on or
103 before the last day of the calendar month following the month being reported.

104 **Section 4-29-9 - Reports, remittances, and deposits by temporary or transitory**
105 **events.**

106
107 (a) Whenever an admission charge is made to attend an event of a temporary or
108 transitory nature, the Director may require the report and remittance of taxes to be
109 made within seven days following the event, or within seven days following the
110 conclusion of a series of events, or at such other reasonable time as the Director
111 shall determine.
112

113 (b) Before any temporary or transient event shall be held in the County, and before
114 any business license under Article 7.2, Chapter 4, of the Fairfax County Code, if
115 required, shall be issued therefor, the owner or operator of the event shall deposit
116 with the Director a sum of money in the Director's discretion, sufficient to cover
117 the estimated admissions taxes the Director deems necessary. The Director shall
118 hold the deposit as security for the collection of taxes and payment thereof to the
119 County. Within the time as set by the Director under subsection (a), the owner or
120 operator shall deliver to the Director the report and the amount of taxes required
121 by Section 4-29-8. Upon such delivery, the Director shall refund the deposit made

under this Section. Should an owner or operator fail timely to deliver such report and taxes, the Director may assess the owner or operator the amount of taxes provided by Section 4-29-3, as well as any penalties and interest, provided by Section 4-29-10, and the Director shall retain the deposit made under this subsection as a credit toward the amount of assessed taxes.

Section 4-29-10 – Penalty, interest, and administrative fees for failure to remit taxes when due.

Any owner or operator who fails or refuses to remit admissions taxes to the Director as set forth in this Article shall be liable for a penalty equal to five percent of the amount of the taxes required to be remitted. Additionally, if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest shall be charged on the unpaid balance at the applicable interest rate specified in Fairfax County Code § 4-20-3. Such interest shall accrue from the date on which the tax was due and payable.

Section 4-29-10 - Penalty for late remittance or false return.

If any owner or operator fails or refuses to collect admissions taxes or to make the report and remittance required by this Article, the Director shall determine and assess against the owner or operator the taxes that are due plus the penalties and interest computed upon the basis of the best information available to him and shall notify the owner or operator by mail of the total amount of such taxes, interest, and penalties charged. The owner or operator shall pay the total amount of taxes, interest, and penalties within ten days from the date of such notice or the Director shall proceed to collect the taxes from the deposit or by every other lawful means.

Section 4-29-11 - Preservation of records.

Except as may be provided by the Director by regulation, it shall be the duty of every person required to collect and remit admissions taxes to keep and preserve, for a period of at least three years, all records as are necessary to enable the Director to determine the amount of taxes such owner or operator was responsible for collecting and remitting to the County. The Director shall have all rights to summon, inspect, and copy such records as permitted by Title 58.1 of the Code of Virginia in order to administer or enforce the terms of this Article.

Section 4-29-12 - Duty of owner or operator going out of business.

Whenever any owner or operator required to collect and remit admissions taxes disposes of or otherwise ceases to operate its business, all taxes payable to the County under this Article shall become immediately due and payable, and such owner or operator shall immediately make a report and remit the taxes due.

167 **2. That the provisions of this ordinance shall take effect on October 1, 2020.**

168 GIVEN under my hand this ____ day of _____,
169 2020.

170

171

172

173

174

175

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
April 14, 2020

**To Be Deferred to
4/28/2020 at 4:00 p.m.,
4/29/2020 at 3:00 p.m., and
4/30/2020 at 3:00 p.m.**

4:00 p.m.

Public Hearing on the County Executive's Proposed FY 2021 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2021-2025 (CIP) (With Future Fiscal Years to 2030) and the Current Appropriation in the FY 2020 Revised Budget Plan

ENCLOSED DOCUMENTS:

None. Board Members will receive the Planning Commission's recommendations on the FY 2021 – FY 2025 Advertised Capital Improvement Program (With Future Fiscal Years to 2030) prior to the April 28, 2020, meeting.

Board Members are directed to the following budget documents available online at the links provided below:

1. *FY 2020 Third Quarter Review*
<https://www.fairfaxcounty.gov/budget/fy-2020-third-quarter-review>
2. FY 2021 Advertised Budget Plan
<https://www.fairfaxcounty.gov/budget/advertised-budget-plan>
3. FY 2021 – FY 2025 Advertised Capital Improvement Program (With Future Fiscal Years to 2030)
<https://www.fairfaxcounty.gov/budget/fy-2021-fy-2025-advertised-capital-improvement-program-cip>
4. FY 2021 Updated Budget Proposal in Response to the Coronavirus Pandemic
<https://www.fairfaxcounty.gov/budget/sites/budget/files/Assets/documents/fy2021/fy-2021-updated-budget-proposal-covid.pdf>

STAFF:

Bryan J. Hill, County Executive
Joseph Mondoro, Chief Financial Officer
Christina Jackson, Director, Department of Management and Budget
Philip Hagen, Deputy Director, Department of Management and Budget