



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
May 5, 2020**

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Budget Mark-Up Session

12-20

DMS:dms/EA:ea/EBE:ebe

The Budget Mark-up meeting was called to order at 10:01 a.m., and was conducted wholly electronically using Fairfax County's videoconferencing system because the COVID-19 pandemic made it unsafe to physically assemble a quorum in one location or to have the public present. The meeting was accessible to the public through live broadcast on Channel 16, live video stream, and live audio. Chairman McKay presided over the meeting and participated from the Government Center, and the following Supervisors participated remotely from their respective District Offices:

- Supervisor Walter L. Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney L. Lusk, Lee District
- Supervisor Dalia A. Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James R. Walkinshaw, Braddock District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie

Steele, Chief Deputy Clerk to the Board of Supervisors; Emily Armstrong and Ekua Brew-Ewool, Deputy Clerks, Department of Clerk Services.

BOARD ANNOUNCEMENTS

1. **ORDERS OF THE DAY** (10:02 a.m.)

Chairman McKay stated that since the Board is meeting electronically, there are several preliminary motions that require Board approval. He stated that first is to verify the audibility of Member's voices and since each Member of the Board is participating from different locations. The Board must also verify that a quorum of Members is participating, and that each Member's voice is clear, audible, and at an appropriate volume for all the other Members to hear. Therefore, Chairman McKay conducted a roll call and asked each Member to confirm that they could hear each other's voices.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board certify for the record that each Member's voice may be adequately heard by each other member of this Board. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman McKay moved that the Board certify that the State of Emergency caused by the COVID-19 outbreak makes it unsafe for speakers, staff, and the public to attend this meeting in person, and that as such, an in-person meeting cannot be implemented safely or practically. As a result, Chairman McKay further moved that the Board conduct this meeting electronically through a dedicated video conference line, and that the public may access this meeting via simultaneous telecast on Channel 16, or video streaming, or hear a live audio feed of the meeting by dialing 703-324-5300, and the public may participate in public hearings by established phone lines, YouTube submissions, or through written testimony. Supervisor Foust seconded the motion and it carried by unanimous vote.

Chairman McKay further moved that the Board certify that all matters on the agenda today concern the emergency, and/or are necessary for continuity in Fairfax County government under the Ordinance adopted by the Board at its last meeting, and/or are statutorily required or necessary to continue operations and the discharge of this Board's lawful purposes, duties, and responsibilities. Supervisor Foust seconded the motion and it carried by unanimous vote.

Vice Chairman Gross returned the gavel to Chairman McKay.

2. **MOMENT OF SILENCE** (10:06 a.m.)

Chairman McKay stated that:

- COVID-19 is affecting the whole community, from children to small businesses, to those who are ill with the virus. He asked to keep everyone

in Fairfax, and around the world, in thoughts and prayers during this difficult time

- The Fairfax County flag continues to fly at half-staff at County facilities in honor of the residents who have died of COVID-19 and in recognition of the many essential workers who are responding to the pandemic

Chairman McKay also asked to keep in thoughts and prayers the family of Ms. Barbara Lippa, former Executive Director of the Planning Commission, who died recently.

The Board asked everyone to keep in thoughts the family and friends of:

- Ms. Janice Mary Toney, who died recently
- Chief Darrel C. Smith, who died recently
- Ms. Eunice Ayaman, who died recently
- Mr. John Patrick (JP) Dwyer, who died recently
- Mr. Jim Dunphy, who died recently
- Ms. Rosina Drake, who died recently

CHANGES DUE TO CORONAVIRUS PANDEMIC (10:17 a.m.)

3. Chairman McKay stated that as a result of the Coronavirus Pandemic and the resulting changes to the County Executives FY 2020 proposed Budget, the Board adopted a Resolution on April 14, 2020, that made changes to the meeting schedule originally established for Calendar Year 2020. Among those changes, Budget Hearings were rescheduled from April 14-16, 2020, to April 28-30, 2020, to give the public more time to consider the County Executive's updated Budget proposal. Budget Mark Up was moved to May 5, 2020, and May 12, 2020, was added in place of the previously scheduled Board meeting for May 19, 2020. Before adjustments to the meeting schedule were made, there were six public hearings scheduled for today's meeting, four of the public hearings have been withdrawn, and at the end of the meeting today, the Board would formally defer the remaining two public hearings. The deferrals do not have to occur at their originally scheduled hearing times because the published advertisement for those public hearings have all received new public hearing dates and times. Staff has notified the applicants and other parties that are entitled to a notice of the hearing.

AGENDA ITEMS

4. **10 A.M. BOARD DECISION ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2020 THIRD QUARTER REVIEW**

AND

10 A.M. BOARD MARK-UP OF THE COUNTY EXECUTIVE'S FY 2021 ADVERTISED BUDGET PLAN AND THE FY 2021 UPDATED BUDGET PROPOSAL (IN RESPONSE TO THE CORONAVIRUS PANDEMIC)
(10:20 a.m.)

(SARs)
(FPR)

Chairman McKay, stated that the FY 2020 Third Quarter Review, as advertised, included a limited number of adjustments including a recommendation to set aside over \$11 million for the County's response to the Coronavirus Pandemic. Additionally, the County Executive outlined recommendations in his memorandum dated April 29, 2020, including the recognition of over \$200 million in funds provided to the County through the Coronavirus Aid Relief and Economic Security (the CARES Act), Coronavirus Relief Fund. Included in the County Executive's recommendations was a proposal to immediately provide \$25 million in CARES Funds to help provide basic needs to the community and to help sustain the County's non-profit partners. These funds are an important first step in ensuring that the County works to mitigate the impact on the most vulnerable residents and support the safety net providers.

While staff is still determining eligible expenses under the federal guidelines, the memorandum included several other potential uses of the CARES funds. One recommendation included in the memorandum was additional funding for Volunteer Fairfax to support the organization's emergency preparedness activities. The County has been tackling the ever-changing health needs with all the resources it has and will continue to maximize all federal and state resources to combat the pandemic in a strategic and comprehensive way. The April 29, 2020, memorandum outlined additional CARES funding in addition to the \$200 million targeted towards specific programs and recommends the appropriation of these awards.

Therefore, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the *FY 2020 Third Quarter Review* including:

- Approval of Supplemental Appropriation Resolution AS 19302 for FY 2019 adjustments to reflect the final audit
- Approval of Supplemental Appropriation Resolution AS 20190 and Amendment to the Fiscal Planning Resolution AS 20901 which include the revenue, expenditure and transfer adjustments, grant awards and adjustments, and associated reserve adjustments contained in the County and School's Third Quarter Review dated March 24, 2020, as well as the adjustments listed outlined in the *FY 2020 Third Quarter Review* update memorandum dated April 29, 2020, resulting in a \$0 available balance in FY 2020

- Creation of the Nonprofit Sustainability Program, as set forth in *FY 2020 Third Quarter Review* update memorandum dated April 29, 2020, and authorizing the County Executive, and County staff, to administer the Program

Supervisor Foust seconded the motion.

Discussion ensued regarding the following:

- CARES Act funds
- Public health needs
- Funds for non-profit partners
- Long-term care facilities

The question was called on the main motion and it CARRIED by a recorded vote of ten, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Gross, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, and Chairman McKay voting “AYE.”

Vice Chairman Gross returned the gavel to Chairman McKay.

FY 2021 Budget Mark-Up

Chairman McKay stated that when the County Executive released his proposed budget on February 25, 2020, staff was unaware the Coronavirus would soon become a global pandemic. COVID-19 has disrupted the everyday lives of Fairfax County residents, in many cases impacting their employment and their livelihoods. Residents are suffering, and it is imperative that the FY 2021 Budget recognize the challenges that residents are facing and the economic realities the County is confronting.

Fairfax County employees remain committed to serving residents while also caring for their children or elderly parents, adjusting to teleworking and social distancing challenges, and ensuring their own health and safety.

With the economic turmoil surrounding this pandemic and the uncertainties regarding how long it will continue, it is imperative that the County be cautious in its plans for FY 2021. The County Executive’s proactive decision to provide a revised FY 2021 Budget on April 7, 2020, makes the actions the Board is taking today much easier.

The revised budget released on April 7, 2020, significantly limited the number of adjustments recommended for FY 2021. Although the Board is disappointed not to be able to move forward with investments in affordable housing, environmental

initiatives, arts and cultural activities, the expansion of library hours, and early childhood opportunities, the deferral of these investments is necessary. Chairman McKay also noted disappointment that employee compensation adjustments were not included but remained hopeful that the County would be able to revisit employee compensation, as well as other deferred adjustments, at a future quarterly review.

Limiting expenditure adjustments in FY 2021 is required as the Board remains uncertain as to the extent to which County revenues will be impacted by this epidemic. It will be imperative that staff keep the Board apprised as revenue projections are refined, as these projections will help guide the Board's decisions as they revisit the FY 2021 Budget throughout the year. The County Executive recommended to eliminate all tax and fee increases that were originally included in the Advertised Budget. This was not an easy budget recommendation, but now is not the time to be increasing taxes on County residents. The Board has already rejected implementation of the proposed admissions tax through its actions on April 14, 2020. The action that the Board will take today will maintain the Real Estate Tax rate at \$1.15 per \$100 of assessed value, as well as hold sewer rates to the current rate.

Chairman McKay noted his appreciation for the cooperation from partners in Fairfax County Public Schools. In the revised Budget proposal, the proposed increase to the school operating transfer is greatly reduced, from an increase of over \$85 million to just \$7.3 million. It is during the most challenging times that partnerships are tested. The County and Schools have built a strong relationship over the past few years, and this spirit of collaboration will help both organizations emerge from this crisis successfully.

Chairman McKay stated he anticipated that the Board will entertain substantive changes as part of the *FY 2020 Carryover Review* in the summer, but the revised budget is a prudent approach in uncertain times.

Chairman McKay reminded the Board that most taxes and fees in the FY 2021 budget remain unchanged, including:

- Maintaining the Real Estate Tax rate at \$1.15 per \$100 of assessed value
- Maintaining the Refuse Disposal fee at \$68 per ton
- Maintaining the Leaf Collection rate at \$0.012 per \$100 of assessed value
- Maintaining Sewer Service Charges at \$7.28 per 1,000 gallons
- Maintaining the Sewer Service Base Charge at \$32.91 per quarter
- Maintaining the Sewer Availability Charge at \$8,340

- Maintaining the Stormwater Services district tax rate at \$0.0325 per \$100 of assessed value
- Maintaining the Phase II Dulles Rail Transportation Improvement District tax rate at \$0.20 per \$100 of assessed value
- Maintaining the Reston Service District tax rate at \$0.021 per \$100 of assessed value
- Maintaining the Tysons Service District tax rate at \$0.05 per \$100 of assessed value

This budget includes decreases regarding the following:

- The Route 28 Highway Transportation Improvement District tax rate from \$0.18 to \$0.17 per \$100 of assessed value per the recommendation from the Route 28 District Commission
- The Phase I Dulles Rail Transportation Improvement District tax rate from \$0.11 to \$0.09 per \$100 of assessed value per the recommendation from the Phase I District Commission
- The Refuse Collection fee from \$385 to \$370 per household. This rate decrease is consistent with the recommendation from the County Executive included in the April 20, 2020 memorandum to the Board based on the inability to provide yard waste collection during the pandemic

Chairman McKay noted that the Board will be adopting the FY 2021-FY 2025 Capital Improvement Program in June, so no action will be taken today.

Therefore, having provided public notice and conducted a public hearing as required by Virginia law, Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved approval of the FY 2021 Budget as Advertised, with the changes as outlined in the County Executive's FY 2021 Updated Budget Proposal in Response to the Coronavirus Pandemic, advertised changes to other taxes and fees including adjustments in the updated proposal, and required Managed Reserve adjustments. The tax and fee adjustments become effective on and after July 1, 2020, unless otherwise noted. These actions result in a balanced budget for FY 2021. Supervisor Foust seconded the motion.

Discussion ensued with Board Members providing remarks on the motion regarding the following:

- The impact of the COVID-19 pandemic
- Paid Family and Medical Leave

- Funding for Fairfax County Schools
- CARES Act funding
- Withholding reserve funds
- Tax rates
- Support for non-profits
- Equal taxing authority
- The Diversion First program
- Yard waste pick-up
- Fairfax County revenues
- Unemployment rate in Fairfax County

Supervisor Herrity asked unanimous consent that the Board direct the County Executive to find additional savings to hold the tax burden flat for the average homeowner. He provided a list of potential deductions to the Budget Vice-Chairman. Without objection, it was so ordered.

EA:ea

The question was called on the main motion and it CARRIED by a recorded vote of nine, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Gross, Supervisor Storck, Supervisor Palchik, Supervisor Smith, and Chairman McKay voting “AYE,” Supervisor Herrity voting “NAY”.

Vice Chairman Gross returned the gavel to Chairman McKay.

Budget Guidance for FY 2021 and FY 2022

Chairman McKay outlined the Budget Guidance for the upcoming FYs 2021 and 2022.

Residents, businesses, nonprofits, and employees are suffering under the strain of COVID-19. This includes job losses, challenges for the sustainability of employers, strains on the health system and the inability of families to pay for basic needs like food, housing, and healthcare. These impacts are being felt by many in the Fairfax County community who have traditionally been self-reliant. The funds provided by the Federal government, supplementing local County funds, have been focused on addressing these needs and the requirements for personal protective equipment to keep employees and residents safe and the technology necessary to facilitate

teleworking in support of social distancing while continuing to provide the services that are so important to the community.

In the context of these challenges, this budget is successful in recognizing that our employees are essential for the organization and the County to move forward. The clear goal of this budget is to protect jobs. While unable to include well deserved raises, which remains a top priority moving forward, the focus is on job retention, providing access to 6 weeks of administrative leave for all employees, making jobs more flexible, reassigning staff to needed functions, and minimizing hiring to focus on existing staff. Additionally, the Board is supportive of moving forward with the recommendation to implement 6 weeks of paid family and medical leave, consistent with the presentation made to the Board's Personnel Committee meeting on November 26, 2019.

The Board believes this budget appropriately responds to those concerns without exacerbating the real financial challenges of County residents. That being said, the priorities of this Board remain unchanged. Many were captured in the County Executive's February Advertised Budget. Many will continue to advance forward but without the significant investment that the original budget proposed. These include Affordable Housing, the Environment, Diversion First/Opioid Task Force initiatives, School Readiness, and the education of our students, in cooperation with Fairfax County Public Schools.

Specifically, Fairfax County will continue to press forward on housing preservation efforts and its existing pipeline of over 1,300 affordable homes in new construction projects. The County is also working on a variety of initiatives that will help stretch the resources it does have available by making the affordable housing work more efficient, including in terms of how the County makes investments and land use policy. As a result of this progress, there are continuing efforts to change the landscape of how affordable housing in Fairfax County is provided. Chairman McKay noted he was confident this Board would exceed the recommendations of the Affordable Housing Resources Panel.

On the environment, the Fairfax County Community-wide Energy and Climate Action Plan (CECAP) continues to move forward. The CECAP will include an updated greenhouse gas inventory for the county, along with emission reduction goals and strategies or actions community members can take to mitigate climate change at the local level. Fairfax County is also moving forward with its solar energy plans, green building policies, and resiliency and adaptation planning, among other initiatives.

The FY 2021 Budget that the Board of Supervisors will adopt on May 12, 2020, is based on what is known now about COVID-19. The Board will be very deliberate over the course of the coming months as more information is available to address requirements and respond to a changing dynamic. Staff will provide updates as needed including monthly reports regarding the status and utilization of stimulus funding and formal budget reviews in the summer, fall and winter/spring as

necessary. Specifically, a detailed look at the FY 2021 budget will occur at mid-year, as there is a clearer picture of the impacts of COVID19 at that time. This will also allow the Board to make further adjustments, if necessary, should the answers to some of the unknowns today be answered.

Finally, the heroic efforts of County staff and the ability of the community to pull together to respond to the challenge of COVID-19 has been inspiring. The Board commits to working with all in the community to seeing us through this challenge and emerging stronger and ready to move back to normal. The County will continue to monitor and respond to emerging health disparities and treatment gaps, ensuring that we target resources appropriately to meet the needs of all County residents, especially those most vulnerable. Additionally, the County must take the lessons that it is learning throughout this pandemic and apply those to how it works moving forward. The County has pushed to provide services more creatively, and safely, and it is imperative that we seize this moment to turn a negative crisis into positive change, helping the County become a more resilient organization in the long-term.

The budget guidance that the Board will approve today is just a starting point and is intended to provide context as Fairfax County continues through this period of economic uncertainty. As more is learned about the immediate and potential long-term impacts of this pandemic, there will be opportunities to provide more specific guidance to inform the FY 2022 budget development process. Therefore, relinquished the Chair to Vice-Chairman Gross and moved approval of the Budget Guidance. Supervisor Foust seconded the motion.

Supervisor Herrity moved a friendly amendment that the Board direct the County Executive to include as part of the Budget Guidance direction, an evaluation of the potential savings and impact of programs and positions, created in the last five years, in preparation for the next quarterly review. He further moved the Board direct the County Executive to provide recommendations on what costs can be deferred, eliminated, or reallocated. The motion died for lack of a second.

The question was called on the main motion and it CARRIED by a recorded vote of ten, Supervisor Walkinshaw, Supervisor Foust, Supervisor Alcorn, Supervisor Lusk, Supervisor Gross, Supervisor Storck, Supervisor Palchik, Supervisor Herrity, Supervisor Smith, and Chairman McKay voting "AYE."

Vice Chairman Gross returned the gavel to Chairman McKay.

5. **3:30 P.M. PUBLIC HEARING ON REZONING APPLICATION RZ 2018-PR-021 (GEORGELAS, LLC) TO REZONE FROM C-8, I-4 AND HC TO PTC AND HC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 4.05, LOCATED ON APPROXIMATELY 7.08 ACRES OF LAND**

AND

PUBLIC HEARING ON REZONING APPLICATION RZ 2018-PR-022 (GEORGELAS, LLC) TO REZONE FROM I-5, C-7, SC AND HC TO PTC, SC AND HC TO PERMIT MIXED USE DEVELOPMENT WITH AN OVERALL FLOOR AREA RATIO OF 4.73, LOCATED ON APPROXIMATELY 7.32 ACRES OF LAND (PROVIDENCE DISTRICT)
(12:00 p.m.)

(NOTE: The Board deferred these public hearings at the October 15, 2019, meeting until January 28, 2020, at 3:30 p.m. On January 14, 2020, the Board further deferred these public hearings to March 24, 2020, at 3:30 p.m. On March 24, 2020, the Board deferred these public hearings to May 5, 2020, at 3:30 p.m.)

Supervisor Palchik moved to defer the public hearing on Rezoning Applications RZ 2018-PR-021 and RZ/FDP 2018-PR-022 until **May 12, 2020, at 3:30 p.m.** Chairman McKay seconded the motion and it carried by unanimous vote.

6. **3:30 P.M. - PUBLIC HEARING ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-D-007-02 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD) TO AMEND THE PROFFERS FOR REZONING APPLICATION RZ 89-D-007, PREVIOUSLY APPROVED FOR PUBLIC USES TO PERMIT A TELECOMMUNICATIONS FACILITY AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN WITH AN OVERALL FLOOR AREA RATIO OF 0.24, LOCATED ON APPROXIMATELY 40.68 ACRES OF LAND ZONED R-3**

AND

PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2019-DR-012 (MILESTONE TOWER LIMITED PARTNERSHIP IV D/B/A MILESTONE; FAIRFAX COUNTY SCHOOL BOARD) TO PERMIT A TELECOMMUNICATIONS FACILITY, LOCATED ON APPROXIMATELY 40.68 ACRES OF LAND ZONED R-3 (DRANESVILLE DISTRICT) (12:00 p.m.)

Supervisor Foust moved to defer the public hearing on Proffered Condition Amendment Application PCA 89-D-007-02 and Special Exception Application SE 2019-DR-012 until **June 9, 2020 at 3:00 p.m.** Chairman McKay seconded the motion and it carried by unanimous vote.

7. **BOARD ADJOURNMENT** (12:02 p.m.)

The Board adjourned.