

## **Preliminary Draft 2021 Fairfax County Legislative Program**

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**(Note: New language added/revised after the November 17, 2020, public hearing is highlighted.)**

## Draft 2021 Fairfax County Legislative Program

Fairfax County and the Commonwealth have long maintained a strong partnership in promoting economic development. The County has created a strong business climate, with a fair and competitive tax structure, excellent schools, an educated workforce, and services and amenities that attract new businesses every year. The County has also placed an increased emphasis on social and racial equity through the establishment of One Fairfax, which commits the County and Fairfax County Public Schools (FCPS) to intentionally consider equity when making policies or delivering programs and services, because all residents deserve an opportunity to succeed. Both the Commonwealth and the County have benefited from this partnership.

**Unfortunately, it has been the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues to maintain essential services.** This poses a particular threat to economic development efforts, as state funding cuts in recent years, coupled with the impact of the recession and the unprecedented COVID-19 global pandemic on local revenues, threaten to destroy the very attributes that draw and retain businesses. Without solutions that provide funding to keep pace with the growth of Virginia's economy, the state is at risk of slipping in economic competitiveness.

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

## Priorities

### Funding Core Services

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

**Public education funding in the Commonwealth is enshrined in the Virginia Constitution as a joint responsibility of both state and local governments, so it is essential that the state fully and appropriately meet its Constitutional responsibility to adequately fund K-12 education. Unfortunately, the Commonwealth continues to allow critical, formula-driven gaps to persist between state funding levels and the actual costs to localities of providing a high-quality education, particularly in high cost-of-living jurisdictions like Fairfax County. Virginia’s state per pupil funding consistently ranks among the lowest compared to other states, shifting the fiscal burden to localities and continuing a discrepancy that has become increasingly untenable, particularly at a time when a global pandemic has placed unprecedented challenges on public education.**

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

The Boards strongly support:

- Addressing potential revenue and education funding shortfalls, including those due to reduced student population counts (or Average Daily Membership), resulting from the COVID-19 pandemic;
- Maintaining full funding for the biennial re-benchmark of Direct Aid to Public Education;
- Eliminating the support positions ratio cap, which has artificially lowered the state’s funding contributions for critical educational support positions by hundreds of millions of dollars annually since its adoption in 2009;
- Restoring full funding for a Cost of Competing Adjustment (COCA) for support personnel, a factor used in the state K-12 funding formula recognizing the competitive salaries required in high cost-of-living regions to attract and retain high-quality personnel;
- Increasing state funding support for school divisions with high numbers or concentrations of English learners (approximately 30 percent higher costs than general education), students living in economically disadvantaged households (approximately 10 percent higher costs than general education), and students receiving special education and mental health services (approximately 100 percent higher costs than general education);
- Realistic and appropriately funded Standards of Quality consistent with actual local staffing and costs and flexible enough to allow for variations in local staffing needs and capacity;
- Rejecting the use of weighted averages and other estimators designed to reduce the state’s share of public education costs when calculating average teacher salaries and other education costs;
- Recognizing cost of living variations throughout the Commonwealth in state funding formulas, in order to more accurately determine a locality’s true ability to pay; and,
- Increasing state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.

The Boards strongly oppose:

- State budget cuts that disproportionately target or affect Northern Virginia;
- State policies which divert K-12 education funding away from local public schools and toward non-public options; and,

- Structural cuts or formula/policy changes which impose unfunded mandates on localities, further weakening the partnership between the state and localities. *(Updates and reaffirms previous position.) (Position on average daily membership shared by the region. \*)*

## **2.) Regional Transportation Funding**

**The Commonwealth must fully restore funding to the Northern Virginia Transportation Authority (NVTA) in an amount equal to what was diverted, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding.**

The 2020 General Assembly (GA) successfully restored \$50 million of the \$102 million in annual regional transportation funding lost in order to partially address the funding diversion enacted by the 2018 GA. The 2018 action, which included funding and governance reforms for the Washington Metropolitan Area Transit Authority (WMATA) to enhance the safety, security, and efficiency of the system and its riders, addressed WMATA funding needs at the expense of other critical projects throughout Northern Virginia by diverting existing funding from NVTA to WMATA. Though the 2020 GA made significant progress towards restoring funding, efforts to mitigate the financial impacts of the COVID-19 pandemic have led to a delay in the imposition of some of the revenue streams, which will likely yield less revenue over the next few years than what was originally projected when the legislation was being considered. Additionally, receipts of the revenues created by HB 2718/SB 1716 (2019), which primarily provides funding for improvements to I-81 but also includes some new funding for the other transportation districts, have been far below original projections. Without additional action, it will be difficult for some projects to advance in the foreseeable future, and timelines for numerous existing County projects will continue to be affected. Several County projects have already been impacted, including: the Fairfax County Parkway widening, the Frontier Drive extension, the Davis Drive extension, and numerous bicycle and pedestrian projects throughout the County.

Further, it is essential that the regional and local transportation funding created by HB 2313 (2013), HB 1414/SB 890 (2020), and other legislation be maintained as originally intended. Major transportation improvements that provide benefits beyond Northern Virginia, such as WMATA state-of-good repair, the I-66 Express Lanes, and projects that create additional capacity across the Potomac River, should primarily be funded by the Commonwealth and the federal government. Diverting existing Northern Virginia transportation revenues for such projects (as was done for WMATA in 2018, to the detriment of numerous other projects) will significantly disrupt regional transportation planning and long-standing regional priorities, and must not be repeated. *(Updates and reaffirms previous position.) (Regional position.)*

## **3.) Transportation Funding**

**The Commonwealth should build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs.**

Statewide and regional funding generated by HB 1414/SB 890 (2020) and HB 2313 (2013) provided substantial new resources needed to significantly address the transportation needs of Northern Virginia and the Commonwealth. It is essential that this additional funding help ensure appropriate funding for new projects, state road maintenance (including funding for improved repaving, snow removal, mowing in the right-of-way, and stormwater management) and continued state assistance for local and regional transit systems (including the Fairfax Connector, the Virginia Railway Express, and WMATA). However, while HB 1414/SB 890 and HB 2313 moved the Commonwealth in the right direction, the impacts of the COVID-19 pandemic have changed transportation in unexpected ways and may lead to additional long-term transportation funding challenges.

- **Allocation of Statewide Revenues**
  - It is critical that Northern Virginia continue to receive its fair share of statewide revenues, as required by HB 2313, particularly in light of the Smart Scale process for prioritizing projects, the MERIT process for prioritizing transit capital and operating funding, and other funding programs and processes created over the past several years. Further, new transportation funding created since 2013 should continue to be used only for transportation purposes, as originally intended.

*\*The region generally consists of the localities comprising Planning District 8 – the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.*

- The 2019 GA provided helpful transition assistance in FY 2020 to aid transit systems that are projected to see a significant decrease in transit operating funds resulting from changes to distribution formulas (including an approximately \$1 million decrease in funds for the Fairfax Connector). The County supports metrics and improving the efficiency and effectiveness of transit, but it may be necessary to provide flexibility in implementation to address the COVID-19 pandemic and its impact to transit systems – transit ridership and farebox revenues have been greatly impacted by the pandemic, and using certain metrics could cause significant consequences in operating funding for systems throughout the Commonwealth. Additionally, it is essential that the methodology used addresses systems that provide different service types. For example, the Fairfax Connector provides several different types of service throughout the County (commuter routes along interstates, feeder routes to various Metrorail stations, and urban circulator routes in some of our activity centers), while many transit systems in the Commonwealth are less complex. This multifaceted approach to transit is extremely important to addressing the region's substantial traffic congestion, which is considered among the worst in the nation.
- The Virginia Department of Transportation's (VDOT) Northern Virginia District is only expected to receive 6.34 percent of the State of Good Repair funds in FY 2020. While 88 percent of all roads in Fairfax County are in Fair or Better Condition, only 44 percent of secondary roads meet this goal. This is a substantial improvement from the 2015 level (18 percent); however, more must be done as the County's secondary roads remain far below both the Commonwealth's average of 60 percent in Fair or Better Condition and the statewide target of 65 percent. Millions of people drive these roads every day, and the deteriorated pavement will only worsen unless additional funding is identified, or a greater portion of current funding is allocated to Northern Virginia.
- The County believes it is important that funding for the Revenue Sharing program be maintained and increased if possible. This program significantly leverages state transportation funds by encouraging local governments to spend their own money on transportation projects and has been essential in helping fund some of Fairfax County's major road and transit projects. Additional funding should be provided to the Revenue Sharing program to ensure that vital projects across the Commonwealth continue to advance.
- **Transportation and Economic Success** – The Commonwealth should provide funding assistance for the transportation needs of major employment centers to lay the groundwork for continued economic success. Fairfax County contains several major employment centers that generate public benefit for the County and the Commonwealth. These centers, such as Tysons, Springfield, Seven Corners, and Reston, must be sustainable, transit-oriented, and walkable communities to remain successful and accommodate predicted growth. These efforts will be especially important as Northern Virginia and the Commonwealth work to recover from the current pandemic. Many projects in the County's Transportation Priorities Plan (TPP) strengthen the County's major employment/activity centers, and it is important that the state and federal governments recognize their importance by helping to provide funding needed to complete these projects. It is also vital that the capacity needs across the Potomac River be addressed, including at the American Legion Bridge and Rosslyn Tunnel, to alleviate the existing congestion and ensure the movement of people and goods throughout this economically vibrant region. In this vein, the continued efforts in Virginia and Maryland to address American Legion Bridge capacity are a significant step forward. Such action is essential to the economic success of Fairfax County and the Commonwealth.
- **Virginia Passenger Rail Authority (VPRA)** – VPRA was created by HB 1414/SB 890. Though the bills allow the three members of the Board of Directors that represent the Northern Virginia Transportation District and the Potomac-Rappahannock Transportation District to be selected from a list recommended by the Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC), respectively, they are not required to be selected from those lists. Fairfax County believes it is vital that the Commonwealth continue to select the region's members from the list provided by NVTC, working to ensure a successful partnership between these two entities, as well as with VRE and the Northern Virginia localities that will be significantly impacted by actions undertaken by the new VPRA.

A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy, especially as efforts

continue to recover from the effects of the COVID-19 pandemic. Fairfax County, along with localities throughout the state, continues to provide millions of dollars in local funds for transportation each year, and the County and the Commonwealth must continue to work together to ensure that infrastructure needs are met, maximizing the long-term benefits to the transportation system. *(Updates and reaffirms previous position.)*

#### **4.) State Budget**

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

The funding challenge that Virginia localities continue to confront is that the Commonwealth never fully satisfies its funding obligations to shared state and local programs and services. As a result, even when the state economy is flourishing and revenues are growing, the gap between what the state should provide for critical services (including K-12, public safety, human services, transportation, and economic development, among others) and what it actually provides is simply too substantial to make up. And because the economic picture is often cyclical, when revenue challenges create a substantial impact, like the recession several years ago or the current global pandemic, the issue is compounded as the state shifts more of the fiscal burden to localities at a time when they can least afford it, allowing the gap to grow ever larger.

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

In addition to increasing funding for the County priorities of K-12 and Transportation, the 2021 GA should:

- Fully restore Cost of Competing Adjustment (COCA) funding for K-12 support positions in the 2020-2022 biennium budget **(the 2020 GA took an important step by partially restoring COCA at a higher level than has been funded in recent years, but that funding was ultimately unallotted due to the pandemic)** *(see also page 2).*
- Fully restore transportation revenues to NVRTA that were diverted to fund WMATA's capital funding gap for state of good repair and critical capital needs *(see also page 3).*
- Restore, or at a minimum provide level funding, for HB 599 law enforcement funding; if state funding had consistently increased with state revenues, as is required, Fairfax County would have received approximately \$74 million in additional funding over the past eleven years.
- Provide the necessary resources to allow Virginians experiencing the impacts of the COVID-19 pandemic to recover, including assistance for affordable housing *(see also page 14).*
- Support full, uninterrupted funding for implementation of STEP-VA (System Transformation, Excellence and Performance in Virginia), the Commonwealth's behavioral health transformation plan *(see also Human Services Issue Paper).*
- Ensure that Medicaid expansion, a top County priority, is not implemented in a way that creates an undue fiscal impact on Community Services Boards, particularly those in Northern Virginia.
- Provide additional state funding to increase Medicaid waiver rates and slots for individuals with developmental disabilities, to provide appropriate community services and ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement *(see also Human Services Issue Paper).*

State revenues have continued to fluctuate considerably in recent years, and the impact of the global pandemic led the GA to undo much of the positive progress that was included in the budget that passed during the 2020 session. However, localities are facing significant challenges as well, at the same time that needs have increased dramatically. The state must find ways to increase investments in K-12, human services, and other shared state and local programs after years of state underfunding. Now is the time for the state to focus on investments in critical core services that will continue to move Virginia forward. *(Updates and reaffirms previous position.)*

## **Governance**

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

### **5.) Local Authority**

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

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized. Local government revenues must continue to be diversified – the 2020 GA took a major step forward on this front with the passage of equal taxing authority legislation for counties and cities (though some restrictions on county taxing authority, like cigarette taxes, remain). Where possible, the state should continue to update state and local taxes to reflect changes in the economy or technology; avoid any new state mandates while fully funding current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes); and, avoid restrictions on local revenues.

Local land use authority must also be preserved. Historically, local governments have served as the level of government best suited to equitably and effectively deal with local land use issues. However, the most significant challenge to local land use authority in recent years was enacted by the 2016 GA, severely limiting proffer authority, which has long been used to ensure that new development or redevelopment is able to mitigate its impacts and address community concerns about such impacts. The negative statewide implications on residential development that followed led the 2019 GA to substantially alter the 2016 changes in ways that are helpful to local government, serving as an important lesson about the dangers of state intervention in local land use issues.

Instead of statewide land use decisions that do not reflect differences in localities throughout the Commonwealth, communities should be empowered to act through their locally elected governments to ensure orderly and balanced growth and development, allowing direct public participation and accountability in this critical process. Additionally, further restrictions on, and additional procedural hurdles for, local use of eminent domain are unnecessary and increase the cost to localities; Fairfax County continues to be extremely judicious and wholly appropriate in its very selective use of eminent domain.

Each level of government has unique strengths. However, **because Virginia is** a Dillon Rule state, local governments are significantly restricted in their authority, which impedes **their** ability to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities. Consumer protection is an example of an area in which local government is often better equipped to address local concerns. **Further, providing localities with increased flexibility to explore initiatives that promote clean air, energy efficiency,**

conservation, new investment in green construction, the establishment of green banks, tree preservation, reduced waste, recycling management and other critical measures could spur the development of innovative approaches that address the impact of global climate change on health and the environment and increase sustainability throughout the Commonwealth. Fairfax County has made considerable progress through existing local initiatives that could be significantly bolstered through enhanced local authority in this vital area.

At a minimum, the state should empower localities to solve their own problems by providing increased authority or discretion for services that have no compelling priority or impact for the Commonwealth, thus eliminating the need to seek permission for ministerial matters from the GA each year. Moreover, efforts to encourage the new “sharing economy” must balance such interests with those of the community, safeguarding local revenue sources and land use authority – the GA achieved that balance by providing new local authority for governing short-term lodging in residential areas, which Fairfax County utilized to allow short-term lodging with appropriate restrictions, after a process that included significant public outreach and discussion. Additionally, requiring that all bills with a local fiscal impact be filed by the first day of the GA session would allow localities the maximum time possible to highlight potential impacts as new legislation is considered. Furthermore, local governments must be included as full participants on any state commissions and study committees examining local issues, allowing for a more complete assessment of such issues and reflecting the governing partnership that must exist between the state and localities to ensure the effective administration of government. (*Updates and reaffirms previous position.*)



**Initiatives/Action Statements**

**Economic Development – Expanding Membership on the Fairfax County Economic Development Authority (FCEDA)**

Initiate legislation to increase the number of members on the FCEDA board from seven to nine. The FCEDA was created by state law in 1964, providing the County the authority to appoint seven members to the board. That number has not changed in the 50 years since the FCEDA was created, though Fairfax County has changed substantially during that time. The County has experienced tremendous growth, as has the local economy – the number and size of companies has increased, and businesses have expanded into new and diverse industry sectors. Increasing the size of the FCEDA board could further diversify participation from the County’s business community, while maintaining focus on the County’s traditional business base (including government contracting and IT services).

**General Government – Continuity in Government**

Initiate legislation to amend Virginia Code § 15.2-1413 to allow ordinances adopted to assure continuity in government to remain in effect for up to twelve months following a disaster. Current Virginia law allows such ordinances to remain in place for up to six months following a disaster. Prior to 2020, such emergency ordinances were generally envisioned to apply to natural disasters, or potentially terrorist attacks like September 11, which typically last a relatively short period of time before recovery and a return to normal government operations. The COVID-19 pandemic has led to a reexamination of the types of tools governments need to appropriately react to and recover from long-term, ongoing disruptions that threaten operations in ways that have not previously existed or been anticipated. The adverse effects and economic recovery from a disaster, especially a lengthy pandemic, may linger for longer than six months after the disaster has ended. Providing localities with this authority would allow additional time when necessary for residents and business owners to recover from the disaster before returning to normal government operations.

**Public Safety – Funding Formula for Commonwealth’s Attorneys’ Offices**

Initiate legislation to update and modernize the state’s funding formula for Commonwealth’s Attorneys’ offices to reflect the goal of improving the criminal justice system and policing. Historically, Virginia has dramatically underfunded the judicial system, instead relying on localities to ensure the efficient and appropriate administration of justice. The current formula for distributing the limited funding the state provides to Commonwealth’s Attorneys’ offices uses an outdated approach focused on felony indictments and sentencing events in Circuit Court – such an approach is antithetical to the goal of increasing diversion programs and utilizing specialty dockets (such as the ones used in Fairfax courts for mental health and veterans), which are aimed at keeping people out of the criminal justice system or keeping them from felony sentencing consequences. While diversion programs and specialty dockets require significant prosecutorial resources, a Commonwealth’s Attorney’s office does not receive state funding for that work because the formula does not account for it – in fact, the current formula essentially discourages such efforts. In addition to substantially increasing state funding for the judicial system overall, the establishment of a new funding formula would reflect the goal of providing support for efforts to create a more equitable criminal justice system, improving outcomes for the entire community.

## Position Statements

### *Environment*

#### **Global Climate Change/Environmental Sustainability Initiatives**

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

The basis for these efforts is Fairfax County's strategic direction and commitment to achieve environmental and energy goals, including those set forth in the County's 2017 Environmental Vision, 2009 Energy Policy, 2018 Operational Energy Strategy, and Comprehensive Plan.

After years of small advances in addressing global climate change and environmental sustainability, the 2020 GA passed legislation creating much more substantial change. Fairfax County supports building on these efforts by increasing incentives and opportunities for the expansion of renewable energy and energy efficiency initiatives in a number of ways.

- Net metering – Net metering programs, which allow eligible customers to offset their power consumption by selling self-generated renewable power back to the energy grid, have increased in popularity in recent years. The 2020 GA passed legislation allowing a large-scale net metering project in Fairfax County to move forward. As the benefits of such projects become more widely known, removing barriers to net metering for municipalities (including restrictions on the use of power purchase agreements (PPAs)) and consumers is critical.
- Power Purchase Agreements (PPAs) – PPAs can facilitate the adoption of renewable energy by reducing or eliminating the up-front costs of such projects, thus assisting in reducing greenhouse gas emissions and other forms of pollution. Legislation initially passed in 2013 authorized a limited pilot program for PPAs, subject to a variety of restrictions, including a cap on the total amount of generation from PPAs. The 2020 GA increased the cap to 500 MW for non-jurisdictional customers like the County, but careful monitoring will be needed to ensure the cap is not reached too quickly; ultimately, the County supports eliminating PPA caps altogether.
- Demand – Legislation requiring utilities to first reduce demand for electricity through energy efficiency, thereby decreasing the need for new fossil-fueled generation resources (i.e., an efficiency first requirement) is essential.
- State Tax Incentives – State income tax incentives for businesses or residents should defray a portion of the cost of new construction, **building improvements, or vehicle purchases**, which save energy and mitigate adverse environmental impacts.
- State Grants – Fund renewable energy grant programs and incentives to assist the development and growth of energy businesses and technologies, such as renewable distributed energy generation.
- **Building Code – Modernize state building code to increase energy efficiency and improve resilience to climate change impacts.** (*Updates and reaffirms previous position.*)

#### **Land Conservation**

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

The County also supports state incentives that promote donations to park authorities or associated foundations, the prioritization of the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use, **action to discourage the sale of invasive species**, and increased funding for the development and rehabilitation of park infrastructure, including trails, shelters, and fields. In addition to other benefits, the preservation of open space contributes to watershed protection, an important issue as the state works to reduce nutrient pollution in the Chesapeake Bay. (*Reaffirms previous position.*)

## ***Funding***

### **Courts**

**The Commonwealth should adequately fund Virginia's courts, to ensure a well-functioning judicial branch.**

The overall underfunding of Virginia's court system continues to place additional burdens on localities and the judicial system (for example, because the state does not fund all necessary interpreters for the Fairfax Juvenile and Domestic Relations District Court (JDRDC), Fairfax County uses a mix of local dollars and volunteers to provide interpreters for certain proceedings). Providing sufficient funding for the salaries of court personnel, including clerks, magistrates, Commonwealth's Attorneys, public defenders, district court employees, and probation office employees, among others, is a critical state responsibility, but for years the Commonwealth has ignored this obligation and failed to adequately fund court personnel in Fairfax County, instead relying on the County to ensure the efficient and appropriate administration of justice. As a result, the County provides substantial funding for additional personnel and salary supplements for state positions – for example, while the state Compensation Board provides only \$21.5 million for the Offices of the Circuit Court Clerk, Commonwealth's Attorney, and Sheriff, the County provides more than four times as much local funding (\$95.7 million) for personnel in these offices (state funding formulas often fail to account for the needs of large localities in particular). Additionally, the District Court Staffing Model, developed by the Office of the Executive Secretary of the Supreme Court, illustrates that the statewide district court staffing crisis has a profound impact on Fairfax County, with the General District Court (GDC) needing more than 21 additional positions and JDRDC needing more than 9 additional positions. Despite the temporary unallotment of funding due to COVID-19, the GA's recommitment to fund the 12<sup>th</sup> judgeship for the Fairfax GDC and additional positions for district court clerks during the 2020 special session is a step in the right direction. Moving forward, when reevaluating the need for judgeships and state funding for each court, the GA should consider the quantity of filed cases and qualitative factors (including interpreters, increases in population and commercial development, and cost of living).

Additionally, the criminal justice system is increasingly dealing with individuals with mental health and substance use disorder issues, which requires additional time and resources. In accordance with best practices, Fairfax County has increased focus on diversion programs (including a drug court, veteran's docket, mental health docket, and a supervised release program); however, such efforts require significant time and resources from court employees. At the same time, the formula used by the state to fund Commonwealth's Attorneys' offices must be updated to reflect the goal of improving policing – the current formula uses the number of felony indictments and sentencing events in Circuit Court as a major factor in funding, which is antithetical to the goal of increasing diversion programs and utilizing specialty dockets aimed at keeping people out of the criminal justice system or keeping them from felony sentencing consequences. The 2018 GA provided \$1.8 million statewide over the 2018-2020 biennium to expand drug courts and mental health dockets, but additional state support is needed for core services throughout the judiciary. *(Updates and reaffirms previous position. See also the Mental Health, Public Safety, and the Criminal Justice System position on page 15.) (The 2020 GA directed the Secretary of Public Safety and Homeland Security to continue the workgroup examining workload issues, as well as other fiscal and policy impacts, as a result of body-worn cameras. Commonwealth's Attorneys' offices in each locality that employs body-worn cameras are required to submit information on the program to the Compensation Board and the workgroup on a quarterly basis. A report was due to the money committees by November 15, 2020. The workgroup met on November 13, 2020, but at this time the money committees have not received the final report. Additionally, during the 2020 special session, the GA appropriated \$6.4 million GF over the biennium for the Virginia Department of Criminal Justice Services (DCJS) to administer a one-time grant program to assist law enforcement agencies in purchasing body-worn camera systems. This new grant program requires a dollar-for-dollar local match.)*

### **Economic Development and Diversification**

**Support a strong partnership between the Commonwealth and the County as Virginia's economy adapts to a changing fiscal landscape, with a focus on economic recovery and maintaining key economic assets.**

Virginia has historically been among the top states in the nation in per capita federal spending, and both the state and the County have benefited from significant federal investments in military and civilian employment, along with associated contracting industries. However, the effects of federal budget cuts and sequestration have had an enduring negative impact on County and state revenues, as high-paying professional and contracting jobs have been replaced by lower-paying jobs in the service sector. These challenges have been exacerbated by the current pandemic, which has created unprecedented impacts on the local economy. Some key sectors (particularly hospitality, entertainment, accommodation, retail, and food service) as well as small businesses (which account for the vast majority of establishments and a significant portion of jobs in Fairfax County), are facing acute fiscal crises, which are expected to continue through much of 2021. In addition, the pandemic may permanently alter the economic landscape and shift skillset demands, making it imperative to identify and grow new areas of opportunity through strategic investments across the skills development, entrepreneurship, and business growth continuum.

The County supports a multifaceted approach to positioning the County for future growth, including state investments and efforts to:

- Sustain pandemic-impacted sectors and implement economic recovery initiatives;
- Fully fund the Commonwealth's Development Opportunity Fund and one-time investments in unique opportunities;
- Continue GoVirginia funding with enhanced program structures;
- Protect existing federal facilities within the County, while encouraging additional federal expansions;
- Maintain an environment conducive to recruiting additional federal installations;
- Encourage regional and state collaboration on initiatives with an economic benefit to the County; and,
- Preserve and strengthen community assets (such as schools, transit, transportation, health care systems, vibrant public spaces, and affordable housing, among others) to encourage organizations to locate and expand operations in the County and to attract private investments.

**Support legislation to nurture high-growth businesses and entrepreneurship, enhance diverse participation in the economy, and create competitive places.**

Virginia and Fairfax County are already leaders in innovation and technology. Remaining at the forefront of an increasingly global economy requires harnessing those strengths and investing in economic diversification, including support for commercializing academic research and development, building upon private sector technological and research investments, supporting local entrepreneurs, and cultivating innovation training programs and a talent pipeline. The County and the Commonwealth must also continue to build vibrant, livable communities based on equitable development, place-based opportunities, and structures to allow for investment and implementation of smart community technologies and initiatives. Economic diversification also depends on ensuring diverse business owners are given the opportunity to participate in the economy. Minority and women-owned businesses are historically less likely to access financing, including angel and venture capital investment, or participate in public procurement opportunities, but they are key to future economic development efforts.

The County supports varied strategies to encourage future growth, including state investments and efforts to:

- Ensure a workforce equipped for emerging, high-growth industries (such as information technology and cyber) by providing **affordable and accessible**, critical learning opportunities for all ages and stages of development, from high-quality early childhood education programs to coordinated career and technical education training (such as dual enrollment and work-based learning opportunities) in K-12, and noncredit workforce training programs in higher education, including community college settings
- Explore and analyze opportunities for the deployment of blockchain technology at the local level;
- Provide the infrastructure and funding for business endeavors in smart community technology, particularly in mobility technology, sustainability, urbantech, and data analytics;

- Diversify the local economy by attracting new industries to Fairfax County, supporting businesses already located in the County, and encouraging innovation through the co-location of, and partnership with, research institutions, incubators, start-ups, and established businesses; and,
- Support structures to allow disadvantaged businesses to more fully participate in local procurement and business development opportunities. *(Updates and reaffirms previous position.)*

### **Jails**

**The Commonwealth should adequately compensate localities at a level commensurate with the state's responsibility for local jail operations.**

Local governments in Virginia have historically borne a disproportionate burden of supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. Jail per diem funding should be increased to levels that better represent the costs of housing inmates, and be adjusted for inflation so that payments keep pace with rising costs. The current rates of \$4 per day for local-responsible inmates and \$12 per day for state-responsible inmates are inadequate and represent an underfunded mandate on localities, as the actual daily cost of housing an inmate is approximately \$274. The County has made significant efforts in recent years to reduce the jail population, including through the Diversion First program (established in 2016), resulting in a decrease of 48 percent since FY 2008; however, state funding remains inadequate. In FY 2019, the state provided \$15 million in funding for the Fairfax County Adult Detention Center (ADC), but the actual cost of running the ADC that year was \$95.8 million. *(Updates and reaffirms previous position.)*

### **Libraries**

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

The COVID-19 pandemic created a unique impact on Fairfax County Public Libraries (FCPL), requiring the closure of the system to public visits for approximately 14 weeks while demand for digital content dramatically increased. More than 3.1 million in-person visits were made to FCPL in FY 2020, with nearly 9 million items borrowed (prior to the closure, compared to FY 2019, FCPL was on pace to record approximately 4.7 million visits and 11 million items borrowed). During that period, the library expanded its digital collection and pivoted to an all-online presence. Although the 2018, 2019, and 2020 GAs provided some additional funding, annual state aid to libraries has declined by nearly 4.7 million, or approximately 22 percent, since FY 2001. At a minimum, the state should avoid further reductions in aid. *(Updates and reaffirms previous position.)*

### **Water Quality Funding**

**Support budget action at the 2021 GA providing adequate state appropriations to the Water Quality Improvement Fund (WQIF) in order to ensure full and timely payments under point source upgrade contracts with local governments; also support continuation of, and increased funding to, the Stormwater Local Assistance Fund (SLAF).**

Fairfax County and local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). The state has made significant progress in providing funding in recent years, including deposits to WQIF of surplus funds and the establishment and funding of SLAF (between FY 2014 and FY 2021, the GA provided \$160 million in funding). For FY 2019, the County received approximately \$4 million in SLAF funds for stream restoration projects along Difficult Run Tributary and Turkey Run. This funding has contributed to improvements in the health of the Chesapeake Bay, as evidenced by increases in underwater grasses and oysters, but significant challenges remain. Meeting federal Chesapeake Bay requirements will require additional state assistance for urban stormwater needs (in 2017, the Senate Finance Committee estimated these costs to be \$19.7 billion by 2025), wastewater treatment plant upgrades, and water reuse facilities in the Chesapeake Bay watershed, particularly in light of the very ambitious goals set forth in the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort, and such funding must continue to increase if Virginia is to meet its commitments for the Chesapeake Bay. *(Updates and reaffirms previous position.)*

## ***General Laws***

### **Elections**

**Support legislation to promote equitable and efficient participation in elections, such as providing for extended polling hours statewide to allow voters additional time to reach polling places. Adequate state funding for election administration, voting equipment, and systems modernization and security is essential to this effort. Also support efforts to provide expanded flexibility during emergencies, allowing local election officials to prevent any potential disruptions to election administration.**

The 2020 GA took a major step towards increasing access to voting by passing legislation allowing no-excuse absentee voting for the entire absentee voting period, which Fairfax County has long supported. Legislation intended to enhance security regarding elections must be carefully analyzed to ensure that it strikes a balance between maintaining the integrity of elections while not discouraging the exercise of the franchise. Additionally, support greater state financial support for voting equipment, systems modernization and security, and election administration, including training for the local electoral board members, registrars, and elections officials. The unprecedented conditions surrounding the November 2020 election, which included a high-turnout Presidential election conducted amid a global pandemic, demonstrated the criticality of increasing flexibility to ensure that this fundamental element of the democratic process can proceed smoothly, even in unforeseen circumstances.

*(Updates and reaffirms previous position.)*

### **Paid Family and Medical Leave**

**Support paid family and medical leave for all employees in the Commonwealth.**

The federal Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Thirteen states and many cities have required mandatory paid sick days, while eight states and the District of Columbia have created paid family and medical leave programs. Unfortunately, Virginia does not require employers to offer paid family and medical leave, and even unpaid leave under FMLA is inaccessible to approximately 55 percent of working Virginians, either because they are ineligible for FMLA or cannot afford to take leave without pay. Paid family and medical leave allows workers to avoid having to choose between caring for their families and keeping their jobs.

Paid leave is also associated with increased health benefits, including better physical and mental health for mothers, a reduction in infant and child mortality, faster recoveries and shorter hospital stays for sick children, and increased time for adults to manage acute and chronic health conditions affecting them or older family members. Studies have shown that a lack of paid leave creates a disproportionate impact on women, because they are more likely to act as caregivers (60 percent of caregivers nationwide are women). The 2019 GA passed legislation providing eight weeks of paid leave to state employees, but all bills extending that benefit to private sector employees have failed. Offering paid leave improves business productivity by boosting employee morale and making it easier for businesses to retain skilled workers, which supports economic growth and benefits all Virginians. *(Reaffirms previous position.)*

## ***Health***

### **Alternative On-Site Sewage Systems (AOSS)**

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

Support legislation that would require sellers of residential property to directly disclose to prospective purchasers that an AOSS is on the property and that proper operation and maintenance is necessary, in accordance with applicable state and local standards and regulations. Support legislation that would provide localities with the authority to receive reports of periodic private sector inspections and to assist residential property owners to abate or remedy violations of laws regarding the operation and/or maintenance of such alternative systems. Oppose legislation that would further restrict local government authority to regulate the installation of these systems within the locality, including but not limited to, authority to ensure installation

according to approved designs and development plans, establish minimum setback distances and installation depths, and prohibit such systems within or near wetlands and other environmentally sensitive areas, unless such systems are approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating. *(Updates and reaffirms previous position.)*

### **Lyme Disease**

**Support funding initiatives that will advance research, surveillance, reporting, diagnostics, and treatment for Lyme disease.**

Cases of Lyme disease remain high in Virginia, with 744 confirmed and 395 probable cases reported to the Centers for Disease Control and Prevention in 2018. *(Updates and reaffirms previous position.)*

## ***Human Services***

### **Affordable Housing and Homelessness Prevention**

**Support state funding and actions to increase the availability of affordable housing options and prevent homelessness, including expanded investments in tools and programs to address affordable housing needs, particularly in high cost-of-living areas like Northern Virginia, and to mitigate evictions resulting from the economic impacts of the COVID-19 pandemic.**

Affordable housing is critically important for all Virginians, but obtaining it is particularly challenging in Northern Virginia, where housing is increasingly out of reach for low- and moderate-income earners. Fairfax County is already experiencing a deficit of 31,000 affordable rental homes, and the gap between the need and the supply will grow considerably without new approaches for expanding housing availability and affordability. It is anticipated that 15,000 net new units affordable to households earning 60 percent of area median income and below will be needed over the next 15 years. Development and preservation of affordable housing is most critical for small families and seniors.

The devastating economic effect of COVID-19 has exacerbated this looming crisis, placing many individuals and families at risk of eviction in Fairfax County, including communities of color who are disproportionately impacted by the pandemic. Prior to the pandemic, 45 percent of Fairfax County renters were already cost-burdened and spent at least 30 percent of their household income on rent. Cost-burdened renters who have lost jobs or had their incomes reduced as a result of the ongoing economic upheaval will face greater barriers in paying for housing, making them more vulnerable to evictions. While there has been some short-term rental assistance funding and moratoriums to prevent evictions, the pandemic's financial impact will have long-term and pervasive consequences. Therefore, **new** substantial and sustained federal and state investments in programs and resources that enable renters to keep their housing is essential in preventing an eviction crisis and a resulting surge in homelessness in the community. **Funding to mitigate the impacts of the pandemic on affordable housing must be in addition to the sizable resources already needed to address the existing affordable housing crisis in Northern Virginia.**

The Commonwealth should:

- Allocate sufficient funding to the Virginia Rent and Mortgage Relief Program so that all Virginia residents who cannot pay their rent due to COVID-19 can access the program. Not only does this program provide tenants with housing stability, but it also helps small landlords who are struggling to pay their mortgage due to uncollected rents. By continuing to support landlords, it will ensure that they are able to continue to offer affordable housing in our community.
- Increase funding to \$40 million in FY 2022 and retain the integrity of the Virginia Housing Trust Fund. This is essential to create and preserve affordable housing and reduce homelessness in Northern Virginia, where housing affordability creates substantial challenges for the economic competitiveness of the region, creating potentially negative impacts to the Commonwealth overall.
- Expand the pool of resources available for down payment assistance, as down payment costs are a major barrier to homeownership for low- and moderate-income earners.
- Enhance and create more state-funded rental assistance programs for individuals with disabilities and people experiencing homelessness, such as the Livable Homes Tax Credit, State Rental Assistance

Program (SRAP), Virginia Homeless Solutions Program (VHSP), and previously provided Housing Choice Vouchers.

- Increase funding for permanent supportive housing units (allocated based on the size of the population served) for individuals with severe mental illness, substance use disorder, and developmental disabilities. (*Updates and reaffirms previous position.*)

### **Mental Health, Public Safety, and the Criminal Justice System**

**Support sustainable funding, allocated based on localities' needs and population size, for public safety and mental health services that connect people who come into contact with the criminal justice system for low-level offenses to treatment.**

Law enforcement officers are often the first responders when an individual is in a mental health crisis; the Fairfax County Police Department received nearly 4,900 mental health-related calls from January – June 2020. Such calls can lead to incarceration for low-level offenses (trespassing, disorderly conduct), precluding the individual from receiving appropriate treatment in the community for underlying mental health issues. Additionally, it is significantly more expensive to deliver mental health services in a detention facility than to provide the same service in community-based residential or community-based care.

To address these critical issues, Fairfax County continues to utilize local revenues for “Diversion First,” which offers alternatives to incarceration for people with mental illness, substance use disorders, or developmental disabilities who come into contact with the criminal justice system. The program has already had a significant impact – since 2016 more than 2,000 people have been diverted from potential arrest. Additionally, since 2015 there has been a 10.8 percent decrease in the number of inmates at the Fairfax County Adult Detention Center with behavioral health issues, and a 55 percent increase in the number of inmates referred to the Fairfax-Falls Church Community Services Board (CSB). Though the average daily population has decreased since FY 2008, the medical complexities of inmates has increased, with complex substance use and mental health disorders becoming more common.

Successful expansion of Diversion First will depend on adequate state investments in mental health services (and accompanying court and public safety resources) to:

- Increase the availability of community-based crisis services, local psychiatric beds for people with mental health issues, reintegration services for youth and adults at high risk of rapid re-hospitalization or re-offending, and discharge planning (*see also Human Services Issue Paper*);
- Provide adequate funding for behavioral health call centers, crisis response teams (including the new Marcus alert system enacted during the 2020 special session), and crisis stabilization units, to connect individuals in need of treatment before a behavioral crisis begins or at the earliest possible stage of system interaction;
- Ensure the appropriate transition of behavioral health crisis calls between public safety, behavioral health call centers, and the future 988 mental health and suicide crisis hotline, a federal effort required to be in effect by July 16, 2022;
- Provide Crisis Intervention Team (CIT) and additional de-escalation training for law enforcement officers and dispatchers, and Mental Health First Aid training for Fire and Rescue, jail personnel, and health and human service organization staff to educate those interacting with individuals with developmental disabilities, substance use disorder, and mental illness;
- Improve the screening, assessment, and treatment of incarcerated individuals' mental health and substance use disorders by gathering uniform system level data;
- Support the expansion of specialty courts and dockets;
- Remove barriers in order to facilitate the exchange of health information of individuals among law enforcement, the court system, CSBs, health care providers, and families and guardians;
- Expedite the medical clearance process for individuals in need of psychiatric hospitalization;
- Increase funding of mental health services and substance abuse treatment for individuals who are incarcerated for offenses that make them ineligible for a diversion program; and,
- Remove barriers to community reentry by providing adequately funded forensic discharge planning and post-incarceration services. (*Updates and reaffirms previous position. See also the Courts position on page 10.*)



### **Substance Use Disorder**

**Support increased capacity to address the Commonwealth’s ongoing substance use disorder epidemic through community-based treatment (including detoxification, medication-assisted, residential, and intensive outpatient programs) and innovative efforts to limit the supply of opioids. Also, support coordinated strategies to meet the growing need for substance use disorder services that target specific high-risk age groups. In particular, innovative approaches to prevention (such as an e-cigarette tax) and nicotine addiction treatment are necessary to address the vaping crisis that is affecting teens and young adults at an alarming rate.**

Across Virginia, law enforcement and health care professionals continue to report a shocking number of fatal overdoses involving opioids – 1,626 in 2019, a 9.4 percent increase from 2018 – and the statewide rate of opioid overdose-related deaths continues to exceed the number of deaths due to motor vehicle accidents. In Fairfax County, opioids are the number one cause of unnatural death, with 83 opioid deaths in 2019, most of which involved fentanyl and/or heroin. Alarmingly, hospitals in the Fairfax Health District (including Fairfax County and the cities of Fairfax and Falls Church) reported a 39 percent increase in the number of emergency room visits for opioid overdoses (including heroin and non-heroin) in January-September 2020 compared to the same period in 2019. This serves as an early indicator that the opioid epidemic continues to profoundly impact Fairfax County amidst the COVID-19 pandemic, illustrating that adequate resources and innovative strategies are needed now more than ever.

Another concerning trend is the widespread use of e-cigarettes, which are the most commonly used tobacco product among youth today. Despite being fairly new, in 2020 more than 3.5 million American middle and high school students reported using e-cigarettes in the previous 30 days. In Fairfax County, among students surveyed in the 8th, 10th and 12th grades, more students reported vaping within a month of the survey date in November 2019 than using any other substances, and lifetime prevalence rates were high across all age groups (13.2 percent of 8th graders, 26.2 percent of 10th graders, and 37.3 percent of 12th graders). Though e-cigarettes became popular because they have been considered less harmful than regular cigarettes, the recent discovery of severe respiratory illness in otherwise healthy young people as a deadly complication of vaping has raised alarm throughout the US.

While the Commonwealth of Virginia has taken action to combat these issues, including efforts to control the supply of opioids and increase the age to purchase all tobacco products to 21, significant challenges still exist. Complementary strategies, including well-funded, sustained intervention and education efforts, should be designed to support teens and young adults, many of whom may require specialized care to combat addiction. An e-cigarette tax could be a particularly helpful prevention tool, as research shows taxing tobacco is one of the most effective ways to reduce use, especially among the youth population. The 2020 GA enacted legislation providing all counties with the authority to tax cigarettes at \$0.40 per pack (previously Fairfax County was one of two counties authorized to levy a tax on traditional cigarettes, though it was capped at the state rate of \$0.30 per pack). That authority should be expanded to also include e-cigarettes. *(Updates and reaffirms previous position.)*

## ***Land Use***

### **Proffers**

**Local authority to accept cash and in-kind proffers from developers must be preserved. Such proffers assist with providing necessary capital facilities and infrastructure to serve new development and maintain local community standards, in order to keep and improve quality of life and encourage and spur economic development.**

The 2016 GA enacted legislation sharply limiting local proffer authority, reducing the County’s ability to work with developers and local communities to ensure that new development or redevelopment mitigates its impacts and addresses community concerns about such impacts. Though the legislation was primarily intended to narrow localities’ proffer authority, it also restricted developers’ options to proffer an array of items to satisfy community concerns about a particular development by prohibiting localities from accepting proffers outside the bounds of the new requirements, even if developers offered them voluntarily. The 2016 law also hindered

a locality's ability to work cooperatively with a developer because of additional legal penalties if a locality "suggested" a proffer that could not be accepted, running counter to the collaborative environment that has been created in the County over many years. Though certain areas of Fairfax County were exempted from such requirements, there was a substantial decline in residential applications in non-exempt areas. The negative statewide impacts of the 2016 changes led the 2019 GA to enact substantial alterations to some of the most onerous aspects of the law, eliminating the potential legal liability for discussions between localities and developers and allowing localities to accept voluntary proffers from developers for a wide range of items. It will take time to assess the full impact of the 2019 changes, and to determine whether additional legislative changes are needed; however, the GA must avoid further restrictions on local land use authority, and proposals for replacing proffer commitments with development impact fees must be at the option of each locality. *(Reaffirms previous position.)*

### **Wireless Telecommunications Facilities**

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

The authority of local governments to determine the placement, construction, and modification of wireless telecommunications facilities, subject to certain restrictions, has long been established law. Regrettably, in 2018 the Federal Communications Commission (FCC) substantially reduced that local authority, imposing new restrictions on localities' ability to regulate small cell facilities. Unfortunately, in recent years the GA has also increasingly moved in the direction of restricting local land use authority over wireless telecommunications facilities, without requiring any expansion of service in return. In light of the FCC's 2018 ruling, any further action to overlay additional state restrictions on local land use decisions may create a confusing patchwork of regulations, and potentially eliminate the few remaining opportunities for community involvement in decisions about these facilities. The County strongly supports restoration of its land use authority to determine the appropriate location of wireless telecommunications facilities and balance the need for wireless service with the community's interest in protecting the character of neighborhoods. The County also supports restoration of its independent authority to set reasonable fees for wireless facility permits and to set fair compensation for access to its rights-of-way. *(Reaffirms previous position.)*

## ***Public Safety***

### **Accessibility**

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

Over 87,000 Fairfax County residents have a disability, which includes people with hearing, vision, cognitive, ambulatory, self-care, and/or independent living disabilities. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities since the passage of the Americans with Disabilities Act (ADA) 30 years ago, continued advancement is needed to ensure the protections offered by the ADA are strengthened. Continued access to affordable, accessible transit is more important than ever as people with disabilities and older adults seek to return to work and other daily activities during the COVID-19 pandemic. Additional affordable, accessible, integrated housing and transportation options, as well as support for Universal Design initiatives, allow people with disabilities to remain active, contributing members of their communities while retaining their independence and proximity to family and friends. *(Updates and reaffirms previous position.)*

### **Dangerous Weapons**

**Support legislation to address gun violence in Virginia through common sense gun safety measures that will help ensure a safe and resilient community.**

There have been numerous mass shootings across the United States, including at Virginia Tech in 2007 and more recently in Virginia Beach. In 2018, more than 39,000 Americans (including 1,038 Virginians) died as a result of gun violence, and in Virginia, more people were killed due to gun violence than died in car accidents. To address this critical issue, the 2020 GA passed substantial legislation to address gun violence, including

requiring universal background checks for any firearm sale, allowing for “extreme risk protective orders,” banning bump stocks, limiting child access to firearms, restoring Virginia’s “one-gun-a month” law, and allowing localities to prohibit the possession or carrying of firearms, ammunition, or components in public facilities. Fairfax County supports building on that success through legislation including:

- A ban on assault weapons, high-capacity magazines, and armor piercing ammunition; and,
- Authority for localities to ban the possession of pneumatic guns on school grounds, with an exemption for school-sponsored activities (pneumatic guns use pump action or carbon dioxide gas cartridges to fire explosives, often strongly resemble firearms, and can cause serious injury or death). *(Updates and reaffirms previous position.)*

## ***Taxation***

### **Communications Sales and Use Tax**

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

After lengthy negotiations, the 2007 GA repealed many local telecommunications taxes and replaced them with a statewide communications tax. The expectation at that time was that the new communications tax would grow, and localities would, at a minimum, receive the same amount of funding as they received in FY 2006 (\$85.5 million for Fairfax County). However, this tax has eroded and in FY 2020, the County only received approximately \$65.2 million. The 2018 GA exacerbated these concerns by diverting \$2 million per year of this local tax revenue to the state General Fund in the 2018-2020 biennium budget. Consequently, any consideration of formula changes must be avoided until and unless communications tax revenues increase sufficiently to ensure revenue neutrality for localities, as agreed upon when this compromise was reached. A 2015 report by the Virginia Department of Taxation found several reasons for the decline in Communications Sales and Use Tax revenue, including a decline in telephone landlines (down 21 percent between 2007 and 2014), a decline in gross receipts from satellite radio services (down 91 percent between 2007 and 2014), and exemptions in the current law for streaming audio and video services and prepaid calling services, which have become increasingly popular in recent years. These changes in market area, customers served, new technologies, and perhaps the rate itself must be examined to ensure a modern communications tax system for localities, which reflects and reacts to an ever-changing landscape. *(Updates and reaffirms previous position.)*

## ***Transportation***

### **Pedestrian and Roadway Safety**

**Support legislation that would allow signage related to the requirement that motorists stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less, and at unsignalized crosswalks in front of schools. Also support increased coordination between localities and the Commonwealth in the process for considering speed limits.**

The 2020 GA passed legislation which clarified the responsibilities of both drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year, a long-time County priority. Appropriate and clear signage is essential to ensure that motorists are aware of their responsibilities under the law.

**With many multimodal transportation options provided throughout Fairfax County and more concentrated growth, improving multimodal safety and access to transit facilities has become increasingly important. This can be achieved through infrastructure investments and better traffic safety laws, including more coordination with localities throughout the process for considering speed limits, as well as adequate sidewalk maintenance.** *(Updates and reaffirms previous position.)*

**Secondary Road Devolution**

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

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

# FAIRFAX COUNTY

## Draft 2021 Budget Fact Sheet

### State General Fund (GF)

In FY 2020, about 42% of the state GF provided aid to localities (down from 52% in FY 2009) and less than 29% of the GF provided funding for K-12 (down from 35% in FY 2009).

GF tax changes over the last two decades have more than neutralized 2004 tax increase:

- 2004 tax reforms raised about \$1.6 billion per biennium in new revenue.
- Since 1994, approximately \$3 billion per biennium in net state tax cuts and GF revenue reductions.

### State Budget Cuts

Virginia ranks 12<sup>th</sup> nationwide in per capita personal income, but 47<sup>th</sup> in state and local revenue as a percentage of personal income, making Virginia a wealthy, low-tax state.

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

Between FY 2009 and FY 2015, the GA required localities to return funds to help close the state budget shortfall, creating “local aid to the Commonwealth” and costing the County \$22.6 million.

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

Virginia ranks 40<sup>th</sup> nationwide in state per pupil funding, but when combining state and local per pupil funding Virginia jumps to 26<sup>th</sup>, relying heavily on local funding to ensure a high-quality K-12 system.

State K-12 spending per FCPS pupil was \$3,743 in FY 2019, while Fairfax County provided \$11,673.

Between FY 2013 and FY 2016, cuts to the Cost of Competing Adjustment (COCA) for K-12 support personnel in NOVA resulted in a loss of \$35.6 million to Fairfax County. The partial restoration of COCA in the 2016-2018 biennium budget translates to \$5.6 million in FY 2017 and \$5.8 million in FY 2018 for FCPS.

### Fairfax County/Regional Impacts

NOVA comprises approximately 27% of the state population, generates over 40% of state GF, and receives 21% of state GF appropriations.

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

Over 69% of the FCPS budget is funded by Fairfax County (the average district receives about 47% from its local government).

FCPS receives 25% of its budget from the state; the average funding share for other Virginia school divisions is 46%, due to the LCI.

Over 86% of the FCPS budget is for direct costs associated with providing instructional programs.

State funding to FCPS for salary increases in FY 2019 and FY 2020 totaled \$18.7 million – a small fraction of the \$116.5 million required to fund a 5% salary increase for all instructional and support employees.

For FY 2021, FCPS projects that nearly 59,000 students will qualify for free or reduced lunch (only 4 VA school divisions have more **total** students), over 36,000 students will receive English language education (only 6 divisions have more **total** students), and over 28,000 students will receive special education services (only 10 divisions have more **total** students).

In FY 2019, the state provided only \$15 million of the \$95.8 million needed to run the Fairfax County ADC. Jail per diem state rates of \$4/day and \$12/day for local- and state-responsible inmates, respectively, are far below the actual daily cost of housing an inmate (approximately \$274).

The state Compensation Board provides only \$21.5 million for the Fairfax County offices of the Circuit Court Clerk, Commonwealth’s Attorney, and Sheriff. The County provides more than four times as much local funding (\$95.7 million) for personnel in these offices.

### BPOL

Of approximately 40,300 businesses in the County that pay BPOL tax, 31% pay a flat tax averaging \$40, and another 31% pay an average of approximately \$553.

If Fairfax County’s BPOL tax was eliminated, the real estate tax rate would have to be increased by approximately 6 cents, or about \$348 per year for the average household, in order to replace the funding.

# FAIRFAX COUNTY

## Draft 2021 Transportation Fact Sheet

### Transportation Conditions

- Only 44% of secondary roads in Fairfax County have pavement in Fair or Better Condition. This is 16% lower than the statewide average of 60%, and significantly below VDOT’s target of 65%. This is a substantial improvement from the 2015 level (18%); however, significant additional investment is still needed.
- According to Texas Transportation Institute’s (TTI) 2019 Urban Mobility Report, the average commuter in the Northern Virginia and the Washington Metropolitan Region **endured delays of** 102 hours annually. This is nearly double the national average, and only two regions among the nation’s 494 urban areas ranked worse. The average commuter in this region wastes about 38 gallons of fuel annually due to congestion, which also ranks the region amongst the worst in the nation.
- According to NVTA’s regional plan, the TransAction Update, Northern Virginia commuters took 8.74 million vehicular trips and faced **over one** million person-hours of delay in 2016.
- Transit agencies provided approximately 81 million passenger trips in Northern Virginia on bus and rail in FY 2019. The Fairfax Connector operates approximately 90 routes across the County and provides **approximately** 8 million passenger trips each year to enable residents to access jobs, schools, grocery stores, and other destinations across the County and region.

### The Current Situation

- The 2020 GA restored \$50 million in annual regional transportation revenues to partially address the \$102 million annual diversion to the Washington Metropolitan Area Transit Authority (WMATA) enacted by the 2018 GA. Though the 2020 GA made significant progress towards restoring funding, efforts to mitigate the financial impacts of the COVID-19 pandemic have led to a delay in the imposition of some of the revenue streams. This will likely result in less revenue over the next few years than what was original projected when the legislation was being considered.
- Without additional action, it will be difficult for some projects to advance in the foreseeable future, and timelines for numerous existing County projects have been extended – several have already been impacted, including the Fairfax County Parkway widening, the Frontier Drive extension, the Davis Drive extension, and numerous bicycle and pedestrian projects throughout the County.
- It is essential that regional and local transportation funding created by HB 2313 (2013), HB 1414/SB 890 (2020), and other legislation be maintained as originally intended. Major transportation improvements that provide benefits beyond Northern Virginia, such as WMATA state of good repair, the I-66 Express Lanes, and projects that create additional capacity across the Potomac River, should primarily be funded by the Commonwealth and the federal government. Diverting existing Northern Virginia transportation revenues for such projects (as was done for WMATA in 2018, to the detriment of numerous other projects) will significantly disrupt regional transportation planning and long-standing regional priorities, and must not be repeated.
- The County continues to work with regional and state partners to improve and streamline project delivery, eliminating or reducing steps in the process.

Sample Fairfax County Project Costs*			
Traffic Signal	\$500,000	Road Widening Project	\$50-350 million
Major Interchange	\$100-300 million	Multimodal Transit Center	\$65 million
Intersection Improvement	\$3-5 million	Metrorail Car	\$2 million
Roadway Extension	\$60-120 million	Transit Bus	\$550,000
Pedestrian Project	\$1-3 million	Metrorail Parking Garage	\$55 million

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

Investments in transportation are necessary to ensure a modern, efficient, multimodal transportation system. This is essential to the Commonwealth and is intrinsically tied to the region’s continued economic success and ability to compete in a global economy. **This is especially true as efforts to recover from the effects of the COVID-19 pandemic continue.** Fairfax County, along with localities throughout the state, continues to provide **hundreds of millions in local funds for transportation each year, and the County and the Commonwealth must continue to work together to ensure that infrastructure needs are met.**