

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 13, 2021**

AGENDA

12:30	Done	Recognition of the 2021 Community Champions
12:30	Done	Matters Presented by Board Members
12:30	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 1045 Bellview Road, McLean, VA 22102 (Dranesville District)
2	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 2506 Fleming Street, Alexandria, VA, 22306 (Mount Vernon District)
3	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 3110 Covington Street, Fairfax, VA 22031 (Providence District)
4	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7704 Schelhorn Road, Alexandria, VA 22306 (Mount Vernon District)
5	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7821 Belvedere Drive, Alexandria, VA 22306 (Mount Vernon District)
6	Approved	Approval of a Traffic Calming Measure as Part of the Residential Traffic Administration Program (Providence District)
7	Approved	Authorization to Advertise Public Hearings on Proposed Amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of <i>The Code of the County of Fairfax, Virginia</i> (County Code) and Chapter 12 (Tree Preservation) of the Public Facilities Manual (PFM) Re: Resource Protection Area (RPA) Planting Requirements
8	Approved	Authorization to Advertise a Public Hearing on the Proposed Sale of Sewer Revenue Bonds, Series 2021A and Sewer Revenue Refunding Bonds, Series 2021B
9	Approved	Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Agritourism and Related Changes

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 13, 2021**

**ADMINISTRATIVE
ITEMS
(continued)**

- | | | |
|----|-----------------|---|
| 10 | Approved | Approval of Supplemental Appropriation Resolution AS 21281 for the Department of Family Services to Accept Grant Funding from Virginia Department for Aging and Rehabilitative Services as a Result of Funding Made Available through the Consolidated Appropriations Act, 2021 to Address the COVID-19 Pandemic for Supplemental Nutrition Programs Administered as Part of the Area Agency on Aging |
| 11 | Approved | Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Grant Funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for an Adult Drug Court Discretionary Grant Program |
| 12 | Approved | Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the U.S. Department of Health and Human Services for Supplemental Funding Associated with the Head Start/Early Head Start and Early Head Start Child Care Partnership and Expansion Grants for Cost-of-Living Adjustment |
| 13 | Approved | Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Rock Hill Rd Walkway (Sterling to Astoria) (Dranesville District) |
| 14 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6012 Pike Branch Drive, Alexandria, VA 22310 (Lee District) |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to Issue a Housing Blueprint Loan to Landings II Fort Belvoir LLC, in the Amount of \$3,000,000, to Finance the Acquisition of Landings II Ft. Belvoir, Alexandria, Virginia (Mount Vernon District) |
| 2 | Approved | Authorization to Execute a Funding Agreement with Landmark HHH, L.L.C. for the Implementation of Bus Stop Improvements at Little River Turnpike and Oasis Drive (Mason District) |
| 3 | Approved | Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds in an Amount Not to Exceed \$20,000,000 for One University Senior Apartments (Braddock District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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**ACTION ITEMS
(continued)**

- | | | |
|---|-----------------|---|
| 4 | Approved | Approval of a First Amendment to Memorandum of Understanding Between the Community Business Partnership and the Board of Supervisors to Administer the Fairfax County Small Business COVID-19 Recovery Microloan Fund |
| 5 | Approved | Approval of a Letter Endorsing the I-495 Northern Extension Express Lanes Project (Dranesville and Providence Districts) |

**CONSIDERATION
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Approval of the Amendments to the Bylaws for the Fairfax County Animal Services Advisory Commission (ASAC) |
| 2 | Approved | Amendments to the Fairfax County Child Care Advisory Council Bylaws |
| 3 | Approved | Amendments to the Fairfax County Commission for Women (CFW) Bylaws and Resolution |

CLOSED SESSION

Done Closed Session

**PUBLIC
HEARINGS**

- | | | |
|------|---|--|
| 2:30 | Approved | Public Hearing on SE 2020-MV-018 (Forest Glen Joint Venture, LLP) (Mount Vernon District) |
| 2:30 | Approved | Public Hearing on Proposed Zoning Ordinance Amendment to Establish the Wellington at River Farm Historic Overlay District, on a Proposed Comprehensive Plan Amendment PA 2020-IV-MV1, and on Rezoning Application RZ 2021-MV-001 (Mount Vernon District) |
| 2:30 | Deferred to 5/18/21
at 4:00 p.m. | Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Burke Road Realignment – Aplomado Drive to Parakeet Drive (Springfield District) |
| 2:30 | Approved | Public Hearing to Consider Adopting an Ordinance Expanding the Greenway Downs Residential Permit Parking District, District 13 (Providence District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
April 13, 2021**

**PUBLIC
HEARINGS
(continued)**

2:30	Approved	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Mount Vernon Memorial Highway Trail from George Washington's Gristmill Entrance to Southwood Drive (Mount Vernon District)
3:00	Approved	Public Hearing to Convey Board-Owned Property at 10033 Blake Lane to the Fairfax County Park Authority (Providence District)
3:00	Public Hearing held; decision deferred	Public Hearing on the FY 2022 Effective Tax Rate Increase
3:00	Public Hearing held; decision deferred	Public Hearing on Proposed Amendments to Section 67.1-10-2 of the Fairfax County Code Relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, Charges for Hauled Wastewater, and Clarification of the Intent Behind Base Charges Adjustments
4:00	Held; Public Hearing continued to 4/14/21	Public Hearing on the County Executive's Proposed FY 2022 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2022-2026 (CIP) (With Future Fiscal Years to 2031) and the Current Appropriation in the FY 2021 Revised Budget Plan

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12:30 p.m.

Recognition of the 2021 Community Champions

Board Agenda Item
April 13, 2021

12:30 p.m.

Matters Presented by Board Members

Board Agenda Item
April 13, 2021

12:30 p.m.

Items Presented by the County Executive

Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 1045 Bellview Road, McLean, VA 22102 (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 1045 Bellview Road, McLean, VA 22102 (Tax Map No. 020-3 ((01)) 005A).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the Spot Blight Abatement Ordinance for 1045 Bellview Road, McLean, VA 22102 (Dranesville District).

TIMING:

Authorization to advertise on April 13, 2021, with public hearing to be held Tuesday, June 8, 2021, at time of 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

The property has a lengthy case history dating back to December 14, 2016, when a complaint was received regarding a vacant and abandoned property. On December 21, 2016, an inspection was conducted by Department of Code Compliance staff. Based on that inspection, the structures were placarded as Unsafe, and Notices of Violation were issued to the property owner for property maintenance code violations. After repeated complaints by neighbors regarding trespassers, new notices were issued in September 2017. Failure to respond to the notices resulted in the case being forwarded to the

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County Attorney's Office for litigation. On May 11, 2018, a default judgement was entered, and since that time, over \$111,000 in fines have been assessed, with daily fines continuing to accrue. The property has been secured by both county forces as well as by the Qatar Embassy; however, trespassers have continued to break into and vandalize the buildings. On October 31, 2020, a fire occurred at the property, resulting in the total loss of the main structure.

Located on the subject property are several abandoned structures: the remains of the burned 3298 square foot stucco dwelling with a full basement, a 3552 square foot pool building, a 1320 square foot pool, a 576 square foot stable, and an 8600 square foot accessory building. The primary structure was constructed in 1985 but is now in a significant state of collapse, and further collapse is likely.

On December 10, 2020, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices to the owner of record, c/o the Embassy of the State of Qatar. In late December 2020, the owner engaged an attorney to assist him with this case; however, to date staff has not received a blight abatement plan for the property.

Due to the threat of collapse, the unsafe conditions, and the increasing deterioration of the structures, BAP staff has determined that the structures are not economically feasible to repair and recommends their demolition.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan, whose purpose as noted above, will be to demolish the structures. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure, as approved by the Board. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the

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April 13, 2021

demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$175,000.

It is anticipated that the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

Attachment 1
1045 Bellview Rd. McLean
Tax Map 020-3 ((01)) 0005A



Attachment 1
1045 Bellview Rd. McLean
Tax Map 020-3 ((01)) 0005A



Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 2506 Fleming Street, Alexandria, VA, 22306 (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 2506 Fleming Street, Alexandria, VA 22306 (Tax Map No. 093-1 ((09)) (02) 0505.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the Spot Blight Ordinance for 2506 Fleming Street, Alexandria, VA 22306

TIMING:

Authorization to advertise on April 13, 2021, with public hearing to be held Tuesday, June 8, 2021, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

The structure has a property maintenance complaint history beginning in October 2018 which resulted in litigation in May 2019. An inspection conducted by a property maintenance investigator on January 8, 2020, determined that the property was unsafe for occupancy, and the structure was placarded; however, the property owner repeatedly entered and occupied the dwelling. On September 15, 2020, by directive of the Maintenance Official, the property was secured by county personnel. The structure lacks normal maintenance to a point that there are major structural members

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compromised from years of water infiltration and neglect, and collapse is likely. The owner has made no attempt to abate the maintenance code violations and has not responded to the initial blight letter.

Located on the subject property is a 954 square foot brick dwelling constructed in 1951. The roof and floor system of the structure are deteriorated to the point of collapse.

On December 10, 2020, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices to the owner of record, at the address shown on the tax records. The owner has not responded to, or addressed the blighted conditions, and has not submitted a blight abatement plan for the property.

Due to the increasing deterioration of the structure, BAP staff has determined that that it not economically feasible to repair and recommends demolition.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan, whose purpose as noted above, will be to demolish the structure. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$41,000.

It is anticipated that the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

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ENCLOSED DOCUMENTS:

Attachment 1: Property Photograph

STAFF:

Rachel Flynn, Deputy County Executive

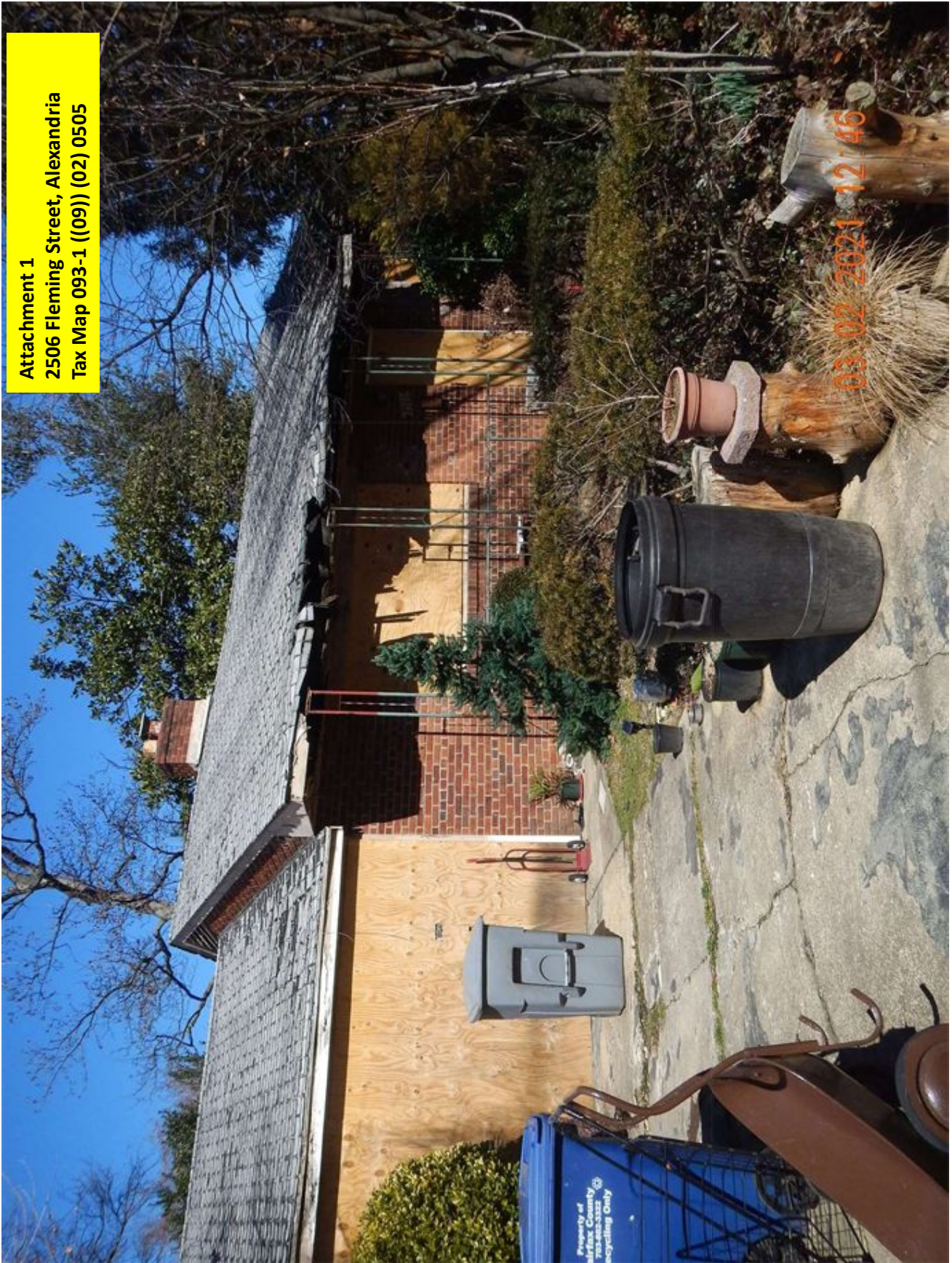
Jack W. Weyant, P.E. Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney



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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 3110 Covington Street, Fairfax, VA 22031 (Providence District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 3110 Covington Street, Fairfax, VA 22031 (Tax Map No. 048-4 ((01)) 0021).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on April 13, 2021, a public hearing to be held Tuesday, June 8, 2021, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

The property has a lengthy complaint history dating back to December 2016. Investigations of the property in September 2015 resulted in notices of violation being sent to the owners of record, and the case was referred to the blight program. The maintenance code violations were not prosecuted because of the inability to serve the owners, one of whom is deceased, and the other who resides outside of the United States. The structure was secured, the maintenance case was closed, and the blight case was closed as it did not meet the blight criteria at that time. On April 6, 2020, a new case was generated by concerns from the Police Department. Inspections

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revealed that the property had significantly deteriorated, was no longer secured, and was occupied by squatters. The dwelling was placarded, and notices of violation were sent to the property owners of record. In July 2021, the case was forwarded to the County Attorney's Office for litigation; however, the obstacle of serving the out-of-country owner had not changed.

Located on the subject property is an abandoned, 1,572 square foot masonry dwelling constructed in 1939. The structure lacks normal maintenance, with large holes in the siding and overhangs, exposing the structural members to the elements. The ceiling has collapsed, and the rear sliding door has been broken to allow entry to the structure and is lying inside the structure. The structure was posted as unsafe on April 20, 2020.

On December 10, 2020, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices to the owner of record at the address shown on the tax records. The owner has not responded to, or addressed the blighted conditions, and has not submitted a blight abatement plan for the property.

Due to the increasing deterioration of the structure, BAP staff has determined that that it is not economically feasible to repair and recommends demolition.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan, whose purpose as noted above, will be to demolish the structure. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition of the structure. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$47,000.

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It is anticipated that the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

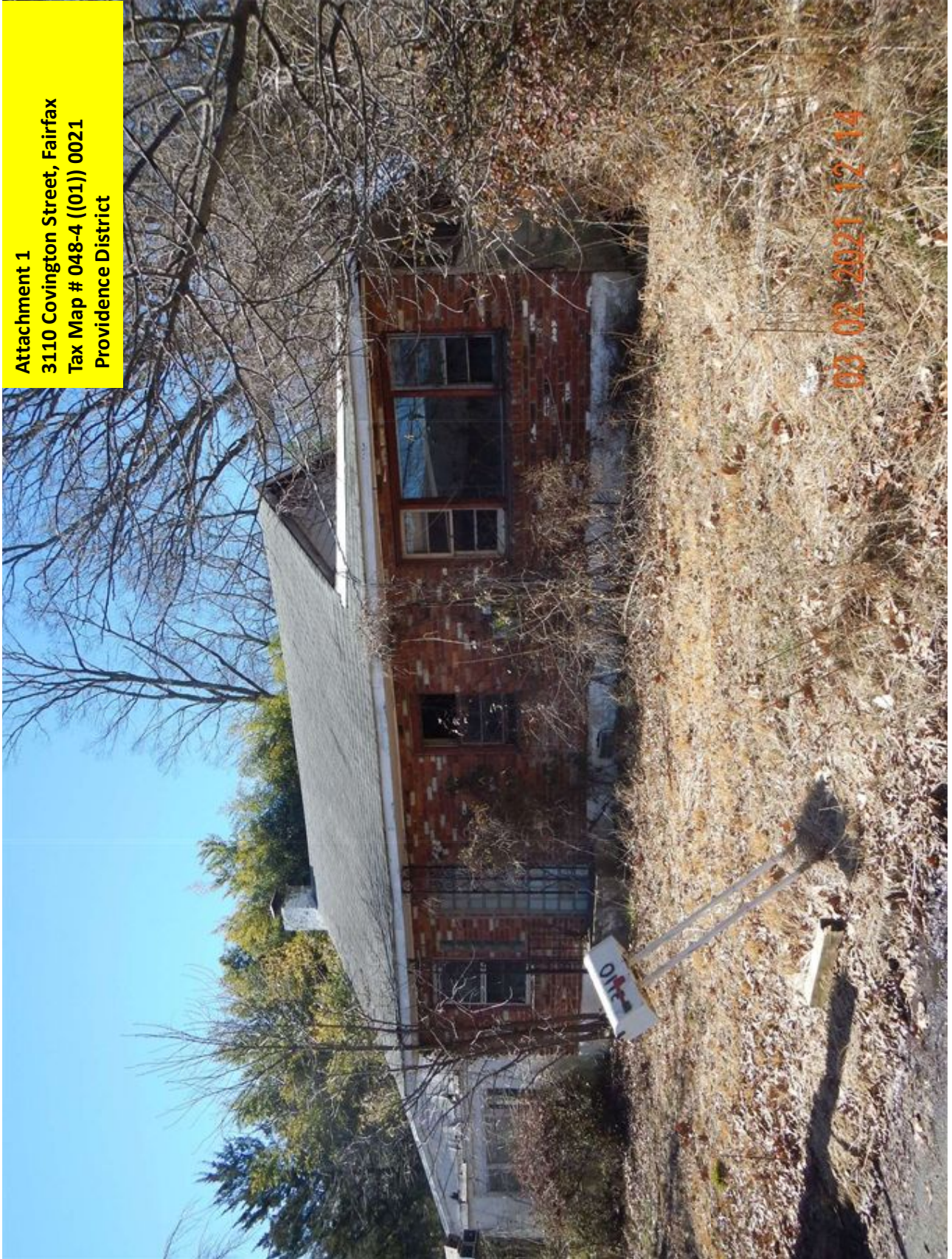
Karen McClellan, Operations Manager, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

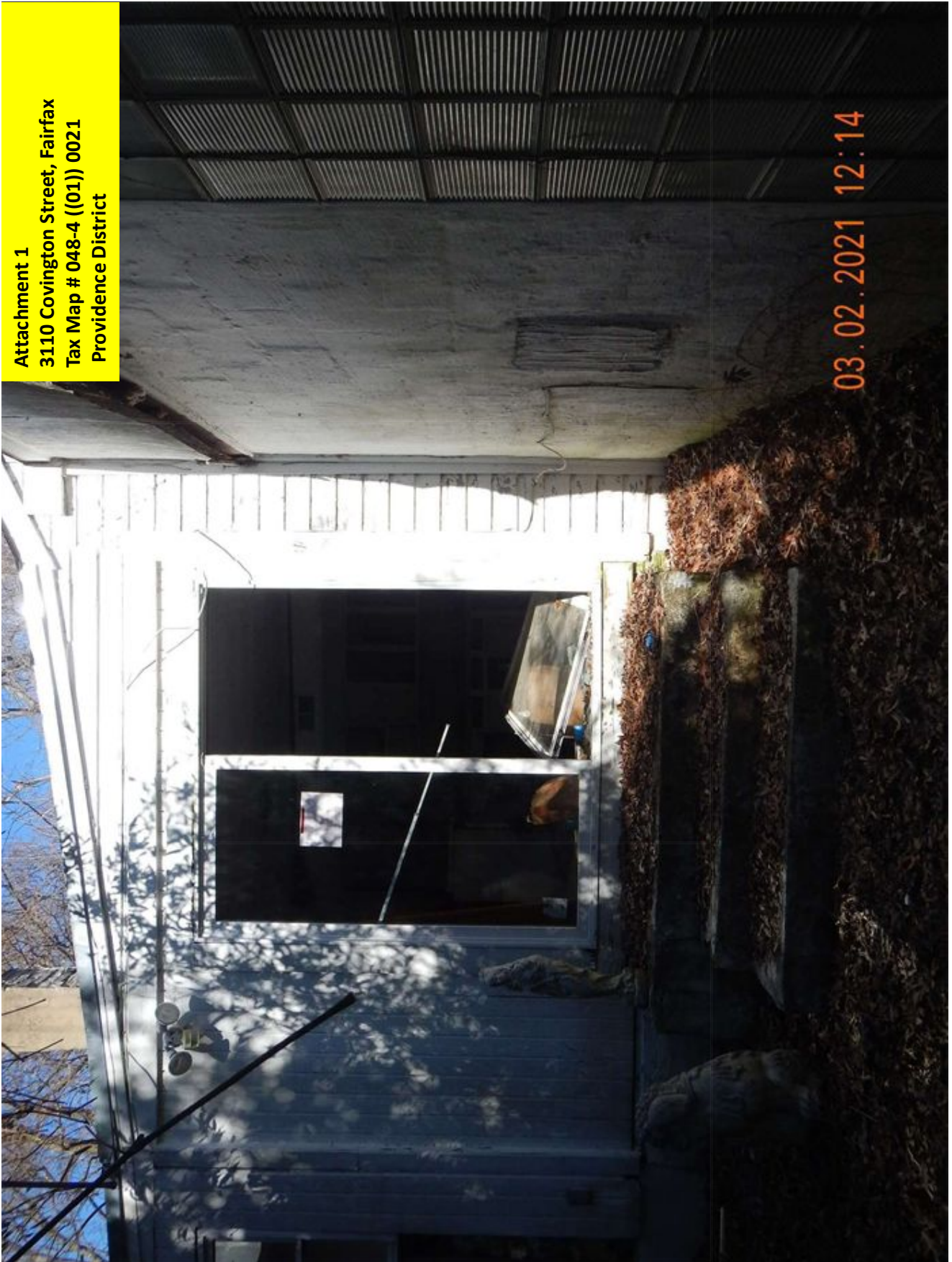
Paul Emerick, Senior Assistant County Attorney

Attachment 1
3110 Covington Street, Fairfax
Tax Map # 048-4 ((01)) 0021
Providence District



Attachment 1

3110 Covington Street, Fairfax
Tax Map # 048-4 (01)) 0021
Providence District



Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for
7704 Schelhorn Road, Alexandria, VA 22306 (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7704 Schelhorn Road, Alexandria, VA 22306 (Tax Map No. 102-1 ((07)) (07) 0500)

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on April 13, 2021, a public hearing to be held Tuesday, June 8, 2021 at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

On January 19, 2019, a fire occurred at this residential property, which resulted not only in the total loss of the dwelling, but also in the death of the property owner, whose body was found in the rubble. The dwelling was placarded as unsafe by the fire department and turned over to DCC as a property maintenance issue.

A maintenance code violation was issued to the owner of record in April 2019; however the notices were returned unclaimed and all subsequent attempts to locate a next of kin

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have been unsuccessful. By order of the Maintenance Official, a fence was installed around the burnt structure to secure it from the public.

Located on the property are the remains of the 1,002 square foot uninhabitable dwelling, and several outbuildings. A significant amount of debris is strewn about the property, the lot is overgrown, and the structures continue to deteriorate.

On December 10, 2020, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices to the owner of record, at the address shown on the tax records; however, notices have been returned unclaimed.

Due to the extent of damage from the fire, and increasing deterioration of the structures, BAP staff has determined that the structures are not economically feasible to repair and recommends their demolition.

It is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan, whose purpose as noted above, will be to demolish the structures. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure, as approved by the Board. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$40,000.

It is anticipated that the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

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ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

Attachment 1
7704 Schelhorn Road, Alexandria
Tax Map # 102-1 ((07)) (07) 0500
Mount Vernon District



Attachment 1
7704 Schelhorn Road, Alexandria
Tax Map # 102-1 ((07)) (07) 0500
Mount Vernon District



Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7821 Belvedere Drive, Alexandria, VA 22306 (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7821 Belvedere Drive, Alexandria, VA, 22306 (Tax Map No. 102-1 ((06)) 0018).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on April 13, 2021, a public hearing to be held Tuesday, June 8, 2021, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

The structure has been vacant for several years and the exact amount of time is not known. The current owner inherited the property in 2006 but has never lived there. The structure lacks normal maintenance as evidenced by the holes in the roof, siding and overhangs. The property maintenance code violations were cited in August 2019, have not been addressed, and the case was forwarded to the County Attorney's Office for litigation. A default judgement was entered on February 26, 2021. There has been no response to blight abatement staff, and no blight abatement plan has been submitted.

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Located on the subject property is an abandoned, 936 square foot wood frame dwelling constructed in 1950. The property has been neglected and the dwelling lacks normal maintenance. The lot is overgrown with vegetation growing onto the structure causing further deterioration of the structure.

On December 10, 2020, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices to the owner of record, at the address shown on the tax records. To date, staff has not received a blight abatement plan acceptable to the County. Due to the increasing deterioration of the structure, BAP staff has determined that the dwelling is not economically feasible to repair and recommends demolition. The NETF concurs in this recommendation.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan, which as noted above, will be to demolish the structure. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$43,000. It is anticipated that the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Board Agenda Item
April 13, 2021

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E. Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

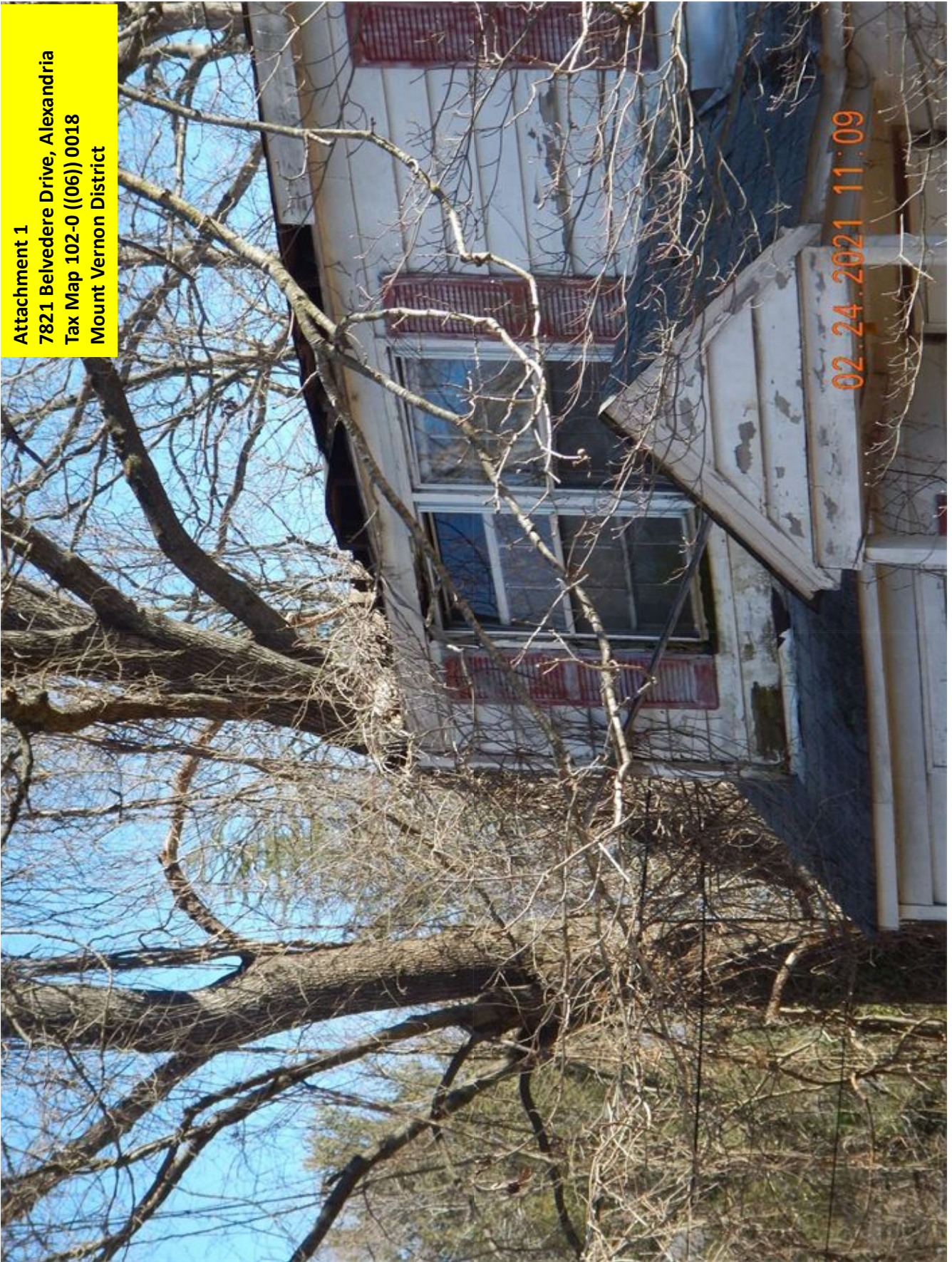
Attachment 1

7821 Belvedere Drive, Alexandria
Tax Map 102-0 (06)) 0018
Mount Vernon District



02/24/2021 11:09

Attachment 1
7821 Belvedere Drive, Alexandria
Tax Map 102-0 ((06)) 0018
Mount Vernon District



ADMINISTRATIVE - 6

Approval of a Traffic Calming Measure as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Board endorsement of a Traffic Calming measure as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plan for Beverly Drive (Attachment I and Attachment II) consisting of the following:

- One speed hump on Beverly Drive (Providence District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved traffic calming measure(s) as soon as possible.

TIMING:

Board action is requested on April 13, 2021, in order to allow the proposed measure to be installed as soon as possible.

BACKGROUND:

As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community.

On February 10, 2021, FCDOT received verification from the Providence District Supervisor's office confirming community support for the Beverly Drive traffic calming plan.

Board Agenda Item
April 13, 2021

FISCAL IMPACT:

Funding in the amount of \$8,000 is necessary to fund the traffic calming measure(s) associated with this traffic calming project. Funds are currently available in Project 2G25-076-047, Beverly Drive Traffic Calming, Fund 300-30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Beverly Drive
Attachment II: Traffic Calming Plan for Beverly Drive

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Deputy Director, FCDOT
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

RESOLUTION

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURE
BEVERLY DRIVE
PROVIDENCE DISTRICT**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, April 13, 2021, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the residents in the vicinity of Beverly Drive have requested the Providence District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Beverly Drive; and

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Beverly Drive indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

WHEREAS, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

WHEREAS, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

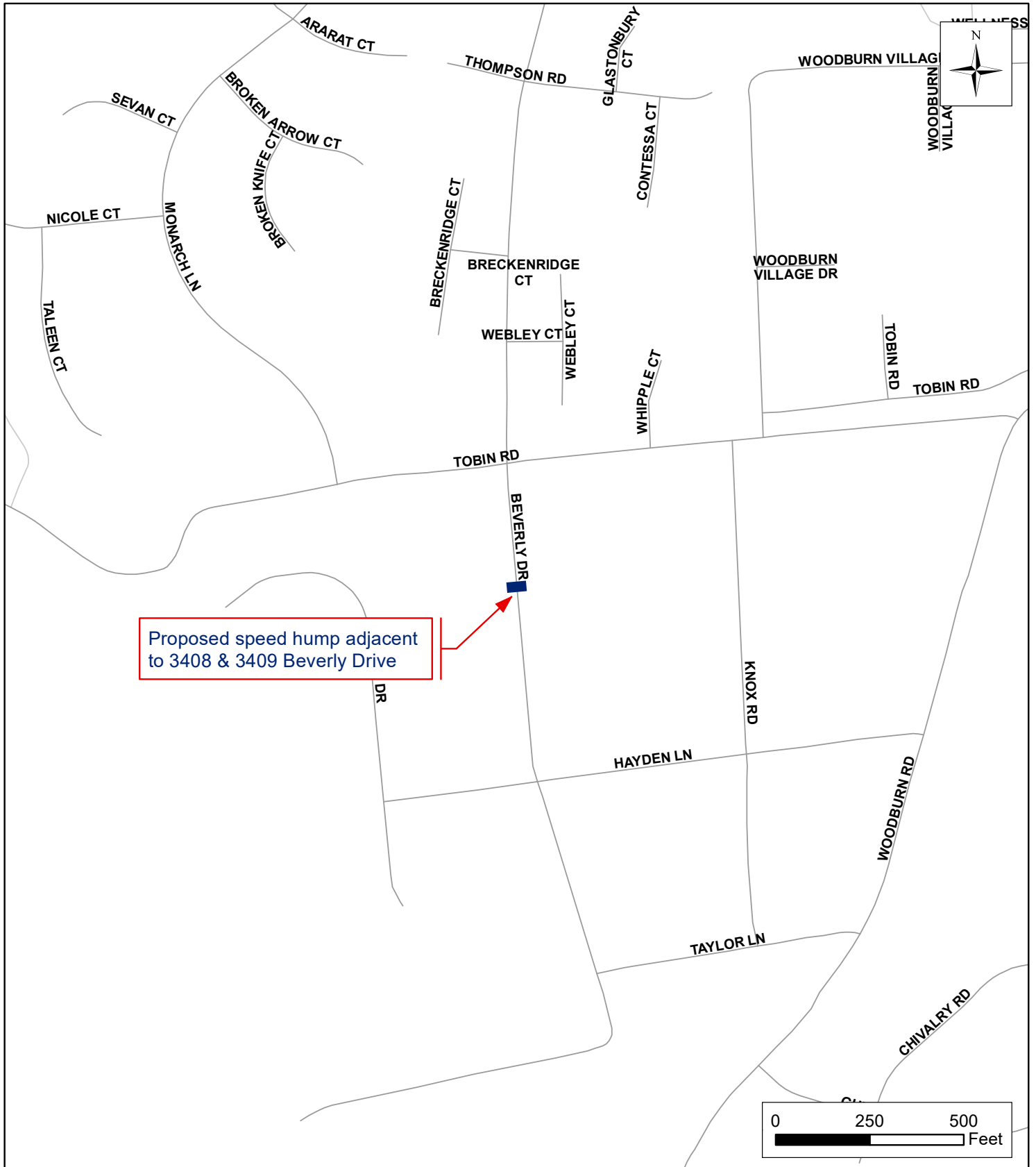
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Beverly Drive as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 13th day of April, 2021.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map:59-1

**Fairfax County Department of Transportation
Residential Traffic Administration Program
Traffic Calming Plan
Beverly Drive
Providence District**

March 2021



Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 7

Authorization to Advertise Public Hearings on Proposed Amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code) and Chapter 12 (Tree Preservation) of the Public Facilities Manual (PFM) Re: Resource Protection Area (RPA) Planting Requirements

ISSUE:

Board of Supervisors (Board) authorization to advertise public hearings on proposed amendments to the Chesapeake Bay Preservation Ordinance (Ordinance) and Chapter 12 (Tree Preservation) of the PFM that address planting requirements for RPAs. The amendments are necessary to update the requirements.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments as set forth in the Staff Report dated April 13, 2021.

The proposed amendments have been prepared by the Department of Land Development Services (LDS) in coordination with the Office of the County Attorney and the Department of Public Works and Environmental Services (DPWES). The proposed amendments have been recommended for approval by the Engineering Standards Review Committee.

TIMING:

Board action is requested on April 13, 2021, to provide sufficient time to advertise public hearings before the Planning Commission on May 12, 2021, at 7:30 p.m. and before the Board on June 22, 2021, at 4:00 p.m.

BACKGROUND:

Under the Ordinance, plantings are required to establish new RPA buffers, revegetate disturbed RPAs, and establish vegetated areas outside of RPAs to mitigate approved RPA encroachments. Section 118-3-2(d) of the Ordinance sets the following performance criteria for the buffer component of the RPA: "To minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life, a buffer area that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained, if present, and established where it does not exist." Both the Ordinance and the PFM include required planting densities for RPAs that satisfy the general performance criteria. The required

planting densities in the Ordinance and PFM are different and use different methods to determine the number of plants required. The proposed amendments reconcile these differences by revising the planting densities in the PFM and incorporating them into the Ordinance by reference.

In 2019, the Board authorized an amendment to the Ordinance that would have replaced the planting densities in the Ordinance with a requirement to meet the PFM requirements. At that time, the plan was to adopt the amendment to the Ordinance and then update the planting requirements in the PFM. However, the Planning Commission recommended that the amendment to the Ordinance coincide with an amendment to the PFM. At its public hearing, the Board agreed and directed that the amendment to the Ordinance be re-advertised with the related amendments to the PFM. These proposed amendments to the Ordinance and PFM have been prepared in response to the Board's directive. Guidance on application of the revised planting requirements and preparation of planting plans will be provided on the county's website.

The revised PFM standards were prepared in consultation with the Stormwater Planning and Urban Forest Management Divisions of DPWES. The revised PFM standards have been presented to the Board's Land Use Policy Committee, the Planning Commission Environment Committee, the Environmental Quality Advisory Council (EQAC), the Ordinance's Exception Review Committee (ERC), the Tree Commission, the Northern Virginia Builders Association, NAIOP, and the Engineers and Surveyors Institute (ESI). The Virginia Department of Environmental Quality (DEQ) has made a preliminary determination that the proposed amendments are consistent with the Chesapeake Bay Preservation Area Designation and Management Regulations (9VAC25-830).

PROPOSED AMENDMENTS:

The proposed amendments revise the current RPA planting requirements in the PFM, which are incorporated into the Ordinance by reference. The updated planting densities are based on local experience with DPWES stream restoration projects. Additional planting options and a reduction in the number of shrubs required will result in significant cost savings.

The proposed amendments:

- Eliminate existing differences between the Ordinance and PFM requirements.
- Consolidate all the RPA planting density requirements in one location, the PFM.
- Include requirements for each of the five planting components: 1) overstory trees; 2) understory trees; 3) shrubs; 4) permanent groundcover; and 5) temporary groundcover.

Board Agenda Item
April 13, 2021

- Include multiple options for the size of trees that may be planted to meet the requirements. As the size decreases, the number of trees to be planted increases.
- Reduce the caliper (diameter) of the largest size overstory tree option from 2 in. to 1.5 in.
- Reduce the caliper (diameter) of the largest size understory tree option from 2 in. to 3/4 in.
- Reduce the number of shrubs required from 1089 to 645 per acre.
- Require that all plants, except for temporary groundcover, must be native species.
- Require use of the Digital Atlas of Virginia Flora for identifying native plant species.
- Include a simplified procedure for computing 10-year tree canopy for areas planted in accordance with RPA planting density requirements.
- Reduce the caliper (diameter) of replacement trees for trees illegally removed from RPAs from 2 in. to 1.5 in.

The proposed amendments are discussed in more detail in the Staff Report (Attachment 1) and included as Attachments A and B to the Staff Report.

REGULATORY IMPACT:

The proposed amendments do not create any new regulatory requirements. The proposed amendments eliminate discrepancies between the Ordinance and PFM by establishing updated planting requirements in the PFM and incorporating them into the Ordinance by reference. They also provide additional guidance on implementation. The proposed amendments reduce the cost of compliance by reducing the number of shrubs required to be planted and providing additional planting options that use smaller sized trees.

FISCAL IMPACT:

Implementation of the proposed amendments will have no impact on the County budget.

ENCLOSED DOCUMENTS:

Attachment 1 – The Staff Report dated April 13, 2021, can be found online at:

<https://www.fairfaxcounty.gov/landdevelopment/sites/landdevelopment/files/assets/documents/pdf/pfm/staff-report-chapter-118-pfm.pdf>

Board Agenda Item
April 13, 2021

STAFF:

Rachel Flynn, Deputy County Executive

William D. Hicks, P.E., Director, Department of Land Development Services

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

ASSIGNED COUNSEL:

Marc E. Gori, Assistant County Attorney

Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing on the Proposed Sale of Sewer Revenue Bonds, Series 2021A and Sewer Revenue Refunding Bonds, Series 2021B

ISSUE:

Board authorization is needed to advertise a public hearing on the proposed sale of Sewer Revenue Bonds, Series 2021A in an estimated maximum amount of \$245,000,000 during the week of May 10, 2021. The proceeds from this bond Series will be used to fund a portion of the County's share of construction costs for Capital Improvement Programs (CIP) at the following Wastewater Treatment Plants (WTPs):

1. The County's Noman M. Cole, Jr. Pollution Control Plant (NMPCPP)
2. The District of Columbia Water and Sewer Authority (DCWASA) Blue Plains Advanced WTP
3. Alexandria Renew Enterprises (ARE) WTP
4. Arlington County's WTP
5. Loudoun Water's Broad Run WTP
6. Upper Occoquan Service Authority

Proceeds from this bond Series will also be used for upgrades to meet current environmental regulations, renovations, and replacements of aging System infrastructure, to purchase additional treatment capacity if needed by the Integrated Sewer System (System), and to fund required deposits to bond reserves. The proceeds from the Sewer Revenue Refunding Bonds Series 2021B will be used to refund a portion of outstanding sewer revenue bonds.

Per the Code of Virginia, the County must advertise and hold a public hearing before authorizing issuance of the Series 2021A bonds. Virginia law does not require advertisement of a public hearing prior to issuance of refunding bonds, however, because both Series of Bonds will be part of one deal, and for administrative efficiency, staff recommend including the Series 2021B refunding bonds as part of the proposed public hearing.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish advertisement of a public hearing on the proposed sale of Sewer Revenue Bonds Series 2021A and Sewer Revenue Refunding Bonds Series 2021B to be held on May 4, 2021, at 3:30 p.m.

Board Agenda Item
April 13, 2021

TIMING:

Board approval is requested on April 13, 2021, to provide sufficient time to advertise the proposed Public Hearing on May 4, 2021, at 3:30 p.m.

BACKGROUND:

On March 19, 2021, County staff provided a Not in Package (NIP) to the Board in advance of this Administrative Item and two related Action Items planned for the May 4, 2021 Board meeting. The NIP provided a comprehensive overview of the plan of finance for the Sewer Revenue Bonds Series 2021A, Sewer Revenue Refunding Bonds Series 2021B, and a Resolution approving the form of proposed amendments to the Sewer 1985 General Bond Resolution. The following information summarizes the details provided in that comprehensive overview.

County staff are recommending the Sewer Fund pursue a new money bond sale (Series 2021A) to finance \$230 million of capital projects over the next several years, and an estimated \$10 million deposit to the Sewer Debt Service Reserve Fund. The last time the Sewer Fund conducted a new money bond issue was in 2017 for \$86 million. As these funds have now been nearly exhausted, the System needs to replenish its coffers to have ample funding on hand to meet its increasing capital project requirements. County staff have included in the current fiscal year the appropriation for the bond proceeds, the estimated debt service payments, and the required deposit to the debt service reserve fund. Staff recommend Board adoption of an authorizing resolution that will incorporate a maximum amount of \$245 million to provide for flexibility of the timing and potential market changes between Board approval and the actual date of the bond sale.

In addition, based upon market conditions as of March 4, 2021, staff recommend that the Sewer Fund pursue a tax-exempt current refunding bond sale of \$28.625 million of the Series 2012 bonds to generate net present value savings of \$8.4 million or 29.3 percent of the refunded bonds. Actual savings will be dependent upon market conditions at the time of the bond sale. The proposed Series 2021B resolution will also authorize the potential refunding of additional series of outstanding Sewer Revenue Bonds, including the Series 2014, Series 2016, and Series 2017. While they do not generate savings under current market conditions, the County would be positioned to capture those savings if future market conditions change. The total maximum amount of refunding bonds in the Series 2021B resolution, including the Series 2012, will reflect \$300 million for refinancing flexibility. The term of this bond resolution allows for these bonds to be refunded on or before June 30, 2022.

Staff will also be submitting an Action Item on May 4, 2021, that recommends adoption of a Resolution approving the form of proposed amendments to the Sewer 1985

Board Agenda Item
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General Bond Resolution and authorizing the County Executive and Chief Financial Officer to solicit bondholder consent for the amendments as required by the General Bond Resolution. The primary amendment seeks to remove the Debt Service Reserve Fund (DSRF) requirement for Sewer bonds. The DSRF may only be used if System revenues are insufficient to pay debt service. Given the strong financial status of the Sewer Fund and its Triple A Bond Ratings, the County's Financial Advisor has recommended a process to release the funding requirement of the DSRF. Board consideration of this Action Item is timed to coincide with authorization of the Series 2021A and 2021B bonds so that the County can solicit consent to the proposed amendments as part of the bond sale process. Additional information on this request was referenced in the NIP provided to the Board and will be included in the Action item to be submitted for the May 4, 2021 Board meeting.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Sewer Bond Sale Advertisement

STAFF:
Joseph Mondoro, Chief Financial Officer
Rachel O'Dwyer Flynn, Deputy County Executive
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Ellie Coddington, Deputy Director, Stormwater and Wastewater Division, DPWES
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES
Anand Goutam, Financial Manager, Wastewater Management, DPWES
Christina Jackson, Director, Department of Management and Budget
Joseph LaHait, Debt Manager, Department of Management and Budget

ASSIGNED COUNSEL:
Emily Smith, Assistant County Attorney

**FAIRFAX COUNTY NOTICE OF A PUBLIC HEARING ON THE SALE OF
SEWER REVENUE BONDS SERIES 2021A and Series 2021B**

NOTICE is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on:

**Tuesday
May 4, 2021
Commencing at 3:30 p.m.**

in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the matter of the sale of Sewer Revenue Bonds Series 2021A and 2021B. **The Fairfax County Board of Supervisors' meeting may be held electronically due to the State of Emergency caused by the COVID-19 pandemic as noted below and is available to view live on Channel 16 and stream live online at www.fairfaxcounty.gov/cableconsumer/channel-16/live-video-stream.** Live audio of the meeting may be accessed at 703-324-7700. *Please contact the Office of the Clerk to the Board at (703) 324-3151 or ClerktotheBOS@fairfaxcounty.gov, or review on-line at www.fairfaxcounty.gov/boardofsupervisors/2021-board-meetings at least one week prior to the meeting for additional information on the status of the meeting (in person or electronic).*

The proceeds of the sale of the Series 2021A Sewer Revenue Bonds will primarily be used to support capital improvement projects at certain Wastewater Treatment Plants that provide wastewater capacity to the Integrated Sewer System (System). The bond proceeds can also be used for additional capital needs of the System.

The bond sale is expected to occur the week of May 10, 2021. It is estimated that the Series 2021A Resolution will include a maximum bond amount of \$245,000,000 to fund project costs. In addition to the project costs, the Series 2021A bonds will finance a deposit to the Debt Service Reserve Fund, which is currently required by the legal documents governing the sale of the County's sewer revenue bonds, and will finance the costs of issuing the bonds. The proceeds of the Series 2021B Bonds will be used to (i) refund certain of the outstanding sewer revenue bonds issued by the County and (ii) pay the costs of issuing the 2021B Bonds.

All persons wishing to present their views on these subjects may call the Office of the Clerk for the Board at 703-324-3151, or register online at www.fairfaxcounty.gov/clerkservices/ to be placed on the Speakers List, and may appear and be heard via telephone or pre-recorded video. Deadlines by type of testimony are on the website. If the Board is meeting in person at the Government Center, speakers may also attend and testify in person. In addition, written testimony and other submissions will be received at 12000 Government Center Parkway, Suite 552, Fairfax, 22035 and ClerktotheBOS@fairfaxcounty.gov. As required by law, copies of the full text of proposed ordinances, plans and amendments, as applicable, as well as information concerning the documentation for the proposed fee, levy, or increase, are on file and may be examined at the Office of the Clerk to the Board of Supervisors, Suite 552 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. For the convenience of the public, copies may also be distributed to the County's Regional and Community Public Libraries.

Fairfax County supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a County program, service, or activity, should contact the ADA representative in the Clerk's Office, 703-324-3151, TTY: 703-324-3903, as soon as possible but no later than 48 hours before the scheduled event.

GIVEN under my hand this ____ day of April 2021.

Jill G. Cooper
Clerk for the Board of Supervisors

Ad Run Dates: April 16 and April 23

Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 9

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance
Amendment Re: Agritourism and Related Changes

ISSUE:

The proposed amendment to the Zoning Ordinance includes changes that will establish a definition for agritourism, provides a tiered approach to regulating agritourism activities, and includes associated standards related to agritourism uses. The amendment also updates the definition of agricultural operation; expands regulations for a bed and breakfast when in association with an agricultural operation; clarifies and expands the regulations for wayside stands including the size and products to be sold; permits farm worker housing as an accessory use to an agricultural operation; and, allows food trucks in association with an agritourism use, farm winery, limited brewery, or limited distillery with appropriate standards.

RECOMMENDATION:

The County Executive recommends the authorization of the proposed amendment by adopting the Resolution set forth in Attachment 1.

TIMING:

Board action is requested on April 13, 2021, to provide sufficient time to advertise the proposed Planning Commission public hearing on May 12, 2021, at 7:30 p.m., and the proposed Board of Supervisors public hearing on June 8, 2021, at 4:00 p.m.

BACKGROUND:

The proposed amendment addresses agritourism, which was identified as a First-Tier item on the 2020 Zoning Ordinance Amendment Work Program (ZOAWP). The Agricultural Districts and Uses topic has been listed on the ZOAWP since 2015, however sub-topic specificity was added in 2017. The changes related to agritourism are prompted by local farms within the County that are looking for economic opportunities associated with agritourism to support their agricultural business and allow the conservation of agricultural land and were also prompted by requests from citizens who are concerned about the impacts of these types of activities. The regulation of agritourism is heavily influenced by the Code of Virginia (the Code). Section 15.2-2288.6 of the Code states that agritourism activities are permitted by right in association with an agricultural operation unless there is a substantial impact to the

Board Agenda Item
April 13, 2021

health, safety, or general welfare of the public. The Code does not provide any criteria to be used to measure whether an agritourism activity has such a substantial impact. Therefore, the Zoning Administrator has been reviewing proposals for agritourism activities on a case-by-case basis through the use determination process. Establishing standards in the Zoning Ordinance will provide a more predictable and consistent approach to regulation of these activities, not only for agritourism providers, but also for their neighbors.

Therefore, as laid out more fully in that attached staff report, the proposed amendment establishes a definition of agritourism, including a list of permitted types of agritourism activities, and appropriate standards that address the number of attendees permitted per day on a tiered basis. Four tiers are proposed for agritourism uses with each tier having an associated acreage range and a total number of attendees permitted by right per day. The number of attendees permitted increases with increased acreage as larger land area can accommodate a larger number of people. *(Options have been included to allow the Board to consider a range in the number of attendees permitted in each Tier.)* Parking for all agritourism activities is proposed to be required on the same lot as the agricultural operation and not located on the public rights-of-way to reduce the impact to those on the roadways and to promote safety when engaging in agritourism activities.

In addition to addressing agritourism, staff recommends adopting a selection of related changes. The proposed text changes are based on the Zoning Ordinance Modernization (zMOD) Public Hearing Draft dated February 17, 2021. Additions made as a part of this amendment are underlined while deletions are struck through. Specifically, the changes include:

- Agricultural Operation: Revises the definition to clarify what uses constitute an agricultural operation and the acreage needed to establish the use.
- Farm Worker Housing: Renames the existing provisions of quarters for a tenant farmer and his family with the new name of farm worker housing and revises the provisions to establish size, location, and recordation requirements.
- Wayside Stands: Allows wayside stands to be permanent structures; revises the size limitations; states which products may be sold; and, relocates provisions from the Accessory Uses category to be located only in association with an agricultural operation.
- Bed and Breakfast: Allows bed and breakfast by right when in association with an agricultural operation located on 20 acres with limitations on permitted events.
- Food Trucks: Allows food trucks in association with an agritourism use, farm winery, limited brewery, or limited distillery with limitations on the number of trucks, hours, and location.

Board Agenda Item
April 13, 2021

Staff convened a workgroup comprised of local farmers, farm winery operators, property owners, and other stakeholders to better understand these agricultural uses and receive feedback on the proposal. The proposed amendment has also been presented to local land use committees, the zMOD land use attorneys and citizens workgroups, the Agricultural and Forestal District Advisory Committee, and the Fairfax Food Council's Urban Agriculture workgroup.

Staff proposes that the amendment be adopted with a delayed effective date to coincide with the effective date of the zMOD Ordinance. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution

Attachment 2 – Staff Report

STAFF:

Rachel Flynn, Deputy County Executive

Barbara Byron, Director, Department of Planning and Development (DPD)

Leslie B. Johnson, Zoning Administrator, DPD

William Mayland, Deputy Zoning Administrator, DPD

Sara Morgan, Senior Planner, DPD

ASSIGNED COUNSEL:

Laura Gori, Senior Assistant County Attorney

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic) on April 13, 2021, at which meeting a quorum was present and voting, and the following resolution was adopted:

WHEREAS, Section 15.2-2288.6 of the Code of Virginia states that no locality is allowed to regulate agritourism activities at an agricultural operation unless there is a substantial impact on the health, safety, or general welfare of the public, but it does not identify any criteria by which to measure those impacts; and

WHEREAS, the Zoning Ordinance currently does not have specific provisions regulating agritourism activities as such; and

WHEREAS, the Board of Supervisors directed staff, through the 2020 Zoning Ordinance Amendment Work Program, to consider the topic and propose regulations and standards intended to achieve a balance between allowing agritourism activities as required by the Code of Virginia and minimizing any land use impacts associated with these uses, to the extent permitted by law; and

WHEREAS, in addition to defining the types of agritourism activities permitted in conjunction with an agricultural operation, it is necessary to provide criteria for determining when these activities have a substantial impact on health, safety, and general welfare; and

WHEREAS, it is also necessary to provide a predictable and consistent set of regulations related to the number of attendees, requirements for mitigation of traffic and parking impacts, allowance of food trucks with limits on the number and hours of operation; and to identify those activities that should not be permitted as an agritourism activity; and

WHEREAS, the public demand for local food cultivation and sale continues to expand in the County and as a national trend; and

WHEREAS, the definition of agricultural operation should be revised to better align with the Virginia Code and provide an option to increase the minimum acreage requirement; the provisions related to the sale of agricultural products from wayside stands should be updated to reflect current trends; and new standards for farm worker housing, currently known as quarters for a tenant farmer and his family, are proposed to further define the use; and

WHEREAS, allowing a bed and breakfast by right or by administrative permit in conjunction with an agricultural operation, with allowance of events tied to the agritourism provisions, will support and promote agricultural operations within Fairfax County; and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to the Fairfax County Zoning Ordinance relating to agritourism, as well as other provisions identified in the accompanying Staff Report.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors



**FAIRFAX
COUNTY**

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Agritourism and Related Changes

PUBLIC HEARING DATES

Planning Commission May 12, 2021 at 7:30 p.m.

Board of Supervisors June 8, 2021 at 4:00 p.m.

**PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314**

April 13, 2021

SM



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

Background

Agritourism is listed as a First Tier, Priority 1 item under Agricultural Districts and Uses on the Zoning Ordinance Amendment Work Program. While Fairfax County is an urbanizing county, there are local farms within the County that are looking for economic opportunities associated with agritourism that would allow them to conserve agricultural land and support their agricultural business. Section 3.2-6400¹ of the Code of Virginia (the Code) defines agritourism activity as

Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

The Code goes on to address local regulation of agritourism activities in Section 15.2-2288.6² and states that no locality shall regulate agritourism activities at an agricultural operation unless there is a substantial impact on the health, safety, or general welfare of the public. However, the Code does not identify any criteria by which to measure those impacts. Therefore, the Zoning Administrator has had to determine on a case-by-case basis whether such activity has a substantial impact on the health, safety, or general welfare of the public. Setting thresholds in the Zoning Ordinance will provide a predictable and consistent path for future agritourism activities in Fairfax County.

Beginning in July 2019, as staff began to research the topic and develop a proposed approach, staff convened a workgroup comprised of local farmers, farm winery, brewery, and distillery operators, property owners, and other stakeholders. The workgroup met four times to discuss the topic, share information on the type of agritourism activities the group members currently provide and the type of activities they would like to establish in the future, and to provide feedback on staff's proposed approach to setting thresholds for these types of activities in the Zoning Ordinance. Staff has also participated in regional discussions on agritourism issues.

The proposed framework for the amendment was first presented to the Board's Land Use Policy Committee on February 4, 2020, following which staff began a series of public outreach meetings with various citizen stakeholder groups including the local land use committees, zMOD's land use attorney's and citizens workgroups, the Agricultural and Forestal Districts Advisory Committee, and Fairfax Food Council's Urban Agricultural workgroup. A detailed list of these outreach meetings can be found in Appendix 1 of this report. Based on feedback

¹ <https://law.lis.virginia.gov/vacode/title3.2/chapter64/section3.2-6400/>

² <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2288.6/>

received, the proposal was revised and was most recently presented to the Planning Commission's Land Use Process Committee on January 14, 2021, and the Board of Supervisors' Land Use Policy Committee on February 2, 2021. Additional revisions were made to address comments made at those meetings.

Proposed Amendment

The revisions proposed in this report are based on the February 17, 2021, Zoning Ordinance Modernization (zMOD) Public Hearing Draft.³ of the as yet unadopted Zoning Ordinance. Staff proposes that this amendment be adopted with a delayed effective date to coincide with the effective date of zMOD.

Agricultural Operation

The Zoning Ordinance currently allows agriculture by-right in the R-A, R-E, R-C, and R-1 Districts. Agricultural operation, as defined in the proposed zMOD draft ordinance, requires the property on which the agriculture operation is conducted to be five acres in size and be a business engaged in the production of crops, nursery stock or plant growth of any kind and/or the raising of livestock, aquatic life, or other animals to produce products such as food and fiber and the wholesale sale of the foregoing plant and animal products.

Staff proposes to revise the definition of agricultural operation to carry forward the five-acre minimum requirement but to clarify that the five acres need to be in production of agriculture. Other use standards address the retail sale of agricultural products through wayside stands, farm worker housing, and agritourism activities, which are discussed in more detail below. The proposed amendment also carries forward the setback requirements, of the zMOD draft, for barns and other structures for the housing of animals. For reasons described below, the proposed standards for an agricultural operation include provisions related to wayside stands and farm worker housing. The proposed definition is as follows:

Agricultural Operation

Any operation that is devoted to the bona fide production, harvesting, and sale of crops and other agricultural products, including livestock, dairy, aquaculture, poultry, horticultural, floricultural, viticultural, and silvicultural products. An agricultural operation may include agritourism uses and farm worker housing as an accessory use.

The definition of agricultural operation does not preclude the keeping of livestock on parcels of two acres or more in size, as permitted by subsection 4102.7.K(6), or gardening and composting, as permitted as an accessory use.

An agricultural operation does not include a garden center, commercial stockyard/feed lot, landscape contracting services, on-site processing of agricultural products, riding or boarding stable, or the above-ground application or storage of sewage sludge.

³ <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zmod/phd-2-17-2021.pdf#page=1>

Wayside Stands

Currently, wayside stands are allowed as an accessory use on properties of two acres or more in the R-A, R-C, R-E, R-1, R-2, R-3, and R-4 districts. Structures are limited to 400 square feet and are permitted only during the crop-growing season. Wayside stands are currently defined as temporary structures that have no space within the structure for customers. Staff has heard from local farmers that having a permanent structure that allows space for customers would be beneficial for their agricultural operations as it would improve efficiency by not requiring deconstruction at the end of the growing season. Additionally, it is very common for these structures to remain throughout the year. Therefore, the definition of wayside stand has been revised to allow for both temporary and permanent structures. Recognizing that larger properties can adequately support a larger wayside stand, the proposed amendment creates a new tiered approach to regulating the size of wayside stands with staff's recommendation, as shown in Table 1, and advertised ranges below:

Table 1. Wayside Stands

Lot Size	Size Limitation
5 to less than 20 acres	400 square feet or less
20 to less than 80 acres	600 square feet or less
80 acres or more	1,600 square feet or less

Staff proposes an advertised range for the Board's consideration of 400 to 800 square feet for wayside stands located on 20 to less than 80 acres, and 800 to 1,600 square feet for wayside stands located on 80 acres or more. The proposal to increase the size of wayside stands located on 20 to less than 80 acres is a result of discussions at the Board's Land Use Policy Committee.

Wayside stands are permitted in conjunction with an agricultural operation to allow for the sale of agricultural products and foods products permitted by subdivisions A 3, 4, and 5 of Sect. 3.2-5130 of the Code of Va.⁴ Allowing the sale of these products to the surrounding community promotes locally sourced produce and healthy living, while supporting our local farmers.⁵ Currently, wayside stands do not allow the sale of products

⁴ <https://law.lis.virginia.gov/vacode/title3.2/chapter51/section3.2-5130/>

⁵ Localities may not regulate the sale of agricultural or silvicultural products or the sale of agricultural-related or silvicultural-related items incidental to the agricultural operation, unless there is a substantial impact on the health, safety, or general welfare. 15.2-2288.6. Agricultural operations; local regulation of certain activities. <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2288.6/>

produced off-site. The proposed amendment would permit the sale of agricultural- or silvicultural-related items incidental to the agricultural operation, because the Virginia Code prohibits localities from regulating those sales unless there is a substantial impact on health, safety, or general welfare.⁶ The amendment would also allow the limited sale of agricultural- or silvicultural-related items produced off-site. This expansion of permitted products provides local agricultural businesses, who may not have the means to engage in their own retail sales operations, the ability to sell their products in a local retail setting.

The proposed amendment carries forward the requirement that wayside stands be setback 25 feet from any lot line and requires that they have adequate off-street parking spaces along with safe ingress and egress to the adjacent street. Wayside stands are also proposed to be permitted only in conjunction with an agricultural operation. This means they would no longer be permitted in the R-2, R-3, or R-4 districts since agricultural operations are not permitted in those districts. As such, the definition and standards will be relocated to reflect this change. The proposed definition is as follows:

Wayside Stand

A structure designed and used for the display and retail sale of agricultural products as defined in Va. Code Sect. 3.2-6400 and foods products permitted by subdivisions A 3, 4, and 5 of Sect. 3.2-5130.

Farm Worker Housing

When the work on this amendment began, quarters for a tenant farmer were permitted as an accessory use in the R-A, R-E, R-C, and R-E Districts on a parcel of 20 acres or more. The zMOD effort created a new use titled caretaker quarters. This use consolidated “quarters of a caretaker, watchman or tenant farmer, and his family” and “servant quarters.” While caretaker quarters allow for accommodations for farmers workers as an accessory use to an agricultural operation, a special permit is now required. In staff’s opinion, requiring a special permit is not necessary for farm worker housing given the proposed minimum lot size requirement of 20 acres and the required association with an agricultural operation. Additionally, this use is distinct enough to move forward as a separate use. Therefore, the proposed amendment creates a separate definition for “farm worker housing” and proposes use standards to permit farm worker housing on a lot of 20 acres or more when accessory to an agricultural operation. This proposed change allows agricultural operations to provide housing for farm employees on their agricultural property. Due to the high cost of housing in our region it can be difficult to retain employees who are often hired on a seasonal basis. Farm worker housing is a use that is often found in conjunction with an agricultural operation. Therefore, the use standards for farm worker housing will be contained as a subset of the use standards for an agricultural operation. Farm worker housing must be located within a single structure which may be detached from the principal dwelling on the lot and could contain either a single unit or

⁶ <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2288.6/>.

up to five single-family dwelling units, provided the use remains accessory to the agricultural operation. The following size and occupancy limitations have been modified as a result of discussions at the Board's Land Use Policy Committee to provide more specificity to the standards for this use. Staff recommends that the maximum size of the farm worker housing structure not exceed 2,000 square feet with occupancy of the structure limited to a total of ten occupants. The Building Code will regulate the minimum size of bedrooms within the farm worker housing structure. Limiting the occupancy to ten occupants aligns with the group household use which can have an occupancy of no more than ten occupants as a single household unit. Staff proposes to advertise a size range of 1,500 to 5,000 square feet for the Board's consideration for the farm worker housing structure. In addition, before establishment of any farm worker housing, a notice must be recorded in the land records limiting the use of the structure(s) to farm worker housing only. The proposed definition is as follows:

Farm Worker Housing

A dwelling or rooms accessory to an agricultural operation in which a farm worker(s) resides. A farm worker is a seasonal or full-time employee of the agricultural operation.

Agritourism

An agricultural operation may also include the operation of agritourism activities, as set forth in the Code of Virginia, and a licensed farm winery, limited brewery, or limited distillery. Special exception approval is required under certain circumstances for a farm winery, limited brewery or limited distillery located on a farm containing 20 acres or more. Currently, staff reviews any agritourism use that does not meet the definitions of farm winery, limited brewery, or limited distillery through a use determination process. The use determination process allows the Zoning Administrator to determine whether the proposed use would have a substantial impact on the health, safety, or general welfare of the community. If there would be such an impact, special exception approval may be required, depending on the type of agritourism use proposed. Establishment of agritourism provisions in the Zoning Ordinance would create a more transparent process for both agritourism providers and for neighboring property owners to know the type of agritourism activities that could occur on agricultural operations. The process for establishing an agritourism use would be consistent and predictable moving forward.

Staff proposes to add a new definition, which is heavily influenced by the State Code definition, and establish standards for agritourism activities that would be permitted in conjunction with an agricultural operation. The proposed definition is as follows.

Agritourism

Any activity accessory to an agricultural operation that allows members of the general public to view or enjoy rural activities for recreational, entertainment, or educational purposes, regardless of whether the participant paid to participate in the activity. These activities may be permitted at a property with a farm winery, limited brewery, or limited distillery subject to the limits on attendees in subsection 4102.2.C, which limits apply

collectively to public or private events and activities and agritourism uses on that property. Agritourism activities include but are not limited to the following:

- 1. Farm tours, including educational or entertainment programs, workshops, or demonstrations;*
- 2. Harvest-your-own activities;*
- 3. Seasonal festivals and attractions, including crop mazes or hayrides;*
- 4. Events including, but not limited to, corporate picnics, family reunions, farm-to-table dinners, weddings, and similar uses;*
- 5. Hiking, horseback riding, and other natural activities;*
- 6. Historical and cultural activities and*
- 7. Other activities as determined by the Zoning Administrator.*

While the definition of agritourism allows farm wineries, limited breweries, and limited distilleries to have agritourism activities, it is important to note that the number of attendees for events hosted at a farm winery, limited brewery, or limited distillery are dictated by the farm winery, limited brewery, or limited distillery provisions of section 4102.C and not by the agritourism standards detailed below.

Staff proposes to establish use standards for agritourism activities that would be permitted in conjunction with an agricultural operation. Given that agricultural operations and associated agritourism activities are permitted in certain residential districts, much of the public's concern was related to traffic, road safety, noise, and neighborhood character. Therefore, staff has revised the approach for regulating agritourism activities. Previously, staff proposed an unlimited number of visitors and days for certain agritourism uses (harvest-your-own, educational programs, passive recreation) and proposed to limit attendees and a maximum number of days for seasonal festivals and special events. Staff is no longer proposing a maximum number of days per calendar year for seasonal festivals and events. Instead, staff is proposing to regulate all agritourism uses in the same manner by limiting the number of visitors permitted by right per day. In staff's opinion, the land use impacts are created by the number of trips and visitors to the site and not necessarily the type of agritourism activity the attendees are engaged in. Further, staff received feedback that it would be difficult to track the number of days attributable to seasonal festival and special event activities.

Due to the potential substantial impacts these activities can have on health, safety, and general welfare, the amendment proposes a tiered approach to regulating agritourism activities. As shown in Table 2, four tiers are proposed with each tier having an associated acreage range and a total number of attendees permitted by right per day. The proposed numbers of attendees were selected based on the upper limits on events at farm wineries, limited breweries, and limited distilleries. Those uses require 20 acres of land and can host 300 attendees or less without further regulation. Therefore, as outlined in Table 2, Tier 3, a maximum of 300 attendees per day requires a minimum of 20 acres. The ratio of 300 attendees to 20 acres was then applied to Tiers 1 and 2. That ratio was not applied to Tier 4, however. While there would be more land area to accommodate more attendees, a marked increase over that allowed in Tier 3 (300 attendees) could have a significant impact on the roadways. Therefore, staff proposes a limit of

350 attendees per day for Tier 4. For each Tier, staff has included a range to be advertised for the Board's consideration.

Table 2. Tiers

Tier	Total Attendees per Day
Tier 1: Five to less than 10 acres	75
Tier 2: 10 to less than 20 acres	150
Tier 3: 20 to less than 80 acres	300
Tier 4: 80 acres or more	350

[Advertised to permit the Board to consider any number of total attendees per day from 50 to 150 for Tier 1, 100 to 200 for Tier 2, 250 to 350 for Tier 3, and 300 to 400 for Tier 4.]

If an agritourism provider in **Tiers 1 through 3** wants to exceed the total number of attendees permitted per day, special exception approval by the Board is required. For **Tier 4** agritourism providers, an administrative permit would be required to exceed the total number of attendees per day. The administrative permit would allow more than 350 attendees for 150 days or less per calendar year if the general standards for administrative permits and the standards when agritourism is permitted by administrative permit are met. Staff proposes an advertised range for the Board's consideration of any number between 100 and 150 days per year for the administrative permit. The standards would require the applicant to provide adequate on-site parking and measures to prevent traffic from stacking on the public right-of-way, which should mitigate impacts associated with these larger scale activities. The proposed administrative permit process would require the agritourism provider to submit for review by staff a transportation management and parking plan, and a description of the sanitary arrangements and facilities. The administrative permit would be valid for a period of two years with an associated permit fee of \$205 and may be renewed on a five-year basis at a fee of \$50 with approval of the Zoning Administrator. The agritourism provider would have the option to pursue special exception approval if they want to have more than 350 attendees for more than 150 days. In addition to the limits on the number of attendees in Table 2, the proposed standards for all agritourism requires parking to be located on the same lot as the agricultural operation and parking is not permitted on the public right of way. To encourage minimal land disturbance the standards do not require parking spaces to be designated or paved. As noted above, the Board may approve a special exception for **Tiers 1, 2, and 3** to exceed the total number of attendees per day above, or to exceed the administrative permit limitations for **Tier 4** activities. The special exception would be subject to a filing fee of \$4,090. Staff proposes an advertised range of any amount between \$4,090 and \$8,180 for the special exception filing fee. Similar to the requirements of the administrative permit, an applicant for a special exception would also need to provide a transportation management and parking plan, and a description of the sanitary arrangements and facilities.

Much of the public's concern about the proposed amendment expressed during outreach on the amendment was related to traffic, road safety, noise, and neighborhood character. During the outreach it was suggested by members of the public that these activities be regulated through transportation-related standards, such as a limit on the number of trips generated by the activity. Staff discussed the possibility of determining the number of trips through submission of a Transportation Impact Analysis (TIA). However, discussions with Fairfax County Department of Transportation (FCDOT) revealed that the thresholds for triggering a TIA far exceed the number of trips anticipated to be generated by most agritourism use based on the maximum number of attendees being proposed. The Institute of Transportation Engineers (ITE) uses a threshold of 100 peak hour trips or more, FCDOT Operational Analysis use a threshold of 250 peak hour trips or 2,500 average daily trips or more, and Chapter 870 Traffic Impact Analysis (State of Virginia) uses a threshold of 5,000 average daily trips or more for a transportation analysis or study to be required. As proposed the total number of attendees proposed for all tiers ranges from 75 attendees to 350 attendees, which would generate significantly less than 2,500 and 5,000 average daily trips, or 100 peak hour trips. Therefore, staff decided to not pursue this approach. While the number of trips is not being directly regulated, the proposed limitation on total attendees would have the impact of limiting trips. The public also suggested making a distinction based on road classification (i.e., local street, collector street, minor arterial, principal arterial.). Staff did not propose this limitation because many of the existing farms are located on local streets rather than higher road classifications. Lastly, agritourism activities would be subject to the Noise Ordinance, as well as the standards that have been proposed, with neighbor character in mind.

Similar to the current provision for farm wineries, limited breweries, and limited distilleries, the agritourism provisions would prohibit activities such as helicopter rides, firework displays, antique/flea markets, go-cart/ all-terrain vehicle tracks, mechanized amusement park rides, hot air balloons, spa services, the operation of a commercial restaurant requiring approval by the Health Department, or any other similar use determined to have a substantial impact on the health, safety, and welfare of the public. This amendment would remove the lodging restriction and would allow a bed and breakfast in conjunction with an agricultural operation to include a farm winery, limited brewery, and limited distillery (which are separately defined uses) when located on a lot of 20 acres or more. However, a bed and breakfast with a farm winery or limited brewery in the R-C district would be considered an expansion of the use and thus require a special exception if a dwelling did not already exist on the property. No other changes are proposed to the existing standards for farm wineries, limited breweries, and limited distilleries for those uses or their ability to host events. While the definitions of farm wineries, limited distilleries, and limited breweries do not expressly include weddings, they do include "private events," which has been interpreted as including weddings. Staff therefore proposes to include weddings in the definition of agritourism, to codify current practice, even though weddings are not listed in the state Code definition of agritourism.

Other Related Changes

Food Trucks

The proposed amendment will permit food trucks in association with an agritourism use, limited brewery, limited distillery, or a farm winery. Permitting food trucks in association with these uses allows another option for providing food to visitors other than pre-prepared or pre-packaged

food items, particularly where attendees could be on-site for an extended period. In discussions with the workgroup, there was not an expressed desire to have more than three food trucks at one time; however, several members expressed the desire for longer hours permitted. In particular, the farm wineries expressed a desire to have food trucks available during their entire operating hours. To reduce the potential impacts food trucks may have on neighboring residential properties, use standards have been proposed, in addition to the standards applicable to all food trucks. For other nonresidential uses, three food trucks are permitted at any one location at the same time for a maximum of four hours in any one day at any one location, including set-up and break-down. The proposed amendment would limit the number of food trucks to three; but would allow the maximum number of hours to vary based on acreage. Food trucks in association with a property of less than 20 acres may operate for a maximum of four hours in any one day at any one location, including set-up and break-down; however, food trucks in association with a property of 20 acres or more may operate for a maximum of eight hours. Please note that more than three food trucks could operate during the course of a day but no more than three at one time. Staff proposes to advertise a range of four to twelve hours for the Board's consideration. Lastly, food trucks must be located 100 feet from all property lines. Additional food trucks could be permitted in conjunction with an administrative permit for Tier 4 agritourism providers when exceeding 350 attendees or when an agritourism use or farm winery, limited brewery, or limited distillery is permitted by special exception and the Board permits food trucks by development conditions.

Bed and Breakfast

A bed and breakfast is defined as a single-family detached dwelling unit, which is owner or manager occupied, in which five or fewer guest rooms without cooking facilities are rented to transient visitors for fewer than 30 consecutive nights. Currently, bed and breakfasts are permitted on any sized lot with approval of a special exception from the Board in the R-C, R-E, R-1, and R-2 Districts, along with the PDH and PRC Districts. There are currently no permitted bed and breakfasts within Fairfax County. Based on a review of agricultural operations around the state, bed and breakfast operations are commonly provided as an agritourism use. Staff sees this as an opportunity to further promote agricultural uses. Therefore, to promote agricultural tourism in the County, the proposed amendment permits bed and breakfasts by-right in the R A, R-C, R-E, and R-1 Districts on a parcel of 20 acres or more when associated with an agricultural operation. The standards currently applicable to bed and breakfasts, which limit the use to a single-family detached dwelling with five or fewer guest rooms, will be carried forward. Events would be allowed at these by-right bed and breakfasts only when permitted under the agritourism provisions. When located on a minimum of 20 acres and subject to the proposed standards, staff believes impacts on surrounding properties will be mitigated. The proposed standards for bed and breakfast are being carried forward in accordance with the zMOD draft with the addition of the by-right provisions for bed and breakfasts in conjunction with an agricultural operation.

Conclusion

The proposed amendment establishes provisions for agritourism activities including a definition and standards to address when there is a substantial impact to the health, safety, or general welfare of the public, in accordance with the State Code. Additionally, the amendment updates the definition of agricultural operation, while relocating and updating the provisions for wayside

stands, and establishing a new accessory use called farm worker housing. Bed and breakfasts and food trucks are also proposed to be allowed by-right when in association with agricultural operation, if specific standards are met. Therefore, staff recommends approval of the proposed amendment with a delayed effective date to coincide with zMOD's effective date.

Appendix

Appendix 1 – Proposed zMOD text

Appendix 2 – Public Outreach Meetings

This document is based on the Zoning Ordinance Modernization (zMOD) Public Hearing Draft dated February 17, 2021. Additions made as a part of the Agritourism and Related Changes amendment are underlined while deletions are struck through.

Article 9 - Definitions and Ordinance Interpretation

9103. Uses

2. Agricultural and Related Uses

INSTRUCTION: Amend the definitions of agricultural operation and add new definitions for wayside stand, farm worker housing and agritourism.

A. Agricultural and Related Uses

Agricultural Operation

Any ~~commercial operation, including related structures, on a minimum of five acres of land that~~ is devoted to the bona fide production, harvesting, and sale of crops and other agricultural products, including livestock, dairy, aquaculture, poultry, horticultural, floricultural, viticulture ~~viticultural, and silviculture-silvicultural, and other agricultural products. An agricultural operation may include agritourism uses, farm worker housing, and wayside stand as an accessory use.~~

The definition of agricultural operation does not preclude the keeping of livestock on parcels of two acres or more in size, as permitted by subsection 4102.7.K(6), or gardening and composting, as permitted as an accessory use.

An agricultural operation does not include a garden center, commercial stockyard/feed lot, landscape contracting services, on-site processing of agricultural products, riding or boarding stable, or the above-ground application or storage of sewage sludge. ~~An agricultural operation must specifically qualify under all state and local laws in order to use any exemptions or special provisions afforded to such uses by the Code of Virginia.~~

Farm Worker Housing

A dwelling unit accessory to an agricultural operation in which a farm worker(s) resides. A farm worker is a seasonal or full-time employee of the agricultural operation.

Wayside Stand

A structure designed and used for the display and retail sale of agricultural products as defined in Va. Code Sect. 3.2-6400 and foods products permitted by subdivisions A 3, 4, and 5 of Sect. 3.2-5130.

Agritourism

Any activity accessory to an agricultural operation that allows members of the general public to view or enjoy rural activities for recreational, entertainment, or educational purposes, regardless of whether the participant paid to participate in the activity. These activities may be permitted at a property with a farm winery, limited brewery, or limited distillery subject to the limits on attendees in subsection 4102.2.C, which limits apply collectively to public or private events and activities and agritourism uses on that property. Agritourism activities include but are not limited to the following:

1. Farm tours, including educational or entertainment programs, workshops, or demonstrations;
2. Harvest-your-own activities;
3. Seasonal festivals and attractions, including crop mazes or hayrides;
4. Events including, but not limited to, corporate picnics, family reunions, farm-to-table dinners, weddings, and similar uses;
5. Hiking, horseback riding, and other natural activities;
6. Historical and cultural activities; and
7. Other activities as determined by the Zoning Administrator.

INSTRUCTION: Delete the wayside stand definition from the Accessory Uses category.

7. Accessory Uses

~~Wayside Stand~~

~~A temporary structure or use of land designed for the display and retail sale of agriculture products grown on the premises, with no space for customers within the structure itself.~~

INSTRUCTION: Amend Table 4101.1 by adding new use of agritourism with associated permissions; add “P” to the bed and breakfast use in the R-A – R-1 Districts when associated with an agritourism use on 20 acres or more; remove the wayside stand permissions as they have been relocated to agricultural operation; and update changes to the referenced use-specific standards as a result of renumbering and relettering.

Article 4 - Use Regulations

4101. Use Tables

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1.: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; *blank cell* = not allowed

A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply	
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6		
AGRICULTURAL AND RELATED USES																														
Agricultural and Related Use: activities related to the growing or raising of plants or animals for food or other comparable activities, including agritourism and other similar use types. This category also includes riding or boarding stables.																														
Agricultural Operation	P	P	P	P																									4102.2.A	
Agritourism	A AP SE	A AP SE	A AP SE	A AP SE																									4102.1.I 4102.2.B	
Farm Winery, Limited Brewery, or Limited Distillery	P SE	P SE	P SE	P SE																									4102.2.BC	
Stable, Riding or Boarding	SE SP	SE SP	SE SP	SE SP																									4102.2.ED	
COMMERCIAL USES																														
Food and Lodging: establishments primarily engaged in the preparation and serving of food or beverages for on or off premises consumption, or providing lodging units or rooms for transient stays of 30 days or less																														
Bed and Breakfast	P SE	P SE	P SE	P SE	SE																								4102.5.D	
ACCESSORY USES																														
Wayside Stand	A	A	A	A	A	A	A																						4102.7.Q	
TEMPORARY USES																														
Food Truck	AP SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP SE SP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	4102.1.I 4102.8.E	

4102. Use Standards

2. Agricultural and Related Uses

Agricultural and Related Uses

INSTRUCTION: Amend the standards for agricultural operation to add the minimum acreage required to establish the use; add provisions related to wayside stands and increase the size limitation for wayside stands located on 80 acres or more; and establish standards for farm worker housing.

A. Agricultural Operation

Standards when permitted by right:

- (1) ~~The A minimum lot area is of five acres must be dedicated to the production of an agricultural product, as defined in Va. Code Sect. 3.2-6400, unless otherwise stated in a larger acreage is required by this Ordinance for a use related to an agricultural operation.~~
- (2) The retail sale of agricultural products ~~produced on-site~~ is permitted from a wayside stand in accordance with the following standards:-
 - (a) A wayside stand is permitted only on a lot containing an agricultural operation;
 - (b) When located on a lot of less than 20 acres, a wayside stand may be 400 square feet or less;
 - (c) When located on a lot of 20 to less than 80 acres, a wayside stand may be 600 square feet or less; [Advertised range: 400 to 800 square feet]
 - (d) When located on a lot of 80 acres or more, a wayside stand may be 1,600 square feet or less; [Advertised range: 800 to 1,600 square feet]
 - (e) A wayside stand may be used for the sale of agricultural products or agricultural- or silvicultural-related items incidental to the agricultural operation, and foods products permitted by subdivisions A 3, 4, and 5 of Sect. 3.2-5130 of the Code of Va, as well as limited sales of agricultural- or silvicultural-related items produced off-site. Plants that are balled, burlapped, and bedded are not considered as having been grown on the same property;
 - (f) A wayside stand is not subject to the location requirements set forth in subsection 4102.2.A but must be located a minimum distance of 25 feet from any lot line; and
 - (g) A wayside stand must be located to allow adequate off-street parking spaces and safe ingress and egress to the adjacent street.
- (3) Barns and other structures for the housing of animals are allowed, subject to the setbacks in subsection 4102.7.K(6).
- (4) Farm worker housing is permitted on a lot of 20 acres or more when accessory to an agricultural operation and is subject to the following:
 - (a) Farm worker housing may be located in a structure detached from the principal single-family dwelling on the lot and must comply with the applicable zoning district bulk regulations for single-family detached dwellings;
 - (b) The structure may contain a single-family dwelling unit or up to five dwelling units but may not exceed 2,000 square feet in size; [Advertised to permit the Board to consider any size from 1,500 to 5,000 square feet]

- (c) Occupancy of the structure, whether as a single-family dwelling unit or up to five dwelling units, may not exceed a total of ten occupants; and
- (d) Before occupancy of the structure, the property owner must record a notice in the land records that the structure is for farm worker housing only. The statement must include a description of the property and must be indexed in the Grantor Index in the name of the property owner.
- (5) Agritourism, and a farm winery, limited brewery, or limited distillery, are permitted in accordance with the standards in subsections 4102.2.B. and C.

INSTRUCTION: Establish use standards for new agritourism use, and reletter standards for farm winery, limited brewery, or limited distillery (4102.2.B) and stable, riding or boarding (4102.2.C), accordingly.

B. Agritourism

Standards applicable to all agritourism uses:

- (1) Parking for all agritourism uses must be located on the same lot as the agricultural operation. Parking is not permitted on the public right-of-way. Parking spaces are not required to be designated or located on a paved surface.
- (2) The total number of attendees per day is limited per the table below. The Board may approve a special exception for Tiers 1, 2, and 3 to exceed the number of attendees and may approve a special exception for Tier 4 to exceed the number of days allowed by administrative permit.

<u>Tier</u>	<u>Total Attendees per Day</u>
<u>Tier 1: Five to less than 10 acres</u>	<u>75</u>
<u>Tier 2: 10 to less than 20 acres</u>	<u>150</u>
<u>Tier 3: 20 to less than 80 acres</u>	<u>300</u>
<u>Tier 4: 80 acres or more</u>	<u>350</u>

[Advertised to permit the Board to consider any number of total attendees per day from 50 to 150 for Tier 1, 100 to 200 for Tier 2, 250 to 350 for Tier 3, and 300 to 400 for Tier 4.]

- (3) Agritourism uses, events, or activities must not include any of the following:
- (a) Helicopter rides;
 - (b) Fireworks displays;
 - (c) Antique/flea markets;
 - (d) Go-cart/all-terrain vehicle tracks;
 - (e) Mechanized amusement park rides;
 - (f) Hot air balloons;
 - (g) Spa services;

- (h) The operation of a commercial restaurant requiring approval by the Health Department; or
- (i) Any other similar use determined by the Zoning Administrator to have a substantial impact on the health, safety, and welfare of the public.

Standards when permitted by administrative permit:

- (4) Tier 4 agritourism activities that exceed 350 total attendees per day may be permitted by administrative permit, subject to the following requirements:
- (a) More than 350 attendees are permitted per day for 150 days or less per year [Advertised range: 100 to 150 days per year];
- (b) An administrative permit is valid for a period of two years and may be renewed on a five-year basis with approval of the Zoning Administrator. Any subsequent expansion or change of permit holder of the Tier 4 agritourism administrative permit may require submission of a new permit application as determined by the Zoning Administrator;
- (c) A description of sanitary arrangements and facilities to be used by the public and employees must be submitted with the application; and
- (d) A transportation management and parking plan must be submitted with the application. The plan must demonstrate that adequate parking is provided on-site, detail how attendees will enter and exit the property, and include measures that will be taken to prevent traffic stacking on the public right-of-way.

Standards when permitted by special exception:

- (5) The Board may approve a special exception for Tiers 1, 2, and 3 to exceed the total number of attendees per day in subsection B(2) above. For Tier 4 activities, the Board may approve a special exception to exceed the number of days per year permitted by an administrative permit.
- (6) A description of the sanitary arrangements and facilities to be used by the public and employees must be submitted with the application.
- (7) A transportation management and parking plan must be submitted with the application. The plan must demonstrate that adequate parking is provided on-site, detail how attendees will enter and exit the property, and include measures that will be taken to prevent traffic stacking on the public right-of-way.

INSTRUCTION: Remove lodging from the type of events or activities prohibited at a Farm Winery, Limited Brewery, or Limited Distillery from 4102.2.C.(4)(c) and renumber.

C. ~~B.~~ Farm Winery, Limited Brewery, or Limited Distillery

Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-C District:

- (4) A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. In addition, the hosting of public or private events or activities is allowed in accordance with the following standards:
- (c) Events or activities must not include any of the following:
- 1.** Helicopter rides;

2. Fireworks displays;
3. Antique/flea markets;
4. Go-cart/all-terrain vehicle tracks;
5. Mechanized amusement park rides;
6. Hot air balloons;
- ~~7. Lodging;~~
- ~~7. 8.~~ Spa services;
- ~~8. 9.~~ The operation of a commercial restaurant requiring approval by the Health Department; or
- ~~9. 10.~~ Any other similar use determined by the Zoning Administrator to have a substantial impact on the health, safety, and welfare of the public.

Standards applicable to farm wineries, limited breweries, and limited distilleries in the R-A, R-E, and R-1 Districts:

(6) A farm winery, limited brewery, or limited distillery may be used for alcohol production, sales, and tastings. The hosting of public events or activities is allowed, as follows:

(d) Events or activities must not include any of the following:

1. Helicopter rides;
2. Fireworks displays;
3. Antique/flea markets;
4. Go-cart/all-terrain vehicle tracks;
5. Mechanized amusement park rides;
6. Hot air balloons;
- ~~7. Lodging;~~
- ~~7. 8.~~ Spa services;
- ~~8. 9.~~ The operation of a commercial restaurant requiring approval by the Health Department; or
- ~~9. 10.~~ Any other similar use determined by the Zoning Administrator to have a substantial impact on the health, safety, and welfare of the public.

INSTRUCTION: Amend the bed and breakfast provisions to establish by right standards and standards that apply to all bed and breakfasts, and address subsequent renumbering within the bed and breakfast subsection.

5. Commercial Uses

Food and Lodging

D. Bed and Breakfast

Standards applicable to all bed and breakfasts:

- (1) A bed and breakfast must be located within a single-family detached dwelling unit. Any alterations or improvements to the single-family dwelling must not alter the exterior appearance from that of a dwelling.
- (2) A bed and breakfast may not include a restaurant as an accessory use. However, breakfast and other light fare may be provided for guests.
- (3) All off-street parking and loading spaces must be located outside of a minimum side or rear setback when the setback abuts property zoned to a residential district or a residential area of a planned district.

Standards when permitted by right:

- (4) A bed and breakfast is permitted only in conjunction with an agricultural operation located on 20 acres or more.
- (5) Events are allowed only when permitted under the agritourism provisions in subsection 4102.2.B.

Standards when permitted by special exception:

- ~~(1) A bed and breakfast must be located within a single-family detached dwelling unit, which may include residential accessory structures. Any alterations of structures must not alter their exterior appearance from that of a dwelling or residential accessory structure.~~
- ~~(2) A bed and breakfast may not include a restaurant as an accessory use. However, breakfast and other light fare may be provided for guests.~~
- (6) ~~3.~~ Accessory rental or use of the facility for events, such as wedding receptions, parties, or other similar activities, by individuals who are not staying overnight is not allowed unless specifically approved by the Board. In approving such accessory rental, the Board may impose conditions, including limitations on the number, size, days, and hours of events.
- ~~(4) All off-street parking and loading spaces must be located outside of minimum side and rear setbacks that abut a residential district or a residential area of a planned district.~~
- (7) ~~5.~~ A maximum of three off-street parking spaces may be located within the minimum front setback, except the Board may authorize additional parking spaces within the front setback if the proposed additional parking spaces will not adversely affect the character of the surrounding residential area.
- (8) ~~6.~~ All off-street parking and loading spaces must be screened to minimize adverse impacts on adjacent residential properties.

INSTRUCTION: Delete Par. Q. Wayside Stand, from the Accessory Uses Category as they are being revised and relocated to the agricultural operation use standards.

7. Accessory Uses

Q. Wayside Stand

Standards when permitted by right:

- ~~(1) A wayside stand is permitted only on a lot containing at least two acres and during the crop-growing season.~~
- ~~(2) A wayside stand may not exceed 400 square feet in gross floor area and must be removed after the crop-growing season.~~

~~(3) Wayside stands may only be used for the sale of agricultural products grown on the same property. Plants that are balled, burlapped, and bedded are not considered as having grown on the same property.~~

~~(4) Wayside stands are not subject to the location requirements set forth in subsection 4102.7.A, but must be located a minimum distance of 25 feet from any lot line.~~

~~(5) Wayside stands must be located to allow adequate off-street parking spaces and safe ingress and egress to the adjacent street.~~

INSTRUCTION: Amend the food truck provisions to allow food trucks in association with an agritourism use or a farm winery, limited brewery, or limited distillery, and establish time limits and location requirements.

8. Temporary Uses

E. Food Truck

(1) Food trucks may be permitted on property owned by the County, Park Authority, or Fairfax County Public Schools or in conjunction with the approval of an administrative permit for a special event and are not subject to the standards in subsections (2) through (7) below. The use must comply with all applicable regulations, including the Health Department and the Department of Cable and Consumer Services requirements.

Standards when permitted by administrative permit:

(2) A food truck may not be operated without a food truck location permit and an annual food truck operation permit (see subsection (4) below).

(3) Food trucks are permitted as an accessory use in the following locations:

- (a) In a planned district, but only in commercial areas;
- (b) In any industrial or commercial district;
- (c) On any construction site with an active building permit and ongoing construction activity;
- (d) In conjunction with any approved nonresidential use in a residential district or a residential area of a planned district, limited to 12 times per calendar year per approved location. This time limitation may be exceeded with special exception approval in accordance with subsection 8100.3, special permit approval in accordance with subsection 8100.4, or as specifically permitted with an approved final development plan or executed proffers; and
- (e) In conjunction with an agritourism use or a farm winery, limited brewery, or limited distillery.

(4) Food trucks may be operated from an approved location, subject to the following procedures:

- (a) The owner of property on which a food truck may be located must file a food truck location permit application with the Zoning Administrator on forms furnished by the County.
- (b) Each year, the owner and/or operator of any food truck doing business in the County must file a food truck operation application with the Zoning Administrator on forms furnished by the County. The permit application must be accompanied by the written consent of the private property owner or authorized agent authorizing the food truck to

be located on their approved food truck location and by a copy of the property owner's food truck location permit. If a food truck operates on more than one site, only one food truck operation application is required to be obtained from the Zoning Administrator for such food truck, provided that the property owner on any additional sites has obtained a food truck location permit for that site, the food truck operator has written consent from the property owner or authorized agent to operate on that site, and the food truck is operating in conformance with that approval. The operation of any food truck is subject to all Health Department and Department of Cable and Consumer Services permits/licenses.

- (c) Upon the finding that the application complies with the standards set forth in subsection (5) below, the Zoning Administrator will approve the permit application, setting forth conditions that protect the public health, safety and welfare and adequately protect adjoining properties from any adverse impacts of the food truck, which may include, but are not limited to, hours of operation, location, parking, vehicular access, and safety requirements.
- (5) All food trucks must be located and operated in compliance with the following standards:
 - (a) Food trucks must be located on private property with the written consent of the property owner or authorized agent holding an approved food truck location permit.
 - (b) Food trucks may only be permitted in conjunction with a principal use consisting of a minimum of 25,000 square feet of gross floor area or on a construction site with an active building permit and on-going construction activity. This standard does not apply to food trucks operated in conjunction with approved nonresidential uses in residential districts in accordance with subsection (3)(d) above or to food trucks in conjunction with uses listed in subsection (3)(e) above.
 - (c) Food trucks may only operate for a maximum of four hours in any one day at any one location, including set-up and break-down, except as specified in subsection (i) below.
 - (d) A maximum of three food trucks are permitted at any one location at the same time, provided that additional food trucks may be permitted in conjunction with administrative permits or other special events regulated by any proffered condition, development condition, special exception, or special permit.
 - (e) Food trucks may not be located in any fire lane, travel lane, entrance/exit, or any required parking space.
 - (f) Food trucks must be located on a level, paved, or gravel surface with safe pedestrian access.
 - (g) The vicinity around the food truck must be kept clean and free of debris.
 - (h) Trash receptacles must be provided.
 - (i) In addition to the standards above, food trucks in conjunction with an agritourism activity or a farm winery, limited brewery, or limited distillery must be located and operated in compliance with the following standards:
 - (i) Food trucks located on less than 20 acres may operate for a maximum of four hours in any one day at any one location, including set-up and break-down. [Advertised range: 4 to 12 hours];
 - (ii) Food trucks located on 20 acres or more may operate for a maximum of eight hours in any one day at any one location, including set-up and break-down [Advertised range: 4 to 12 hours]; and
 - (iii) Food trucks must be located 100 feet from all property lines.

- 1 **(6)** Any food truck location permit or food truck operation permit is revocable by the Zoning
 2 Administrator because of the failure of the property owner or the food truck operator to
 3 comply with any of the provisions of this subsection 4102.8.E.
- 4 **(7)** All other sale of goods or services from any vehicle other than a food truck are subject to all
 5 the regulations for the zoning district in which the sale is conducted, but this regulation does
 6 not prohibit any vending from vehicles on public streets that is not otherwise prohibited by
 7 law.
- 8 **(8)** Each food truck must be in substantial conformance with any proffered condition,
 9 development plan, special exception, or special permit for the site on which it operates. If
 10 any proffered condition, development plan, special exception or special permit approval
 11 specifically precludes food trucks or otherwise regulates food trucks, including the location,
 12 hours of operation, or number of food trucks, the zoning approval will govern that aspect of
 13 the food truck location or operation in lieu of the standards in this Section 4102.8.E. Unless
 14 otherwise specified in any zoning approval, all provisions of this Section 4102.8.E apply.

15 **Standards when permitted by special exception or special permit:**

- 16 **(9)** The Board or BZA, as applicable, in conjunction with the approval for a nonresidential use in
 17 a residential district or a residential area of a planned district, may allow food trucks in
 18 excess of twelve times per calendar year.

INSTRUCTION: Amend Table 6100.1 to add parking requirements for agritourism.

Article 6 – Parking and Loading

6100. Off-Street Parking

4. Minimum Required Off-Street Vehicle Parking Spaces

A. Table of Required Parking Spaces

TABLE 6100.1: Minimum Required Off-Street Vehicle Parking Spaces	
Use	Minimum Parking Requirement
AGRICULTURAL AND RELATED USES	
Agricultural and Related Uses	
Agricultural Operation	No minimum requirement
<u>Agritourism</u>	<u>When by right: No minimum requirement</u> <u>When by administrative permit: subject to the Zoning Administrator's determination that a parking plan demonstrates adequate parking is provided on-site</u> <u>When by SE: Based on a review of each proposal to include such factors as the number of spaces required to accommodate employees and visitor parking.</u>
Farm Winery, Limited Brewery, or Limited Distillery	When by right: No minimum requirement When by SE: Based on a review of each proposal to include such factors as the number of spaces required to accommodate employees and visitor parking.
Stable, Riding or Boarding	As determined by the Director, based on a review of each proposal to include such factors as the number of spaces to accommodate employees, horse trailers, students, customers, and guests anticipated to be on-site at any one time, and the availability of areas on-site that can be used for auxiliary parking in times of peak demand.

INSTRUCTION: Amend Table 8102.1 to add the administrative permit and renewal fee for agritourism Tier 4 and special exception fee for agritourism.

Article 8 - Administration, Procedures, and Enforcement

8102. Fee Schedule

1. Fee Schedule

TABLE 8102.1: FEE SCHEDULE			
This table includes standard fees related to approvals under the Zoning Ordinance. Additional fees may apply related to review or approval by other County departments or governmental or quasi-governmental agencies, or in accordance with Appendix Q of the County Code.			
APPLICATION TYPE			FEE
ADMINISTRATIVE PERMITS			
General Fee Unless Otherwise Listed			\$205
Accessory Uses			
Accessory Living Unit	Permit		\$200
	Renewal Fee		\$70
<u>Agritourism Tier 4</u>	<u>Permit</u>		<u>\$205</u>
	<u>Renewal Fee</u>		<u>\$50</u>
Family Health Care Structure			\$100
Home-Based Business			\$100
Limited Riding or Boarding Stable			\$50
Short-Term Lodging	Two Year Permit		\$200
SPECIAL EXCEPTIONS			
Standard fees for special exception approvals are listed below.			
General Fee Unless Otherwise Listed			\$16,375
Principal Uses			
<u>Agritourism</u>			<u>\$4,090 [advertised range \$4,090 - \$8,180]</u>
Farm Winery, Limited Brewery, or Limited Distillery	R-C District: Development of a new use or expansion of an existing use for any agricultural building or structure:	That does not permit access by any member of the public, whether a customer, guest, or attendee at a public or private event or activity	\$1,000
		With no construction of buildings or structures over 40 SF in GFA or no	\$4,090

		land disturbance over 2,500 SF	
		R-C District: Establishment of a new use or expansion of an existing use with construction of buildings or structures over 400 SF in GFA or land disturbance over 2,500 SF	\$8,180
		R-A, R-C, R-E, And R-1 District: Modification of the number of attendees, frequency and/or duration of events or activities	\$4,090
		Stable, Riding or Boarding	\$8,180

Public Outreach Meetings

Agritourism Workgroup Meetings

	Date	Format
1	July 11, 2019	In Person
2	December 2, 2019	In Person
3	January 9, 2020	In Person
4	October 1, 2020	Virtual via Go To Meeting

Public Meetings

	Date	Meeting	Format
1	October 11, 2019	The Department of Land Development Services Regional Collaboration Meeting with staff from neighboring local governments	In Person
2	January 8, 2020	zMOD's Land Use Attorneys Work Group	In Person
3	January 9, 2020	zMOD's Citizen Work Group	In Person
4	January 21, 2020	Agricultural & Forestal Districts Advisory Committee	In Person
5	February 14, 2020	LDS Regional Collaboration Meeting	In Person
6	February 19, 2020	Clifton Town Hall	In Person
7	February 25, 2020	South County Federation Land Use Committee	In Person
8	July 20, 2020	Sully District Council of Citizens Associations (SDCCA) and West Fairfax Council of Citizens Association (WFCCA) Joint Meeting	Virtual via WebEx
9	July 21, 2020	Hunter Mill Land Use Committee	Virtual via Microsoft Teams
10	July 28, 2020	South County Federation Land Use Committee	Virtual via Zoom
11	August 12, 2020	Great Falls Citizens Association	Virtual via Zoom
12	August 17, 2020	Fairfax Food Council: Urban Agriculture Workgroup	Virtual via Zoom
13	September 10, 2020	Springfield Land Use Committee	Virtual via Zoom
14	December 2, 2020	Mason Neck Citizens Association Board of Directors Meeting	Virtual via Zoom
15	February 10, 2021	zMOD's Land Use Attorneys Work Group	Virtual via GoTo Meeting
16	February 11, 2021	zMOD's Citizen Work Group	Virtual via GoTo Meeting
17	March 29, 2021	Clifton Town Hall	Virtual via Channel 16

ADMINISTRATIVE - 10

Approval of Supplemental Appropriation Resolution AS 21281 for the Department of Family Services to Accept Grant Funding from Virginia Department for Aging and Rehabilitative Services as a Result of Funding Made Available through the Consolidated Appropriations Act, 2021 to Address the COVID-19 Pandemic for Supplemental Nutrition Programs Administered as Part of the Area Agency on Aging

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 21281 for the Department of Family Services (DFS) to accept grant funding from the Virginia Department for Aging and Rehabilitative Services (DARS) in the amount of \$346,360. Funding will be used to support nutrition services which include home delivered meals and congregate meals, both of which are administered by the Fairfax Area Agency on Aging. This federal pass-through funding from DARS is available as a result of the Consolidated Appropriations Act, 2021. The grant performance period for the award is October 1, 2020 to September 30, 2022. When grant funding expires, the County is under no obligation to continue funding the programs. No Local Cash Match is required. In an effort to access funding as quickly as possible, the County Executive signed the grant agreement on March 18, 2021. Formal Board approval is needed to appropriate the funding in the Federal-State Grant fund.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 21281 for the Supplemental Nutrition Program to accept funding from the Virginia Department for Aging and Rehabilitative Services in the amount of \$346,360 to support nutrition services including home delivered meals and congregate meals. There are no new grant positions associated with this award. No Local Cash Match is required.

TIMING:

Board approval is requested on April 13, 2021.

BACKGROUND:

The Department of Family Services has received federal pass-through funding from DARS as a result of the Consolidated Appropriation Act, 2021. This funding will be administered through the Fairfax Area Agency on Aging. The Fairfax Area Agency on

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Aging is tasked with enhancing the quality of life for older adults, adults with disabilities and their family caregivers and adheres to the Older Americans Act (OAA) for funding received from the federal government. Under the OAA, a person must be 60 years of age or older to be eligible for the programs and services provided for this funding. While there is no income/means test, services are targeted to older individuals who have the greatest economic or social need, have low income, are a member of a low-income minority group, reside in a rural area, have limited English proficiency or are at risk of institutionalization.

This funding will be used to support nutrition services which include home delivered meals and congregate meals. Home delivered meals and Congregate Meals each utilize a registered dietician to ensure meal planning is based on the state guidance for operating a nutrition program under the OAA. Eleven meals are delivered weekly to older adults who are unable to prepare meals on their own.

Recognizing that Congregate Meal participants would not be able to receive meals in their congregate settings, the state is allowing the Area Agencies on Aging to transfer funding from Congregate Meal budgets to Home Delivered Meal budgets. Similarly, realizing that older adults are instructed to remain in their homes and not grocery shop or access their daily supports to get meals, advocacy was done that resulted in additional funding allocations to the Area Agencies on Aging across the state to provide the nutritious meals critical to the older adult population.

Since the start of the pandemic the Fairfax Area Agency on Aging has provided over 500,000 meals to older adults and adults with disabilities. This included meals that had been provided at Congregate Meal sites that are now delivered door to door.

FISCAL IMPACT:

Grant funding from the Virginia Department for Aging and Rehabilitative Services in the amount of \$346,360 will be used to support nutrition services including home delivered meals and congregate meals. No Local Cash Match is required. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated awards in FY 2021. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No new grant positions will be created.

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ENCLOSED DOCUMENTS:

Attachment 1: Contract from the VA Department for Aging and Rehabilitative Services

Attachment 2: Supplemental Appropriation Resolution AS 21281

STAFF:

Christopher A. Leonard, Deputy County Executive

Michael A. Becketts, Director, Department of Family Services

**CONTRACT FOR OLDER AMERICANS ACT TITLES III AND VII,
NO WRONG DOOR/AGING & DISABILITY RESOURCE CONNECTIONS, CARE
COORDINATION FOR ELDERLY VIRGINIANS AND
RESPIRE CARE INITIATIVE PROGRAM**

Date: February 19, 2021

Contract Number: 20-179

Modification Number: 3

Issued By: Department for Aging and Rehabilitative Services
8004 Franklin Farms Drive
Henrico, VA 23229

Contractor: Fairfax County

This contract modification is entered into pursuant to terms of the Standard Contract.

Description of Modification:

This contract modification is to award supplemental funding for the performance period(s) of October 1, 2020 through September 30, 2022 through a Notice of Award (NOA) granted pursuant to **(HDC5) Consolidated Appropriations Act, 2021 suppl. funding, nutrition OAA Title III-C2 Award Authority: P.L. 116-260 under P.L. 116-131 (OAA) Grant No.: 2101VAHDC5-00.**

THE CONTRACT DOCUMENTS shall consist of:

1. This Contract Modification;
2. Updated Obligation page

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed, intending to be bound thereby.

ACCEPTED AND AGREED TO:

**Department for Aging and
Rehabilitative Services:**

Kathryn A. Hayfield
Commissioner

Date

Fairfax County:

Signature of Authorized Official

Bryan J. Hill
Printed Name

County Executive
Title

MAR 18 2021
Date

Note: This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia, §2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

FY 2021 SUMMARY OF OBLIGATIONS- Supplemental Funding Nutrition (1-27-2021)

Name of Agency: Fairfax County

The following amounts are obligated from Federal and General funds to carry out this plan for the year beginning October 1, 2020. All obligations are subject to the availability of Federal and General Fund monies to the Department for Aging and Rehabilitative Services. All General Fund monies awarded before June 30th must be drawn down and obligated by June 30, 2021 and liquidated by September 30, 2021.

Award Action	Supplemental Nutrition- Title III-C(2) 93,045
New Obligation FY'21-Supplemental Nutrition -1-27-2021	346,360
Total Obligation for Fiscal Year 2021	346,360

TB 2/19/2021

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 21281

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held **electronically (due to the State of Emergency caused by the COVID-19 pandemic)** on April 13, 2021, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2021, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G6767, Department of Family Services	
Grants:	1CV6714-2021, Supplemental Nutrition – CAA, 2021	\$346,360

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$346,360
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Department for Aging and Rehabilitative Services, \$346,360

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ADMINISTRATIVE - 11

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Grant Funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for an Adult Drug Court Discretionary Grant Program

ISSUE:

Board of Supervisors authorization is requested for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept grant funding, if received, from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) for an Adult Drug Court Discretionary Grant in the amount of \$500,000. Funding will support a 1/1.0 FTE new Drug Court Treatment Coordinator grant position which will collaborate between Drug Court and CSB related to treatment needs and progress of Drug Court participants. The grant period is October 1, 2021 to September 30, 2025. The total required non-federal match of 25 percent will be met with in-kind resources. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept funding, if received, from BJA for an Adult Drug Court Discretionary Grant. Federal funding of \$500,000 over a 48-month period will support 1/1.0 FTE new grant position to Drug Court Treatment Coordinator position will be established to collaborate between Drug Court and CSB related to treatment needs and progress of Drug Court participants. The total required non-federal match of 25 percent will be met with in-kind resources. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board action is requested on April 13, 2021, as the application is due on April 14, 2021.

This grant application was approved by the CSB Board on March 24, 2021.

BACKGROUND:

The Adult Drug Court Discretionary Grant Program seeks to implement and enhance the operations of adult drug courts that effectively integrate evidence-based substance use disorder treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over substance-misusers to include addressing the opioid epidemic. BJA is accepting applications for FY 2021 grants to implement and enhance drug court services, including service coordination, management of drug court participants, and recovery support services. Funding may assist a jurisdiction to launch a drug court; scale up a drug court program's capacity; provide access to or enhance treatment capacity or other critical support services; enhance court operations; expand or enhance court services; or improve the quality and/or intensity of services based on needs assessments. This program provides resources to state, local, and federally recognized tribal governments to enhance drug court programs and systems for nonviolent offenders and veterans with addictions, including stimulant and opioid abuse and overdose. BJA also supports courts that integrate the National Association of Drug Court Professionals (NADCP) adult drug court standards into existing drug court services. Funding will support 1/1.0 FTE grant new Drug Court Treatment Coordinator position which will collaborate between Drug Court and CSB related to treatment needs and progress of Drug Court participants. This proposal seeks to expand and diversify funding for Fairfax County's Diversion First efforts. The FY 2021 Adult Drug Court Discretionary Grant Program solicitation can be found at <https://bja.ojp.gov/funding/opportunities/o-bja-2021-46003>.

FISCAL IMPACT:

Grant funding in the amount of \$500,000 is being requested from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to fund the Adult Drug Court Discretionary Grant. The total required non-federal match of 25 percent will be met with in-kind resources. This grant does allow for the recovery of indirect costs; however, because of the highly competitive nature of the award, the CSB did not include indirect costs as part of the application. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards.

CREATION OF NEW POSITIONS:

There is 1/1.0 FTE new grant position associated with this award. The County is under no obligation to continue funding this position when the grant funding expires.

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April 13, 2021

ENCLOSED DOCUMENTS:
Attachment 1: Summary of Grant Proposal

STAFF:
Chris Leonard, Deputy County Executive
Penney Azcarate, Circuit Court, Judge
Daryl Washington, Executive Director, Fairfax-Falls Church Community Services Board

**Adult Drug Court Discretionary Grant
Summary of Grant Proposal**

Please note: the actual grant application is not yet complete; therefore, this summary has been provided detailing the specifics of this application.

Grant Title:	Adult Drug Court Discretionary Grant
Funding Agency:	U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance
Applicant:	Fairfax-Falls Church Community Services Board (CSB)
Funding Amount:	Federal funding of \$500,000; a required non-federal match of 25 percent will be met with in-kind resources.
Proposed Use of Funds:	This grant project will support the enhancement of the Adult Drug Court in Fairfax County Circuit Court. It will support the use of evidence-based principles and practices by a multidisciplinary team responding to the offenses and treatment needs of program participants diagnosed with substance abuse. The grant will support collaboration between law enforcement, justice and CSB systems in increasing diversion opportunities. A 1/1.0 FTE new grant Drug Court Treatment Coordinator position will be established to collaborate between Drug Court and CSB related to treatment needs and progress of Drug Court participants.
Performance Measures:	<p>Enhance the drug court in Fairfax County.</p> <p>Fund one Drug Court Coordinator position to support operations in the court.</p> <p>Position will provide opportunities to expand beyond current capacity of serving a total of 25 individuals annually in the drug court program.</p> <p>Implement required evidenced-based practices developed by the National Association of Drug Court Professionals (NADCP).</p> <p>Develop and track outcomes aligned with best practices for drug courts.</p>
Grant Period:	October 1, 2021 – September 30, 2025

ADMINISTRATIVE - 12

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

ISSUE:

Board of Supervisors authorization is requested for the Department of Neighborhood and Community Services to apply for and accept supplemental grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$116,288. The grantor has waived the non-federal share match requirement for this application due to the continued fiscal impact of the COVID-19 pandemic; therefore, no Local Cash Match is required. Funding is specifically being provided by the grantor to support a 1.22 percent Cost of Living Adjustment (COLA) and offset higher operating costs for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. It should be noted that the COLA funding for County staff is to offset existing staff salaries; actual compensation adjustments are consistent with compensation adjustments approved by the Board. The grant period is July 1, 2021 to June 30, 2022. The table below details funding for each grant:

Grant	Federal Funding
Head Start	\$ 58,419
Early Head Start	\$ 47,194
Early Head Start Child Care Partnership/Expansion	\$ 10,675
Total	\$ 116,288

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

Board Agenda Item
April 13, 2021

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Department of Neighborhood and Community Services to apply for and accept supplemental grant funding, if received, from the Department of Health and Human Services, Administration for Children and Families, Office of Head Start in the amount of \$116,288. Local Cash Match is not required. Funding is specifically being provided to support a 1.22 percent Cost of Living Adjustment as well as offset higher operating costs. Grant funding currently supports 63/56.6 FTE grant positions. No new grant positions are being requested with this funding. The County Executive also recommends that the Board authorize the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board action is requested on April 13, 2021.

BACKGROUND:

The Consolidated Appropriations Act, 2021, contains an increase of approximately \$123 million for a cost-of-living adjustment for all Head Start grantees, inclusive of all Early Head Start - Child Care Partnerships, with the exception of new awards made in fiscal year 2021. The COLA supports a 1.22 percent increase above FY 2020 funding levels as well as offset higher operating costs. The funds are effective with the start of the FY 2021 budget period and are retroactive if this period has already commenced. Program Instruction ACF-PI-HS-21-01 informed grantees and delegate agencies of the intended uses of COLA funds and announced the opportunity for grantees to apply for the funds. Applications are due on April 15, 2021. The grantor has indicated that before funding is awarded, the Board of Supervisors must formally approve the applications.

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

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

Board Agenda Item
April 13, 2021

FISCAL IMPACT:

Grant funding in the amount of \$116,288 is being requested to support a 1.22 percent Cost of Living Adjustment as well as offset higher operating costs for the Head Start, Early Head Start, and Early Head Start Child Care Partnership and Expansion grants. No Local Cash Match is required. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does allow the recovery of indirect costs; however, because this funding opportunity is highly competitive, the Department of Neighborhood and Community Services has elected to omit inclusion of indirect costs to maximize the proposal's competitive position.

CREATION OF NEW POSITIONS:

Grant funding currently supports 63/56.6 FTE grant positions. No new grant positions are being requested with this funding. The County has no obligation to continue funding the existing positions if grant funding ends.

ENCLOSED DOCUMENTS:

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

STAFF:

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



ADMINISTRATION FOR CHILDREN & FAMILIES

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

March 17, 2021

Grant No. 03CH010411

Dear Head Start Grantee:

The Consolidated Appropriations Act, 2021, contains an increase of approximately \$123 million for a cost-of-living adjustment (COLA) for all Head Start grantees, inclusive of all Early Head Start - Child Care Partnerships, with the exception of new awards made in fiscal year (FY) 2021. The COLA supports a 1.22 percent increase above FY 2020 funding levels to increase staff salaries and fringe benefits, and offset higher operating costs. The funds are effective with the start of the FY 2021 budget period and are retroactive if this period has already commenced.

The following table reflects the increase(s) available for FY 2021.

Funding Type	Head Start	Early Head Start
Cost-of-Living Adjustment (COLA)	\$58,419	\$47,194
Total Funding		\$105,613

Please note, allocations are subject to change if adjustments are made to annual funding levels.

Submission Requirements

Program Instruction ACF-PI-HS-21-01 informed grantees and delegate agencies of the intended uses of COLA funds and announced the opportunity for grantees to apply for the funds. Please review the Program Instruction carefully to ensure your supplemental application meets the requirements for funding and contains all of the necessary information.

The supplemental application is due April 15, 2021 and must be submitted in the Head Start Enterprise System (HSES). To apply, please select the **Financials tab**, **Grant Application** tab, **Fiscal Year 2021**, and add the '**Supplement - COLA**' amendment type. No other application type for these funds will be accepted.

Content of 'Supplement - COLA' Application

Applications must include a narrative and detailed budget justification by program, Head Start and/or Early Head Start and demonstrate the following:

- An increase of no less than 1.22 percent of the current pay scale for Head Start/Early Head Start employees, including unfilled vacancies, subject to the provisions of Sections 653 and 640(j) of the Head Start Act;
- The rationale and documentation detailing agency policies and procedures if employees are receiving less than the 1.22 percent COLA or differential COLA increases;
- The provision of a no less than 1.22 percent increase to all delegate agencies and partners or justification if less than 1.22 percent or differential increases are provided to delegate agencies and partners;
- The planned uses for the balance of the COLA funds to offset higher operating costs.

Non-Federal Match

The budget and detailed budget justification must include each source of non-federal match, including estimated amount per source and the valuation methodology. Flexibilities continue for waiver requests of the non-federal match requirement through the public health emergency for the 2019 novel coronavirus. To request a waiver, enter \$0 in Section C of the SF-424A of the application. No additional justification is required, and the issuance of a notice of award constitutes approval of the request.

Supporting Documents

Signed statements of the Governing Body and Policy Council Chairs along with Governing Body and Policy Council minutes documenting each group's participation in the development and approval of the supplemental application must be provided. Through the public health emergency for the 2019 novel coronavirus, at a minimum a statement confirming the approval of Governing Body and Policy Council members available for contact will be accepted.

The application must be submitted on behalf of the Authorizing Official registered in the HSES.

Incomplete applications will not be processed.

Please ensure the application contains all of the required information. If you have any questions or need assistance, please contact Tamara Mattier, Head Start Program Specialist, at 215-861-4066 or Tamara.Mattier@acf.hhs.gov or Jody Vaughn, Grants Management Specialist, at -- or Jody.Vaughn@acf.hhs.gov.

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

Sincerely,

/Brenda Hewitt/

Brenda Hewitt
Regional Program Manager
Office of Head Start



ADMINISTRATION FOR CHILDREN & FAMILIES

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

March 17, 2021

Grant No. 03HP000205

Dear Head Start Grantee:

The Consolidated Appropriations Act, 2021, contains an increase of approximately \$123 million for a cost-of-living adjustment (COLA) for all Head Start grantees, inclusive of all Early Head Start - Child Care Partnerships, with the exception of new awards made in fiscal year (FY) 2021. The COLA supports a 1.22 percent increase above FY 2020 funding levels to increase staff salaries and fringe benefits, and offset higher operating costs. The funds are effective with the start of the FY 2021 budget period and are retroactive if this period has already commenced.

The following table reflects the increase(s) available for FY 2021.

Funding Type	Early Head Start
Cost-of-Living Adjustment (COLA)	\$10,675
Total Funding	\$10,675

Please note, allocations are subject to change if adjustments are made to annual funding levels.

Submission Requirements

Program Instruction ACF-PI-HS-21-01 informed grantees and delegate agencies of the intended uses of COLA funds and announced the opportunity for grantees to apply for the funds. Please review the Program Instruction carefully to ensure your supplemental application meets the requirements for funding and contains all of the necessary information.

The supplemental application is due April 15, 2021 and must be submitted in the Head Start Enterprise System (HSES). To apply, please select the **Financials tab**, **Grant Application tab**, **Fiscal Year 2021**, and add the **'Supplement - COLA'** amendment type. No other application type for these funds will be accepted.

Content of 'Supplement - COLA' Application

Applications must include a narrative and detailed budget justification by program, Head Start and/or Early Head Start and demonstrate the following:

- An increase of no less than 1.22 percent of the current pay scale for Head Start/Early Head Start employees, including unfilled vacancies, subject to the provisions of Sections 653 and 640(j) of the Head Start Act;
- The rationale and documentation detailing agency policies and procedures if employees are receiving less than the 1.22 percent COLA or differential COLA increases;
- The provision of a no less than 1.22 percent increase to all delegate agencies and partners or justification if less than 1.22 percent or differential increases are provided to delegate agencies and partners;
- The planned uses for the balance of the COLA funds to offset higher operating costs.

Non-Federal Match

The budget and detailed budget justification must include each source of non-federal match, including estimated amount per source and the valuation methodology. Flexibilities continue for waiver requests of the non-federal match requirement through the public health emergency for the 2019 novel coronavirus. To request a waiver, enter \$0 in Section C of the SF-424A of the application. No additional justification is required, and the issuance of a notice of award constitutes approval of the request.

Supporting Documents

Signed statements of the Governing Body and Policy Council Chairs along with Governing Body and Policy Council minutes documenting each group's participation in the development and approval of the supplemental application must be provided. Through the public health emergency for the 2019 novel coronavirus, at a minimum a statement confirming the approval of Governing Body and Policy Council members available for contact will be accepted.

The application must be submitted on behalf of the Authorizing Official registered in the HSES.

Incomplete applications will not be processed.

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

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

Sincerely,

/Brenda Hewitt/

Brenda Hewitt
Regional Program Manager
Office of Head Start

Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights
Necessary for the Construction of Rock Hill Rd Walkway (Sterling to Astoria)
(Dranesville District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-088-062, Rock Hill Rd Walkway (Sterling to Astoria), Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 18, 2021, at 4:00 p.m.

TIMING:

Board action is requested on April 13, 2021, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of constructing 525 linear feet (LF) of curb and gutter with 5' wide concrete sidewalk and 125 LF of retaining wall along the east side of Rock Hill Road. Storm sewer pipe will be installed along with the replacement of the existing culvert with a triple 38" x 24" elliptical pipe culvert.

Land rights for these improvements are required on three properties, one of which has been acquired by the Land Acquisition Division. The construction of this project requires the acquisition of the storm drainage and the grading agreement and temporary construction easements.

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

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April 13, 2021

FISCAL IMPACT:

Funding is available in Project 2G40-088-000, County Six Year Plan (CSYP) Bike and Pedestrian Program, Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2021 – FY 2025 Adopted Capital Improvement Program (with future Fiscal Years to 2030) and is included in the Board's Transportation Priorities Plan (TPP) adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation
Randolph W. Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

ASSIGNED COUNSEL:

Pamela K. Peltó, Assistant County Attorney



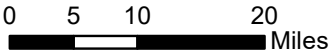
**ROCK HILL ROAD WALKWAY
STERLING TO ASTORIA**
Project 2G40-088-062

Tax Map: 016-1

Dranesville District

Affected Properties:

Proposed Improvements:



LISTING OF AFFECTED PROPERTIES
Project 2G40-088-062
Rock Hill Rd Walkway (Sterling to Astoria)
(Dranesville District)

PROPERTY OWNER(S)

TAX MAP NUMBER(S)

- | | |
|--|----------------|
| 1. Frederick M. Bush,
Edwin Bush,
Randolf Bush,
Elva E. Williams,
Ruth Bush,
Vanassa Bush,
Elouise Mary Bushrod,
June Holmes,
Louis Albert Bush, III,
Howard Bush and/or Unknown Owners and Heirs

Address:
2124 Rock Hill Road, Herndon, VA 20170 | 016-1-01-0004A |
|
 | |
| 2. Dulles Greene Gardens, LLC,
247 Dulles Greene, LLC,
CR Dulles Greene, LLC,
LIDO Dulles Greene, LLC,
MJG Dulles Greene, LLC,
MJG II Dulles Greene, LLC

Address:
2150 Astoria Circle, Herndon, VA 20170 | 016-1-01-0005B |

Board Agenda Item
April 13, 2021

ADMINISTRATIVE - 14

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6012 Pike Branch Drive, Alexandria, VA 22310 (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6012 Pike Branch Drive, Alexandria, VA 22310 (Tax Map No. 082-4 ((12)) 0003).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on April 13, 2021, a public hearing to be held Tuesday, June 8, 2021, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

The structure has been abandoned since a fire occurred in the basement level of the house in February 2015. Subsequently, a small portion of the first floor is structurally unsound and the Fire Department declared the house uninhabitable. In addition, certain windows and doors are not in sound condition and the roof of the sun porch is damaged. See attached Notice of Violation (NOV) issued on October 15, 2019, for an updated listing of all violations. The property has a history of repeated complaints from neighboring residents as well as unsuccessful litigation.

Board Agenda Item
April 13, 2021

The subject property is an abandoned, 2,456 square foot two-story wood and masonry dwelling with a full basement, attached garage, and two porches, constructed in 1954. The first Notice of Violation (NOV) was issued on October 23, 2015, followed by several other NOVs, over the years, which were sent to the owners of record, Martina Simpkins and Anthony Simpkins, at the address of record (a P.O. Box). The owners did not respond to any of the County's NOVs and as a result, in 2019, County staff performed exterior cleanup and placed a lien on the property.

On December 10, 2020, the Neighborhood Enhancement Task Force (NETF) reviewed the property documentation, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices, on December 15, 2020, to the owners of record, at the P.O. Box address shown on the tax record, as well as copies by e-mail to the mortgage company. Neither the owners of record nor the mortgage company responded to the County's notifications and/or addressed the blighted conditions. Nor have the owners submitted a blight abatement plan for the property.

In 2021, the County continued to reach out to the Simpkins by phone and left voicemail messages. On March 10, 2021, both Martina and Anthony Simpkins responded by text messages to Jack Weyant, Director of the Department of Code Compliance. On March 11, 2021, Mr. Weyant spoke with Mr. Simpkins by phone. Mr. Weyant relayed the history of NOVs and the County's plan to proceed with its Spot Blight Abatement Plan unless the Simpkins submitted an abatement plan. On March 12, 2021, Mr. Simpkins followed up with an e-mail to Mr. Weyant, directing the County to communicate with the Simpkins through their attorney and to send all prior correspondence to him. This information was sent to their attorney on March 12, 2021. In addition, Fairfax's Office of the County Attorney reached out to him and spoke by phone on March 26, 2021. Their attorney indicated that submittal of a blight abatement plan was a high priority of the Simpkins. To date, nothing has been received by the County.

Although the County will continue to seek cooperation from the owners to eliminate the blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Code, be held to adopt an Ordinance declaring the property to be blighted, and to approve the blight abatement plan, whose purpose will be to purchase the property through eminent domain or to demolish the structure. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with eminent domain or demolition, as determined by the Board of Supervisors. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. If the property is purchased by the

Board Agenda Item
April 13, 2021

County through eminent domain the County will, in turn, sell the property to a responsible buyer capable of repairing the blight and making the home occupiable. If the County demolishes the house, it will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the purchase of the property or its demolition from blight abatement funds already designated for this purpose. The structure is assessed for \$10,400 and the land is assessed for \$292,000, but prior to any purchase the County would be required to have the property appraised by an independent appraiser. The demolition cost is estimated at approximately \$60,000.

Funds recovered by the sale of the property or funds received via reimbursement from the owner (for demolition costs) will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Notice of Unsafe Structure and Structure Unfit for Human Occupancy and Notice of Violation, dated October 15, 2019

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E. Director, Department of Code Compliance

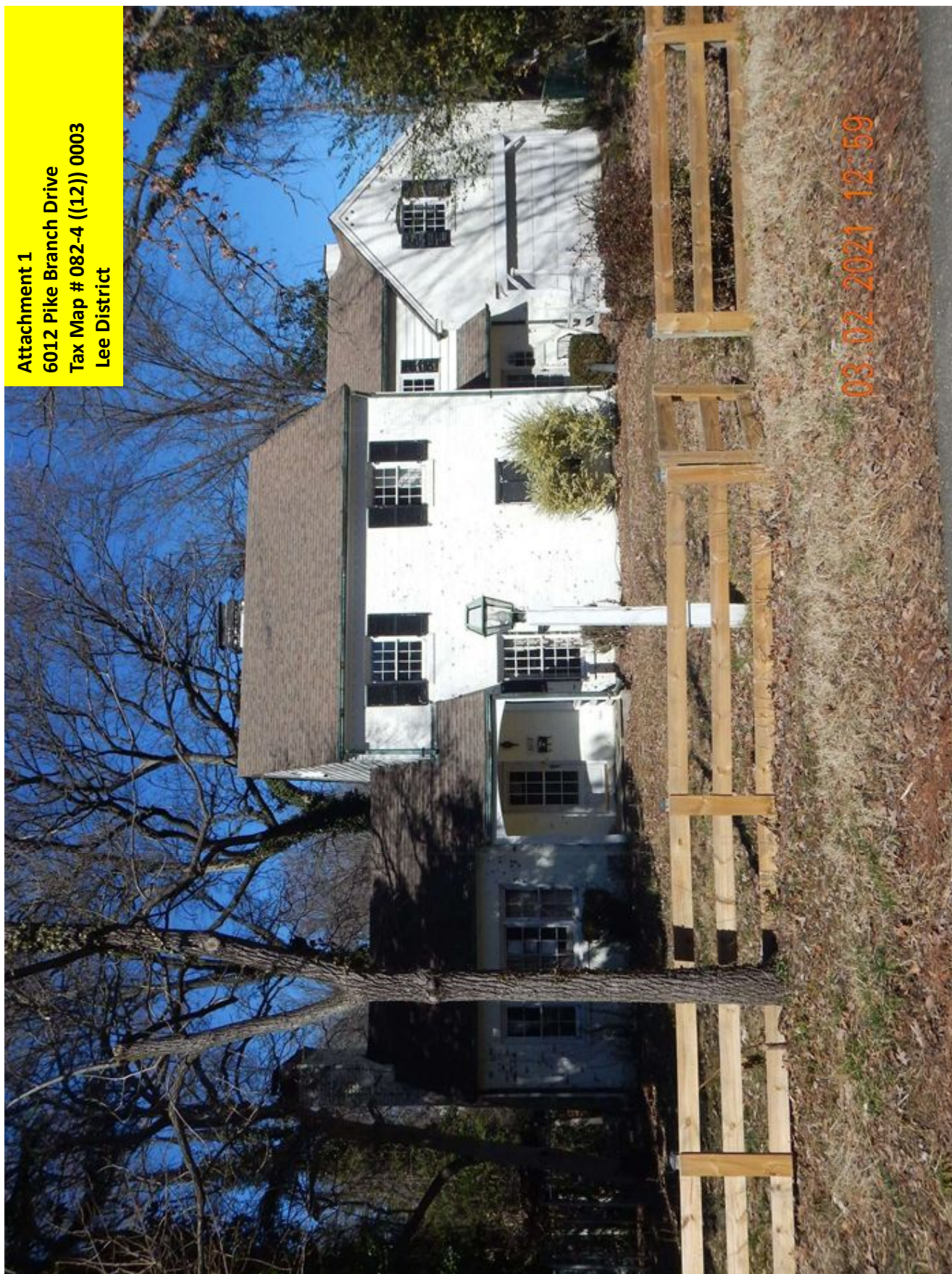
Karen McClellan, Operations Manager, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

Attachment 1
6012 Pike Branch Drive
Tax Map # 082-4 ((12)) 0003
Lee District



Attachment 1
6012 Pike Branch Drive
Tax Map # 082-4 ((12)) 0003
Lee District





County of Fairfax, Virginia

FILE COPY

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

NOTICE OF UNSAFE STRUCTURE AND STRUCTURE UNFIT FOR HUMAN OCCUPANCY

DATE OF ISSUANCE: October 15, 2019

METHOD OF SERVICE: CERTIFIED MAIL # 7018 1130 0000 1757 1178

LEGAL NOTICE ISSUED TO: Martina Simpkins
Anthony Simpkins

ADDRESS: 706 N. Columbus Street
Alexandria, VA 22314

**LOCATION OF VIOLATION/
SUBJECT PROPERTY:** 6012 Pike Branch Drive
Alexandria, VA 22310-2225

TAX MAP REF: 0824 12 0003

CASE #: 201906224 **SR#:** 166168

ISSUING INVESTIGATOR: Victoria Fitzgerald, (703)324-1398

Dear Responsible Party:

In accordance with the Virginia Maintenance Code (Part III of the Uniform Statewide Building Code - 2015 Edition), an inspection of the single-family dwelling located on the above-referenced subject property was conducted on September 26, 2019. The inspection found the structure is unsafe because the structure is vacant and unsecured and that portions of the ceiling and floor are in a state of partial collapse, further collapse is likely. The structure is unfit for human occupancy because the structure lacks maintenance and in disrepair. The structure has been open to the elements since the fire in 2015 and is in disrepair. Therefore, the Fairfax County Maintenance Code Official (Code Official) has deemed this structure to be an Unsafe Structure and a Structure Unfit for Human Occupancy, which is defined in Section 202 of the Virginia Maintenance Code as:

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

Simpkins Martina
 Simpkins, Anthony
 October 15, 2019
 SR 166168
 Page 2

UNSAFE STRUCTURE:

An existing structure (i) determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public, (ii) that contains unsafe equipment, or (iii) that is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is likely. A vacant existing structure unsecured or open shall be deemed to be an unsafe structure.

STRUCTURE UNFIT FOR HUMAN OCCUPANCY:

An existing structure determined by the code official to be dangerous to the health, safety and welfare of the occupants of the structure or the public because (i) of the degree to which the structure is in disrepair or lacks maintenance, ventilation, illumination, sanitary or heating facilities or other essential equipment or (ii) the required plumbing, and sanitary facilities are inoperable.

The structure must remain vacant. No person shall enter the structure except upon the authorization of the Code Official for one of the following purposes: (a) to make the required repairs, (b) to demolish the structure, or (c) to make inspections. The placard shall not be removed until the structure is determined by the Code Official as safe to occupy.

You are hereby directed to abate the conditions found at the subject property by complying with the attached Notice of Violation. Because the vacant structure was found to be unsecured, which might endanger the public health or safety; per Sect. 105 of the Virginia Maintenance Code, the structure must be secured against public entry or razed and removed.

Pursuant to Section 106.8 and Section 106.9 of the Virginia Maintenance Code, the Code Official shall be permitted to authorize the necessary work to secure the structure against public entry, or to make the structure temporarily safe, whether or not legal action to compel compliance has been instituted. You will be billed if such work is done.

Per Sect. 107.5 of the Virginia Maintenance Code; any person aggrieved by the application of the code may appeal to the Local Board of Building Code Appeals (LBBCA), which is the Fairfax County Board of Building and Fire Prevention Code Appeals. The request for an appeal must be submitted in writing within 14 calendar days of receipt of the decision being appealed along with a \$208 fee. Failure to submit an application for appeal within the time limit established shall constitute acceptance of the Code Official's decision.

You may call the secretary of the LBBCA for more information about the appeals process, and/or appeal application forms:

Secretary to the Fairfax County Local Board of Building Code Appeals
 Attention:

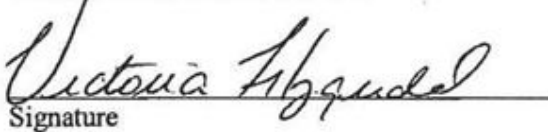
Simpkins Martina
Simpkins, Anthony
October 15, 2019
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Page 3

Secretary to the Fairfax County Local Board of Building Code Appeals
Land Development Services
12055 Government Center Parkway, Suite 334
Fairfax, Va. 22035-5504
Telephone: (703)324-5175, TTY 711

Information and forms can also be obtained at:
<https://www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals>.

Please give this matter your immediate attention and should you have any questions, please contact me at (703)324-1398.

LEGAL NOTICE ISSUED BY:


Signature

Victoria Fitzgerald
Code Compliance Investigator
(703)324-1398
Victoria.Fitzgerald@fairfaxcounty.gov



County of Fairfax, Virginia

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

FILE COPY

NOTICE OF VIOLATION Virginia Maintenance Code

DATE OF ISSUANCE: October 15, 2019

METHOD OF SERVICE: CERTIFIED MAIL # 7018 1130 0000 1757 1178

LEGAL NOTICE ISSUED TO: Martina Simpkins
Anthony Simpkins

ADDRESS: 706 N. Columbus St.
Alexandria, VA 22314

LOCATION OF VIOLATION: 6012 Pike Branch Dr
Alexandria, Virginia 22310-2225

TAX MAP REF: 0824 12 0003

CASE #: 201906224 **SR #:** 166168

ISSUING INVESTIGATOR: Victoria Fitzgerald, (703)324-1398

POTENTIAL CIVIL PENALTIES PURSUANT TO FAIRFAX COUNTY

CODE § 61-7-1(B): Maintenance Code Violation(s)	First Offense	Each Subsequent Offense
§VMC304.13	\$ 100.00	\$ 150.00
§VMC304.13.1	\$ 100.00	\$ 150.00
§VMC304.15	\$ 100.00	\$ 150.00
§VMC304.2	\$ 100.00	\$ 150.00
§VMC304.4	\$ 100.00	\$ 150.00
§VMC304.7	\$ 100.00	\$ 150.00
§VMC305.2	\$ 100.00	\$ 150.00
§VMC305.3	\$ 100.00	\$ 150.00
TOTAL:	\$ 800.00	\$ 1200.00

Dear Responsible Party:

In accordance with the Virginia Maintenance Code (Part III of the Uniform Statewide Building Code-2015 Edition), an inspection on September 26, 2019 revealed violations as listed below at the

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 Fax 703-653-9459 TTY 711
www.fairfaxcounty.gov/code

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referenced location. The cited violations must be corrected within **30 days** from receipt of this notice unless otherwise indicated.

VIOLATION: WINDOW, SKYLIGHT & DOOR FRAMES - VMC 304.13 - Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

LOCATION: Windows throughout, garage door, rear door

WORK TO BE PERFORMED: Repair broken windows, garage door and rear door and maintain them in good repair and weather tight condition.

VIOLATION: GLAZING - VMC 304.13.1 - Glazing materials shall be maintained free from cracks and holes.

LOCATION: Windows (glazing) throughout

WORK TO BE PERFORMED: Repair broken windows and maintain them in good repair and weather tight condition.

VIOLATION: DOORS - VMC 304.15 Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks in means of egress doors shall be in accordance with Section 702.3.

LOCATION: Rear Door

WORK TO BE PERFORMED: Rear door is not capable of being locked, repair and secure.

VIOLATION: PROTECTIVE TREATMENT - VMC 304.2. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

LOCATION: All exposed non-treated surfaces, including, but not limited to: windows, doors and trim and deck

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WORK TO BE PERFORMED: Relace all rotten wooden surfaces, scrape and paint all peeling paint, or provide protective treatment.

VIOLATION: STRUCTURAL MEMBERS-VMC 304.4. Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

LOCATION: Roof of sunroom, rear of property

Work To Be Performed: Overgrowth had damaged structural members of roof, repair, replace or demolish the portions of the structure where damage has occurred.

VIOLATION: ROOF AND DRAINAGE-VMC 304.7 The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage.

LOCATION: Sunroom, gutters

WORK TO BE PERFORMED: Roof has significant damage- repair, replace or demolish. Gutters are obstructed, clean and maintain free from obstructions

VIOLATION: STRUCTURAL MEMBERS-VMC 305.2. Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

LOCATION: Interior members in area of fire and in sunroom

WORK TO BE PERFORMED: Obtain the services of a registered design professional to evaluate the repair of the structural damage caused by the fire and damage caused by the damage from the elements. Provide this evaluation in order to submit for a building permit to repair these areas.

VIOLATION: INTERIOR SURFACES-VMC 305.3. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

LOCATION: Hole in floor in area of fire, fallen ceiling in area of sunroom

WORK TO BE PERFORMED: Repair or replace all damaged interior surfaces.

All repairs, alterations, and/or additions must be made in accordance with applicable laws. Any additional violations that may appear as work progresses will require correction.

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Information about obtaining any necessary permits required by other Fairfax County agencies may be obtained by calling (703)222-0801, TTY 711 and requesting the appropriate department. Per Sect. 107.5 of the Virginia Maintenance Code, any person aggrieved by the application of the code may appeal to the Local Board of Building Code Appeals (LBBCA), which is the Fairfax County Board of Building and Fire Prevention Code Appeals. The request for an appeal must be submitted in writing within 14 calendar days of receipt of the decision being appealed along with a \$208 fee. Failure to submit an application for appeal within the time limit established shall constitute acceptance of the Code Official's decision.

You may call the secretary of the LBBCA for more information about the appeals process, and/or appeal application forms:

Secretary to the Fairfax County Local Board of Building Code Appeals
Attention:
Secretary to the Fairfax County Local Board of Building Code Appeals
Land Development Services
12055 Government Center Parkway, Suite 334
Fairfax, Va. 22035-5504
Telephone: (703)324-5175, TTY 711

Information and forms can also be obtained at: <https://www.fairfaxcounty.gov/landdevelopment/code-interpretations-modifications-and-appeals>

A follow-up inspection will be made at the expiration of the time period outlined in this Notice.

Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Virginia Maintenance Code which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$100.00 for each violation cited herein for the first violation and \$150.00 for each subsequent violation cited herein per day totaling up to \$4,000.00 in accordance with Fairfax County Code § 61-7-1(B). The Property Maintenance Code Official may also seek to enjoin this violation.

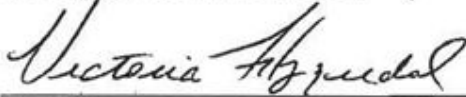
Civil penalties entered by the General District Court shall be paid to the Office of the County Attorney. Investigators may not accept any payments, including those associated with fines and fees.

In accordance with the code, the owner or person to whom this notice of violation has been issued is responsible for contacting me within the time frame established for any re-inspections to assure the violations have been corrected.

If you have any questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703)324-1398. For any other questions, contact our main office at (703)324-1300, TTY 711.

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LEGAL NOTICE ISSUED BY:

A handwritten signature in cursive script, appearing to read "Victoria Fitzgerald", written over a horizontal line.

Signature

Victoria Fitzgerald
Code Compliance Investigator
(703)324-1398
Victoria.Fitzgerald@fairfaxcounty.gov

Board Agenda Item
April 13, 2021

ACTION - 1

Authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to Issue a Housing Blueprint Loan to Landings II Fort Belvoir LLC, in the Amount of \$3,000,000, to Finance the Acquisition of Landings II Ft. Belvoir, Alexandria, Virginia (Mount Vernon District)

ISSUE:

Board authorization for the FCRHA to issue a Housing Blueprint loan in the amount of \$3,000,000, to AHC Inc. (AHC), for the acquisition of Landings II Ft. Belvoir apartments (the Project), located at 9190 Richmond Highway in the Mount Vernon District.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCRHA to make the proposed loan in the amount of \$3,000,000 to the Landings II Ft. Belvoir project.

TIMING:

Immediate. AHC closed on acquisition of Landings II Ft. Belvoir on February 25, 2021 using a \$3,000,000 bridge loan from Virginia Housing (VH) that is required to be repaid within six months of closing.

BACKGROUND:

In July 2020, the Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for Housing Blueprint Funds of \$7,570,249. Based on this NOFA, the Selection Advisory Committee (SAC) recommended an award of \$3,000,000 to AHC for the permanent financing of the Project.

On February 12, 2021, a non-binding Memorandum of Understanding (MOU) (Attachment 4) was executed between AHC, VH, and the FCRHA for the acquisition and preservation of the Property. The MOU defines the financing strategy, including the anticipated use of Blueprint funds for permanent financing, and the strategy and the plan for long-term preservation of the property as committed affordable housing. AHC purchased the Property from Canterbury Owner, LLC, on February 25, 2021 and established the new ownership entity of Landings II Fort Belvoir LLC.

The FCRHA, subject to the authorizing of the Board, approved making the recommended loan of \$3,000,000 for the Project on March 18, 2021.

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Applicant

AHC Inc., a 501(c)(3) not-for-profit and Community-Based Housing Development Organization (CHDO) based in Arlington, VA, is a regional expert in affordable housing with 45 years of experience in preserving, creating, and redeveloping residential communities for low- and moderate-income individuals and families. AHC has developed more than 7,500 homes across 50 properties using a wide variety of financing sources and creative approaches including conventional, social equity, and Real Estate Investment Trust financing for mixed-income, market-affordable, and market-rate multifamily developments including three affordable multifamily communities in Fairfax County totaling 578 units. AHC is a vertically integrated organization, with in-house multifamily development, finance, resident services, construction management and asset management expertise.

Project Description

Landings II Ft. Belvoir apartments, located adjacent to Fort Belvoir on Richmond Highway in the Alexandria area of Fairfax County, was originally constructed circa 1964 and is comprised of 76 market affordable units with 140 associated parking spaces.

AHC proposes a two-phased preservation and affordability strategy for the property. First, AHC will complete initial renovations to the property followed by a transition plan in which all units will become committed affordable for households earning no more than 60 percent of Area Median Income (AMI) by February 1, 2026.

To minimize displacement of the residents, AHC will phase in this affordability target through natural attrition until 100 percent of the units are rented to residents with initial incomes at 60 percent AMI or below. Existing households that meet the affordability criteria will be eligible to remain in place. The affordability phasing is detailed within the MOU.

Second, AHC will finance substantial renovations of the property and secure long-term affordability. A Low-Income Housing Tax Credit (LIHTC) execution is expected to be implemented in approximately 10 years with 100 percent of the units at 60 percent AMI.

Related Background

In addition to acquiring Landings II Ft. Belvoir, AHC also acquired Landings I Mt. Vernon Apartments under the same two-phase preservation and affordability strategy described above, similar to Ft. Belvoir and included in the MOU. Landings I Mt. Vernon is comprised of 216 units located off Sacramento Drive in the Alexandria area of Fairfax County. The initial acquisition will provide affordable units for lower Area Median Incomes (AMI) levels. Virginia Housing awarded \$7,800,000 to AHC out of Fairfax County's allocation of Amazon Impact funds through VH's REACH program. The funds

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will be used toward the acquisition and phased implementation of committed affordability at Landings I Mt. Vernon.

Scope of Work

This project included the acquisition of the property with minor repairs and upgrades as defined in the Physical Needs Assessment, which is the report that analyzes current conditions at the property and suggests where repairs may be needed. This includes sidewalk repairs, tree trimming, storm drain work, building a new entrance sign and monument, structural repairs, window-pane work, replacing certain gas furnaces and water heaters, and other work within the units. This work will be done within the first year of acquisition.

Anticipated Benefits

- Provides for the preservation of the market affordable units and converting them to committed affordable units.
- Delivers 76 units at 60 percent AMI or below within five years of acquisition.
- Adds 76 units from the Landings II Fort Belvoir to the County's stock of privately-owned, committed affordable housing units.
- Provides a phased approach to address initial repairs and upgrades immediately, and full renovations to begin after year 10.
- Provides for long-term affordability for at least 30 years established by the deed of trust and loan documents for the Housing Blueprint loan and by a recorded Land Use Restriction Agreement, which runs with the land.
- Provides additional affordability when property applies for LIHTC refinancing, to begin after year 10 of the initial acquisition.
- Upgrades the property to EarthCraft energy standards as part of the LIHTC renovation after Year 10.
- Provides committed affordable units that
 - i. have access to a "multi-modal transportation system" including access to multiple bus routes with connections to rail;
 - ii. are near Fort Belvoir, a major employment center, and
 - iii. are within three and a half miles of a County health center and human services office promoting access to a "health and human services system" as well as other medical facilities.

Appraised Value

HCD engaged an independent appraiser from Robert Paul Jones, Inc., and the report they provided has a Decontrol Value of \$15,825,000 that fully collateralizes the FCRHA Housing Blueprint Loan. The Department of Tax Administration has reviewed the appraisal and found the methodology used to be appropriate and the multiple valuation conclusions, under market rent and restricted rent scenarios, to be reasonable.

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Affordability; Assessed Value; Financing Plan; Terms of Housing Blueprint Loan
Please see Attachment 2.

Closing

The loan closing will occur following approval by the Board. The requirements for the closing include, but are not limited to the following items:

1. Primary loan commitment financing (VH financing) and disbursement of funds.
2. Final underwriting by HCD Staff.
3. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County.
4. Satisfactory appraisal of the property that fully collateralizes the Blueprint loan.
5. Receipt and approval of all third-party reports by HCD staff.

Risks and Concerns

1. While it is anticipated that AHC will ensure 100 percent of the 76 units are occupied by residents with initial income of 60 percent AMI and below within five years, it is possible that it may take longer due to the need for reasonable accommodations for residents, and/or a force majeure exception for a government moratorium on rent restriction evictions.
2. Interest rate risk: If the interest rate on the first mortgage increases above the current estimated rate of 3.10 percent, AHC will need additional sources of funds or identify cost savings in the acquisition budget.

STAFF IMPACT:

None.

FISCAL IMPACT:

Funding of \$3,000,000 will be allocated from the Fiscal Year 2021 Housing Blueprint Project in Fund 30300, Affordable Housing Development and Investment Fund, Project 2H38-180-000 with a project balance of \$3,120,249 as of March 16, 2021.

ENCLOSED DOCUMENTS:

Attachment 1 – Vicinity Map

Attachment 2 – Affordability, Assessed Value, Financing Plan, Terms of Housing
Blueprint Loan

Attachment 3 – Housing Blueprint Loan Term Sheet Landings II Ft. Belvoir LLC

Attachment 4 – Memorandum of Understanding

Board Agenda Item
April 13, 2021

STAFF:

Chris Leonard, Deputy County Executive

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)

Teresa Lepe, Deputy Director, Real Estate, Finance and Development, HCD

Jyotsna Sharma, Associate Director, Real Estate Finance and Grants Management (REFGM), HCD

Debashish Chakravarty, Senior Real Estate Finance Officer, REFGM, HCD

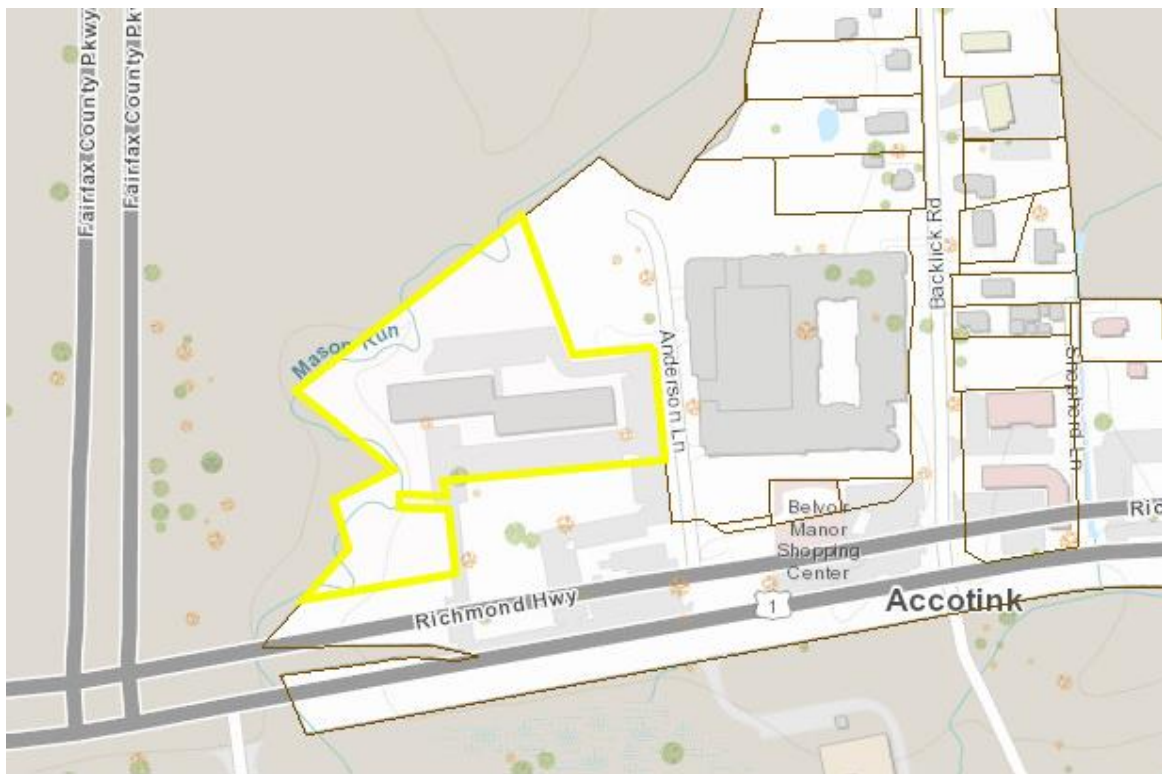
ASSIGNED COUNSEL:

Cynthia Bailey, Deputy County Attorney

Alan Weiss, Assistant County Attorney

Vicinity Map
Landings II Ft. Belvoir

Location: 9190 Richmond Highway
Tax Map 1091 01 0002
Mt. Vernon District



Landings II/Ft. Belvoir Financing PlanAffordability

The following table represents the proposed rents by year five of the phased affordability plan:

No. of Apts.	Apartment Type	Affordability Level (AMI)	Average Sq. Ft.	Max Rents
12	Studio	60%	410	\$1,323
42	1 BR	60%	650	\$1,418
22	2 BR	60%	780	\$1,701

Residents will pay utilities for all units. Utility allowances will be phased in during Low-Income Housing Tax Credit refinancing and renovation.

Assessed Value

The assessed value for 2021 from Fairfax County records is: Land: \$1,748,000; Building: \$10,143,630; Total: \$11,891,630.

Financing Plan

The current estimated sources and uses for the acquisition are as follows:

SOURCES	Total	Per Unit
Virginia Housing Senior Permanent	\$9,190,000	\$120,921
Virginia Housing REACH Funds	\$1,000,000	\$13,158
Virginia Housing REACH Plus Funds	\$2,000,000	\$26,316
AHC Investment	\$921,019	\$12,119
Housing Blueprint Loan	\$3,000,000	\$39,474
Deferred Developer Fee	\$150,000	\$1,974
Total Sources	\$16,261,019	\$213,961
USES		
Acquisition	\$14,550,000	\$191,447
Hard Costs	\$776,600	\$10,218
Soft Costs + Reserves	\$352,519	\$4,638
Financing Costs	\$431,900	\$5,683
Developer Fee	\$150,000	\$1,974
Total Uses	\$16,261,019	\$213,961

The first mortgage for the acquisition of Landings II Ft. Belvoir is coming from Virginia Housing (VH) permanent financing, REACH loan and REACH Plus loan. The program

allows for a 30-year term and loans must be self-amortizing. Annual debt service is projected to be \$625,557 based on a VH combined loan amount of \$12,190,000, a 30-year term, and a weighted average interest rate of 3.10 percent. The interest rate cannot be locked until VH issues the first mortgage commitment, so the loan amount may fluctuate based on the final interest rate.

Terms of Housing Blueprint Loan

The Housing Blueprint Loan, the subordinate loan, will close in April/May 2021. The term will be for 30 years or such other term that is coterminous with the permanent senior loans. It will be an interest only loan, payable from 50 percent of the borrower's net cash flow, with all unpaid interest deferred until maturity. The Housing Blueprint Loan proceeds will be disbursed after the Board approves the loan, the loan documents are finalized, and loan closing takes place. Interest will start accruing at the time the first mortgage begins to amortize. Attachment 3 provides detailed terms for the Housing Blueprint Loan.

Housing Blueprint Loan Term Sheet:

Borrower: Landings II Fort Belvoir LLC

Address: 9190 Richmond Highway, Alexandria, Virginia 22060

Amount: \$3,000,000, subject to terms and conditions

Interest Rate: Two percent simple interest per annum

Amortization: N/A - will be deferred for repayment as provided below

Term: 30 years or such other term as is coterminous with the senior lien loan(s)

Security: Second Lien Deed of Trust on the property, or such other lower priority as the Fairfax County Redevelopment and Housing Authority (FCRHA) may accept in its sole discretion with assurance that the value of the property exceeds the aggregate debt of the higher priority loans and the Housing Blueprint loan

Conditions:

- 1) Housing Blueprint Loan is for the specific purpose of providing a loan associated with the Borrower's property consisting of 76 multifamily rental units located in Fairfax County (Tax Map Number: 1091 01 0002).
- 2) Housing Blueprint Loan will close after the permanent mortgage lender(s).
- 3) There will be no further senior or subordinate debt permitted to be placed on the property, other than the loans represented in the application for this loan, without the prior written approval of the FCRHA.
- 4) Borrower will pay an annual monitoring fee of \$5,000 escalating at three percent annually, for monitoring the property, after payment of the must-pay debt service and before payment of the deferred developer's fee.
- 5) Borrower will execute a Purchase Option and Right of First Refusal Agreement, subject only to the developer's and investors' option rights under its limited partnership agreement, as must be approved by the FCRHA. If the developer or investors exercise their right to purchase the property, the purchaser will be required to maintain the minimum affordability requirements pursuant to a Land Use Restriction Agreement (LURA) in favor of the FCRHA, both for the Ft. Belvoir and Mt. Vernon properties.
- 6) In case of any material default under the senior lien Deed(s) of Trust, terms acceptable to the FCRHA will be required to protect the Housing Blueprint Loan

value including, without limitation, the right to cure defaults, to acquire the senior debt, and to acquire ownership of the property.

Borrower will maintain the property as affordable housing for households where initial household income for 100 percent of the units does not exceed 60 percent of the area median income (AMI) five years after acquisition. Affordability restrictions will be established in the deed of trust for the Housing Blueprint Loan and by a recorded LURA which will run with the land for at least 30 years.

- 7) The following additional conditions are required for loan closing and release of funds:

- Loan Terms.**
- (1) Loan will not exceed \$3,000,000.
 - (2) The loan will have an interest rate of 2 percent per annum.
 - (3) The entire indebtedness will become due and payable upon transfer of the property without the prior approval of the FCRHA, refinancing, default, or failure to comply with the Housing Blueprint or other loan document requirements.
 - (4) The loan from the FCRHA will be a cash-flow loan, which means that when there is net cash flow, 50 percent will be applied to the accrued interest and then to the principal after payment of the deferred developer's fee in full. Interest will start accruing at the time the first mortgage begins to amortize. Any unpaid interest will be deferred until maturity.
 - (5) At the end of the 30-year term, or such other term as is coterminous with the senior lien loan(s), the outstanding principal balance along with any accrued but unpaid interest will become due and payable.
 - (6) The annual loan payments shall be payable only from 50 percent of the cash flow remaining after payment of the deferred developer's fee in full.
 - (7) During the 30-year term or such other term as is coterminous with the senior lien loan(s), refinancing may occur at the discretion of the FCRHA, but must be in compliance with applicable FCRHA refinancing policies.
 - (8) If the Housing Blueprint Loan is paid off before maturity of the loan, the developer will be required to maintain the affordability period according to the Housing Blueprint goals, pursuant to the LURA for a minimum term of 30 years or for a term coterminous with the senior lien loan(s), whichever is greater.
- a. **Loan Disbursement.** 100 percent of the loan will be disbursed after Fairfax County Board of Supervisors approval. Items needed for disbursement include, but are not limited to:
- i. Finalized loan documents for the Housing Blueprint Loan

- ii. No outstanding or pending defaults on the property
 - iii. Compliance with all lenders' disbursement requirements
- b. **Lien Position.** The Housing Blueprint Loan will be secured by a deed of trust subordinate only to the FCRHA approved senior lien(s).
- c. **Title.** Borrower will provide (1) satisfactory title and judgment search of property and (2) satisfactory lender's title insurance commitment(s) for the benefit of the FCHRA including, among other things, affirmative mechanics lien coverage, as prepared by a title company selected by the FCRHA.
- d. **Loan Documentation.** The senior lien loan(s) and all Housing Blueprint Loan terms and any lease agreement terms, conditions, and documentation must be acceptable to the FCRHA, including its counsel.
- e. **Conditions to Disburse Funds.** The Housing Blueprint Loan closing will be subject to final written approval by an Assistant Secretary of the FCRHA.
- f. **Other Conditions to Close.** Initial closing will not take place until the following have been accomplished in form and substance acceptable to the Department of Housing and Community Development (HCD) on behalf of the FCRHA:
 - i. Appraisal (updated no more than six months prior to closing)
 - ii. Environmental reviews
 - iii. Market Study
 - iv. Closing on first lien lender(s)
 - v. Final underwriting by HCD staff
 - vi. Other factors as reasonably deemed necessary to protect the interest of the FCRHA and Fairfax County
- g. **Note.** Any savings in the acquisition budget, at the discretion of the FCRHA, will be used to reduce the Housing Blueprint Loan.

**MEMORANDUM OF UNDERSTANDING
LANDINGS – FORT BELVOIR & MOUNT VERNON**

This MEMORANDUM OF UNDERSTANDING (“MOU”) is dated as of February __, 2021 and is by and among VIRGINIA HOUSING DEVELOPMENT AUTHORITY (“VH”), the FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (“FCRHA”), and AHC INC. (“AHC”).

General:

1. This MOU addresses the potential acquisition of two multifamily properties by AHC and the potential support of such acquisition by VH and the FCRHA. AHC targeted these properties as a long-term affordable preservation opportunity to help the FCRHA achieve its goals of 5,000 newly committed affordable units over the next 15 years and no net loss of existing market affordable units.

2. This MOU is non-binding. AHC and VH understand that the FCRHA cannot commit to loaning funds without the approval of the FCRHA’s Board of Commissioners (and, in the case of Blueprint and/or Housing Trust Fund funds, approval of the Board of Supervisors of Fairfax County, Virginia (“BOS”) as well).

Properties:

3. The two properties AHC seeks to acquire from a third-party seller are Landings II– Fort Belvoir, a 76-unit multifamily property located at 9190 Richmond Highway, Fort Belvoir, Virginia (“LFB”), and Landings I– Mount Vernon, a 216-unit multifamily property located at 5401 Claymont Drive, Alexandria, Virginia (“LMV”).

4. AHC is under contract to purchase both LFB and LMV, with a current outside closing date of on or about February 25, 2021.

Financial – General:

5. AHC has applied to the FCRHA for \$3,000,000 in Blueprint funds for the LFB transaction, pursuant to an FCRHA solicitation issued in July 2020. Additionally, for LMV, AHC seeks \$7,800,000 in Amazon REACH funds from VH, for which VH requires support from the local jurisdiction.

6. Subject to further underwriting and review of AHC’s application, FCRHA staff (a) will bring AHC’s application for funding for LFB to the FCRHA Board of Commissioners and, as applicable, to the BOS, and (b) will provide a letter of support for AHC’s LMV

acquisition to VH. FCRHA reserves the right to revise, waive, or add to the terms and conditions set forth in this MOU.

7. AHC acknowledges that the FCRHA will be unable to obtain the necessary approvals for Blueprint funding for LFB by its anticipated closing date. AHC anticipates closing on LFB using a subordinate second-position bridge loan from VH of \$3,000,000 (the “VH Bridge Loan”). The VH Bridge Loan would have a term of approximately six (6) months and would be paid off when refinanced by the FCRHA’s Blueprint loan, assuming FCRHA Board of Commissioner and BOS approval.

8. AHC will apply for 4% (i.e., non-competitive) LIHTC for each of LFB and LMV at the earliest opportunity when each site is eligible for acquisition credits and will thereafter continue to do so until each property can be refinanced through the Low-Income Housing Tax Credit (LIHTC) program. FCRHA acknowledges that currently the “10-year rule” of the LIHTC program may preclude (and the VH debt financing does preclude an earlier prepayment) AHC from applying for LIHTC until the spring of 2031.

Affordability:

9. The properties are currently “market affordable,” meaning that the rents charged to existing tenants are generally affordable to a household making 100% of the area median income (“AMI”) or less but are not subject to any restrictions requiring rents to remain at those levels.

10. AHC intends to use a phased approach to replace over-income tenants with income-qualified tenants upon naturally occurring turnover, so as to minimize displacement of existing residents.

11. However, starting on February 1, 2024 (“Transition Date”), AHC will notify any over-income household that AHC will not renew its lease in 2025. By February 1, 2026 (“End of Phasing”), 100% of tenants will be income-eligible as provided in paragraph 12. Failure to meet either benchmark will constitute a default under the Blueprint loan, which terms, including default, notice and cure provisions, will be fully detailed in the Blueprint loan agreement. The only exceptions are (a) reasonable accommodations AHC determines are necessary to provide reasonable accommodation for certain tenants, such as seniors or disabled persons, to meet such deadlines or (b) force majeure exceptions to the dates for AHC to meet the income restricted deadlines will be a government moratorium on rent restriction evictions, and then only for the minimum number of days of delay provided in the government moratorium. AHC must notify the FCRHA in writing of any units that may be subject to delays related to the above, which FCRHA shall not unreasonably withhold such acceptance, and the FCRHA shall have reasonable

consent rights to exceptions under (a) but shall have no obligation to make legal determinations with respect to any such accommodations.

12. At LFB, by the End of Phasing, 100% of the units will be occupied by households initially earning no more than 60% of AMI. At LMV, by End of Phasing, 20% of the units will be occupied by households initially earning no more than 50% of AMI; 40% of the units will be occupied by households initially earning no more than 60% of AMI; and by the End of Phasing the remaining 40% of units will be occupied by households initially earning no more than 80% of AMI. Such tenants may income qualify and be certified at any time prior to End of Phasing. The foregoing shall not require any income requirements prior to the End of Phasing other than for newly vacated units which must retented with households certified as income qualified.

13. Subject to FCRHA and BOS approval, income averaging may be permitted upon refinancing.

14. AHC will not be required to implement a utility allowance at a property until its refinancing using LIHTC.

15. Upon acquisition, AHC will provide basic-level income certification of all tenants upon the earlier of a resident's next lease renewal and April 1, 2022, all on a form approved by VH and the FCRHA, and consented to by AHC, such consent not to be unreasonably withheld or delayed.

16. For LFB only, until LIHTC refinancing, (a) maximum rents for units with an income-qualified household will not exceed applicable established maximum rents in the Fairfax County WDU program for households earning 60% of AMI, and (b) for units with a non-income-qualified household before End of Phasing, the maximum rent for such unit will not exceed established maximum rents in the Fairfax County WDU program for households earning 100% of AMI.

Financial – Additional Details:

17. The LIHTC (and any other) refinancing of each property will be subject to the approval of the FCRHA, which for either project shall not be unreasonably withheld, conditioned, or delayed, in accordance with its established policy for refinancing of Blueprint loans, and also subject to the approval of VH. It is anticipated the Blueprint and Amazon Reach loans will be assumed by an AHC-controlled entity. The maturity date on the Blueprint loan will be the greater of 30 years or the maturity date on the first lien deed of trust. Upon approved initial refinancing ("Initial Refinancing") of the LFB property, the maturity date of the Blueprint will be extended to be coterminous with maturity date of the Initial Refinancing first lien deed of trust.

18. The Blueprint Loan will be paid from 50% of the AHC-controlled entity's net cash flow and carry an interest rate of 2% non-compounding, that will be deferred to the extent cash flow is insufficient. All principal and deferred interest, if not sooner paid, will be due and payable upon maturity of the Initial Refinancing or sale of the property, unless extended by the FCRHA in its sole discretion. A Land Use Restriction Agreement ("LURA") will be recorded on both LFB and LMV setting forth the affordability requirements described in Paragraph 12. Each LURA will run with the land until the later of 30 years from the End of Phasing or the maturity date of the Initial Refinancing, but will survive payment in full of the Blueprint Loan.

19. The FCRHA's Blueprint loan will require monitoring and other fees typical for the Blueprint program.

20. Except for a transfer to an AHC-controlled entity, AHC will not sell or transfer either LMV or LFB without the prior approval of VH and the FCRHA. The FCRHA will not unreasonably withhold its consent to any such sale or transfer of LFB provided however that the LURA remains in effect and, at the election of the FCRHA, that the Blueprint Loan is paid in full at the time of sale or transfer. If the FCRHA fails to consent to such a sale, the FCRHA will have a right to purchase both properties pursuant to a purchase right as provided in 21(a) below. Failure to exercise such purchase right or timely close will terminate any approval rights of the FCRHA and AHC may proceed to sell the properties, consistent with the requirements of this paragraph (continued LURA compliance and repayment of the Blueprint loan).

21. AHC will provide the FCRHA with:

a. a right of first refusal separately for each project beginning at the time of funding of the Blueprint Loan and ending on January 1, 2045 (or extending for one year after the Year 15 of the tax credit compliance period but only if there has been a LIHTC refinancing) at a price to match a third-party written offer and terms, but not applicable to any transfer or sale to an entity controlled by AHC, and such price being, at a minimum, sufficient to pay all outstanding indebtedness and other project obligations and, if a LIHTC refinancing has occurred, at no less than the Internal Revenue Code price set forth in Section 42(i)(7).

b. an option to purchase the applicable property at fair market value using "dueling appraisals" on each property, which appraisals shall take into account affordability restrictions then applicable to the properties, but will be no less than the sum of any indebtedness and other project obligations, exercisable any time between April 1, 2036 (which may be delayed to permit the project or projects to be included in the next VH debt financing round) and for 1 year after such date, with a closing within three months after the date of such exercise, and such option may only be exercised if AHC has not closed on a refinancing to commence the rehabilitation, except if AHC has not closed on such financing due to a governmental moratorium.

Capital Repairs:

22. AHC will perform capital repairs at both properties in 2021, subject to delays directly attributable to COVID-19 impacts. The scope of these initial repairs is currently estimated at approximately \$1,101,918 (LMV) and \$813,183 (LFB) with the scope of work at each property based on Faithful & Gould PNA respective reports (December 2020) for LMV and LFB (Property PNAs). The work scope at LFB will include structural/geotechnical repairs outlined in the Ehlert Bryan and Piedmont Geotechnical reports from December, 2020.

23. AHC will include in each project's annual operating budget a \$1,000 per unit per year contribution to reserves for capital expenditures after acquisition.

24. Upon LIHTC (or other similarly substantial) refinancing, the applicable property will undergo substantial repairs to meet then current LIHTC (or similar, in the reasonable determination of VH and the FCRHA) requirements, which final scope of work will be subject to FCRHA review and approval, which approval shall not be unreasonably withheld, conditioned, or delayed.

25. Further Assurances. Each party agrees to do and perform, or cause to be done and performed, all such further acts and things, and shall execute and deliver all such other agreements, certificates, instruments, documents, and amendments, as may be reasonably requested in order to carry out the intent and accomplish the purposes of this MOU.

26. Termination. The parties agree that this MOU shall terminate upon the refinancing or other transfer of the properties as contemplated by this MOU.

[Signatures on Following Pages]

VIRGINIA HOUSING DEVELOPMENT AUTHORITY:

By: _____
Name:
Title:

[Signatures Continue on Following Pages]

FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY:

By: _____

Name: Thomas E. Fleetwood

Title: Assistant Secretary

[Signatures on Following Page]

AHC INC.:

By: _____
Name:
Title:

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ACTION - 2

Authorization to Execute a Funding Agreement with Landmark HHH, L.L.C. for the Implementation of Bus Stop Improvements at Little River Turnpike and Oasis Drive (Mason District)

ISSUE:

Board approval of a funding agreement between Fairfax County (County) and Landmark HHH, L.L.C. (Landmark). The agreement commits Landmark to contribute up to \$250,000 to relocate the existing bus stop on eastbound Little River Turnpike at Oasis Drive out of the existing travel lane and into its own bus bay.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors authorize the Director of the Department of Transportation to execute the funding agreement, on behalf of the County, with Landmark HHH, L.L.C. in substantial form as Attachment 1.

TIMING:

The Board of Supervisors should act on this item on April 13, 2021, so that the County can begin the construction process for the bus pullout.

BACKGROUND:

In 2018, Fairfax County was approached by Landmark HHH L.L.C., the owner of the shopping center known as the Plaza at Landmark to request the County's support in advancing the design and construction necessary to create a critical vehicle circulation improvement for the community. Landmark has owned the shopping center since 1997, and it has been a vibrant part of the community since then. Landmark has supported the County's efforts to create a meaningful long-term vision for Lincolnia as part of the Comprehensive Plan process. Due to their involvement and longstanding role in the community, they recognized the critical importance of making near-term strategic spot improvements to relieve congestion and improve vehicle circulation in the area for shopping center patrons, residents, and the traveling public.

As Landmark has received feedback from the community through the visioning process, one of the improvements suggested that would make a significant difference, and that Landmark supports, is moving the existing joint use Fairfax Connector/Metrobus stop on eastbound Little River Turnpike in front of the Plaza at Landmark, on the east side of

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Oasis Drive, out of the existing travel lane and into its own bus bay/bus pullout. This improvement would create immediate circulation benefits, especially for southbound cars on Beauregard Street turning left onto Little River Turnpike. Fairfax County Department of Transportation was also considering that same improvement.

The proposed project (graphic included in Attachment 1) will provide a bus bay with a loading area for Fairfax Connector and Metrobuses that will not block the thru travel lanes of eastbound Little River Turnpike. In addition to the roadway modifications proposed, this project will also provide new curb and gutter, replace part of a sidewalk, and upgrade the existing curb ramps within the project limits to meet Americans with Disabilities Act (ADA) standards. The existing bus shelter will be replaced with a new bus shelter consistent with current County standards. All design elements proposed for the project will be consistent with VDOT and County standards.

Landmark acknowledges the need for both the community and private landowners to partner to maximize the public benefit to the community, and therefore is prepared to match the County's funds necessary to construct the bus improvement, in an amount not to exceed \$250,000. An initial down payment of \$25,000 agreed by Landmark would be presented to the County after execution of the project funding agreement.

FISCAL IMPACT:

Under the proposed funding agreement, the County and Landmark HHH L.L.C. would share costs for the construction of a new bus pull out and bus shelter for a joint Fairfax Connector and Metrobus stop at Little River Turnpike and Oasis Drive. Each party will be responsible for a portion of the project costs, with Landmark HHH L.L.C. responsible for an amount not to exceed \$250,000. It is anticipated that the total project estimate will not exceed \$500,000. Staff has identified available funding in the amount of \$14,000 (Proffer - DE51421) which will be appropriated in Fund 30040, Contributed Roadway Improvements. The remaining balance will be funded through Fund 40010, County and Regional Transportation Projects, within Project TS-000015 Bus Stops – Mason District, and in Project TS-000010 Bus Stops Countywide, to support the County's share of this funding agreement. There is no General Fund impact.

ENCLOSED DOCUMENTS:

Attachment 1 – Project Agreement between Fairfax County and Landmark HHH, L.L.C.

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STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
W. Todd Minnix, Chief, Transportation Design Division (TDD), FCDOT
Mark VanZandt, Senior Engineer, TDD, FCDOT
Todd Wigglesworth, Chief, Coordination and Funding Division (CFD), FCDOT
Ray Johnson, Chief, Funding Section, CFD, FCDOT
Jennifer Miller, Financial Specialist III, CFD, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney

CONTRIBUTION AGREEMENT

THIS CONTRIBUTION AGREEMENT (this “Agreement”) is made this ____ day of _____, 2021 by the **FAIRFAX COUNTY BOARD OF SUPERVISORS**, a body politic and corporate (the “County”) and **LANDMARK HHH L.L.C.**, a Virginia limited liability company (“Landmark”) (collectively the “Parties”), and shall be effective as of the date it is signed by both Parties.

RECITALS

WHEREAS, Landmark is the owner of a shopping center located in Fairfax County known as the Plaza at Landmark with an address of 6198-6244 Little River Turnpike, County of Fairfax, Virginia;

WHEREAS, there is an existing bus stop on eastbound Little River Turnpike across the street from the Plaza at Landmark (the “Existing Bus Stop”);

WHEREAS, the County and the Commonwealth of Virginia, through the Virginia Department of Transportation (“VDOT”), have discussed the possibility of moving the Existing Bus Stop out of the travel lane and into its own bus bay to alleviate traffic back-ups consistent with the Concept Plan dated December 2018 and attached hereto as Exhibit A (the “Project”);

WHEREAS, Landmark supports the Commonwealth of Virginia and the County’s plans for the Project; and

WHEREAS, in order to maximize the public benefit to the local community with the construction of the Project, Landmark is prepared to contribute certain funds to the County in connection with the construction of the Project in an amount which is the lesser of (i) fifty percent (50%) of the actual construction costs for the Project; or (ii) Two Hundred Fifty Thousand and no/100 Dollars (\$250,000).

NOW, THEREFORE, in consideration of the obligations set forth below and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

AGREEMENT

1. **Incorporation of Recitals.** The Recitals above are incorporated into and made a part of this Agreement as if set forth in their entirety.

2. **The County’s Obligations.** The County shall:

(a) Draft and submit all construction plans and any other required documents for the Project to VDOT;

(b) Provide a copy of the project permit from VDOT that authorizes the County to begin construction on the Project ("Project Permit") to Landmark within 30 days of receipt from VDOT;

(c) Coordinate with VDOT and any outside contractors regarding any issues related to the Project;

(d) Manage and oversee all construction on the Project to completion;

(e) Maintain the Project as appropriate in connection with VDOT following Project completion;

(f) Upon substantial completion of the Project, submit a detailed invoice to Landmark showing all actual costs incurred on the Project, including all third party costs relating to change orders and any third party costs relating to testing and inspections and any third party miscellaneous construction costs.

(g) Apply all funds received from Landmark solely to the actual construction costs of the Project (which may include third party engineering/design and third party utility work); and

(h) Promptly refund any funds received from Landmark back to Landmark following the Project's final completion for any such funds that have not been applied solely to the actual construction costs for the Project or in the event such funds received from Landmark exceed 50% of total actual construction costs for the Project.

3. **Landmark's Obligations.** Landmark shall:

(a) **Initial Contribution.** Within 30 days of the County providing a copy of the Project Permit, pay the County \$25,000 ("Initial Contribution"); and

(b) **Final Contribution.** Within the later of (x) 30 days of the receipt of the invoice referenced in Section 1(f); or (y) August 1, 2021, Landmark shall remit to the County a payment equal to the lesser of (i) 50% of the total actual construction costs for the Project, less the Initial Contribution; or (ii) Two Hundred Twenty-Five Thousand and no/100 Dollars (\$225,000).

4. **Termination.**

(a) **Termination for Convenience.** The County shall have the right to terminate this Agreement without cause upon 30 days prior written notice to Landmark. In such event, the County will refund to Landmark any and all funds that Landmark provided pursuant to the terms of this Agreement.

(b) **Termination for Non-Appropriation.** Funding by the County or the Commonwealth for the Project shall be subject to annual appropriation or other lawful appropriation by their respective governing bodies. Nothing in this Agreement shall require or obligate the County or the Commonwealth to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies. In

the event sufficient funds shall not be appropriated which may lawfully be applied to the County or the Commonwealth's financial obligations towards the Project, the County may terminate this Agreement. In such event, the County will refund to Landmark any and all funds that Landmark provided pursuant to the terms of this Agreement.

5. **No Partnership.** Nothing contained herein shall have the effect of establishing or creating any joint venture or partnership between the Parties.

6. **Liability of Parties; No Rights in Third Parties.** The Parties agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, any right as a third party beneficiary hereunder, or authorize any person or entity, not a Party hereto, to maintain any action for personal injury, property damage, or breach of contract pursuant to the terms of this Agreement or otherwise. No Party shall be liable to any third party for any claims, liabilities, or expenses arising out of the acts or omissions of the other Party to this Agreement. Notwithstanding anything to the contrary set forth in this Agreement, including this Section 6, the County acknowledges and agrees that Landmark's sole liability under this Agreement is for the payment on the Initial Contribution and the Final Contribution to the County and other than such contributions, no provision of this Agreement shall create any covenant, obligations, responsibilities or liabilities whatsoever between Landmark and the County and/or Landmark and any third parties.

7. **No Waiver of Sovereign Immunity.** Nothing herein shall be considered as a waiver of the sovereign immunity of the County of Fairfax.

8. **No Personal Liability.** Nothing herein shall be considered to create any personal liability on behalf of any official, employee, agent, or representative of the County or any employees, members, agents or representatives of Landmark.

9. **Condemnation or Casualty.** In the event that all or any part of the Project shall be taken or condemned by a public authority or rendered a total loss by fire or any other casualty, or is no longer suitable for use through no fault of the County, then such portion of the proceeds from any insurance or condemnation payment shall be used for the construction of a replacement Bus Stop if such replacement is commercially feasible. To the extent that such construction is commercially feasible at or near the site of the Project, then this Agreement shall continue in effect as to such replacement Project unless otherwise mutually agreed by the Parties, provided however that the Parties agree that Landmark shall not be responsible for contributing any funds to the replacement Bus Stop project, if Landmark has contributed funds to the original Bus Stop. If a replacement Bus Stop is not feasible, this Agreement shall terminate automatically effective as of the date of such taking, condemnation, or damage by fire or any other casualty without further obligation on the part of any Party. Except as set forth herein, the County shall not have any obligation to repair or restore the Project. Landmark shall not have any right or claim to any condemnation award or insurance proceeds payable to the County as a result of any such condemnation, fire or any other casualty, unless Landmark has already contributed funds to the County for the Project in which case, Landmark shall be entitled to be reimbursed from the condemnation award or insurance funds, that percentage of funds it had contributed to the actual costs of the Project, so long as there was no resulting replacement Bus Stop. In the event such a

condemnation or casualty occurs, the County will consult with Landmark about possible alternative arrangements for the replacement Bus Stop.

10. **Notice.** All notices and other communications required or permitted under this Agreement shall be in writing and shall be hand delivered, sent by first class U.S. Mail, postage prepaid, or sent prepaid by nationally recognized express courier service.

If to Landmark:

Landmark HHH, L.L.C.
4001 Williamsburg Court
Fairfax, Virginia 22032
Attn: Mr. Fred O. Cornett, Jr.

With copies to:

Ruben/Horan, P.C.
249 Pearl Street, 3rd Fl
Hartford, Connecticut 06103
Attn: Maura H. Horan, Esq.

If to the County:

Tom Biesiadny
Director, Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, Virginia 22033

With copies to:

County Attorney
Fairfax County
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035

11. **Governing Law; Venue.** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without reference to conflict of laws principles. Any dispute between the Parties which is not otherwise resolved by agreement of the parties shall be resolved by a court of competent jurisdiction located in Fairfax County, Virginia.

12. **Entire Agreement; Amendment.** This Agreement constitutes the entire agreement between the Parties with respect to the Project and shall supersede all prior oral or written understandings. This Agreement may not be modified unless in writing signed by both Parties.

13. **Headings.** The headings contained in this Agreement are for reference purposes only and shall in no way affect the meaning or interpretation of this Agreement.

14. **Counterparts.** This Agreement may be executed in counterparts, which, taken together, shall constitute one agreement.

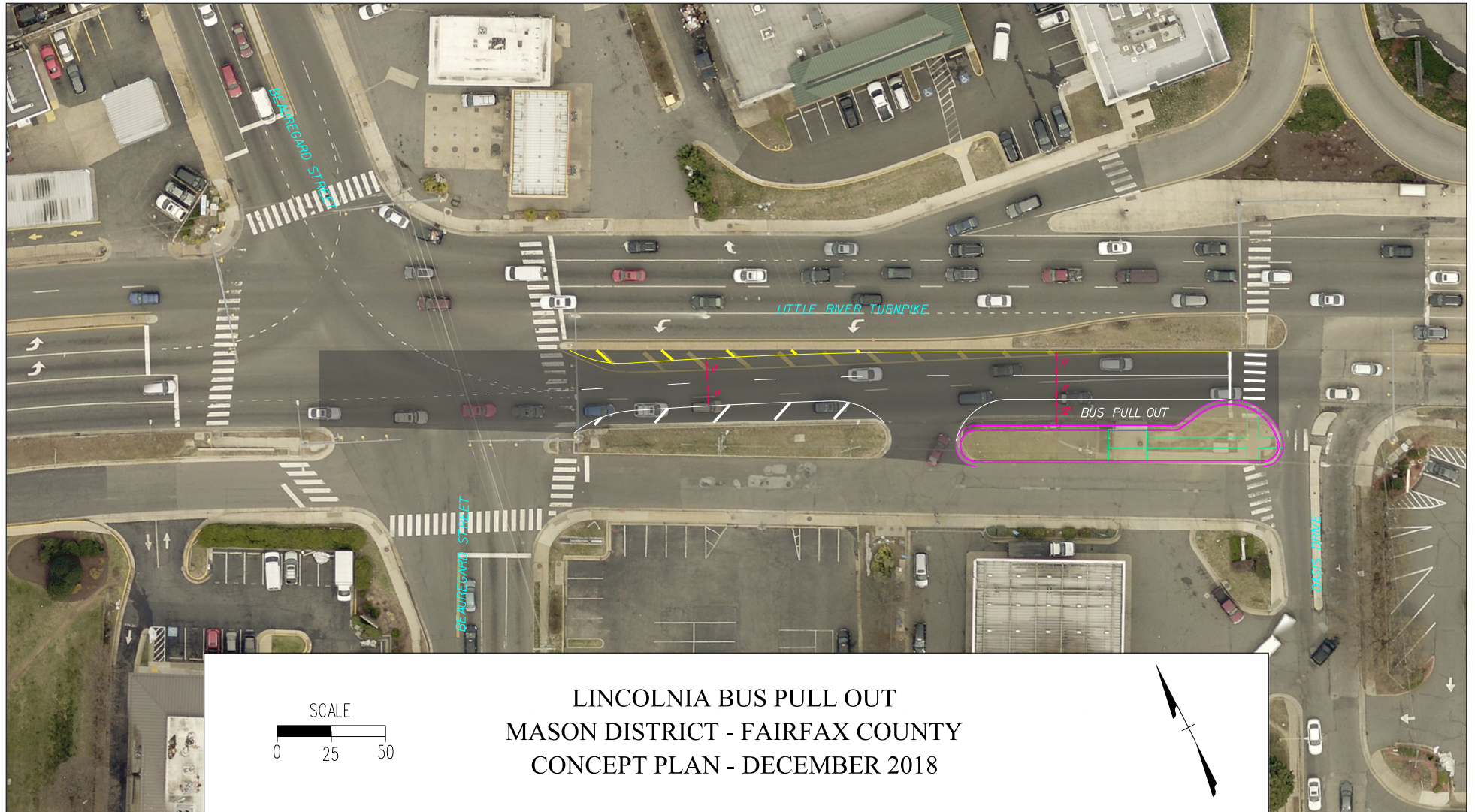
IN WITNESS WHEREOF, the Parties execute this Agreement as of the dates set forth below:

FAIRFAX COUNTY BOARD OF SUPERVISORS

Signature: _____ Date: _____
Tom Biesiadny
Director
Fairfax County Department of Transportation

LANDMARK HHH, L.L.C
By: Landmark HHH, Inc., Managing Member

Signature: _____ Date: _____
Marshall S. Ruben
President



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ACTION - 3

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds in an Amount Not to Exceed \$20,000,000 for One University Senior Apartments (Braddock District)

ISSUE:

Board authorization for the FCRHA to issue tax-exempt bonds in an amount not to exceed \$20,000,000 as part of the overall financing plan for the development of the One University senior apartments (defined below as the Senior Project).

RECOMMENDATION:

The County Executive recommends the following as part of the overall financing of the One University senior apartments:

1. Authorize the FCRHA to submit an application to the Virginia Department of Housing and Community Development (VADHCD) for the necessary private activity bond allocation.
2. Approve FCRHA's issuance of private activity tax-exempt bonds in an aggregate amount not to exceed \$20,000,000.

TIMING:

Board action is requested on April 13, 2021, in order to secure VADHCD private activity bond allocation and meet the desired June 2021 One University project closing.

BACKGROUND:

In January 2020, the FCRHA approved entering into a Comprehensive Agreement under the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002, as amended ("PPEA") with One University Development Partners, LLC for the redevelopment of the FCRHA-owned property located 4348 Old Ox Road, 4400 St. Edwards Place, and 4500 University Drive, Fairfax, Virginia 22030, in the Braddock District (Project).

SCG Development Partners, LLC (SCG) and RISE Development (Rise) are the two members of One University Development Partners, LLC.

The Project will be comprised of:

1. One 120-unit affordable multifamily building for individuals and families with incomes of not more than 60 percent of AMI (the Family Project) developed by SCG;
2. One 120-unit apartment building for seniors aged 62 and up with incomes of not more than 60 percent of AMI (the Senior Project) developed by SCG; and
3. One 333-unit building intended for student housing (the Student Project) developed by RISE.

SUMMARY OF ANTICIPATED PROJECT FINANCING:

SCG Development is proposing to use a combination of financing options to develop the Family Project and Senior Project. Each project will have a separate plan of financing as follows:

Family Project:

- Nine percent low income housing tax credits (LIHTC)
- First trust Federal Housing Administration (FHA) 221(d)(4) mortgage loan from M&T Bank
- Second trust \$2,000,000 Housing Blueprint Loan previously approved by the FCRHA and the Board, which will be funded at the completion of construction.

Senior Project:

- Four percent LIHTC
- FCRHA short-term tax-exempt bonds (the Bonds) not to exceed \$20,000,000
- First trust FHA 221(d)(4) mortgage loan (the FHA Senior Loan) from M&T Bank
- Second trust \$4,500,000 Housing Blueprint Loan previously approved by the FCRHA and the Board, which will be funded at the completion of construction.

BONDS TO BE AUTHORIZED:

The Bonds will be structured so that the FCRHA, the County, and the bondholders will not be at risk. Though no mortgage lien will secure the Bonds, the Bonds will be 100 percent cash-collateralized at all times by the proceeds of the Bonds, the FHA Senior Loan and/or tax credit equity. At the time of each draw of bond proceeds from the construction account, an equal amount of proceeds of the FHA Loan and/or tax credit equity will be deposited into the collateral account held by the bond trustee under the bond indenture. The bond proceeds construction account and the collateral account combined will always equal the amount of Bonds issued.

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If this action is approved, the FCRHA will issue the requested Bonds in the original principal amount not to exceed \$20,000,000. The Bonds will be nonrecourse to the FCRHA, rated and bear interest at an initial short-term fixed interest rate, and publicly offered by Stifel, Nicolaus & Company, Inc., as underwriter.

APPRAISED VALUE:

The appraised value of the Senior Project as of March 2021 is \$32,200,000, based on the appraisal performed by RPJ & Company. The Fairfax County Department of Tax Administration (DTA) has reviewed the appraisal and found the methodology used to be appropriate and the multiple valuation conclusions under market rent and restricted rent scenarios to be within a reasonable range.

TIMELINE:

The estimated timeline for the Bond closing is as follows:

Issuance of a Declaration of Intent (Inducement Resolution)	March 2021
Loan Underwriting Committee Meeting	March 5, 2021
Tax Equity and Fiscal Responsibility Act (TEFRA) Advertisement #1	March 17, 2021
TEFRA Advertisement #2	March 24, 2021
TEFRA public hearing & FCRHA Approval of Bond Issuance	April 7, 2021
Board of Supervisors approval of bond issuance	April 13, 2021
Private activity bond application approved and allocation awarded by VADHCD	April/May 2021
FCRHA Final Bond Resolution	June 17, 2021
Bond Closing	June 2021

STAFF IMPACT:

None

FISCAL IMPACT:

The FCRHA will receive an upfront bond issuance fee and monitoring fee at the time of closing as well as ongoing monitoring fees for the Bonds and Housing Blueprint Loan according to the following table. All the fees will go into Fund 81000, FCRHA General Operating Fund at the time of closing in June 2021.

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One-time Fee (At closing)		Recurring Fee (Annual)	
Bond Application Fee	\$5,000	Bond Monitoring Fee for 15 years commencing Year 1 after construction	\$15,000
Bond Issuance Fee	\$140,000	Housing Blueprint Monitoring Fee for 30 years commencing Year 1 after closing	\$5,000
Upfront Bond Monitoring Fee	\$130,000		
Total	\$275,000	Total	\$20,000

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Project Summary
Attachment 3 – Current Estimated Financing Sources and Uses
Attachment 4 – Vicinity Map

STAFF:

Christopher Leonard, Deputy County Executive
Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Teresa Lepe, Deputy Director, Real Estate, Finance and Development, HCD
Jyotsna Sharma, Associate Director, Real Estate Finance and Grants Management, (REFGM), HCD
Debashish Chakravarty, Senior Real Estate Finance Officer, REFGM, HCD
Michael Pearman, Portfolio Manager, REFGM, HCD

ASSIGNED COUNSEL:

Cynthia A. Bailey, Deputy County Attorney
Susan Timoner, Assistant County Attorney

Authorization of Issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Tax-Exempt Bonds in an Amount not to Exceed \$20,000,000 for One University Senior Apartments (Braddock District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic) on Tuesday, April 13, 2021, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Fairfax County Redevelopment and Housing Authority (FCRHA) of Fairfax County, Virginia desires to issue, sell, and deliver its tax-exempt and/or taxable Multifamily Housing Revenue Bonds (One University Senior Apartments Project) (Bonds) in an aggregate principal amount not to exceed \$20,000,000; and

WHEREAS, the FCRHA was established pursuant to Title 36 of the Va. Code Ann. (the Act), and pursuant to Section 36-19 of the Act, the FCRHA is authorized to make loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings; provided that prior approval of any such loan by the local governing body shall be required if the building is not located within a housing, redevelopment or conservation area, or a rehabilitation area; and

WHEREAS, the proceeds of the Bonds will be used to finance the construction and development of 120 residential units at One University Senior Apartments (the Project); and

WHEREAS, the FCRHA held a public hearing electronically due to the COVID-19 pandemic, on April 7, 2021, for which public notice was duly given on March 17, 2021 and republished on March 24, 2021; and

WHEREAS, the notices and the public hearing complied with the regulations applicable to tax-exempt bonds under Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), as well as Va. Code Ann. § 15.2-2606; and

WHEREAS, in order to assist in the Board's approval of the issuance of the Bonds on a tax-exempt basis as required under Section 147(f) of the Code, the Board received from the FCRHA a summary of statements made at the public hearing and an extract of minutes of the FCRHA meeting relative to its proposed issuance of the Bonds.

NOW THEREFORE BE IT RESOLVED that the Board:

1. For the purposes and only for the purposes of compliance with Section 147(f) of the Code, the Board does hereby approve the issuance of tax-exempt and/or taxable bonds for the Project in an aggregate principal amount not to exceed \$20,000,000. The Board in no manner assumes any legal or moral obligation for the Bonds. The Bonds will be limited obligations of the FCRHA and payable from the revenues pledged thereto pursuant to the Trust Indenture pursuant to which the Bonds will be issued. As required by the Act, the Bonds shall not be a debt of Fairfax County, Virginia, the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) and neither Fairfax County, Virginia, nor the Commonwealth of Virginia or any political subdivision thereof (other than the FCRHA) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the FCRHA pledged thereto under the Indenture. The Bonds shall not constitute indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The Board expresses no opinion as to the merits of the Project or of its financing.

This Resolution shall take effect immediately.

Adopted the 13th day of April, 2021, by the Fairfax County Board of Supervisors

A Copy Teste:

[SEAL]

Jill G. Cooper
Clerk for the Board of Supervisors

PROJECT SUMMARY ONE UNIVERSITY

GENERAL:

The redevelopment will include the following:

- **The Family Project:**
 - Construction by SCG Development of a 120-unit apartment building for individuals and families with incomes not more than 60 percent of AMI
 - Inclusion of 3,000 square feet of meeting space in the Family Building to be leased back to the FCRHA for its exclusive use
- **The Senior Project:**
 - Construction by SCG Development of a 120-unit apartment building for seniors aged 62 and up with incomes not more than 60 percent of AMI
- **The Student Project:**
 - Construction by RISE Development of a 333-unit apartment building intended for student housing
- **Ground Leases:**
 - Three 99-year ground leases with two subsidiaries of SCG Development and one subsidiary of RISE Development
- **Demolitions:**
 - Demolition of the building currently housing the FCRHA Board Room and the offices of the Department of Housing and Community Development Property Improvement and Maintenance Division
 - Demolition of the 46-unit affordable townhouse community known as Robinson Square
- **Parking Spaces:**
 - 384 parking spaces for the Family Project and the Senior Project

PROJECT BENEFITS:

- Adds 240 units of affordable housing in a highly cost-burdened Fairfax/Fairfax City area, including 24 three and four-bedroom units that are in high demand in the area.
- Provides affordable units in close proximity to multiple bus stops, shopping and restaurants, grocery stores and GMU campus amenities.
- Provides an affordability period of at least 30 years pursuant to the Extended Use Regulatory Agreements with VHDA.

RELOCATION OF CURRENT RESIDENTS:

- The Robinson Square community consists of 46 affordable townhomes, all of which are operated under the federal Rental Assistance Demonstration-Project Based Voucher (RAD-PBV) program.
- SCG Development is responsible for relocating the residents, with residents having the option to move into the One University Family Project or the Senior Project, as applicable, after construction completion.
- The RAD-PBV program will be maintained for 46 units in the Family Project when construction is complete.
- Department of Housing and Community Development (DHCD) staff will ensure that the relocation plan complies with Uniform Relocation Assistance guidelines.

UNIVERSAL DESIGN AND ACCESSIBILITY:

- All units in the Senior Project and the Family Project will meet Universal Design specifications.
- 10% of the units for both the Senior Project and Family Project will meet accessibility requirements.
- 2% of the units for both the Senior Project and Family Project will be designed for the visual and hearing impaired.

SUPPORT SERVICES:

- A variety of support services are under consideration for the Senior and Family Projects, including:
 - Assistance with housing vouchers, income-reporting, etc.
 - On-site job training and extended learning opportunities

APARTMENT FEATURES:

- Laminated wood flooring in kitchen and living areas
- Carpeting in bedrooms
- Ceramic tile flooring and shower surrounds in bathrooms
- Washer and dryer in every unit
- Refrigerator, dishwasher, stove, garbage disposal
- Pre-wired for TV, phone, internet services
- Programmable thermostats

COMMON AREA AMENITIES:

- Controlled access throughout the property, including the parking garage
- Business Center with conference room/study areas
- Fitness Center
- Cyber Lounge
- Bicycle storage

- Outdoor Courtyard with grilling and seating
- Quick access to Dog Park (at One University Park) and Children's Playground
- Shared improvements, including sidewalks, retainage ponds, and sewer/stormwater

APPRAISED VALUE:

An updated appraisal has been requested from an independent appraiser to confirm that the Housing Blueprint Loans are still fully collateralized. The Department of Tax Administration will review the appraisal for approved values as well as the methodology used to determine those values.

PROPOSED RENTS AND AFFORDABILITY RESTRICTIONS:

The project contains three rent rate structures: LIHTC rents set by Virginia Housing, RAD rents set by HUD, and PBV rents established by the FCRHA, using a HUD regulatory structure. The regulatory structure dictates the gross rent that a landlord can receive when using a project based voucher. The gross rents shown in the charts below are higher for the PBV units than the non-PBV units because the rent is calculated under those federal regulations. When the voucher is applied to each unit, the tenant's portion of the gross rent will not exceed the maximum LIHTC (non-PBV) rents.

One University Senior Project (Four Percent LIHTC)

50% AMI Units (PBV)	# Units	Gross Rent	Utility Allowance	Net Rent
Studio	0	\$ -	\$ -	\$ -
One Bedroom	15	\$ 1,703.00	\$ 117.00	\$ 1,586.00
Two Bedroom	5	\$ 1,940.00	\$ 164.00	\$ 1,776.00
Three Bedroom	0	\$ -	\$ -	\$ -
Total/ Average	20	\$ 1,762.25		\$ 1,733.78
60% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
Studio	0	\$ -	\$ -	\$ -
One Bedroom	75	\$ 1,418.00	\$ 100.00	\$ 1,318.00
Two Bedroom	25	\$ 1,701.00	\$ 124.00	\$ 1,577.00
Three Bedroom	0	\$ -	\$ -	\$ -
Total/ Average	100	\$ 1,488.75		\$ 1,519.44
TOTAL UNITS	120			

- 1) FCRHA awarded 20 Project-Based Vouchers @50% AMI to the Senior Project
- 2) Utility allowance includes electric, water, and sewer

One University Family Project (Nine Percent LIHTC)

RAD Units	# Units	Gross Rent	Utility Allowance	Net Rent
One Bedroom	11	\$ 705.00	\$ -	\$ 705.00
Two Bedroom	11	\$ 804.00	\$ -	\$ 804.00
Three Bedroom	20	\$ 1,031.00	\$ -	\$ 1,031.00
Four Bedroom	4	\$ 1,289.00	\$ -	\$ 1,289.00
Total/ Average	46	\$ 921.20		\$ 921.20
40% AMI Units (PBV)	# Units	Gross Rent	Utility Allowance	Net Rent
Studio	0	\$ -	\$ -	\$ -
One Bedroom	0	\$ -	\$ -	\$ -
Two Bedroom	5	\$ 1,940.00	\$ 164.00	\$ 1,776.00
Three Bedroom	0	\$ -	\$ -	\$ -
Total/ Average	5	\$ 1,940.00		\$ 1,776.00
50% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
Studio	0	\$ -	\$ -	\$ -
One Bedroom	2	\$ 1,181.00	\$ 104.00	\$ 1,077.00
Two Bedroom	7	\$ 1,418.00	\$ 131.00	\$ 1,287.00
Three Bedroom	0	\$ -	\$ -	\$ -
Total/ Average	9	\$ 1,365.33		\$ 1,240.33
60% AMI Units	# Units	Gross Rent	Utility Allowance	Net Rent
Studio	4	\$ 1,323.00	\$ 84.00	\$ 1,239.00
One Bedroom	3	\$ 1,418.00	\$ 104.00	\$ 1,314.00
Two Bedroom	53	\$ 1,701.00	\$ 131.00	\$ 1,570.00
Three Bedroom	0	\$ -	\$ -	\$ -
Total/ Average	60	\$ 1,661.65		\$ 1,535.13
TOTAL UNITS:	120			

- 1) FCRHA awarded 5 Project-Based Vouchers @40% AMI to the Family Project
- 2) 46 RAD-PBVs at approximately 30% AMI will be issued to the Family Project
- 3) Utility allowance includes electric, water, and sewer

**CURRENT ESTIMATED FINANCING SOURCES AND USES
ONE UNIVERSITY**

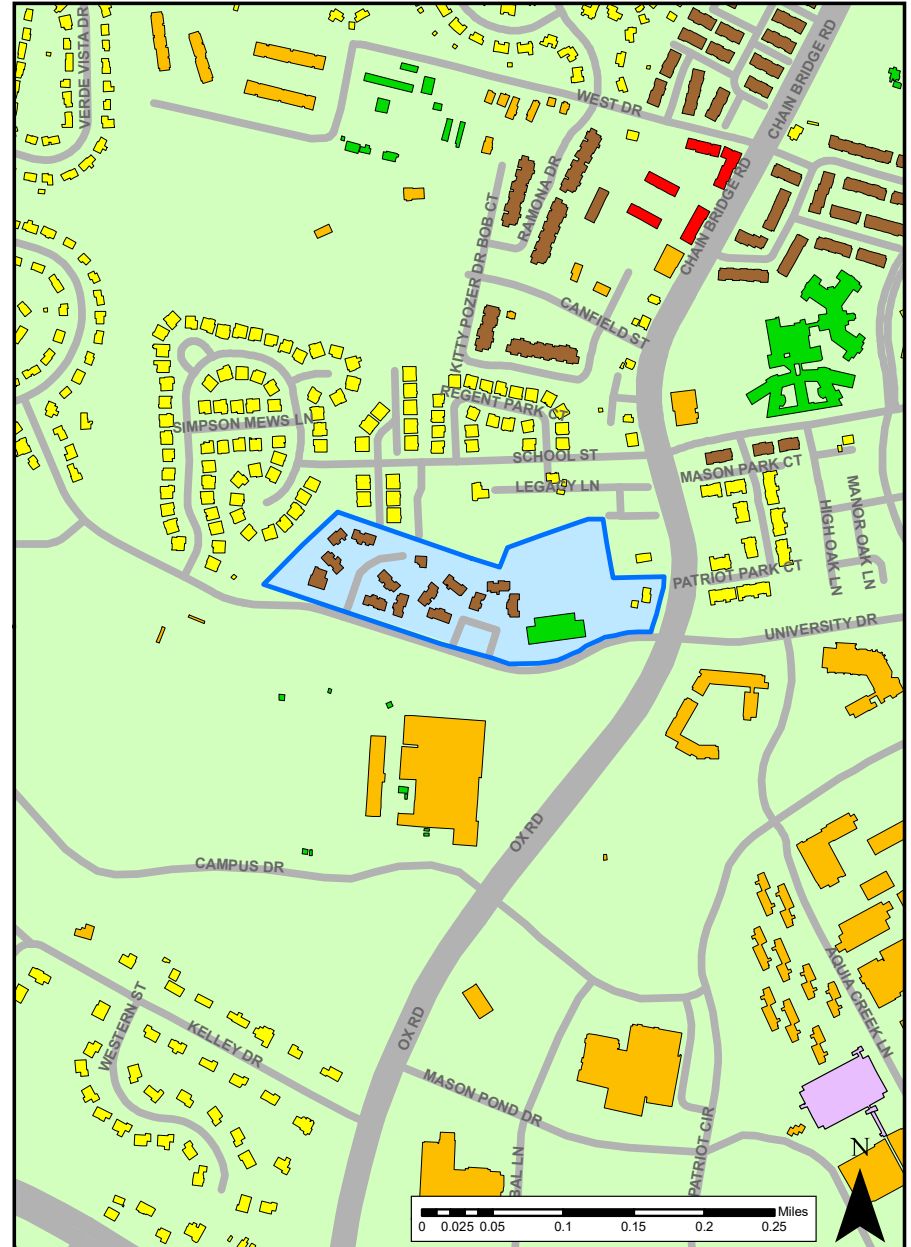
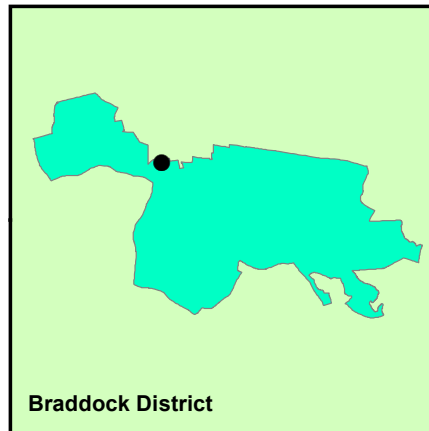
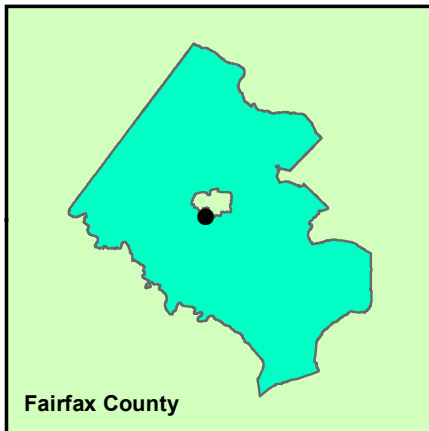
One University Senior Project

Permanent Sources	Sources
FHA Financing (FHA 221(d)(4) Loan)	\$20,213,204
Second Mortgage Loan (Housing Blueprint Funds Loan)	4,500,000
Tax Credit Equity	12,944,000
Deferred Developer Fee	2,458,337
Total Permanent Sources	\$40,115,541
Summarized Uses	Uses
Acquisition Costs	\$1
Construction Costs	28,075,934
Construction Costs Contingency	1,283,264
Architecture and Engineering	1,215,441
Soft Cost Contingency	1,331,012
Financing/Interest	3,418,721
Reserves	1,421,568
Development Fee	3,369,600
Total Uses	\$40,115,541

One University Family Project

Permanent Sources	Sources
FHA Financing (FHA 221(d)(4) Loan)	\$16,894,986
Second Mortgage Loan (Housing Blueprint Funds Loan)	2,000,000
Tax Credit Equity	28,044,000
Deferred Developer Fee	1,073,704
Total Permanent Sources	\$48,012,690
Summarized Uses	Uses
Acquisition Costs	\$1
Construction Costs	35,211,031
Construction Costs Contingency	1,637,080
Architecture and Engineering	1,550,559
Soft Cost Contingency	1,897,988
Financing/Interest	2,524,938
Reserves	1,236,453
Development Fee	3,954,640
Total Uses	\$48,012,690

One University 4500 University Drive, Fairfax, VA 22030



Board Agenda Item
April 13, 2021

ACTION - 4

Approval of a First Amendment to Memorandum of Understanding Between the Community Business Partnership and the Board of Supervisors to Administer the Fairfax County Small Business COVID-19 Recovery Microloan Fund

ISSUE:

Board of Supervisors' authorization to amend the original Memorandum of Understanding (MOU) with the Community Business Partnership (CBP) to 1) reduce the fee owed to CBP for the administration of the Fairfax County Small Business COVID-19 Recovery Microloan Fund (Recovery Fund); and 2) modify the eligibility criteria and terms for the revolving loans to be made from the Fairfax County Small Business Revolving Loan Fund. The original MOU is attached as Attachment 1.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors (Board) approve a First Amendment to Memorandum of Understanding (First Amendment) to reduce the administrative fee and modify the key loan provisions for revolving loans as stated in Attachment 2.

TIMING:

Board action is requested on April 13, 2021, in order to set terms and eligibility so that CBP can begin marketing the revolving loans.

BACKGROUND:

On April 27, 2020, the Board approved the Fairfax County Small Business COVID-19 Recovery Microloan Fund and executed the original MOU with the Community Business Partnership to administer the program. The MOU established key loan terms, permissible uses for the funds, and eligibility criteria for the microloans. The MOU stipulates that repaid Recovery Fund loan proceeds would be deposited into a Fairfax County Small Business Revolving Loan Fund (Revolving Fund) to be established by CBP, which would be used by CBP to make future loans to small businesses. Except for the requirement to demonstrate impact of COVID-19 on the business, the eligibility criteria for the Revolving Fund generally mirrored the key provisions of the Recovery Fund program.

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A total of \$2,500,000 was allocated for the Recovery Fund program with County funds disbursed from the Economic Opportunity Reserve Fund to CBP through the Fairfax County Economic Development Authority. The MOU established that of the allocated amount, \$2,282,500 would be made available for microloans, and the balance, \$217,500, would constitute the administrative fee, to be paid to CBP over a two-year period. The disbursement of funds is accomplished through a memorandum of agreement between the Fairfax County Economic Development Authority (FCEDA) and CBP, dated December 15, 1997, as subsequently modified.

The Recovery Fund amount was anticipated to provide loans to approximately 126 businesses. Subsequent to the establishment of the Recovery Fund, the RISE Grant program was established which provided grants to eligible businesses. Overlap of interest in both programs resulted in issuance of only 64 microloans in the combined amount of \$1,213,500. All eligible businesses who expressed an interest in the microloan program were funded. Consistent with the terms of the MOU, the unallocated Recovery Funds, totaling \$1,069,000, were returned by CBP and have been redeposited into the Economic Opportunity Reserve Fund.

The proposed First Amendment to the MOU (Attachment 2) reflects the reduced administrative fee for the second year of the microloan program, from \$108,500 reflected in the original MOU to \$54,250, to be paid in quarterly installments beginning in April 2021.

The First Amendment also reflects proposed modifications to the eligibility criteria and key loan terms for businesses seeking funding from the Revolving Fund. These modifications are intended to broaden the pool of eligible borrowers, reduce the submission paperwork for applicants; clarify the start of the repayment period, establish an interest rate range, transfer third-party application costs to the applicant and to establish late fees and penalties to incentivize repayment.

Specifically, the proposed revisions include:

- Reducing the minimum personal credit score from 600 to 575, consistent with the reduction recently adopted by U.S. Small Business Administration for their loan programs;
- Reducing the Global Debt Service Coverage from 1:1 to 0.75:1;
- Adding home-based businesses, sole proprietorships, financial services, e-commerce, and seasonal businesses to the list of those eligible to receive Revolving Fund loans, eliminating the prohibition regarding businesses whose primary products and services are age-restricted for consumers, and clarifying that adult-entertainment businesses and payday lenders are not eligible.
- Raising the maximum loan amount from \$20,000 per loan to \$30,000 per loan;

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- Reducing the required total documentation necessary for loan evaluation;
- Removing the six-month deferral for first payment;
- Changing the baseline interest rate for Revolving Fund loans to between Prime +0% to Prime +3%, with risk-based grading; the interest rate would constitute CBP's administrative fees for the life of the program;
- Adding third-party loan fees, including credit check and UCC lien check fees, and implementing penalties for late payment and insufficient funds, and the borrower's responsibility for attorney and collection fees in the event of default.

FISCAL IMPACT:

This item will reduce the second-year administrative fee obligation from \$108,500, to \$54,250. The balance, \$54,250 will remain in Fund 10015, Economic Opportunity Reserve.

ENCLOSED DOCUMENTS:

Attachment 1 – Approved Memorandum of Understanding Between Community Business Partnership and Fairfax County Board of Supervisors, dated April 27, 2020.
Attachment 2 – Proposed First Amendment to Memorandum of Understanding Between Community Business Partnership and Fairfax County Board of Supervisors

STAFF:

Rachel Flynn, Deputy County Executive
Joe Mondoro, Chief Financial Officer
Joe LaHait, Department of Management and Budget
Rebecca Moudry, Director, Department of Economic Initiatives
Meaghan Kiefer, Department of Economic Initiatives
Scott Sizer, Department of Economic Initiatives

ASSIGNED COUNSEL:

Alan Weiss, Assistant County Attorney

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

This Memorandum of Understanding ("MOU") is made as of the 27th day of April, 2020, by and between Community Business Partnership, a Virginia non-profit corporation with a place of business at 6564 Loisdale Court, Suite 600, Springfield, Virginia 22150 ("CBP") and the Fairfax County Board of Supervisors, a body corporate and politic ("Board") with a place of business at 12000 Government Center Parkway, Suite 432, Fairfax, Virginia 22035.

RECITALS

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

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

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

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

R-5 The Board and CBP desire to enter into a new agreement providing for the Board to appropriate to FCEDA \$2,500,000 from the Economic Opportunity Reserve (the "EOR Funds") for a microloan project ("Project") with the understanding that FCEDA will in turn disburse the

EOR Funds to CBP in accordance with the terms agreed upon by the Board and CBP as described in this MOU. The appropriated funds will be made available to FCEDA at such time and in such increments as necessary for CBP to carry out the Project.

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

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

1. Microloan Project Description and Activities

- 1.1. Classification of Proceeds. This Project will consist of the awarding of the EOR Funds in the aggregate amount of \$2,500,000 to FCEDA to be disbursed by FCEDA to CBP, of which \$2,282,500.00 will be used for the purpose of lending (the "Initial Loan Funds") in accordance with the Recovery and Revolving Loan Guidelines, while \$217,500.00 will be used by CBP for administrative costs (the "Administration Fee") associated with the Project. The EOR Funds will be made available to FCEDA as such time and in such amounts as may be necessary for CBP to carry out the Project in accordance with this MOU.

CBP will use the EOR Funds solely for the purposes described herein and consistent with the required terms and conditions of this MOU and the EDA MOA. CBP will deposit the Initial Loan Funds into an account (the "Initial Loan Funds Account").

- 1.2. Lending. CBP will make loans from the Initial Loan Funds Account exclusively to sustain or evolve pre-COVID-19 solvent businesses that have been adversely affected by the COVID-19 outbreak. Loans shall be made in accordance with the criteria established by DEI and CBP as set forth in the attached Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines (the "Recovery and Revolving Fund Guidelines").
- 1.3. Repayments of the Initial Loan Funds will be used toward future lending as described in Section 2 below.
- 1.4. Administration. Realizing the expertise needed to oversee the successful deployment and ongoing management of the Project, CBP will maintain professional lending employee(s). CBP will apply for technical assistance grants with the US Treasury's CDFI Fund as well as the SBA's microloan program to supplement the program in years one and two and to sustain the program after year two.
- 1.5. Borrower Compliance. Only businesses properly licensed in Fairfax County, including its towns, and complying with the eligibility requirements set forth in the

Recovery and Revolving Loan Guidelines will be allowed to participate in the program.

- 1.6. Governmental Permits. As part of the eligibility criteria, borrowers will be required to submit a Non-Residential Use Permit for their business location(s) as well as evidence of a current Business and Professional Occupational License (BPOL).
- 1.7. Collateral and Guarantees. Borrowers will not be required to provide specific collateral to be approved for financing, but rather they may be collateralized through a personal guaranty, UCC lien on business assets, or other form of security.

2. Fairfax County Small Business Revolving Loan Fund

- 2.1. Funding. Repayments will be returned to CBP to be deposited in the Fairfax County Small Business Revolving Loan Fund to be established by CBP consistent with this MOU (the "Fairfax County Small Business Revolving Loan Fund"). This new fund will supersede the existing County Microloan Fund established in 2018 and the outstanding balance from the County Microloan Fund will be deposited into the Fairfax County Small Business Revolving Loan Fund to make loans to small businesses in Fairfax County.
- 2.2. Qualifying Small Businesses. Businesses eligible to receive funding from the Fairfax County Small Business Revolving Loan Fund will be as defined in the Recovery and Revolving Loan Guidelines, as may be modified in accordance with Section 2.2.2.
 - 2.2.1. Loans from the Fairfax County Small Business Revolving Loan Fund, unlike the Initial Loan Funds, will not be stipulated to be "used to sustain or evolve the pre-COVID-19 business."
 - 2.2.2. As part of the assessment of the reports provided to DEI by CBP, the Board and CBP may mutually agree to amend this MOU to modify the terms reflected in the Recovery and Revolving Loan Guidelines.

3. Public Relations

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

to the support, financial and otherwise, that has been provided to the Project. This recognition will include, but will not be limited to, print/electronic media, publications, interviews, brochures, website, etc.

4. Schedule

- 4.1. EOR Funds Disbursement. Following execution of this MOU, \$2,391,500 of the EOR Funds will be disbursed through the FCEDA to CBP. This \$2,391,500 includes the entirety of the Initial Loan Funds, and \$109,000, which is the first installment of the Administration Fee. Beginning in April, 2021, the balance of the EOR Funds, which constitute the remainder of the Administration Fee, will be disbursed, in quarterly increments, through the FCEDA to CBP. FCEDA will disburse the Administration Fee upon receipt of confirmation by DEI that the quarterly reports as outlined in the Reporting Requirements section, below have been satisfactorily provided.
- 4.2. Implementation Schedule. The Board and CBP have agreed to an Implementation Schedule, providing for disbursement of the Initial Loan Funds, commencing on April 28, 2020, and completing such initial disbursements ("Initial Loan Disbursements") by no later than October 31, 2020 ("Initial Lending Completion Date"). The Initial Lending Completion Date may be extended only with the permission of the Board. CBP will continuously market and lend Fairfax County Small Business Revolving Loan Funds, in accordance with this MOU and the EDA MOU.

5. Insurance

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

6. Reporting Requirements

Quarterly Reporting. CBP will provide DEI with a report as outlined below, which will detail all activity associated with EOR Funds including the Fairfax County Small Business Revolving Loan Fund. Reports will include fund balance, amount available to lend, demographic data of the borrowers (including self-identification by gender, ethnicity and race), average loan per business, location of businesses which apply for as well as businesses who receive loans, broken down by Fairfax County Magisterial District, average number of employees, business sectors and types, and

number of inquiries of those seeking loan funding, including whether or not they proceed beyond the pre-submission counseling stage. These reports will be provided to DEI by the following dates:

Year One

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

Year Two

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

Year Three and Beyond

1. CBP will provide annual reports for the preceding full fiscal year every September 1
- 6.1. Subrecipient Financial Reporting. CBP will submit to DEI its annual audited financial statements within 120 days of its fiscal year end.
- 6.2. Closeout Agreement. At such time as the Initial Loan Funds have been disbursed, but no later than January 31, 2021, CBP will close the Initial Loan Funds Account and file a final cumulative report. Any funds remaining in the Initial Loan Funds Account will be refunded to the Board to be returned to the Economic Opportunity Reserve. Notwithstanding the reporting requirements outlined above, once the Initial Loan Funds Account is closed, only annual reports will be required, except as stated below.

7. Accounting, Audit, and Record Keeping Requirements

- 7.1. Accounting Records. CBP will keep all Project-related accounts and records, which fully disclose the amount and disposition by CBP of the EOR Funds, and all loans made through the Fairfax County Small Business Revolving Loan Fund, including the total cost of the Project, and the amount and nature of any portion of the Project cost supplied by other sources, and such other financial records pertinent to the Project. Records to be maintained will include fiscal records consisting of all books, documents, ledgers, systems and expenses incurred, including, but not limited to, purchase requisitions, orders, invoices, vouchers, bills and receipts, inventories, and all lien documents.

- 7.2. Time Period. All of the records, documents, and data described above and all income verification information will be kept during the performance of the Project, and for the Fairfax County Small Business Revolving Loan Fund, and for three (3) years after their respective completion dates, or until the satisfactory completion of an audit, whichever is later.
- 7.3. Availability of Records. Subrecipients of any funds associated with this MOU will make available to Fairfax County or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of CBP pertinent to this MOU.

8. Indemnification

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

9. Maintenance of Corporate Existence

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

10. Termination by Board

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

11. Miscellaneous Provisions

- 11.1. Compliance with Laws. CBP will comply with all applicable federal, state and local laws, statutes, regulation, executive orders and rules as they relate to the application, acceptance and use of funds for this Project, and the Fairfax County Small Business Revolving Loan Fund including, but not limited to, the requirements as specified in this MOU.
- 11.2. No assignment. CBP will not assign or transfer any of its rights or obligations under this MOU without the prior written consent of Fairfax County, and any attempted assignment or transfer will be ineffective, null, void, and of no effect.
- 11.3. Amendments. No amendment or modification of any provision of this MOU will be effective unless it is in writing and executed by both parties.

This MOU, together with all attachments, schedules and exhibits thereto, contains the full, final, and exclusive statement of the MOU of the parties and supersedes all prior understandings, representations, or agreements, whether written or oral, with respect to such subject matter.

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

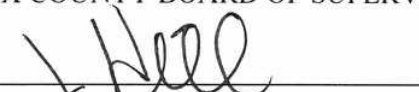
COMMUNITY BUSINESS PARTNERSHIP

By: 

Name: Mark Scarano

Title: Executive Director

FAIRFAX COUNTY BOARD OF SUPERVISORS

By: 

Name: Bryan J. Hill

Title: County Executive

Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines

"Recovery and Revolving Loan Fund Guidelines"

Pre-Submission Consultation

Prospective applicants will participate in a brief application intake and pre-submission counseling session. The purpose of this pre-submission counseling session is to ensure businesses are informed of and directed to the most appropriate federal, state or local support programs and to assist as many small business owners as possible.

Eligibility

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

- 50 or fewer total employees; for businesses with multiple locations, the 50-employee limit is the total for all business locations inside or outside of Fairfax County
- Must be established and operating in Fairfax County for two (2) or more years.

The financial performance review will include:

- Minimum personal credit score of 600. Exceptions can be made if there is no evidence of derogatory credit in the last two years.
- Global Debt Service Coverage (GDSC, in the range of 1:1) and debt to income ratio (in the range of 40%), considering pre-Covid-19 and anticipated post-Covid-19 business income and operations.
- No outstanding liens or legal judgments, and in good standing.

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

Use Limitations

Funding can be used for: working capital, equipment, rent, debt payments, inventory and other business critical cash operating expenses. Funding must be used to sustain or evolve the pre-COVID-19 business. It cannot be used to pay debts to close the business

or to start a new business; borrower must agree to maintain the business in a commercial location in Fairfax County for the duration of the loan.

Terms, Rates, and Conditions

Loan Amount:	Up to \$20,000, per business, no more than one business per borrower, or related entity
Term & Amortization:	Up to 6 years
Repayment:	Loan payment deferred for six (6) months;
Interest Rate:	0%
Origination Fees:	\$0
Closing Fees:	\$0
Collateral:	Personal guaranty and UCC lien on business assets

Required documentation

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

Applicability to the Fairfax County Small Business Revolving Loan Fund

The foregoing criteria will apply to the loans disbursed from the Fairfax County Small Business Revolving Loan Fund, unless and until amended by the Board of Supervisors, except that businesses do not need to have been affected by COVID-19 or commit to using the funds to sustain or grow a pre-COVID-19 business, to be eligible for the revolving loan fund.

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

This First Amendment to Memorandum of Understanding (“First Amendment”) is made as of the ____ day of April, 2021, by and between Community Business Partnership, a Virginia non-profit corporation with a place of business at 6564 Loisdale Court, Suite 600, Springfield, Virginia 22150 (“CBP”) and the Fairfax County Board of Supervisors, a body corporate and politic (“Board”) with a place of business at 12000 Government Center Parkway, Suite 432, Fairfax, Virginia 22035.

RECITALS

R-1 CBP and the Board entered into a Memorandum of Understanding dated as of the 27th day of April, 2020 (“MOU”) for the funding and administration of a microloan project (“Project”) as more particularly described in the MOU.

R-2 The MOU provides, among other things, for CBP to administer and fund the Project with \$2,500,000.00 made available from the Economic Opportunity Reserve (“EOR Funds”) to support County businesses adversely affected by the COVID-19 pandemic. The MOU further provides that of the \$2,500,000.00 EOR Funds, \$2,282,500.00 would be made available for what was estimated to be 126 loans, with the balance of \$217,500.00 to be paid to CBP as the Administration Fee, as defined therein and in accordance with the provisions thereof. The terms for the revolving loans as initially envisioned were described in Attachment A to the MOU entitled “Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines” (hereinafter referred to as the “Recovery and Revolving Loan Fund Guidelines”).

R-3 In accordance with Section 4.1 of the MOU, \$109,000.00 has already been disbursed to CBP for the first year of the Administration Fee. The balance of the Administration Fee in the aggregate amount of \$108,500.00 was to be disbursed to CBP in accordance with Section 4.1 of the MOU in quarterly increments beginning in April, 2021.

R-4 The scope of the original Project contemplated by the MOU of approximately 126 loans and the concomitant administrative services necessary to be provided by CBP have been reduced to 64 loans because demand for the loans anticipated in the Project was decreased as a result of an unanticipated subsequent RISE Grant program, also administered by CBP with grant funds awarded by the Board. In recognition of the reduced administrative obligation to maintain fewer loans, CBP and the Board desire to reduce the balance of the Administration Fee by 50% from \$108,500.00 to \$54,250.00.

R-5 The MOU also committed CBP to administer revolving loans for eligible businesses, from the repaid loan funds, however, the MOU did not provide for administrative fees beyond year two of the Project. The Board and CBP desire to amend the MOU to authorize CBP to collect interest on the revolving loans and to retain that interest as the administrative fee for as long as the MOU remains in place.

R-5 The Board and CBP desire to modify the MOU to (i) reduce the balance of the Administration Fee paid by the Board by 50% from \$108,500.00 to \$54,250.00, for the second year of the Program; (ii) authorize CBP to collect interest on revolving loans capitalized by the microloans and retain the interest payments as the administrative fee; and (iii) revise the Recovery and Revolving Loan Fund Guidelines, as set forth on Exhibit 1 attached hereto.

NOW, THEREFORE, in consideration of the mutual understanding of the parties in this First Amendment, CBP and the Board agree as follows:

1. The foregoing recitals are hereby incorporated and made part of this First Amendment.
2. Section 4.1 of the MOU is hereby amended to provide that the balance of the Administration Fee to be paid by the Board under the MOU is reduced by 50% from \$108,500.00 to \$54,250.00, to be paid to CBP as otherwise provided in Section 4.1 in quarterly increments beginning in April, 2021. Payment to CBP of the \$54,250.00 is hereby deemed payment in full of the Board's obligation for the Administration Fee for year 2 of the microloan program. CBP will be entitled to retain as compensation any interest payments received from the revolving loans made pursuant to the MOU.
3. Attachment A to the MOU, Recovery and Revolving Loan Guidelines, is hereby deleted in its entirety and replaced with the Amended Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines as set forth on Exhibit 1 attached hereto.
4. Except as expressly modified by the terms of this First Amendment, the MOU remains unchanged and in full force and effect.

In witness whereof, Community Business Partners and the Fairfax County Board of Supervisors have executed this First Amendment as of the date first above written.

COMMUNITY BUSINESS PARTNERSHIP

By: _____

Name: _____

Title: _____

FAIRFAX COUNTY BOARD OF SUPERVISORS

By: _____

Name: _____

Title: _____

Fairfax County Small Business COVID-19 Recovery Microloan Fund and Fairfax County Small Business Revolving Loan Fund Guidelines

Pre-Submission Consultation

Prospective applicants must participate in a brief application intake and pre-submission counseling session. The purpose of this pre-submission counseling session is to ensure businesses are informed of and directed to the most appropriate federal, state, or local support programs and to assist as many small business owners as possible.

Eligibility

This funding is established for for-profit small businesses with one or more location(s), including the principal place of business, in Fairfax County (including the Towns of Herndon, Vienna and Clifton). To be eligible, businesses must:

- Have 50 or fewer total employees; for businesses with multiple locations, the 50-employee limit is the total for all business locations inside or outside of Fairfax County
- Be established and operating in Fairfax County for at least one (1) year

The financial performance review will include:

- Minimum personal credit score of 575
- Global Debt Service Coverage (GDSC, in the range of 0.75:1) and debt-to-income ratio in the range of 40%
- No outstanding liens or legal judgments, and in good standing

The following businesses are not eligible for this loan: banks, payday lenders, adult entertainment venues, and franchise businesses, except for those franchises which are locally-owned and operated.

Use Limitations

Funding can be used for: working capital, equipment, rent and/or utilities for commercial space, and inventory. It cannot be used to pay debts to close the business; borrower must agree to maintain the business in Fairfax County for the duration of the loan.

Terms, Rates, and Conditions

Loan Amount:	Up to \$30,000, per business, no more than one business per borrower, or related entity
Term & Amortization:	Up to 6 years
Interest Rate:	Prime +0% to prime+3%, on risk-based grading

Credit Check Fee:	\$50
UCC Lien:	\$60
Late Payment Fee:	5% of outstanding balance
Non-sufficient Funds Fee:	\$25
Collateral Requirements:	Security interest in business assets via VA SCC UCC filing and unlimited, unconditional personal guarantees from any person with 20% or greater ownership interest in the business
Attorneys/Collections Fees:	In the event of borrower default

Required documentation

- Current commercial business lease and valid Non-Residential Use/Occupancy Permit (if applicable)
- Business & personal tax returns for the previous two years
- Monthly sales history, for the previous six months
- Current profit-and-loss statement and balance sheet
- Current business debt schedule
- Accounts receivable/accounts payable reports for the previous year
- Federal income tax returns for the applicant business for the previous year
- Current and previous year's Fairfax County BPOL license

Applicability to the Fairfax County Small Business Revolving Loan Fund

The foregoing criteria will apply to the loans disbursed from the Fairfax County Small Business Revolving Loan Fund, unless and until amended by the Board of Supervisors.

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ACTION - 5

Approval of a Letter Endorsing the I-495 Northern Extension Express Lanes Project
(Dranesville and Providence Districts)

ISSUE:

Board approval of a letter endorsing the I-495 Northern Extension Express Lanes (I-495 NEXT) project.

RECOMMENDATION:

The County Executive recommends that the Board approve the letter endorsing the I-495 NEXT project, which is included as Attachment 1.

TIMING:

Board approval is requested on April 13, 2021, so that the endorsement letter may be submitted to the Commonwealth Transportation Board (CTB) for its consideration and action in May 2021 to designate the I-495 Northern Extension as Express Lanes, establish the high-occupancy requirement as HOV-3, and authorize the Commissioner of Highways to establish the conditions for use and negotiate with Capital Beltway Express LLS to finalize amendments for the I-495 Express Lanes agreement.

BACKGROUND:

The Federal Highway Administration (FHWA) and Virginia Department of Transportation (VDOT) prepared the Capital Beltway Study Draft Environmental Impact Statement (EIS) in 2002 to evaluate the expansion and reconfiguration of I-495 from the American Legion Memorial Bridge (ALMB) to the I-95/I-495/I-395 interchange in Springfield. Following the publication of the EIS, VDOT received a proposal pursuant to the Virginia Public-Private Transportation Act (PPTA), that allows private entities to solicit VDOT to develop and/or operate and maintain transportation facilities that VDOT determines demonstrate a public need and benefit. The PPTA proposal included a plan to add high-occupancy toll lanes to 14.5 miles of I-495 and reduce relocation impacts compared to other alternatives in the Draft EIS. The Final EIS was completed in 2006 and FHWA issued a Record of Decision in June 2006 approving the high-occupancy toll lanes. In 2007, the northern terminus of the high-occupancy toll lanes was adjusted from the ALMB to the current terminus south of Old Dominion Drive. These high-occupancy toll lanes, or Express Lanes, were opened to the public in 2012.

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VDOT is now pursuing the remaining portion of the Express Lanes through the I-495 NEXT improvements from the vicinity of the Old Dominion Drive overpass to the George Washington Memorial Parkway (GWMP). The current proposal is intended to reduce congestion, provide additional travel choices including facilitating transit service and ridesharing, and improve travel reliability. The main features of the project include:

- Extending the four I-495 Express Lanes from their current terminus between I-495/Route 267 (Dulles Toll Road) and the Old Dominion Drive overpass north approximately 1.6 miles to the GWMP interchange;
- Additional general purpose auxiliary lanes between Route 267 and Route 193;
- Improvements to the I-495 interchanges between Route 123 and GWMP;
- Reconstruct the existing I-495 overpasses at Old Dominion Drive and Live Oak Drive; and
- Preparation for expansion of the ALMB by Maryland.

Maryland is pursuing its own system of managed toll lanes that include improvements to the ALMB, I-495, and I-270. The Capital Beltway Accord was signed by Virginia and Maryland in 2019. The Accord included replacing the ALMB and improving congestion on the Capital Beltway. Maryland's managed lane system is being closely coordinated with the I-495 NEXT project to ensure a continuous system of managed lanes through the corridor. Since December 2020, Maryland has recommended a preferred alternative that includes two high-occupancy toll lanes in each direction on I-495 and selected a developer to oversee the predevelopment for Phase 1 of the project, which includes the ALMB and I-495 to I-270. However, one of the other bidders has filed a protest, so this selection is not yet final. Maryland expects its managed lane system to be operational in 2027 (approximately two years after the proposed completion of the I-495 NEXT project).

In the interim, Maryland plans on seeking approval of their Developer Phase P3 Agreement from the Maryland Transportation Authority and Maryland Board of Public Works (BPW) in the coming months. The Record of Decision for the managed lanes study is expected in Fall 2021. After the predevelopment work, environmental approval process, and Record of Decision from FHWA, Maryland will seek final approval from the BPW to move forward with an agreement on the final design, construction, financing, operations, and maintenance of Phase 1 of the project. This action is not anticipated prior to Summer 2022.

Fairfax County submitted comments on VDOT's Environmental Assessment and draft design plans in December 2020. The County also submitted a letter to the Commonwealth's Secretary of Transportation on February 23, 2020, outlining the remaining concerns with the project. Since then, the County and VDOT have continued to work to address transit funding, trail connections, intersection delays, and the

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potential impacts from the ramps at the Dulles Toll Road and I-495. Progress on these issues is documented in a letter from Shannon Valentine, Secretary of Transportation, dated March 12, 2021 (Attachment 2).

In the letter Secretary Shannon Valentine, made the following commitments:

- \$5.2M for the procurement of the initial fleet of transit vehicles to implement the Tysons/Montgomery County route and \$2.2M per year for operation of this route;
- Adjustments to the Lewinsville Road Bridge over I-495 and a crosswalk with warning signals to enhance the pedestrian and bicycle connections from the end of the new trail to be built along I-495 towards Tysons;
- Evaluating the County's proposed intersection improvements in a supplemental analysis and working with the County to identify cost-effective measures to address negatively impacted intersections; and
- The provision of more detailed renderings of the interchange at I-495 and the Dulles Toll Road and additional study and community outreach when the ultimate interchange improvements move forward.

The proposed endorsement letter reflects these commitments.

The following are key milestones for VDOT's I-495 NEXT Project:

Late April 2021	National Environment Policy Act Decision and Interchange Justification Report Approval by FHWA
May 2021	CTB Action on Express Lanes Designation
End of 2021	Final Contract Execution
2022	Construction Start
2025	Open to Traffic

FISCAL IMPACT:

There is no fiscal impact resulting from this action.

ENCLOSED DOCUMENTS:

Attachment 1: BOS Letter to Endorse the I-495 Northern Extension Project

Attachment 2: Letter from Shannon Valentine, Secretary of Transportation dated March 12, 2021

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STAFF:

Rachel Flynn, Deputy County Executive

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

Martha Elena Coello, Chief, Special Projects Division, FCDOT

Yuqing Xiong, Senior Transportation Planner, FCDOT



COMMONWEALTH OF VIRGINIA
County of Fairfax
BOARD OF SUPERVISORS

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TTY: 711

chairman@fairfaxcounty.gov

JEFFREY C. MCKAY
CHAIRMAN

April 13, 2021

The Honorable Shannon Valentine
Secretary of Transportation
P.O. Box 1475
Richmond, Virginia 23218

Reference: Endorsement of the I-495 Northern Extension (I-495 NEXT) Project

Dear Secretary Valentine:

On April 13, 2021, the Fairfax County Board of Supervisors endorsed the I-495 NEXT project. The project will improve mobility throughout the Washington Metropolitan region as it connects to a planned system of managed lanes in Maryland. Since the transmittal of the County's comments in December 2020, Maryland has selected a Preferred Alternative that includes two high-occupancy toll lanes in each direction on I-495 like the configuration planned for Virginia's I-495 NEXT project. Maryland has also selected a developer consortium to complete the predevelopment work that includes the portion of I-495 from the American Legion Memorial Bridge (ALMB) to I-270 and plans on submitting a Developer Phase P3 Agreement for the predevelopment work for review and approval to the Maryland Transportation Authority in the coming months. These are positive and very welcomed steps. However, there is still risk and uncertainty regarding whether, and if so when, Maryland will receive the required approvals to enter into agreements to construct their project.

The continuation of an express lanes system into Maryland over the ALMB remains a critical priority to realize the full maximum anticipated benefit of the I-495 NEXT project. The Board continues to strongly encourage VDOT to coordinate with Maryland to minimize the time between the opening of the I-495 NEXT express lanes and Maryland's managed lanes. We remain concerned about the possibility of project rejection or delay by Maryland, and the impact either delay would have on roadways in Fairfax County. The Board continues to urge VDOT to address and mitigate the impacts to travel time in the General Purpose lanes in the interim time period.

As outlined below, VDOT and the County have continued their collaboration to address project concerns, particularly those related to transit funding, pedestrian and bicycle infrastructure, intersection improvements, and the visual impact of the I-495 and Dulles Toll Road interchange ramps. In addition to those critical areas, the County also looks forward to working with VDOT on the ongoing implementation issues that will affect the community as the project progresses.

- Enhanced Transit
 - The provision of dedicated transit funding is essential to reducing single-occupancy vehicle ridership, vehicle miles traveled in the area, and encouraging a sustainable transportation system. Since December 2020, the Commonwealth has indicated a willingness to fund transit efforts and the I-495 American Legion Bridge Transit and TDM Study led by Maryland Department of Transportation (MDOT)/ Maryland Transit Administration (MTA) and Virginia Department of Rail and Public Transportation (DRPT) identified transit routes that would promote opportunities for transit ridership between key destinations in Maryland and Virginia. We appreciate the Commonwealth's willingness to fund the capital and operating costs of one

The Honorable Shannon Valentine
 April 13, 2021
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of the Tysons-Montgomery County transit routes identified by the Transit and TDM Study. This funding includes \$5.2M of capital funding towards vehicle procurement and \$2.2M of annual operating costs to run peak hour, bi-directional service with 15-minute headways and off-peak service (figures in 2021 dollars). We would appreciate confirmation that this enhanced transit funding will not be in lieu of other transportation funding the County could expect to receive. An important County goal is to reduce single occupant vehicle (SOV) travel by encouraging more transit use.

- Bicycle and Pedestrian

- The trail proposed as part of I-495 NEXT offers significant benefit for non-vehicular regional travel per the County's Comprehensive Plan and public health. The connection of pedestrian and bicycle facilities as part of this major regional trail and along the secondary streets to Tysons is also critical to providing a comprehensive transportation network that meets the needs of this growing community. To this end, the Board appreciates the Commonwealth's commitment to make a perpendicular connection to the sidewalk at Lewinsville Road rather than meandering the trail to the entrance to Timberly South, to widen the pedestrian path on the Lewinsville Road bridge to allow the continuation of the trail towards Tysons and to add a rectangular rapid flash beacon crossing near Timberly Court and Lewinsville Road. Both These additional improvements will greatly benefit connections to Tysons and the surrounding community – and reduce SOV travel by encouraging more pedestrian and bicycle travel.

- Traffic Impacts

- VDOT and the County closely examined the intersections that were demonstrating degradation in the 2025 and 2045 ultimate conditions and found that traffic volumes did not increase more than 1% between the No Build and Build conditions. Further discussion also determined that proposed improvements from the County's Comprehensive Plan and several ongoing transportation studies could offer substantial benefit to the intersections that were experiencing delay in the ultimate conditions. To continue to address these locations, Fairfax County and VDOT will partner to implement and fund improvements that will provide relief to intersections impacted by the I-495 NEXT project according to the Comprehensive Plan and future study recommendations.

- Stormwater

- The County and VDOT are in the process of developing an agreement to fund stream restoration efforts along Scotts Run. In conjunction with the stream restoration project planned by the County, the additional funds received by the I-495 NEXT concessionaire will provide a more holistic approach to stream restoration that helps promote streambank stabilization and enhanced outfalls, which provides an overall improvement for Scotts Run. The County looks forward to VDOT's efforts to finalize this agreement that addresses the stormwater concerns previously presented in the County's comments on the Environmental Assessment. The County would appreciate VDOT's collaboration to identify effective ways to integrate our successful findings on revegetation efforts, such as reforestation super clumping plots and soil amendments to promote a healthy soil profile, into the I-495 NEXT vegetation restoration work, as well as explore locations to expand programs like the VDOT Pollinator Habitat Program within or adjacent to the project area.

The Honorable Shannon Valentine
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- Elevated Ramps

Per the County's previous request, VDOT has committed to provide more detailed renderings to allow community members to form a clear and accurate understanding of the visual impact of each phase of the interchange at I-495 and the Dulles Toll Road. We appreciate the Commonwealth's agreement to further study the project and conduct sufficient outreach prior to implementation of future phases of the ramps at the Dulles Toll Road and I-495. The Board appreciates the Commonwealth's agreement to further study the future phases of the project and conduct sufficient outreach prior to implementation of future ramps at the Dulles Toll Road and I-495. The Board remains concerned about the impact of the interchange on adjacent communities in its ultimate configuration and requests that VDOT re-evaluate its design and develop a context-sensitive alternative to minimize the footprint and impacts to the fullest extent possible.

- Implementation

- VDOT has made extensive efforts to coordinate with County staff on project designs, pedestrian/bicycle facilities, and stormwater, among other aspects of the project. These efforts are expected to provide substantial opportunity for input and consideration for the implementation of the I-495 NEXT project. The Board emphasizes that these efforts should continue, and the following considerations be included:
 - Ensuring continued and sufficient outreach for census block groups with over 50% minority population and economically vulnerable households at 30% or 50% Area Median Income.
 - Ensuring that sound walls are replaced rapidly after the existing wall is removed, access for wall installation is designed away from residences to the extent feasible, utility relocation is designed and planned to minimize the impact to communities, and additional outreach should be implemented if noise walls are not replaced according to the specified time in the contract,
 - Continuing efforts to reduce delays in the General Purpose Lanes on I-495 Northbound in the evening peak period,
 - Examining design modifications that will minimize, to the extent feasible, the amount of impervious surface,
 - Minimizing park and open space impacts,
 - Minimizing impacts to heritage properties,
 - Developing an aggressive maintenance of traffic plan for roadway and pedestrian/bicyclist accessibility,
 - Ensuring sufficient time to coordinate traffic and design changes with County staff and Supervisors' offices, as well as the impacted communities,
 - Minimizing night construction in areas adjacent to residential neighborhoods,
 - Considering soil rehabilitation efforts as construction occurs and maintaining proper erosion, siltation and stormwater management equipment and facilities during construction,
 - Developing an effective landscaping and tree replacement plan that also manages the introduction and spread of invasive species,
 - Collaborating with County staff to identify and address any additional impacts to vegetation and stormwater as construction proceeds,
 - Minimizing disruption during construction,

The Honorable Shannon Valentine
April 13, 2021
Page 4

- Minimizing construction that impacts bus services especially at peak times,
- Ensure design plans and are shared with County staff prior to final approval for major design submittal packages, and
- Including proper temporary roadway striping capable of maintaining visibility at night and in inclement weather.

Fairfax County appreciates the work that has been undertaken on this project to date and VDOT's efforts to address project concerns. We look forward to continued collaboration with the Commonwealth as the project moves towards implementation.

If you have any questions or need additional information, please contact Martha Coello of the Department of Transportation at Martha.Coello@fairfaxcounty.gov or 703-877-5682 or Tom Biesiadny at (703)877-5663.

Sincerely,

Jeffrey C. McKay
Chairman

cc: Members, Fairfax County Board of Supervisors

Bryan J. Hill, County Executive

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Department of Transportation

John Lynch, Acting District Administrator, VDOT, Northern Virginia

Susan Shaw, Megaprojects Director, VDOT

Barbara Byron, Director, Department of Planning & Development

Sara Baldwin, Acting Executive Director, Fairfax County Park Authority

Randy Bartlett, Director, Department of Public Works and Environmental Services



COMMONWEALTH of VIRGINIA

Office of the Governor

Shannon Valentine
Secretary of Transportation

March 12, 2021

The Honorable Jeffrey C. McKay
Chairman, Fairfax County Board of Supervisors
Fairfax County Government Center
12000 Government Center Parkway, Suite 530
Fairfax, VA 22035-0079

Dear Chairman McKay,

Thank you for your letter of February 23rd regarding the 495 Express Lanes Northern Extension project (495 NEXT). I continue to offer my appreciation to you and the Fairfax County Board of Supervisors for your engagement and partnership with the Commonwealth on this essential infrastructure project. Deputy Secretary Nick Donohue, VDOT Chief Deputy Commissioner Rob Cary, and our VDOT team have continued to actively work with our citizens, communities, and Fairfax County staff to optimize this project's design.

As noted in your letter, Maryland has made significant progress in advancing their P3 project on I-495 and I-270, which includes the American Legion Bridge (ALB). Just yesterday, I had a very productive conversation with Maryland Secretary of Transportation Greg Slater regarding the progress of our commercial, technical, and management teams, and our commitment to continue working collaboratively to deliver this project. As we align the work of 495 NEXT with the development of the Capital Beltway Accord, Virginia will continue to pursue innovative solutions to address travel times in the I-495 general purpose lanes.

Recognizing Virginia's commitment to incorporate transit as a critical component of our multimodal system, I am pleased to inform you that the Commonwealth is committed to ensuring that funds to support transit are fully integrated as a part of the 495 NEXT solution. We will make sure that the project provides \$2.2 million per year for transit operations as well as \$5.2 million for the procurement of the initial fleet of vehicles to implement the Tyson's/Montgomery County routes designated in the ongoing DRPT/MTA Transit and Transportation Demand Management Study. Given transit's essential role, I believe the Commonwealth is making an investment in mobility, equity, environmental sustainability, safety, and economic opportunity across the region.

As you may know, VDOT conducted additional analysis and evaluation of each intersection listed in your February 23rd letter. While the supplemental analysis indicated that some intersections were not negatively impacted by 495 NEXT, VDOT remains committed to working

The Honorable Jeffrey C. McKay
March 12, 2021
Page 2

with the County to identify cost-effective measures to address those whose negative performance is the result of this project. Additionally, based on information provided by Fairfax County staff about several intersection studies currently underway, VDOT has agreed to incorporate the County's proposed improvements into the traffic analyses wherever possible.

We certainly support your vision regarding the trail proposed as part of 495 NEXT. Through coordination with County staff, we have determined that by adding a crosswalk with warning lights on Lewinsville Road and adjusting the existing Lewinsville Bridge over I-495, we are able to provide better connections to the existing paths on Lewinsville Road. With diligence, our teams created innovative solutions to address concerns about pedestrian and bicycle connections to Tysons.

The final issue raised by the County is the desire for additional study and community outreach when the ultimate proposed interchange improvements at the Dulles Toll Road and I-495 move forward. Please know the Commonwealth is committed to the highest levels of public involvement and is pleased to accept this request. As part of this commitment, VDOT is currently developing more detailed renderings of the interchange as requested by the County.

We look forward to fulfilling these financial commitments once commercial close on the 495 NEXT project is achieved. Again, I thank you for your continued collaboration to ensure the delivery of this critically important project – with respect and consideration for all of our citizens. Together, I believe we will significantly improve the region's transportation network, unlock one of the most congested highways, and contribute to the quality of life for all of us.

Respectfully,



Shannon Valentine

cc: Members, Fairfax County Board of Supervisors
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation
Stephen Brich, VDOT Commissioner
Rob Cary, Chief Deputy Commissioner, VDOT
Nick Donohue, Deputy Secretary of Transportation
John Lawson, Deputy Secretary of Transportation
Helen Cuervo, District Administrator, VDOT, Northern Virginia
Susan Shaw, Megaprojects Director, VDOT
Barbara Byron, Director, Department of Planning & Development
Sara Baldwin, Acting Executive Director, Fairfax County Park Authority
Randy Bartlett, Director, Department of Public Works and Environmental Services

Board Agenda Item
April 13, 2021

CONSIDERATION - 1

Approval of the Amendments to the Bylaws for the Fairfax County Animal Services
Advisory Commission (ASAC)

ISSUE:

Consideration of the proposed amendments to the Bylaws for the Fairfax County Animal Services Advisory Commission.

TIMING:

Board consideration is requested on April 13, 2021.

BACKGROUND:

The Fairfax County Animal Services Advisory Commission (ASAC) was created by the Board of Supervisors in 1994 to serve in an advisory capacity to the Animal Shelter Director and the Board of Supervisors on issues relating to animal health and welfare. The group established its bylaws in 1995 and they were subsequently amended in 2002, 2005, 2009 and 2018. The current proposed amendments are primarily housekeeping changes to ensure compliance with the County model bylaw template for board and commission by-laws. County guidelines require the Board of Supervisors to approve bylaws of Boards, Authorities and Commissions and subsequent amendments.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Bylaw Amendments for the Fairfax County ASAC

Attachment 2 - Summary of Bylaw Changes

Attachment 3 - Proposed Amended Bylaws for the Fairfax County ASAC

STAFF:

David M. Rohrer, Deputy County Executive

Karen Diviney, Director, Department of Animal Sheltering

ASSIGNED COUNSEL:

John Burton, Assistant County Attorney

BYLAWS OF THE ~~COUNTY OF FAIRFAX~~ FAIRFAX COUNTY ANIMAL SERVICES ADVISORY COMMISSION

ARTICLE I - NAME

The name of this ~~Commission~~ organization shall be the Fairfax County Animal Services Advisory Commission, hereinafter referred to as the "Commission." The official address of the Commission is that of the Michael R. Frey Animal Shelter at 4500 West Ox Road, Fairfax, Virginia 22030 ("Animal Shelter").

ARTICLE II - PURPOSE

The Commission has been established by the Board of Supervisors of ~~the Fairfax~~ Fairfax County of Fairfax, Virginia ("Board of Supervisors") pursuant to Virginia law for the purpose of serving in an advisory capacity to the Fairfax County Department of Animal Sheltering ("Department"), the Animal Services Division of the Fairfax County Police Department ("Division"), and to the Board of Supervisors on issues related to animal health and welfare. The Commission will serve to enhance the mission and strategic goals of the Department and the Division, ~~i.e., to promote responsible pet ownership, to reduce euthanasia and pet overpopulation, to increase positive outcomes, and to continue to maintain certification for Shelter Standards of Excellence.~~ These bylaws replace and supersede the Commission bylaws adopted on March 20, 2018 and are effective as of _____.

ARTICLE III - MEMBERSHIP AND TERM OF OFFICE

~~Membership or a~~ Appointments. Appointments to the Commission shall be as determined by the Board of Supervisors, and members shall serve for a term of two (2) years.

The Commission shall be made up of (10) Fairfax County residents, one from each of the nine (9) magisterial districts appointed by his or her respective Supervisor, and one- at-large member appointed by the Chairman of the Board of Supervisors.

Commission members serve in a voluntary capacity and receive no compensation. Commission members are required to review the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700 through -3714, as amended ("VFOIA"), and the Virginia Public Records Act, Va. Code Ann. §§ 42.1-76 through -91, as amended, on an annual basis.

Commission members shall demonstrate a sincere interest in the humane care of animals and in helping to improve the operations of the Department and Division. Members cannot have been convicted of any crime or misdemeanor involving animal cruelty, neglect, or abandonment. Members will be required to sign a statement to this effect.

Commission members are expected to attend meetings on a regular basis, serve on

committees as needed, and are encouraged to volunteer in some capacity for the Department so as to understand better the functions and operations of the Department and the Division.

The Commission shall notify the appointing supervisor if any member violates or appears to violate the Virginia laws, county ordinances, and county policies pertaining to conflict of interest and other matters specified in Article VIII, or who does not uphold the standards set forth in the Commission's official purpose (Article II) and in these bylaws.

Resignations and Vacancies. A member who wishes to resign from the Commission must submit a written letter of resignation to his or her appointing supervisor and the Commission Chairperson in advance of the next regularly scheduled meeting. In the event a member cannot serve or does resign from office, the Chairperson or the Secretary shall advise the Clerk to the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to another term or appointed a successor member, then that person may continue to serve as a member until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV - OFFICERS AND THEIR DUTIES

Elections. The Commission shall be served by three officers: a Chairperson, a Vice-Chairperson, and a Secretary. The Chairperson shall be elected in accordance with the voting provisions of Article V by the Commission members annually and such election shall be scheduled at the first meeting of each calendar year. Two months prior to the election meeting, a slate of candidates shall be nominated during a meeting held pursuant to Article V. After nomination, each candidate shall be polled on his or her willingness and ability to serve as Chairperson of the Commission. At the election meeting, the Chairperson shall be elected from among the willing nominees in accordance with the voting provisions of Article V. At the meeting immediately following the election of the Chairperson, the Chairperson shall nominate the Vice Chairperson and Secretary. After nomination, each candidate shall be polled on his or her willingness and ability to serve as an officer of the Commission. The Vice Chairperson and Secretary shall then be elected from among the willing nominees in accordance with the voting provisions of Article V.

Chairperson. The Chairperson presides over meetings of the Commission and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to Commission members and to request assistance from the County staff supporting the Commission.

Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson shall perform the duties and exercise the powers of the Chairperson. In

the event that neither the Chairperson nor the Vice-Chairperson is available, the member present with the longest tenure on the Commission shall act as Chairperson.

Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording the minutes of meetings.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

~~The officers shall be elected annually by the membership, and the officers shall consist of a presiding officer who shall be the Chair, a Vice chair who shall preside at meetings in the absence of the Chair, and a Secretary. Also, the members may elect other officers who shall be responsible for those functions as assigned. All such officers shall be elected at the first meeting of each calendar year, and regular terms of office shall be for one year. In the event of a vacancy, a replacement officer may be elected at any time thereafter to serve the balance of the unexpired term. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is to be elected.~~

~~The Chair or Vice chair may temporarily appoint another commission member to preside over a regularly scheduled meeting in their absence.~~

~~The duties of the Secretary are enumerated later in these Bylaws in Article V, paragraph 6, under the discussion of the conduct of meetings.~~

ARTICLE V - MEETINGS

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq., as amended ("VFOIA"). Pursuant to Virginia Code § 2.2 3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The Commission may hold public hearings and report its findings to the Board of Supervisors on Commission issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of special or emergency meetings, reasonable under the circumstances, shall be given contemporaneously with

the notice provided to Commission members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All meetings shall be conducted in public places that are accessible to persons with disabilities.

Special or Emergency Meetings. Special or emergency meetings may be requested by the Chairperson or Vice-Chairperson or by two or more members of the Commission. Any request for a special or emergency meeting shall be in writing or *via* e-mail or other similar electronic communication; shall specify the proposed date of the meeting; shall specify the matter or matters to be discussed; and shall be addressed to the Secretary of the Commission. Upon receipt of the request for a special or emergency meeting, the Secretary shall notify each Commission member by phone, e-mail or other similar electronic communication, or regular mail, of the date of the meeting and the matter or matters to be considered. Matters not specified in the notice sent out by the Secretary shall not be taken up unless all members of the Commission are present. All communications specified in this paragraph shall comply with the requirements of VFOIA and the Virginia Public Records Act; the Secretary shall take those steps necessary to assure compliance with the same.

Frequency. The Commission shall meet monthly on the second Thursday of each month at 7:30 p.m. at the Animal Shelter or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the Commission's members, and at a place arranged by the staff of the supporting County department.

Voting. A quorum is necessary for a vote. A majority of the membership of the Commission shall constitute a quorum. In making any recommendations, adopting any plan, or recommending any proposal, action shall be taken by a majority vote of Commission members present and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes of Commission members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All members who are present at the meeting, including the Chair, may vote at any meeting. Except as otherwise provided by Virginia law or by these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to Commission members shall be made available for public inspection at the same time such documents are furnished to the Commission members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any Commission proceedings.

Records. The Secretary or an appointed representative shall ensure that minutes of

meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the Commission, and advice provided in closed session by legal counsel to the Commission, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the Commission to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the Commission's legal counsel.

Public Presentations. Members of the public may make presentations to the Commission, as the Commission deems appropriate, by contacting any member of the Commission in advance of the next regularly scheduled meeting. The Commission member shall notify the Chair or Vice-Chair who shall place the item of concern on the agenda, time permitting, but no later than the third month after the request. The Commission, at the meeting, shall place reasonable limits on the time allotted to this presentation. In addition, any member of the public attending a regularly scheduled meeting may be given a reasonable opportunity by the Commission to comment on the proceedings.

~~All meetings shall be conducted in accordance with VFOIA, and except for closed sessions, all meetings shall be open to the public. Regular meetings shall be held on the second Thursday of each month at 7:00 p.m. at the Animal Shelter. The date may be adjusted at the discretion of the Chair or Vice Chair by giving all members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of votes taken; and (5) any guests. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.~~

ARTICLE VI – ATTENDANCE AND PARTICIPATION

Any Commission member who misses three (3) consecutive meetings or more than half of the scheduled meetings within a 12-month period, or who fails to participate in the work of the Commission without good cause acceptable to a majority of the other Commission members, may be subject to removal from the Commission. Commission members at least three (3) business days advance notice of the changed date. If the Commission decides to change the permanent regular meeting date, i.e., the second Thursday of every month, the Secretary will ensure that the new schedule of dates is posted on the county website at least one week in advance of the beginning of the new schedule.

~~Special meetings may be requested by the Chair or Vice chair or by two or more~~

~~members of the Commission. Any request for a special meeting shall be in writing or via e-mail; shall specify the proposed date of the meeting; shall specify the matter or matters to be discussed; and shall be addressed to the secretary of the Commission. Upon receipt of the request for a special meeting, the Secretary shall notify each Commission member by phone, e-mail, or regular mail, of the date of the meeting and the matter or matters to be considered. Matters not specified in the notice sent out by the Secretary shall not be taken up unless all members of the Commission are present.~~

~~Notices of all meetings (regular and emergency) shall be provided by the Secretary to the Director of the Department or to the Office of Public Affairs for posting at the Government Center and on the County Internet site. Also, the Secretary or the Director of the Department shall place notices for all meetings at a prominent public location, which may include the shelter building. All meetings shall be conducted in places that are accessible to persons with disabilities, and all meetings shall be conducted in public buildings whenever practical~~

~~A majority of the members of the Commission shall constitute a quorum, and the vote of a majority of the quorum shall be necessary' for any action taken. All votes of members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All members who are present at the meeting, including the Chair, may vote at any meeting. Except as otherwise provided by Virginia law or by these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.~~

~~At any meeting, at least one copy of the agenda and, unless exempt under VFOIA, one copy of all materials furnished to members shall be made available for public inspection at the same time such documents are furnished to the members. Any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but no person broadcasting, photographing, filming, or recording any open meeting may interfere with any of the proceedings.~~

~~The Secretary (or designated recorder) shall keep minutes of its meetings, and those minutes shall of the public may make presentations to the Commission, as the Commission deems appropriate, by contacting any member of the Commission in advance of the next regularly scheduled meeting. The Commission member shall notify the Chair or Vice-Chair who shall place the item of concern on the agenda, time permitting, but no later than the third month after the request. The Commission, at the meeting, shall place reasonable limits on the time allotted to this presentation. In addition, any member of the public attending a regularly scheduled meeting may be given a~~

~~reasonable opportunity by the Commission to comment on the proceedings.~~

ARTICLE VII – REMOVAL

Any Commission member(s) may be recommended to the Board of Supervisors for removal from the Commission for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all the Commission members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' authority to remove members from the Commission as provided by law.

ARTICLE VIII – COMMITTEES

Standing. The Chairperson may appoint standing committees and a Chairperson for each with the consent of a majority of the Commission members present and voting.

Special. The Chairperson may appoint special committees and a Chairperson for each with the consent of a majority of the Commission members present and voting.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chairperson or at the request of two members, with notice to all members.

~~The Commission may establish as many committees as may be required to perform its function. All meetings of any such committees shall comply with the notice and other requirements of VFOIA. To the extent that is practicable, any such committees shall be composed of at least four members.~~

ARTICLE VII IX- ANNUAL REPORT

The Commission shall prepare an annual written report to the Board of Supervisors that describes the actions and activities conducted in the previous year and any plans and/or recommendations for future action and activities. That report shall be provided to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

ARTICLE VIII X - COMPLIANCE WITH LAW AND COUNTY POLICY

The Commission and its members shall comply with all Virginia laws, including, but not limited to VFOIA; the Virginia State and Local Government Conflict of Interests Act; the Virginia Public Records Act; as well as all state and county policies pertaining thereto. In addition, the Commission and its members shall comply with all County policies concerning the activities of its boards, authorities, and commissions.

ARTICLE XI - AMENDMENT OF BYLAWS

These bylaws may be amended by the Commission by adopting the proposed

amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.

~~Amendments to these Bylaws may be proposed at any regular meeting and shall be in writing. The proponent of any amendment or amendments shall introduce and highlight the changes.~~

~~Discussion and vote on proposed amendments will take place at a subsequent regular meeting of the Commission.~~

~~Once approved by the Commission, the proposed amendment or amendments shall be presented to the Board of Supervisors for approval.~~

~~Any such amendments to Bylaws shall become effective upon approval by the Board of Supervisors.~~

~~ARTICLE X - INDEMNITY~~

~~Defense and Indemnification of Commission members for actions taken in connection with their official duties will be in accordance with the "Indemnification Resolution" adopted by the Fairfax County Board of Supervisors on September 22, 1997.~~

Revised: _____ November 2017

The Fairfax County Animal Services Advisory Commission (ASAC) established its bylaws in 1995 and they were subsequently amended in 2002, 2005, 2009 and 2018.

On February 5, 2021, the Commission approved revisions to align their bylaws with the model bylaws provided by the Clerk to the Board of Supervisors, via email, on February 10, 2020.

Article I – NAME

I-1: Changed reference to group from “Commission” to “organization”.

I-2: Added (“Animal Shelter”) after address.

Article II – PURPOSE

II-1: Changed “of Fairfax County” to “of the County of Fairfax”.

II-2: Deleted detail reference to enhancing mission and goals to avoid inadvertently limiting the scope of the Commission’s advisory responsibilities.

II-3: Clarified that enhance mission and strategic goals refers to both the Department of Animal Sheltering and the FCPD Animal Services Division.

Article III – MEMBERSHIP AND TERM OF OFFICE

III-1: Text changes to parallel model template.

Article IV – OFFICERS AND THEIR DUTIES

IV-1: Inserted text from model bylaws for the following: elections, chairperson, vice-chairperson, secretary, and replacement officers.

IV-2: Deleted previous text for this section.

Article V – MEETINGS

V-1: Inserted text from model template for: VFOIA, notice and agenda, special or emergency meetings, frequency, voting, public access, records, and attorney-client privilege.

V-2: Deleted previous text for this section.

Article VI – COMMITTEES

VI-1: Deleted title: committees.

VI-2: Inserted new article title consistent with model template: ATTENDANCE AND PARTICIPATION

VI-3: Inserted text from model bylaws with regard to missing meetings and failure to participate in the work of the Commission.

Article VII – ANNUAL REPORT

VII-1: Deleted title: annual report and text.

VII-2: Replaced annual report title with REMOVAL.

VII-2: Inserted text from model bylaws with regard to removal of a member.

Article VIII – COMPLIANCE WITH LAW AND COUNTY POLICY

VIII-1: Deleted title: Compliance with law and County Policy

VIII-2: Deleted text for Compliance with law and County policy.

VIII-3: Changed title to COMMITTEES.

VIII-4: Inserted text for committees from model template.

Article IX – AMENDMENT OF BYLAWS

IX-1: Changed title to ANNUAL REPORT

IX-2: Annual report text unchanged from previous article VII.

Article X – INDEMNITY

X-1: Changed title to COMPLIANCE WITH LAW AND COUNTY POLICY

X-2: Deleted obsolete text for indemnity.

X-2: Compliance with law and County policy text unchanged from previous article VIII.

Article XI – AMENDMENT OF BYLAWS

XI-1: Added additional article for AMENDMENT OF BYLAWS.

XI-2: Amendment of bylaws text from previous article IX is unchanged.

BYLAWS OF THE FAIRFAX COUNTY ANIMAL SERVICES ADVISORY COMMISSION

ARTICLE I - NAME

The name of this organization shall be the Fairfax County Animal Services Advisory Commission, hereinafter referred to as the "Commission." The official address of the Commission is that of the Michael R. Frey Animal Shelter at 4500 West Ox Road, Fairfax, Virginia 22030 ("Animal Shelter").

ARTICLE II - PURPOSE

The Commission has been established by the Board of Supervisors of the County of Fairfax, Virginia ("Board of Supervisors") pursuant to Virginia law for the purpose of serving in an advisory capacity to the Fairfax County Department of Animal Sheltering ("Department"), the Animal Services Division of the Fairfax County Police Department ("Division"), and to the Board of Supervisors on issues related to animal health and welfare. The Commission will serve to enhance the mission and strategic goals of the Department and the Division. These bylaws replace and supersede the Commission bylaws adopted on March 20, 2018 and are effective as of April 13, 2021._____.

ARTICLE III - MEMBERSHIP AND TERM OF OFFICE

Appointments. Appointments to the Commission shall be as determined by the Board of Supervisors, and members shall serve for a term of two (2) years. The Commission shall be made up of ten (10) Fairfax County residents, one from each of the nine (9) magisterial districts appointed by his or her respective Supervisor, and one-at-large member appointed by the Chairman of the Board of Supervisors. Commission members serve in a voluntary capacity and receive no compensation. Commission members are required to review the Virginia Freedom of Information Act, Va. Code Ann. §§ 2.2-3700 through 3714, as amended ("VFOIA"), and the Virginia Public Records Act, Va. Code Ann. §§ 42.1-76 through 91, as amended, on an annual basis.

Commission members shall demonstrate a sincere interest in the humane care of animals and in helping to improve the operations of the Department and the Division. Members cannot have been convicted of any crime or misdemeanor involving animal cruelty, neglect, or abandonment. Members will be required to sign a statement to this effect.

Commission members are expected to attend meetings on a regular basis, serve on committees as needed, and are encouraged to volunteer in some capacity for the Department so as to understand better the functions and operations of the Department and the Division.

The Commission shall notify the appointing supervisor if any member violates or

appears to violate the Virginia laws, county ordinances, and county policies pertaining to conflict of interest and other matters specified in Article VIII, or who does not uphold the standards set forth in the Commission's official purpose (Article II) and in these bylaws.

Resignations and Vacancies. A member who wishes to resign from the Commission must submit a written letter of resignation to his or her appointing supervisor and the Commission Chairperson in advance of the next regularly scheduled meeting. In the event a member cannot serve or does resign from office, the Chairperson or the Secretary shall advise the Clerk to the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to another term or appointed a successor member, then that person may continue to serve as a member until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV - OFFICERS AND THEIR DUTIES

Elections. The Commission shall be served by three officers: a Chairperson, a Vice-Chairperson, and a Secretary. The Chairperson shall be elected in accordance with the voting provisions of Article V by the Commission members annually and such election shall be scheduled at the first meeting of each calendar year. Two months prior to the election meeting, a slate of candidates shall be nominated during a meeting held pursuant to Article V. After nomination, each candidate shall be polled on his or her willingness and ability to serve as Chairperson of the Commission. At the election meeting, the Chairperson shall be elected from among the willing nominees in accordance with the voting provisions of Article V. At the meeting immediately following the election of the Chairperson, the Chairperson shall nominate the Vice Chairperson and Secretary. After nomination, each candidate shall be polled on his or her willingness and ability to serve as an officer of the Commission. The Vice Chairperson and Secretary shall then be elected from among the willing nominees in accordance with the voting provisions of Article V.

Chairperson. The Chairperson presides over meetings of the Commission and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to Commission members and to request assistance from the County staff supporting the Commission.

Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice-Chairperson is available, the member present with the longest tenure on the Commission shall act as Chairperson.

Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording the minutes of meetings.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an

election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

ARTICLE V - MEETINGS

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq., as amended ("VFOIA"). Pursuant to Virginia Code § 2.2 3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The Commission may hold public hearings and report its findings to the Board of Supervisors on Commission issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of special or emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to Commission members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All meetings shall be conducted in public places that are accessible to persons with disabilities.

Special or Emergency Meetings. Special or emergency meetings may be requested by the Chairperson or Vice-Chairperson or by two or more members of the Commission. Any request for a special or emergency meeting shall be in writing or *via* e-mail or other similar electronic communication; shall specify the proposed date of the meeting; shall specify the matter or matters to be discussed; and shall be addressed to the Secretary of the Commission. Upon receipt of the request for a special or emergency meeting, the Secretary shall notify each Commission member by phone, e-mail or other similar electronic communication, or regular mail, of the date of the meeting and the matter or matters to be considered. Matters not specified in the notice sent out by the Secretary shall not be taken up unless all members of the Commission are present. All communications specified in this paragraph shall comply with the requirements of VFOIA and the Virginia Public Records Act; the Secretary shall take those steps necessary to assure compliance with the same.

Frequency. The Commission shall meet monthly on the second Thursday of each month at 7:30 p.m. at the Animal Shelter or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the Commission's members, and at a place arranged by the staff of the supporting County department.

Voting. A quorum is necessary for a vote. A majority of the membership of the Commission shall constitute a quorum. In making any recommendations, adopting any plan, or recommending any proposal, action shall be taken by a majority vote of Commission members present and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes of Commission members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All members who are present at the meeting, including the Chair, may vote at any meeting. Except as otherwise provided by Virginia law or by these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to Commission members shall be made available for public inspection at the same time such documents are furnished to the Commission members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any Commission proceedings.

Records. The Secretary or an appointed representative shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the Commission, and advice provided in closed session by legal counsel to the Commission, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the Commission to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the Commission's legal counsel.

Public Presentations. Members of the public may make presentations to the Commission, as the Commission deems appropriate, by contacting any member of the Commission in advance of the next regularly scheduled meeting. The Commission member shall notify the Chair or Vice-Chair who shall place the item of concern on the agenda, time permitting, but no later than the third month after the request. The Commission, at the meeting, shall place reasonable limits on the time allotted to this presentation. In addition, any member of the public attending a regularly scheduled meeting may be given a reasonable opportunity by the Commission to comment on the

proceedings.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any Commission member who misses three (3) consecutive meetings or more than half of the scheduled meetings within a 12-month period, or who fails to participate in the work of the Commission without good cause acceptable to a majority of the other Commission members, may be subject to removal from the Commission.

ARTICLE VII - REMOVAL

Any Commission member(s) may be recommended to the Board of Supervisors for removal from the Commission for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all the Commission members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' authority to remove members from the Commission as provided by law.

ARTICLE VIII - COMMITTEES

Standing. The Chairperson may appoint standing committees and a Chairperson for each with the consent of a majority of the Commission members present and voting.

Special. The Chairperson may appoint special committees and a Chairperson for each with the consent of a majority of the Commission members present and voting.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chairperson or at the request of two members, with notice to all members.

ARTICLE IX - ANNUAL REPORT

The Commission shall prepare an annual written report to the Board of Supervisors that describes the actions and activities conducted in the previous year and any plans and/or recommendations for future action and activities. That report shall be provided to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

ARTICLE X - COMPLIANCE WITH LAW AND COUNTY POLICY

The Commission and its members shall comply with all Virginia laws, including, but not limited to VFOIA; the Virginia State and Local Government Conflict of Interests Act; the Virginia Public Records Act; as well as all state and county policies pertaining thereto. In addition, the Commission and its members shall comply with all County policies concerning the activities of its boards, authorities, and commissions.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the Commission by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.

Board Agenda Item
April 13, 2021

CONSIDERATION - 2

Amendments to the Fairfax County Child Care Advisory Council Bylaws

ISSUE:

Approval of Amended Bylaws for the Fairfax County Child Care Advisory Council.

TIMING:

Board consideration is requested on April 13, 2021, so that the Bylaws can become effective, as amended.

BACKGROUND:

The Fairfax County Child Care Advisory Council (CCAC) has conducted a comprehensive review of its bylaws to ensure that they reflect current practices, include updated provisions of the Model Bylaws provided by the Clerk to the Board of Supervisors, comply with Virginia Freedom of Information Act requirements; and to establish term limits for Officers.

The proposed bylaws establish that a member may serve two two-year terms as Chairperson or Vice-Chairperson of the Council. The current bylaws do not include term limits for Officers.

The amended bylaws were approved at the March 9, 2021 Child Care Advisory Council meeting.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County Child Care Advisory Council Bylaws - Strikethrough

Attachment 2: Fairfax County Child Care Advisory Council Bylaws - Clean

STAFF:

Christopher A. Leonard, Deputy County Executive

Lloyd Tucker, Director, Department of Neighborhood and Community Services (NCS)

Anne-Marie D. Twohie, Director, Office for Children, NCS

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

**Fairfax County
Child Care Advisory Council
Bylaws**

ARTICLE I - NAME

The name of this organization is the Child Care Advisory Council, hereinafter referred to as "Council."

ARTICLE II - PURPOSE

The Council has been established by the Board of Supervisors of Fairfax County, Virginia (Board of Supervisors) to advise the Board of Supervisors and the Office for Children on programs and policies related to child care.

~~These Bylaws replace and supersede the Council Bylaws adopted on March 9, 2010, and are effective as of April 13, 2021.~~

ARTICLE III - MEMBERSHIP AND TERM OF OFFICE

~~1. Membership~~

~~Appointments. Membership and appointments to the Council shall be made by the Board of Supervisors, and members shall serve two-year terms as established by the Board of Supervisors.~~ The Council is composed of ten appointed members, one from each of the nine districts and one at-large ~~chairman's~~ Chairman's member.

~~2. Terms~~

~~Council members shall serve for a term of two years as established by the Board of Supervisors.~~

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the ~~chairperson~~ Council Chairperson or ~~the~~ County staff ~~liaison~~ coordinator shall advise the Clerk ~~to~~ for the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to another term or appointed a successor member, then that person may continue to serve as a member until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV - OFFICERS AND THEIR DUTIES

~~The Chairperson shall be elected annually by the Council from among its members. The Chairperson shall preside at Council meetings.~~ Elections. The Council shall be served by two officers: a Chairperson and a Vice-Chairperson. The Chairperson and Vice-Chairperson shall be elected in accordance with the voting provisions of Article V by the Council members bi-annually, and such election shall be scheduled at the May meeting every other year ("May Election Meeting"). At the April meeting immediately preceding a May Election Meeting, the Chairperson will appoint a committee to recommend nominees for officers. At the May Election Meeting, the Chairperson and Vice-Chairperson shall be elected from among the nominees. Except as otherwise permitted in this article for replacement members, an individual may serve no more than two terms as Chairperson and two terms as Vice-Chairperson.

Chairperson. The Chairperson presides over meetings of the Council and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to Council members and to request assistance from County staff supporting the Council. The Chairperson shall represent the Council before

the Board of Supervisors and other bodies unless the Chairperson requests that another member ~~to~~ represent the Council.

~~1. The Vice chairperson shall be elected annually by the Council from among its members and shall preside in the absence of the Chairperson.~~

~~2. The Chairperson and Vice chairperson retain their rights to vote and participate in all matters of Council business.~~

~~3. If for any reason an officer resigns, or cannot fulfill the responsibilities of the office, the Council shall elect a replacement at its next regular meeting to serve the balance of the term.~~

~~4. At the April meeting the Chairperson will appoint a committee to suggest nominations for positions of the presiding officers. Elections will be held at the May meeting. New officers will preside at the June meeting. Changes were approved at the February 19, 1986 Child Care Advisory Council meeting.~~

Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice-Chairperson is available, the member present with the longest tenure on the Council shall act as Chairperson.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting held in accordance with Article V. The newly elected officer shall complete the unexpired term of the officer succeeded, and thereafter shall remain eligible for two full two-year terms for the same office. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

Holdovers. If no successor is nominated for Chairperson or Vice-Chairperson, the current Chairperson, Vice-Chairperson, or both, as the case may be, may remain in office until a successor is nominated and elected in accordance with the procedures in this Article.

ARTICLE V - MEETINGS

1. The Council meetings shall be held the second Tuesday of each month at 7:00 p.m. If this day is a legal holiday, the meeting shall be rescheduled at least one meeting in advance. There shall be a mandatory adjournment hour of 9:00 p.m., which may be extended with the consent of the Council members. ~~Changes were approved at the March 9, 2010 Child Care Advisory Council meeting.~~

2. Special meetings shall be called by the Chairperson upon the written request of two or more members. At least one-week advance notice shall be given by the Chairperson. Council members shall be notified by telephone or otherwise at the earliest possible time. Agendas shall be sent to all members in advance of the meeting. Actions taken will be restricted to items on the agenda.

~~3. Except for closed sessions, all meetings shall be open to the public.~~

4.3. The first thirty minutes of each meeting may be reserved for public comment. Persons wishing to speak shall register with the Chairperson prior to the meeting. Each person shall be limited to five minutes unless the Chairperson grants an extension. After the presentation, members may ask pertinent questions of the speaker after being recognized by the Chairperson.

5.4. The order of business will be governed by the agenda. Agenda items will normally be considered in the order in which they appear on the agenda. Any deviation from the agenda or its order will be by consent of the majority of those Council members present. Non-agenda items may be considered after the consideration of agenda items is concluded.

83 ~~6.5. Meetings~~ Except as otherwise required by Virginia law or these Bylaws, meetings of the Council may
84 be conducted in an informal manner, using group consensus to determine directions and conclusions.
85 However, upon the request of any member, ~~a question~~ any matter may be discussed and decided
86 formally by majority vote ~~upon a motion duly entered and discussed, in accordance with Paragraph 6~~
87 ~~and the voting procedures in this Article.~~

88 ~~7.6.~~ When formal proceedings are invoked, Roberts Rules of Order Revised shall govern the conduct of
89 the question ~~to the extent that they are not inconsistent with this set of procedures. In the event of a~~
90 conflict between Roberts Rules of Order Revised and Virginia law or these Bylaws, Virginia law or
91 these Bylaws will control.

92 ~~8.7.~~ Minutes of each meeting shall be recorded ~~by the staff representative~~ in accordance with these Bylaws
93 and made available to the Council members prior to the subsequent meeting.

94 ~~Article I~~ — ~~QUORUM~~

95 ~~A quorum shall consist of a majority of all members, including the Chairperson. A quorum is necessary~~
96 ~~for Council actions.~~

97 ~~Article II~~ — ~~VOTING~~

98 ~~All discussions, excluding resolutions of official Council positions, shall be determined by viva voce vote~~
99 ~~of a majority of the Council members present.~~

100 ~~Article III~~ — ~~ACTIONS~~

101 VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of
102 Information Act, Virginia Code §§ 2.2-3700 et seq., as amended ("VFOIA"). Pursuant to Virginia Code
103 § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically,
104 or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal
105 assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent
106 membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any
107 public body. The Council may hold public hearings and report its findings to the Board of Supervisors on
108 Council issues that affect the public interest.

109
110 Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA.
111 All meetings shall be preceded by properly posted notice stating the date, time, and location of each
112 meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of
113 emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice
114 provided to Council members. Notices of all meetings shall be provided to the Office of Public Affairs for
115 posting at the Government Center and on the County Web site. All meetings shall be conducted in public
116 places that are accessible to persons with disabilities.

117
118 Voting. A quorum is necessary for a vote. A majority of the membership of the Council shall constitute a
119 quorum. Except as otherwise provided in these Bylaws, when adopting a resolution or motion, adopting
120 any plan, or approving any proposal, action shall be taken by a majority vote of the Council members
121 present and voting. Upon the request of any member, the vote of each member on any issue shall be
122 recorded in the minutes. All votes of Council members shall be taken during a public meeting, and no vote
123 shall be taken by secret or written ballot or by proxy.
124

125 Conduct. Except as specifically authorized by the VFOIA, no meeting shall be conducted through
126 telephonic, video, electronic, or other communication means where the members are not all physically
127 assembled to discuss or transact public business.

128
129 Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt
130 under the VFOIA, all materials furnished to Council members shall be made available for public inspection
131 at the same time such documents are furnished to the Council members. Pursuant to the VFOIA, any person
132 may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but
133 such actions may not interfere with any Council proceedings.

134
135 Records. The County support staff shall ensure that minutes of meetings are recorded as required under the
136 VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present
137 and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record
138 of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of
139 the Commonwealth or by members of the news media. The supporting County department shall provide
140 staff support to review and approve records and minutes of the meeting.

141
142 Attorney-Client Privilege. Records containing legal advice from counsel to the Council, and advice
143 provided in closed session by legal counsel to the Council, are protected by the attorney-client privilege
144 and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of
145 the Council to any third party, or the privilege against disclosure may be waived. Questions regarding the
146 handling of records or advice subject to attorney-client privilege should be directed to the Council's legal
147 counsel.

148
149 Actions. The Council may conduct its business through the following procedures:

150
151 **1.—Resolutions**

152 2.1. . Resolutions shall be presented in writing to the Chairperson and all members at least one week before
153 the meeting at which they are proposed for adoption. Resolutions shall be presented for
154 ~~action~~consideration and adoption in order of receipt by the Chairperson.

155 **3.—Motions**

156 4.2. . Where the action of the Council is required on matters simply stated, action may be upon oral motion
157 only.

158 **5.—OfficialMajority Positions**

159 6.3. ~~The Council shall present as its. Majority positions only positions which have been arrived at through~~
160 ~~votes or resolutions~~must be presented and considered by resolution and adopted by a two-thirds
161 majority vote conducted in accordance with the voting provisions of ~~its members at its meetings~~this
162 Article.

163 **7.—Minority Positions**

164 8.4. . If any Council member dissents from ~~the~~an adopted majority position and wishes to express a
165 minority position, he or she may do so if the member so states at the time the majority position is
166 adopted. The minority position must be presented in writing to the Chairperson and will be ~~recorded~~
167 ~~and~~ forwarded along with the majority position by the authorized Council representative. Minority
168 positions must be identified by author.

169 —
170 **ARTICLE VI - ATTENDANCE AND PARTICIPATION**
171

172 Any Council member who misses three consecutive meetings, misses more than half of scheduled
173 meetings within a 12-month period, or who fails to participate in the work of the Council without good
174 cause acceptable to a majority of the other Council members may be subject to removal from Council.

176 **ARTICLE VII - REMOVAL**

177
178 Any Council member may be recommended to the Board of Supervisors for removal from the Council for
179 cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all the
180 Council members. The members' authority to recommend removal under these Bylaws neither limits nor
181 waives the Board of Supervisors' authority to remove members from the Council as provided by law.

182 **ARTICLE VIII - COMMITTEES**

183 Such committees as are deemed necessary for the work of the Council shall be ~~set-up~~established by the
184 Chairperson with the consent of a majority of the members. The Council Chairperson shall ~~make~~
185 ~~appointments of~~appoint all committee members and ~~recommend~~ the committee chairperson.

186 2.——Membership on committees of the Council need not be limited to Council members. Members
187 of the community whose expertise, interest, or experience would further the work of ~~thea~~ committee may
188 be appointed to athat committee. The chairperson of a committee shall be a member of the Council.

189 **Article IV—— MISCELLANEOUS**

190 ~~1.—— Amendment of these rules may be accomplished by a majority vote. The text of the proposed~~
191 ~~amendment must be presented at least one meeting prior to that at which the vote is taken.~~

192 ~~2.—— Suspension of the rules may occur whenever two-thirds of the Council shall vote to adopt a motion to~~
193 ~~suspend the rules. In such an event, the rules shall be deemed suspended only with respect to the~~
194 ~~specific matter of question not then in accord with the rules.~~

195 ~~If a member of the Council shall be absent from three (3) consecutive meetings, the Chairperson shall~~
196 ~~contact the member to determine if he or she wishes to continue to serve.~~All committee meetings shall
197 comply with the notice and other requirements of the VFOIA. To the extent practicable, all committees
198 shall be composed of at least four members. Committee meetings may be held at the call of the Council
199 Chairperson or at the request of two members, with notice to all members.

200 **ARTICLE IX – COMPLIANCE WITH LAW AND COUNTY POLICY**

201
202 The Council shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the
203 Virginia State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100 et seq., as
204 amended, with all County ordinances, and with all County policies concerning the activities of its boards,
205 authorities, and commissions. In case of a conflict between a provision of these Bylaws and any
206 applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall
207 control.

208 **ARTICLE X – AMENDMENT OF BYLAWS**

209
210
211 These Bylaws may be amended by the Council by adopting the proposed amendment or amendments and
212 by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to
213 bylaws shall become effective upon approval by the Board of Supervisors.

217 These Bylaws were approved by the Fairfax County Board of Supervisors during a public meeting held
218 on 13th day of April, 2021.

219
220
221 GIVEN under my hand this _____ day of _____, 2021.
222

223
224 _____
225 Jill G. Cooper

226 Clerk for the Board of Supervisors

227 Department of Clerk Services

**Fairfax County
Child Care Advisory Council
Bylaws**

ARTICLE I - NAME

The name of this organization is the Child Care Advisory Council, hereinafter referred to as "Council."

ARTICLE II - PURPOSE

The Council has been established by the Board of Supervisors of Fairfax County, Virginia (Board of Supervisors) to advise the Board of Supervisors and the Office for Children on programs and policies related to child care.

These Bylaws replace and supersede the Council Bylaws adopted on March 9, 2010, and are effective as of April 13, 2021.

ARTICLE III - MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the Council shall be made by the Board of Supervisors, and members shall serve two-year terms as established by the Board of Supervisors. The Council is composed of ten appointed members, one from each of the nine districts and one at-large Chairman's member.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the Council Chairperson or County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes his or her term of office, remains qualified to serve as a member, and the Board of Supervisors has not reappointed that member to another term or appointed a successor member, then that person may continue to serve as a member until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV - OFFICERS AND THEIR DUTIES

Elections. The Council shall be served by two officers: a Chairperson and a Vice-Chairperson. The Chairperson and Vice-Chairperson shall be elected in accordance with the voting provisions of Article V by the Council members bi-annually, and such election shall be scheduled at the May meeting every other year ("May Election Meeting"). At the April meeting immediately preceding a May Election Meeting, the Chairperson will appoint a committee to recommend nominees for officers. At the May Election Meeting, the Chairperson and Vice-Chairperson shall be elected from among the nominees. Except as otherwise permitted in this article for replacement members, an individual may serve no more than two terms as Chairperson and two terms as Vice-Chairperson.

Chairperson. The Chairperson presides over meetings of the Council and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to Council members and to request assistance from County staff supporting the Council. The Chairperson shall represent the Council before the Board of Supervisors and other bodies unless the Chairperson requests that another member represent the Council.

Vice-Chairperson. In the absence of the Chairperson at a meeting, the Vice-Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice-

Chairperson is available, the member present with the longest tenure on the Council shall act as Chairperson.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting held in accordance with Article V. The newly elected officer shall complete the unexpired term of the officer succeeded, and thereafter shall remain eligible for two full two-year terms for the same office. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

Holdovers. If no successor is nominated for Chairperson or Vice-Chairperson, the current Chairperson, Vice-Chairperson, or both, as the case may be, may remain in office until a successor is nominated and elected in accordance with the procedures in this Article.

ARTICLE V - MEETINGS

1. The Council meetings shall be held the second Tuesday of each month at 7:00 p.m. If this day is a legal holiday, the meeting shall be rescheduled at least one meeting in advance. There shall be a mandatory adjournment hour of 9:00 p.m., which may be extended with the consent of the Council members.

2. Special meetings shall be called by the Chairperson upon the written request of two or more members. At least one-week advance notice shall be given by the Chairperson. Council members shall be notified by telephone or otherwise at the earliest possible time. Agendas shall be sent to all members in advance of the meeting. Actions taken will be restricted to items on the agenda.

3. The first thirty minutes of each meeting may be reserved for public comment. Persons wishing to speak shall register with the Chairperson prior to the meeting. Each person shall be limited to five minutes unless the Chairperson grants an extension. After the presentation, members may ask pertinent questions of the speaker after being recognized by the Chairperson.

4. The order of business will be governed by the agenda. Agenda items will normally be considered in the order in which they appear on the agenda. Any deviation from the agenda or its order will be by consent of the majority of those Council members present. Non-agenda items may be considered after the consideration of agenda items is concluded.

5. Except as otherwise required by Virginia law or these Bylaws, meetings of the Council may be conducted in an informal manner, using group consensus to determine directions and conclusions. However, upon the request of any member, any matter may be discussed and decided formally by majority vote, in accordance with Paragraph 6 and the voting procedures in this Article.

6. When formal proceedings are invoked, Roberts Rules of Order Revised shall govern the conduct of the question. In the event of a conflict between Roberts Rules of Order Revised and Virginia law or these Bylaws, Virginia law or these Bylaws will control.

7. Minutes of each meeting shall be recorded in accordance with these Bylaws and made available to the Council members prior to the subsequent meeting.

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700 *et seq.*, as amended ("VFOIA"). Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The Council may hold public hearings and report its findings to the Board of Supervisors on Council issues that affect the public interest.

85
86 Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA.
87 All meetings shall be preceded by properly posted notice stating the date, time, and location of each
88 meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of
89 emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice
90 provided to Council members. Notices of all meetings shall be provided to the Office of Public Affairs for
91 posting at the Government Center and on the County Web site. All meetings shall be conducted in public
92 places that are accessible to persons with disabilities.
93

94 Voting. A quorum is necessary for a vote. A majority of the membership of the Council shall constitute a
95 quorum. Except as otherwise provided in these Bylaws, when adopting a resolution or motion, adopting
96 any plan, or approving any proposal, action shall be taken by a majority vote of the Council members
97 present and voting. Upon the request of any member, the vote of each member on any issue shall be
98 recorded in the minutes. All votes of Council members shall be taken during a public meeting, and no vote
99 shall be taken by secret or written ballot or by proxy.
100

101 Conduct. Except as specifically authorized by the VFOIA, no meeting shall be conducted through
102 telephonic, video, electronic, or other communication means where the members are not all physically
103 assembled to discuss or transact public business.
104

105 Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt
106 under the VFOIA, all materials furnished to Council members shall be made available for public inspection
107 at the same time such documents are furnished to the Council members. Pursuant to the VFOIA, any person
108 may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but
109 such actions may not interfere with any Council proceedings.
110

111 Records. The County support staff shall ensure that minutes of meetings are recorded as required under the
112 VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present
113 and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record
114 of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of
115 the Commonwealth or by members of the news media. The supporting County department shall provide
116 staff support to review and approve records and minutes of the meeting.
117

118 Attorney-Client Privilege. Records containing legal advice from counsel to the Council, and advice
119 provided in closed session by legal counsel to the Council, are protected by the attorney-client privilege
120 and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of
121 the Council to any third party, or the privilege against disclosure may be waived. Questions regarding the
122 handling of records or advice subject to attorney-client privilege should be directed to the Council's legal
123 counsel.
124

125 Actions. The Council may conduct its business through the following procedures:
126

- 127 1. **Resolutions.** Resolutions shall be presented in writing to the Chairperson and all members at least
128 one week before the meeting at which they are proposed for adoption. Resolutions shall be presented
129 for consideration and adoption in order of receipt by the Chairperson.
- 130 2. **Motions.** Where the action of the Council is required on matters simply stated, action may be upon
131 oral motion only.
- 132 3. **Majority Positions.** Majority positions must be presented and considered by resolution and adopted
133 by a two-thirds majority vote conducted in accordance with the voting provisions of this Article.
- 134 4. **Minority Positions.** If any Council member dissents from an adopted majority position and wishes
135 to express a minority position, he or she may do so if the member so states at the time the majority

position is adopted. The minority position must be presented in writing to the Chairperson and will be recorded and forwarded along with the majority position by the authorized Council representative. Minority positions must be identified by author.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any Council member who misses three consecutive meetings, misses more than half of scheduled meetings within a 12-month period, or who fails to participate in the work of the Council without good cause acceptable to a majority of the other Council members may be subject to removal from Council.

ARTICLE VII - REMOVAL

Any Council member may be recommended to the Board of Supervisors for removal from the Council for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all the Council members. The members' authority to recommend removal under these Bylaws neither limits nor waives the Board of Supervisors' authority to remove members from the Council as provided by law.

ARTICLE VIII - COMMITTEES

Such committees as are deemed necessary for the work of the Council shall be established by the Chairperson with the consent of a majority of the members. The Council Chairperson shall appoint all committee members and the committee chairperson.

Membership on committees of the Council need not be limited to Council members. Members of the community whose expertise, interest, or experience would further the work of a committee may be appointed to that committee. The chairperson of a committee shall be a member of the Council.

All committee meetings shall comply with the notice and other requirements of the VFOIA. To the extent practicable, all committees shall be composed of at least four members. Committee meetings may be held at the call of the Council Chairperson or at the request of two members, with notice to all members.

ARTICLE IX – COMPLIANCE WITH LAW AND COUNTY POLICY

The Council shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions. In case of a conflict between a provision of these Bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control.

ARTICLE X – AMENDMENT OF BYLAWS

These Bylaws may be amended by the Council by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.

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These Bylaws were approved by the Fairfax County Board of Supervisors during a public meeting held on 13th day of April, 2021.

GIVEN under my hand this ____ day of _____, 2021.

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

Board Agenda Item
April 13, 2021

CONSIDERATION - 3

Amendments to the Fairfax County Commission for Women (CFW) Bylaws and Resolution

ISSUE:

Approval of updated Resolution and Bylaws for the Fairfax County Commission for Women.

TIMING:

Board consideration is requested on April 13, 2021, so that the Bylaws and Resolution can become effective, as amended.

BACKGROUND:

The Fairfax County Commission for Women (CFW) appointed a bylaws workgroup to draft amended bylaws and present the amendments to the CFW. The amended bylaws were approved at the CFW's monthly meeting on February 8, 2021.

The intent of the changes to the bylaws is to: 1) Update the stated purposes of the CFW; 2) Create more precise language in the bylaws regarding structure and succession planning; 3) Create a mechanism to allow for the formation of workgroups and subcommittees, 4) refresh the bylaws to incorporate an equity statement; and 5) expand commission seats to include more diverse representation.

The current Resolution was approved in 1993 and contains outdated information about membership and work of the CFW. The proposed resolution was drafted to reflect the CFW's proposed membership and purposes going forward.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax County Commission for Women (CFW) Proposed Bylaws - strikethrough

Attachment 2: Fairfax County Commission for Women (CFW) Proposed Bylaws

Attachment 3: Fairfax County Commission for Women (CFW) 1993 Resolution

Attachment 4: Fairfax County Commission for Women (CFW) Proposed Resolution

Board Agenda Item
April 13, 2021

STAFF:

Christopher Leonard, Deputy County Executive

Michael Becketts, Director, Department of Family Services

Toni Zollicoffer, Division Director, Domestic and Sexual Violence Services

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

ATTACHMENT 1: Commission for Women Bylaws- strikethrough

BYLAWS OF THE FAIRFAX COUNTY COMMISSION FOR WOMEN

ARTICLE I ~~—~~ NAME

The name of this organization is the Fairfax County Commission for Women, hereinafter referred to as the "~~Commission for Women (CFW).~~"

ARTICLE II ~~—~~ PURPOSE

The purposes of the CFW ~~was, as~~ established by the Board of Supervisors ~~of Fairfax~~ ("BoS"), are to:

1. Make recommendations and propose initiatives to the BoS to eliminate discrimination on the basis of sex,
2. Advise the BoS on strategies to remove barriers to women and girls,
3. Advise the BoS on issues, concerns, and policies related to women and girls in the County, Virginia ("Board of Supervisors") in 1971 pursuant to Virginia law for the purpose of advising the Board
4. Identify problems, concerns, and policies that disproportionately impact women and girls, and
5. Recommend and support resources, services, and opportunities that improve the status of women and girls in all aspects of Supervisors on issues life.

ARTICLE III – MISSION

The mission of the CFW is to advise the BoS on policies and initiatives to promote the full gender equality of, eliminate violence against women, and honor women and girls in Fairfax County.

ARTICLE ~~III~~ – MEMBERSHIP ~~IV~~ – EQUITY STATEMENT

The CFW shall integrate race and gender equity into all aspects of its mission and purpose. The CFW will not discriminate on the basis of race, color, religion, national origin, ethnicity, immigration or socioeconomic status, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, genetics, political affiliation, or status as a veteran or active duty member of the military. Further, CFW is committed to eliminating all forms of discrimination that impact women and girls and is committed to supporting the communities of Fairfax County to ensure it is an equitable and welcoming place for all to call home.

In its undertakings, the CFW shall consider and strive to reduce and eliminate disparities and inequities experienced by women, especially persons of color and other groups who have been historically and systemically marginalized. The CFW works toward creating spaces where all women are embraced for who they are. CFW strives to inform and to take action to create conditions within our capacity to enable residents to thrive and reach their highest potential. The CFW seeks to remove barriers women face so that they may enjoy full participation and belonging in life and culture.

ARTICLE V – APPOINTMENT AND TERM OF OFFICE

~~Membership or appointments~~Appointments. Appointments to the CFW shall be as determined by the ~~Board of Supervisors and members~~BoS. Commissioners shall serve for one term of three (3) year~~years~~ and may not serve on the CFW for more than four (4) terms ~~and have no restrictions on the number of terms they serve as established by the Board of Supervisors. The CFW~~

~~shall consist of or~~ twelve (12) ~~members~~consecutive years. The CFW shall consist of the following Commissioners:

one appointed ~~by each member of the Board of~~

- ~~Supervisors~~ from each Supervisor's magisterial district; ~~one at-large member and one minority at-large member~~
- four At-Large Commissioners to be appointed by the Chairman of the ~~Board of Supervisors~~BoS, to include one At-Large Commissioner; one ~~student member selected~~Underserved At-Large Commissioner; one Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") At-Large Commissioner; and one Trans Woman At-Large Commissioner; and
- one Student Commissioner nominated via competitive process: by the CFW, subject to the approval of the BoS.

Ex Officio Members. By simple majority vote at a meeting called in accordance with Article VIII of these bylaws, the CFW may appoint up to five (5) non-voting, ex officio members to serve for limited terms and advise the CFW during meetings. Ex officio members may serve no more than four (4) terms or twelve (12) consecutive years.

Resignations or Vacancies. In the event a ~~member cannot~~Commissioner is unable to serve or resigns from office, the ~~Chair or Executive Director of the CFW (or designee)~~County staff liaison shall advise the Clerk to the Board of SupervisorsBoS of the vacancy in writing.

Holdovers. In the event a ~~member~~Commissioner completes ~~his or her~~their term of office, remains qualified to serve as a ~~member~~Commissioner, and the ~~Board of Supervisors~~BoS has not ~~reappointed~~appointed that ~~member~~Commissioner to another term or ~~appointed a~~ successor ~~member~~Commissioner, then that person may continue to serve as a ~~member~~Commissioner until such time as the ~~member~~Commissioner is reappointed or a successor ~~member~~Commissioner is appointed.

91
92
93 **ARTICLE ~~IV~~–~~VI~~– OFFICERS AND THEIR DUTIES**
94

95 ~~The~~Elections. The CFW Executive Committee shall have three (3) officers~~shall, who~~
96 will be elected biennially by the ~~Commission~~Commissioners, and the officers shall
97 consist of a presiding officer, who shall be the Chair, and ~~at two~~ Vice ~~Chair who~~ Chairs,
98 one of whom shall preside at meetings in the absence of the Chair. ~~Also, the members~~
99 ~~may elect other officers who shall be~~ The Commissioners may establish additional
100 offices, as determined by a simple majority vote of the CFW in accordance with the
101 provisions of Article VIII, which shall be responsible for ~~these~~specific functions as
102 assigned. ~~All such~~ Once established, any such additional office may be immediately
103 filled by a vote of the CFW. The officer then elected shall serve until the next April
104 election as set forth below, at which time the officer may be reelected. Such additional
105 offices may be eliminated at any time by a simple majority vote of the CFW. The offices
106 of the Executive Committee may not be altered or eliminated, except by amendment of
107 these bylaws.

108
109 All officers shall be elected at the April meeting, and regular terms of office shall be for
110 two years: beginning in July of that year. Two months prior to the election meeting, a
111 slate of candidates shall be nominated from among the Commissioners during a meeting
112 held pursuant to Article VIII. Ex officio members may not serve as officers. After
113 nomination, each candidate shall be polled on their willingness and ability to serve as
114 Chair or Vice Chairs of the CFW. At the election meeting, the Chair and Vice Chairs
115 shall be elected from among the willing nominees in accordance with the voting
116 provisions of Article VIII.

117
118 Replacement Officers. In the event of a vacancy, a replacement officer may be
119 elected at any time thereafter to serve the balance of the unexpired term. Prior to the
120 election of any replacement officer, all ~~members~~Commissioners shall be provided
121 with notice of the proposed election one month before the meeting at which the
122 replacement ~~is to~~officer will be elected.

123
124 Chair. The role of the Chair is to preside over meetings of the CFW, uphold the bylaws
125 and integrity of the CFW, direct the work and actions of the CFW, and represent the
126 CFW to the BoS and to the community. The Chair is eligible to vote at all times. The
127 Chair has the authority to delegate appropriate functions to the Commissioners and to
128 request assistance from County staff supporting the CFW.

129
130 Vice Chairs. The role of the Vice Chairs shall be to uphold the bylaws and integrity of the
131 CFW, support the role of the Chair of the CFW, and assume the duties of the Chair in
132 their absence, as determined by the Chair.

133
134 Together, the Executive Committee ensures that the CFW is accountable, implements its
135 decisions, and executes its plans.
136
137

ARTICLE ~~V~~–VII – DUTIES OF COMMISSIONERS

The duties of Commissioners include:

- upholding the bylaws and integrity of the CFW;
- being well-informed regarding all programs and activities of the CFW;
- becoming generally familiar with the public policies of the County, and public and private services and activities available to women and girls;
- participating in events related to women and girls in the Commissioner’s district, and in the County writ large;
- advancing an effective working relationship and regular communications with the Commissioner’s District Supervisor and staff;
- committing a minimum of 10 hours per month to CFW-only driven tasks and/or projects; specifically, tasks or projects consistent with the mission of and approved by the CFW and/or tied to CFW committee assignments; and
- serving on a least two committees.

ARTICLE VIII – MEETINGS

VFOIA. All meetings shall be ~~conducted in accordance with~~ open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code §§ ~~2.2-3700 et seq., as amended (“VFOIA”), and except for closed sessions, all meetings shall be open to the public;~~ § 2.2-3700 *et seq.*, as amended (“VFOIA”). Pursuant to Virginia Code § 2.2-3701, “meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, or as otherwise permitted by the VFOIA or Virginia law, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The CFW may hold public hearings and report its findings to the Board of Supervisors on CFW issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by a properly posted notice stating the date, time, and location of ~~said meetings, and except for emergency meetings, notice~~ each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances ~~of emergency meetings~~, shall be given contemporaneously with the notice provided to CFW Commissioners and ex officio members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Internet Web site. ~~Also, notices for all meetings shall be placed at a prominent public location by the Executive Director or designee.~~ All meetings shall be conducted in public places that are accessible to persons with disabilities, ~~and all meetings shall be conducted in public buildings whenever practical.~~

A majority of the voting members of the Frequency. The CFW shall constitute a quorum, and the vote of meet monthly or as determined by the Chair. Meetings shall be held at a time agreed to by a majority of the CFW's Commissioners, and at a place arranged by the staff of the supporting County department.

Voting. A quorum shall be is necessary for a vote. A majority of the CFW Commissioners shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of CFW Commissioners present and voting. Upon the request of any Commissioner, the vote of each Commissioner on any issue shall be recorded in the minutes. All votes of membersCFW shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All voting members who are present at the meeting, including the Chair, may vote at any meeting.

Conduct. Except as otherwise provided by Virginia law or by these bylaws, all meetings shall be conducted in accordance with Robert's Robert's Rules of Order, Newly Revised, and except as specifically authorized by the VFOIA or other Virginia law, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

AtPublic Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to membersCommissioners shall be made available for public inspection at the same time such documents are furnished to the members. Any Commissioners. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but no person broadcasting, photographing, filming, or recording any open meeting may such actions may not interfere with any CFW proceedings.
interfere with any of the proceedings.

Records. The CFWCounty staff liaison or an appointed alternate shall keepensure that minutes of its meetings, and those minutes are recorded as required under the VFOIA. Minutes shall include: (1-) the date, time, and location of each meeting; (2) the membersCommissioners present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the CFW, and advice provided in closed session by legal counsel to the CFW, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the CFW to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records

or advice subject to attorney-client privilege should be directed to the CFW's legal counsel.

ARTICLE ~~VI~~-IX - ATTENDANCE AND PARTICIPATION

Commissioners are responsible for attending eleven meetings annually. Commissioners are obligated to notify the Chair, Vice-Chairs, Executive Director or assigned County staff liaison when unable to attend a meeting.

Any Commissioner who misses three consecutive meetings or more than half of the scheduled meetings within a 12-month period, or who fails to participate in the work of the CFW without good cause acceptable to a majority of the other CFW members may be subject to removal from the CFW.

ARTICLE X - REMOVAL

Any Commissioner may be recommended to the BoS for removal from the CFW for cause, including but not limited to cause as set forth in Article IX, by a two-thirds majority vote of all the Commissioners. The Commissioners' authority to recommend removal under these bylaws neither limits nor waives the BoS' authority to remove Commissioners from the CFW as provided by law.

Additionally, and should it be determined by a two-thirds majority vote of all the Commissioners to recommend seeking the resignation of a Commissioner due to lack of participation or inactivity, the Chair or a Vice Chair will recommend seeking the resignation of said Commissioner to the Board of Supervisors.

ARTICLE XI – COMMITTEES

Establishment. The CFW may establish as many committees as may be required to perform its ~~function~~functions. The CFW may appoint committee chairs and other committee officers at its discretion, by a vote held during a properly called meeting. Committee members may be chosen from among the general public, and do not need to be Commissioners or ex officio members.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent that is practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chair or at the request of two members, with notice to all members.

ARTICLE ~~VII~~-XII – BIENNIAL REPORT

274 The CFW shall prepare a written biennial ~~written~~ report, corresponding to the two-
275 year terms of the CFW officers. ~~This~~The report, ~~which will be provided to the Board~~
276 ~~of Supervisors,~~ shall describe the actions and activities conducted in the previous two
277 years and any plans and/or recommendations for future action ~~and activities.~~ ~~That,~~
278 The report shall be provided to the
279 Clerk to the Board of Supervisors for distribution to the members of the ~~Board of BoS~~
280 and to the County Executive.
281 ~~Supervisors and to the County Executive.~~

282 283 **ARTICLE ~~VIII~~ XIII – COMPLIANCE WITH LAW AND COUNTY POLICY**

284
285 The CFW ~~and its members~~ shall comply with all Virginia laws, including, but not limited
286 ~~to, the~~ VFOIA, and the Virginia State and Local Government Conflict of Interests Act,
287 Virginia Code §§ ~~2.2-3100~~ et seq., as amended, with all County ordinances, and with
288 all County policies concerning the activities of its boards, authorities, and commissions.
289 In case of a conflict between a provision of these bylaws and any applicable ordinance or
290 law, the provisions of the applicable ordinance or law, as the case may be, shall control.

291 292 293 **ARTICLE ~~IX~~ XIV – AMENDMENT OF BYLAWS**

294
295 These Bylaws may be amended by the CFW by adopting the proposed amendment ~~or~~
296 amendments(s) and by presenting those proposed ~~changes~~ amendment(s) for approval to
297 the Board of Supervisors. Any such amendments to bylaws shall become effective upon
298 approval by the Board of Supervisors. ~~These bylaws replace and supersede the CFW~~
299 bylaws dated July 12, 2011, and are effective as of April 13, 2021.

ATTACHMENT 2: Commission for Women Bylaws- Clean Copy

BYLAWS OF THE FAIRFAX COUNTY COMMISSION FOR WOMEN

ARTICLE I – NAME

The name of this organization is the Fairfax County Commission for Women, hereinafter referred to as the “CFW.”

ARTICLE II – PURPOSE

The purposes of the CFW, as established by the Board of Supervisors (“BoS”), are to:

1. Make recommendations and propose initiatives to the BoS to eliminate discrimination on the basis of sex,
2. Advise the BoS on strategies to remove barriers to women and girls,
3. Advise the BoS on issues, concerns, and policies related to women and girls in the County,
4. Identify problems, concerns, and policies that disproportionately impact women and girls, and
5. Recommend and support resources, services, and opportunities that improve the status of women and girls in all aspects of life.

ARTICLE III – MISSION

The mission of the CFW is to advise the BoS on policies and initiatives to promote gender equality, eliminate violence against women, and honor women and girls in Fairfax County.

ARTICLE IV – EQUITY STATEMENT

The CFW shall integrate race and gender equity into all aspects of its mission and purpose. The CFW will not discriminate on the basis of race, color, religion, national origin, ethnicity, immigration or socioeconomic status, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, genetics, political affiliation, or status as a veteran or active duty member of the military. Further, CFW is committed to eliminating all forms of discrimination that impact women and girls and is committed to supporting the communities of Fairfax County to ensure it is an equitable and welcoming place for all to call home.

In its undertakings, the CFW shall consider and strive to reduce and eliminate disparities and inequities experienced by women, especially persons of color and other groups who have been historically and systemically marginalized. The CFW works toward creating

spaces where all women are embraced for who they are. CFW strives to inform and to take action to create conditions within our capacity to enable residents to thrive and reach their highest potential. The CFW seeks to remove barriers women face so that they may enjoy full participation and belonging in life and culture.

ARTICLE V – APPOINTMENT AND TERM OF OFFICE

Appointments. Appointments to the CFW shall be as determined by the BoS. Commissioners shall serve for one term of three (3) years and may not serve on the CFW for more than four (4) terms or twelve (12) consecutive years. The CFW shall consist of the following Commissioners:

- one appointed from each Supervisor’s magisterial district;
- four At-Large Commissioners to be appointed by the Chairman of the BoS, to include one At-Large Commissioner; one Underserved At-Large Commissioner; one Lesbian-Gay-Bisexual-Queer-Intersex-Asexual (“LGBQIA+”) At-Large Commissioner; and one Trans Woman At-Large Commissioner; and
- one Student Commissioner nominated via competitive process by the CFW, subject to the approval of the BoS.

Ex Officio Members. By simple majority vote at a meeting called in accordance with Article VIII of these bylaws, the CFW may appoint up to five (5) non-voting, ex officio members to serve for limited terms and advise the CFW during meetings. Ex officio members may serve no more than four (4) terms or twelve (12) consecutive years.

Resignations or Vacancies. In the event a Commissioner is unable to serve or resigns from office, the County staff liaison shall advise the Clerk to the BoS of the vacancy in writing.

Holdovers. In the event a Commissioner completes their term of office, remains qualified to serve as a Commissioner, and the BoS has not appointed that Commissioner to another term or a successor Commissioner, then that person may continue to serve as a Commissioner until such time as the Commissioner is reappointed or a successor Commissioner is appointed.

ARTICLE VI – OFFICERS AND THEIR DUTIES

Elections. The CFW Executive Committee shall have three (3) officers, who will be elected biennially by the Commissioners, and the officers shall consist of a presiding officer, who shall be the Chair, and two Vice Chairs, one of whom shall preside at meetings in the absence of the Chair. The Commissioners may establish additional offices, as determined by a simple majority vote of the CFW in accordance with the provisions of Article VIII, which shall be responsible for specific functions as assigned. Once established, any such additional office may be immediately filled by a vote of the CFW. The officer then elected shall serve until the next April election as set forth below,

at which time the officer may be reelected. Such additional offices may be eliminated at any time by a simple majority vote of the CFW. The offices of the Executive Committee may not be altered or eliminated, except by amendment of these bylaws.

All officers shall be elected at the April meeting, and regular terms of office shall be for two years beginning in July of that year. Two months prior to the election meeting, a slate of candidates shall be nominated from among the Commissioners during a meeting held pursuant to Article VIII. Ex officio members may not serve as officers. After nomination, each candidate shall be polled on their willingness and ability to serve as Chair or Vice Chairs of the CFW. At the election meeting, the Chair and Vice Chairs shall be elected from among the willing nominees in accordance with the voting provisions of Article VIII.

Replacement Officers. In the event of a vacancy, a replacement officer may be elected at any time thereafter to serve the balance of the unexpired term. Prior to the election of any replacement officer, all Commissioners shall be provided with notice of the proposed election one month before the meeting at which the replacement officer will be elected.

Chair. The role of the Chair is to preside over meetings of the CFW, uphold the bylaws and integrity of the CFW, direct the work and actions of the CFW, and represent the CFW to the BoS and to the community. The Chair is eligible to vote at all times. The Chair has the authority to delegate appropriate functions to the Commissioners and to request assistance from County staff supporting the CFW.

Vice Chairs. The role of the Vice Chairs shall be to uphold the bylaws and integrity of the CFW, support the role of the Chair of the CFW, and assume the duties of the Chair in their absence, as determined by the Chair.

Together, the Executive Committee ensures that the CFW is accountable, implements its decisions, and executes its plans.

ARTICLE VII – DUTIES OF COMMISSIONERS

The duties of Commissioners include:

- upholding the bylaws and integrity of the CFW;
- being well-informed regarding all programs and activities of the CFW;
- becoming generally familiar with the public policies of the County, and public and private services and activities available to women and girls;
- participating in events related to women and girls in the Commissioner’s district, and in the County writ large;
- advancing an effective working relationship and regular communications with the Commissioner’s District Supervisor and staff;

- committing a minimum of 10 hours per month to CFW-only driven tasks and/or projects; specifically, tasks or projects consistent with the mission of and approved by the CFW and/or tied to CFW committee assignments; and
- serving on a least two committees.

ARTICLE VIII – MEETINGS

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA"). Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, or as otherwise permitted by the VFOIA or Virginia law, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The CFW may hold public hearings and report its findings to the Board of Supervisors on CFW issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to CFW Commissioners and ex officio members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All meetings shall be conducted in public places that are accessible to persons with disabilities.

Frequency. The CFW shall meet monthly or as determined by the Chair. Meetings shall be held at a time agreed to by a majority of the CFW's Commissioners, and at a place arranged by the staff of the supporting County department.

Voting. A quorum is necessary for a vote. A majority of the CFW Commissioners shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of CFW Commissioners present and voting. Upon the request of any Commissioner, the vote of each Commissioner on any issue shall be recorded in the minutes. All votes of CFW shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy.

Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by the VFOIA or other Virginia law, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to Commissioners shall be made available for public inspection at the same time such documents are furnished to the Commissioners. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any CFW proceedings.

Records. The County staff liaison or an appointed alternate shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the Commissioners present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the CFW, and advice provided in closed session by legal counsel to the CFW, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the CFW to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the CFW's legal counsel.

ARTICLE IX - ATTENDANCE AND PARTICIPATION

Commissioners are responsible for attending eleven meetings annually. Commissioners are obligated to notify the Chair, Vice-Chairs, Executive Director or assigned County staff liaison when unable to attend a meeting.

Any Commissioner who misses three consecutive meetings or more than half of the scheduled meetings within a 12-month period, or who fails to participate in the work of the CFW without good cause acceptable to a majority of the other CFW members may be subject to removal from the CFW.

ARTICLE X - REMOVAL

Any Commissioner may be recommended to the BoS for removal from the CFW for cause, including but not limited to cause as set forth in Article IX, by a two-thirds majority vote of all the Commissioners. The Commissioners' authority to recommend removal under these bylaws neither limits nor waives the BoS' authority to remove Commissioners from the CFW as provided by law.

229 Additionally, and should it be determined by a two-thirds majority vote of all the
230 Commissioners to recommend seeking the resignation of a Commissioner due to lack of
231 participation or inactivity, the Chair or a Vice Chair will recommend seeking the
232 resignation of said Commissioner to the Board of Supervisors.

233 234 235 **ARTICLE XI – COMMITTEES**

236
237 Establishment. The CFW may establish as many committees as may be required to
238 perform its functions. The CFW may appoint committee chairs and other committee
239 officers at its discretion, by a vote held during a properly called meeting. Committee
240 members may be chosen from among the general public, and do not need to be
241 Commissioners or ex officio members.

242
243 All meetings of any such committees shall comply with the notice and other
244 requirements of the VFOIA. To the extent practicable, any such committees shall be
245 composed of at least four members. Committee meetings may be held at the call of the
246 Chair or at the request of two members, with notice to all members.

247 248 249 **ARTICLE XII – BIENNIAL REPORT**

250
251 The CFW shall prepare a written biennial report, corresponding to the two-year terms of
252 the CFW officers. The report shall describe the actions and activities conducted in the
253 previous two years and any plans and/or recommendations for future action. The report
254 shall be provided to the Clerk to the Board of Supervisors for distribution to the members
255 of the BoS and to the County Executive.

256 257 258 **ARTICLE XIII – COMPLIANCE WITH LAW AND COUNTY POLICY**

259
260 The CFW shall comply with all Virginia laws, including, but not limited to, the VFOIA,
261 and the Virginia State and Local Government Conflict of Interests Act, Virginia Code
262 § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies
263 concerning the activities of its boards, authorities, and commissions. In case of a conflict
264 between a provision of these bylaws and any applicable ordinance or law, the provisions
265 of the applicable ordinance or law, as the case may be, shall control.

266 267 268 **ARTICLE XIV – AMENDMENT OF BYLAWS**

269
270 These Bylaws may be amended by the CFW by adopting the proposed amendment(s) and
271 by presenting those proposed amendment(s) for approval to the Board of Supervisors.
272 Any such amendments to bylaws shall become effective upon approval by the Board of
273 Supervisors. These bylaws replace and supersede the CFW bylaws dated July 12, 2011,
274 and are effective as of April 13, 2021.

1 **ATTACHMENT 3: Commission for Women 1993 Resolution**

2 **1993 BOS RESOLUTION**

3 **WHEREAS**, the Fairfax County Board of Supervisors is dedicated to eliminating
4 discrimination and barriers to equality on the basis of sex, race, economic class and
5 religion;

6 **WHEREAS**, the Fairfax County Board of Supervisors established the Fairfax County
7 Commission for Women to help end sex discrimination;

8 **WHEREAS**, the Office for Women, consisting of the Commission for Women and the
9 former Career Development Center for Women and Financial Education Center,
10 continues:

- 11 1. To work to eliminate discrimination against women and girls on the basis of sex
12 in Fairfax County,
13 2. To make recommendations and propose initiatives to the Board of Supervisors for
14 ending such discrimination and removing barriers to women and girls,
15 3. To carry out such functions that improve the status of women and girls in all
16 aspects of life;

17 **WHEREAS**, the Office for Women, through the Commission for women, works with all
18 agencies of the County Government, and from time to time makes recommendations
19 about County policies affecting all agencies of the County Government;

20 **AND WHEREAS**, the Office for Women and the Commission for Women, as part of a
21 mandate that responds to and helps rectify community and County Government problems
22 and injustices, must be perceived as independent;

23 **THEREFORE BE IT RESOLVED**, that the Office for Women, consisting of the
24 Commission for Women and the former Career Development Center for Women and
25 Financial Education Center, reports to the Board of Supervisors, administratively
26 connected to the County Executive through a liaison relationship with the Deputy County
27 Executive for Human Services; that the Director of the Office for Women reports to and
28 is supervised by the Commission for Women with approval of the Deputy County
29 Executive for Human Services;

30 **BE IT FURTHER RESOLVED**, that the Commission for Women shall be made up of
31 11 (eleven) members appointed by the Board of Supervisors with at least one set-aside
32 minority seat and that each member shall be appointed for a three-year term or for such
33 other term as the Board may designate and that all vacancies on the Commission shall be
34 filled by appointment for the balance of the unexpired term of office or for such other
35 term as the Board may designate;

36 **BE IT FURTHER RESOLVED**, that each year a Chair shall be named by the
37 Commission from among the 11 (eleven) members; that the Commission shall include
38 members of the following groups: married and unmarried women, men and minority and
39 majority racial groups; and that the County Executive shall provide staff assistance to the
40 Commission as is necessary;

41 **BE IT FURTHER RESOLVED**, that this change in position of the Office for Women
42 shall be effective on January 1, 1994.

ATTACHMENT 4: Commission for Women Proposed Resolution 2021

**RESOLUTION STATING THE PURPOSES, MEMBERSHIP, AND
PROCEDURES OF THE COMMISSION FOR WOMEN**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia (“Board of Supervisors”), held electronically (due to the State of Emergency caused by the COVID-19 pandemic) on April 13, 2021, the following resolution was adopted:

WHEREAS, the Board of Supervisors is dedicated to eliminating discrimination and barriers to equality on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, disability, socio-economic status or neighborhood of residence or other characteristics, and

WHEREAS, in 1971, the Board of Supervisors originally established the Fairfax County Commission for Women to help end sex-based discrimination against all women and girls who reside in the County and who are employees of the County, and

WHEREAS, in 1993, the Board of Supervisors positioned the Fairfax County Commission for Women within the Office for Women, which reported to the Board of Supervisors and was connected to the County Executive through a liaison relation with the Deputy County Executive for Human Services, and

WHEREAS, the Commission for Women, currently works through the Department of Family Services (DFS), Division of Domestic and Sexual Violence Services (DSVS) to assess issues and make recommendations about County policies affecting all agencies of the County Government, and

WHEREAS, the Commission for Women, as part of its mission to expand and help ensure availability of resources, services, and opportunities that improve the status of women and girls in all aspects of life, must be perceived as making independent recommendations, and

WHEREAS, the Board of Supervisors has authority to establish the Commission for Women pursuant to Virginia Code § 15.2-1411; and

WHEREAS, it is appropriate for the Board to adopt a resolution restating the purposes, membership, and procedures of the Commission for Women,

NOW THEREFORE BE IT RESOLVED that the Commission for Women is authorized to function under the following provisions:

§ 1. PURPOSE. The Commission for Women is charged with reducing barriers and promoting equal access for women and girls who are discriminated against based on age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital

status, disability, socio-economic status or neighborhood of residence or other characteristics in Fairfax County by:

1. Making recommendations and proposing initiatives to the Board of Supervisors to eliminate discrimination on the basis of sex,
2. Advising the Board of Supervisors on strategies to remove barriers to women and girls,
3. Advising the Board of Supervisors on issues, concerns, and policies related to women and girls in the County,
4. Identifying problems, concerns, and policies that disproportionately impact women and girls, and
5. Recommending and supporting resources, services, and opportunities that improve the status of women and girls in all aspects of life.

§ 2. MEMBERSHIP. Commissioners shall serve for one term of three (3) years and may not serve on the CFW for more than four (4) terms or twelve (12) consecutive years. The CFW shall consist of the following Commissioners:

- (A) one (1) appointed from each Supervisor's magisterial district;
- (B) four (4) At-Large Commissioners to be appointed by the Chairman of the BoS, to include one (1) At-Large Commissioner; one Underserved At-Large Commissioner;; one (1) Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") At-Large Commissioner; and one (1) Trans Woman At-Large Commissioner; and
- (C) one (1) Student Commissioner nominated via competitive process by the CFW, subject to the approval of the Board of Supervisors.

Additionally, the CFW may appoint up to five (5) non-voting, ex officio members to serve for limited terms and advise the CFW during meetings. Ex officio members may serve no more than four (4) terms or twelve (12) consecutive years.

§ 3. PROCEDURES. The Commission for Women shall establish its own procedures subject to the following:

(A) The Commission for Women shall have bylaws. All bylaws of the CFW are subject to the approval of the Board of Supervisors.

(B) Officers shall be appointed by the Commission for Women from among its members in accordance with its bylaws.

(C) The Commission for Women shall comply with all Virginia laws, including, but not limited to, the Virginia Freedom of Information Act, Va. Code § 2.2-3700, *et. seq.*, as amended ("VFOIA"), and the Virginia State and Local Government Conflict of Interests

89 Act, Virginia Code § 2.2-3100, *et seq.*, as amended, with all County ordinances, and with
90 all County policies concerning the activities of its boards, authorities, and commissions.

91

92 (D) The DSVS and DFS shall provide support to the CFW, including a staff
93 coordinator. The staff coordinator shall ensure compliance with the notice, meetings, and
94 recordkeeping requirements of the VFOIA.

95

96

97 **GIVEN under my hand this ____ day of _____, 2021.**

98

99

100

101

102

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

103

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Jenna Hamilton and The Hamilton Group, LLC v. County of Fairfax, Virginia*, Case No. CL-2020-0005468 (Fx. Co. Cir. Ct.)
 - 2. *Farid Saleh and Miraj Bibi v. Officer Imran Farooq and Fairfax County*, Case No. 1:19-cv-01546 (E.D.Va.)
 - 3. *County of Fairfax, Virginia, ex rel. Joseph A. Glean v. Fairfax County Board of Supervisors*, Case No. CL-2021-0002883 (Fx. Co. Cir. Ct.)
 - 4. *Capital Investment Advisors, Inc. v. Fairfax County Human Rights Commission, Fairfax Office of Human Rights and Equity Programs, and Fairfax County Board of Supervisors*, Case No. CL-2021-0001752 (Fx. Co. Cir. Ct.)
 - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kiet Tuan Nguyen and Jenny Nguyen*, Case No. CL-2021-0003648 (Fx. Co. Cir. Ct.) (Braddock District)
 - 6. *In re: March 11, 2020, Decision of the Board of Zoning Appeals of Fairfax County, Virginia; Anders Larsen Trust, Jason Hein, and Matthew Desch v. Virginia Health Operations, LLC, d/b/a Newport Academy, Monroe RE, LLC, and Board of Supervisors of Fairfax County, Virginia; Victor T. Tsou and Janet C. Tsou v. Monroe RE, LLC, Virginia Health Operations, LLC, d/b/a Newport Academy, and Board of Supervisors of Fairfax County, Virginia*, Case Nos. CL-2020-0005490 and CL-2020-0005521 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 7. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Laura Winfield Berkebile and Julia Berkebile Fazio*, Case No. CL-2020-0013578 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 8. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Natalie S. Wozniak*, Case No. CL-2019-0009693 (Fx. Co. Cir. Ct.) (Hunter Mill District)

9. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Alwadi, LLC*, Case No. CL-2019-0017284 (Fx. Co. Cir. Ct.) (Lee District)
10. *ZAAKI Restaurant and Café LLC v. State Building Code Technical Review Board, County of Fairfax, Virginia, and Brian F. Foley, Building Official*, CL-2020-0017855 (Fx. Co. Cir. Ct.) (Mason District)
11. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phuoc V. Nguyen and Diana Thao Nguyen*, Case No. CL-2021-0000353 (Fx. Co. Cir. Ct.) (Mason District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Bismillah, LLC*, Case No. CL-2021-0001484 (Fx. Co. Cir. Ct.) (Mason District)
13. *Brian F. Foley, Building Code Official for Fairfax County, Virginia v. Salvador Gutarra Juarez and Aurora Mariela Gutarra*, Case No. GV21-004429 (Fx. Co. Gen. Dist. Ct.) (Mason District)
14. *Brian F. Foley, Code Official for Fairfax County, Virginia v. Jian Liu*, Case No. GV21-004457 (Fx. Co. Gen. Dist. Ct.) (Mason District)
15. *Brian F. Foley, Building Code Official for Fairfax County, Virginia v. Md Kamruzzaman and Moriom Khan*, Case No. GV21-004431 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
16. *Brian F. Foley, Building Code Official for Fairfax County, Virginia v. Pit Stop Real Estate Holdings LLC*, Case No. GV21-004430 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 8221 Old Courthouse Road, L.C.*, Case No. CL-2021-0001788 (Fx. Co. Cir. Ct.) (Providence District)
18. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mahesh B. Patel and Ushaben M. Patel*, Case No. CL-2021-0003401 (Fx. Co. Cir. Ct.) (Providence District)
19. *Brian F. Foley, Building Code Official for Fairfax County, Virginia v. Agatha V. Williams* Case No. GV21-004456-00 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ron Jagannathan*, Case No. CL-2021-0004708 (Fx. Co. Cir. Ct.) (Sully District)
21. *Board of Supervisors of Fairfax County v. Soccer Shots*, Case No. GV20-017994 (Fx. Co. Gen. Dist. Ct.) (Braddock, Providence, Lee, Hunter Mill, Mason, and Mount Vernon Districts)
22. *Board of Supervisors of Fairfax County v. American Family Centers LLC*, Case No. GV20-017996 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
23. *Board of Supervisors of Fairfax County v. Super Grill, Inc.*, Case No. GV20-017995 (Fx. Co. Gen. Dist. Ct.) (Providence District)

2:30 p.m.

Public Hearing on SE 2020-MV-018 (Forest Glen Joint Venture, LLP) to Permit a Restaurant with Drive-Through and Waivers of Minimum Lot Width, Minimum Lot Size and Rear Yard Setback, Located on Approximately 25,104 Square Feet of Land Zoned C-6, CRD and HC (Mount Vernon District)

This property is located at 8702 Richmond Hwy., Alexandria, 22309. Tax Map 109-2 ((1)) 24 (pt.).

PLANNING COMMISSION RECOMMENDATION:

On April 7, 2021, the Planning Commission voted 11-0 (Commissioner Ulfelder was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of SE 2020-MV-018 subject to the proposed development conditions dated March 9, 2021, with the understanding that the applicant work with staff prior to the Board of Supervisors public hearing to revise the conditions as follows: Condition #18 to incorporate a stop sign in the wayfinding signage package; Condition #26, the Green Building condition, to provide additional review by the Environmental and Development Review Branch of the Department of Planning and Development; and lastly, to add a new condition for a queuing analysis;
- Modification of Sect. 11-104.8.B of the Zoning Ordinance to reduce the number of stacking spaces from 11 to 8; and
- Waiver of loading space requirements of Sect. 11-203 of the Zoning Ordinance in favor of that shown on the SE Plat.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Wanda Suder, Planner, DPD

Board Agenda Item
April 13, 2021

2:30 p.m.

Public Hearing on Proposed Zoning Ordinance Amendment to Establish the Wellington at River Farm Historic Overlay District; Public Hearing on Proposed Comprehensive Plan Amendment PA 2020-IV-MV1 and Public Hearing on Rezoning Application RZ 2021-MV-001 (Mount Vernon District)

ISSUE:

A proposal to amend the Zoning Ordinance to establish the Wellington at River Farm Historic Overlay District (WHOD). This proposal is accompanied by Comprehensive Plan amendment PA 2020-IV-MV1 to amend the Comprehensive Plan to update Plan language and figures to reflect the WHOD designation and rezoning application, RZ 2021-MV-001 which proposes to rezone a 27.58-acre property located at 7931 East Boulevard Drive, Tax Map Parcel 102-2((1)) 20 ("the property"), to add the proposed WHOD and amend the Zoning Map to include the boundaries of the historic overlay district.

PLANNING COMMISSION RECOMMENDATION:

On March 17, 2021, the Planning Commission voted 12-0 to recommend to the Board of Supervisors (Board):

- Approval of a Zoning Ordinance amendment to establish the overlay district and its applicable zoning regulations, including the identification of the uses and use limitations applicable to the WHOD; and
- Adoption of the proposed Comprehensive Plan amendment PA 2020-IV-MV1; and
- Approval of the rezoning application RZ 2021-MV-001 ("the rezoning application") to add the WHOD to the property and define the boundaries of the historic overlay district on the Zoning Map.

The Planning Commission recommended that the Board declare that certain structures be listed as contributing and non-contributing to the WHOD, as set forth in the March 3, 2021, staff report, except that it recommended the contributing structure designation of the patio/terrace onsite be changed to that of non-contributing. The Planning Commission further recommended that, in adopting the proposal, the Board include a declaration that the buildings, structures, or sites to be preserved are in fact of historical,

architectural, archaeological, or cultural significance requiring protection against destruction and encroachment.

RECOMMENDATION:

The County Executive recommends the Board:

1. Adopt the proposed Zoning Ordinance text amendment to establish the Wellington at River Farm Historic Overlay District, including proposed regulations for structures and property located within the WHOD based on the defining historic features of the property; and
2. Declare, under Par. 4 of Sect. 7-203 of the Zoning Ordinance, that the buildings, structures, and sites to be preserved are in fact of historical, architectural, archaeological, or cultural significance requiring protection against destruction and encroachment; and
3. Declare that eight structures and one feature on the property be listed as contributing to the WHOD and that one structure and six features be listed as non-contributing to the WHOD; and
4. Direct that funding be identified for the completion of 1) a cultural landscape survey and 2) a Phase I Archaeological Survey of the property; and
5. Adopt the Planning Commission recommendation to adopt the Comprehensive Plan amendment PA 2020-IV-MV1, which updates Plan language and figures to identify the WHOD as a historic overlay district; and
6. Adopt the Planning Commission recommendation to approve the rezoning application to add the WHOD and amend the Zoning Map to include the boundaries of the historic overlay district.

The County Executive further recommends approval of the proposed Zoning Ordinance amendment language in the current Zoning Ordinance format, the proposed Comprehensive Plan amendment, and the rezoning application with an effective date of 12:01 AM on the day following adoption and approval of the proposed Zoning Ordinance amendment language in the zMOD format with an effective date of 12:01 a.m. on July 1, 2021.

TIMING:

On November 17, 2020, the Board authorized advertisement of the proposed Zoning Ordinance amendment, Comprehensive Plan amendment and rezoning application. On March 17, 2021, at 7:30 p.m., the Planning Commission conducted a public hearing on the proposals and recommended adoption of the Zoning Ordinance amendment, Comprehensive Plan amendment and rezoning application. A public hearing before the Board of Supervisors on the Zoning Ordinance amendment, Comprehensive Plan

amendment and rezoning application was advertised to be held on April 13, 2021, at 2:30 p.m.

BACKGROUND:

On November 17, 2020, the Board adopted a Resolution directing staff to prepare a report that provided an analysis of and recommendations related to the historic, architectural, cultural, and archeological significance and suggested boundaries for a potential historic overlay district for the property. Additionally, the Board, by Resolution, directed staff to draft and advertise public hearings before the Planning Commission and the Board on a proposed amendment to the Comprehensive Plan, as well as map and text amendments to the Zoning Ordinance to establish boundaries and regulations for the WHOD along with appropriate use regulations. The Board directed staff to perform these actions on an expedited basis.

The requested research, analysis and recommendations are contained in the *Staff Report for the Proposal for the Establishment of the Wellington at River Farm Historic Overlay District (WHOD Study Report; link provided below)*. Staff recommends that the Board adopt the proposed Zoning Ordinance amendment to establish the WHOD based on the research and analysis prepared and contained in report. Specifically, the report identified the Wellington at River Farm property as having great significance related to the built environment, existing landscape, potential archaeological resources, and the use of the property by the community. Additional research since the publication of the staff report has found that one structure previously identified as contributing (the patio/terrace to the northeast of the Manor House) was not constructed within the period of significance. Therefore, staff recommends that this feature be identified as non-contributing. The Zoning Ordinance amendment will also establish regulations for the WHOD, which, among other things, would allow the property to be developed with the uses permitted by right in the existing R-2 District and allow the Board to approve a special exception for all other uses that are permitted in the underlying zoning district by a special exception or special permit. Text amendments are proposed in both the current Zoning Ordinance format and the zMOD format, and staff recommends the Board adopt both formats. By doing so, the regulations provided in the current Zoning Ordinance format would be the governing zoning ordinance text until zMOD becomes effective on July 1, 2021. Once zMOD becomes effective, the proposed language provided in the current Zoning Ordinance format would automatically be replaced with the proposed language in the zMOD format. Staff also recommends that the Board adopt the Comprehensive Plan amendment, which updates Plan language and figures to reflect the WHOD designation and approve the rezoning application to add the

Board Agenda Item
April 13, 2021

WHOD to the property and amend the Zoning Map to include the boundaries of the historic overlay district.

On March 3, 2021, and March 11, 2021, the Fairfax County History Commission, and the Fairfax County Architectural Review Board (ARB), respectively, recommended approval of the proposed Comprehensive Plan amendment, the proposed Zoning Ordinance amendment, and the proposed rezoning. In addition, on March 2, 2021, staff conducted a community outreach meeting to discuss and solicit feedback from the public on the proposed creation of the WHOD.

REGULATORY IMPACT:

The proposed establishment of the WHOD would create a requirement for the ARB to review and/or approve proposals for modifications to the property and to the structures on the property.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

1. Staff Report for the Proposal for the Establishment of the Wellington at River Farm Historic Overlay District (WHOD Study Report), including the proposed Zoning Ordinance amendment text, the proposed Comprehensive Plan amendment text, and the proposed Rezoning application staff report can be found online at:
<http://ldsnet.fairfaxcounty.gov/LDSnet/ldsdf/4767163.PDF>
2. The Planning Commission Verbatim can be found online under March 17, 2021, at:
<https://www.fairfaxcounty.gov/planningcommission/verbatim-2021>

STAFF:

Rachel Flynn, Deputy County Executive
Barbara Byron, Director, Department of Planning and Development (DPD)
Leanna H. O'Donnell, Director, Planning Division, DPD
Tracy D. Strunk, Director, Zoning Evaluation Division, DPD
Leslie B. Johnson, Zoning Administrator, DPD
Laura Arseneau, Branch Chief, Heritage Resources and Plan Development, DPD
Catherine Lewis, Branch Chief, Zoning Evaluation Division, DPD

Board Agenda Item
April 13, 2021

William Mayland, Deputy Zoning Administrator, DPD
Lily Yegazu, Senior Planner, Zoning Administration Division, DPD

ASSIGNED COUNSEL:

T. David Stoner, Deputy County Attorney
Laura Gori, Senior Assistant County Attorney

Board Agenda Item
April 13, 2021

2:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Burke Road Realignment – Aplomado Drive to Parakeet Drive (Springfield District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-087-003, Burke Road Realignment – Aplomado Drive to Parakeet Drive, in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

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

TIMING:

On March 9, 2021, the Board authorized advertisement of a public hearing to be held on April 13, 2021, at 2:30 p.m.

BACKGROUND:

This project consists of the realignment of Burke Road to eliminate the hazardous curve between Heritage Square Drive and Mill Cove Court and includes replacement of the existing storm drainage pipe at the stream crossing, improving both safety and sight distance, while minimizing roadway flooding. This project also includes the installation of ADA-compliant ramps, pedestrian sidewalk, asphalt trail, and a connection to the existing Liberty Bell Trail along the project length of Burke Road from Aplomado Drive to Parakeet Drive.

Land rights for these improvements are required on thirteen properties, seven of which have been acquired by the Land Acquisition Division. The construction of this project requires the acquisition of Street Dedication, Sight Distance, Storm Drainage, Fairfax County Water Authority, Verizon, Virginia Electric and Power Company, and Grading Agreement and Temporary Construction Easements.

Negotiations are in progress with several owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project

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on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project 2G40-087-000, Spot Program in Fund 40010, County and Regional Transportation Projects. This project is included in the Advertised FY 2022 – FY 2026 Capital Improvement Program (with future Fiscal Years to FY 2031) and is included in the Board's Transportation Priorities Plan adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 6A).

STAFF:

Rachel Flynn, Deputy County Executive

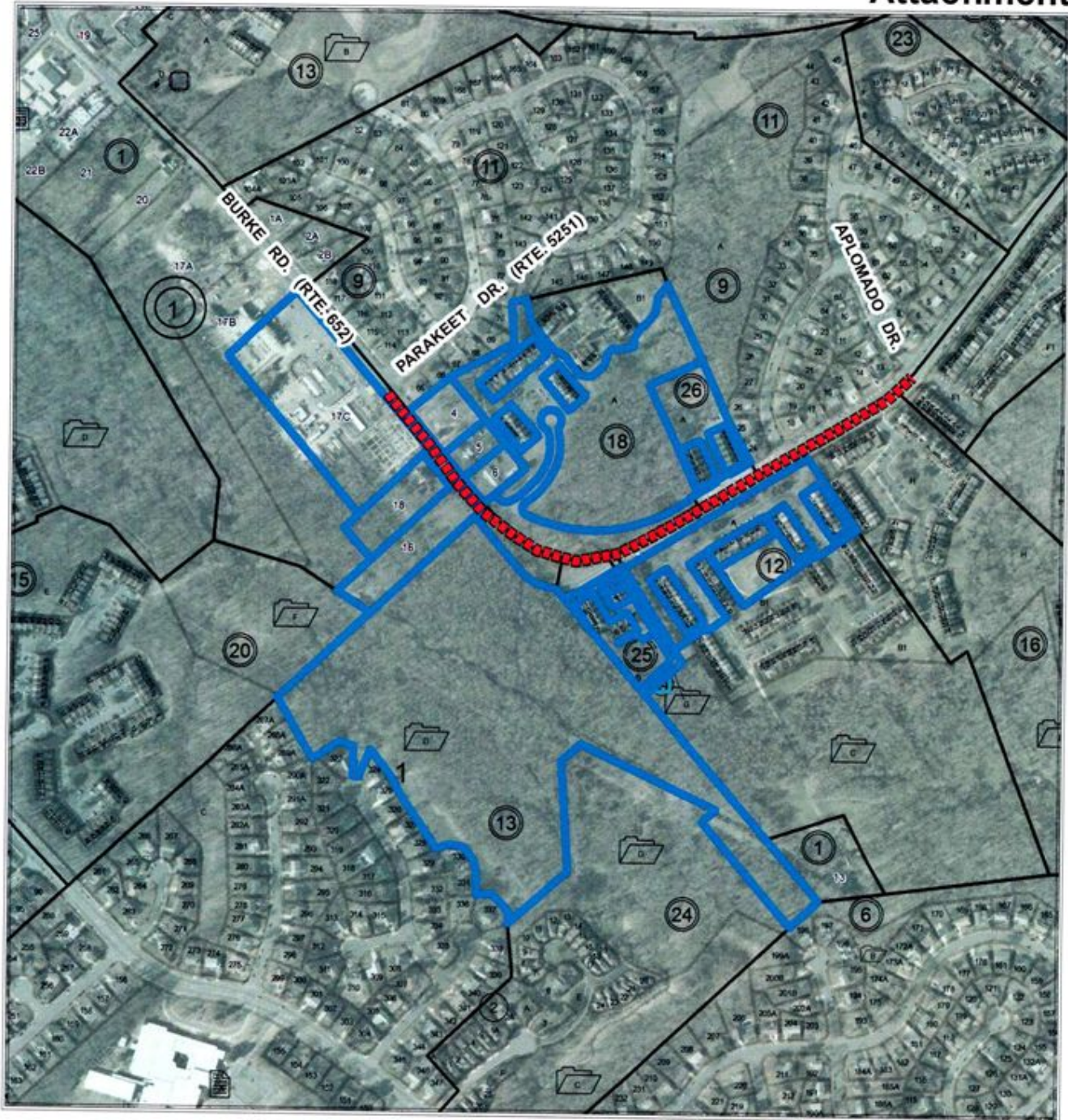
Tom Biesiadny, Director, Department of Transportation

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

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

ASSIGNED COUNSEL:

Pamela K. Pelto, Assistant County Attorney



BURKE RD REALIGNMENT ALOMADO DR TO PARAKEET DR

Project: 2G40-087-003

Tax Map: 078-4

Springfield District

Affected Properties:

Proposed Improvements:

0 5 10 20
Miles



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, April 13, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 2G40-087-003, Burke Road Realignment – Aplomado Drive to Parakeet Drive had been approved; and

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

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

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than May 28, 2021.

NOW THEREFORE BE IT RESOLVED, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 6A by gift, purchase, exchange, or eminent domain; and be it further

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the realignment of Burke Road to eliminate the hazardous curve between Heritage Square Drive and Mill Cove Court and includes replacement of the existing storm drainage pipe at the stream crossing, improving both safety and sight distance, while minimizing roadway flooding. The

project also includes the installation of ADA-compliant ramps, pedestrian sidewalk, asphalt trail, and a connection to the existing Liberty Bell Trail along the project length of Burke Road from Aplomado Drive to Parakeet Drive as shown and described in the plans of Project 2G40-087-003, Burke Road Realignment – Aplomado Drive to Parakeet Drive on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or after May 13, 2021, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

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

LISTING OF AFFECTED PROPERTIES

Project 2G40-087-003, Burke Road Realignment – Aplomado Drive to Parakeet Drive
(Springfield District)

	<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1.	Community Havens, Inc. Address: 9332 Burke Road, Burke VA 22015	078-4-01-0004
2.	Darrell C. and Carol A. Marshall, Trustees Address: 9319 Burke Road, Burke VA 22015	078-4-01-0016
3.	Ronald A. and Leta DeAngelis Address: 9401 Burke Road, Burke VA 22015	078-4-01-0017-C
4.	Darrell C. and Carol A. Marshall, Trustees Address: 9325 Burke Road, Burke VA 22015	078-4-01-0018
5.	Heritage Square North HOA Address: Common area at Burke Road @ Heritage Square Drive	078-4-18-0000-A
6.	Meadow Brook Cove HOA, Inc. Address: Common area at Burke Road @ Meadow Brook Drive	078-4-26-0000-A

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0004
Street Address: 9332 Burke Road, Burke VA 22015
OWNER(S): Community Havens, Inc.

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

Deed of Dedication and Conveyance – 4,708 sq. ft.
Storm Drainage Easement – 807 sq. ft.
Grading Agreement and Temporary Construction Easement – 3,407 sq. ft.
Fairfax County Water Authority Easement – 198 sq. ft.
Dominion Virginia Easement – 143 sq. ft.
Verizon Easement – 143 sq. ft.
Cox Easement – 143 sq. ft.

VALUE

Estimated value of interests and damages:

FORTY-FIVE THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$45,760.00)

VA STATE GRID NORTH
VCS 85 NORTH ZONE

LINE	BEARING	DISTANCE
L1	S09°41'11"E	71.57
L2	S03°32'40"E	90.34
L3	S09°11'11"E	39.84
L4	S47°04'44"E	3.09
L5	N44°46'00"E	14.81
L6	N44°46'00"E	44.10
L7	N00°12'48"E	9.49
L8	S09°41'11"E	9.49
L9	S09°11'11"E	12.82
L10	N00°12'48"E	9.49
L11	S09°41'11"E	6.07
L12	S09°11'11"E	15.09
L13	N44°46'00"E	15.09
L14	N00°12'48"E	14.09
L15	N44°46'00"E	14.09
L16	S09°11'11"E	15.09
L17	S09°41'11"E	15.09
L18	S09°11'11"E	15.09
L19	S09°41'11"E	15.09
L20	S09°11'11"E	15.09
L21	S09°41'11"E	15.09
L22	S09°11'11"E	15.09
L23	S09°41'11"E	15.09
L24	S09°11'11"E	15.09
L25	N44°46'00"E	15.09
L26	N44°46'00"E	15.09

DEDICATION AREA
DEDICATION FOR PUBLIC STREET PURPOSES = 4,109 SQ. FT.

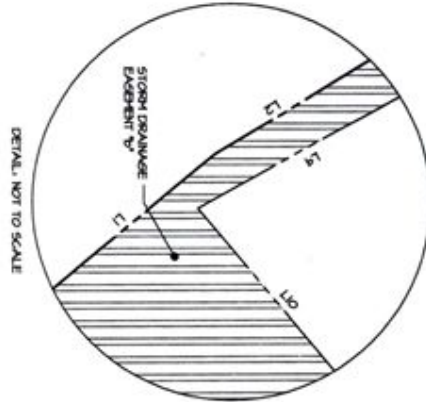
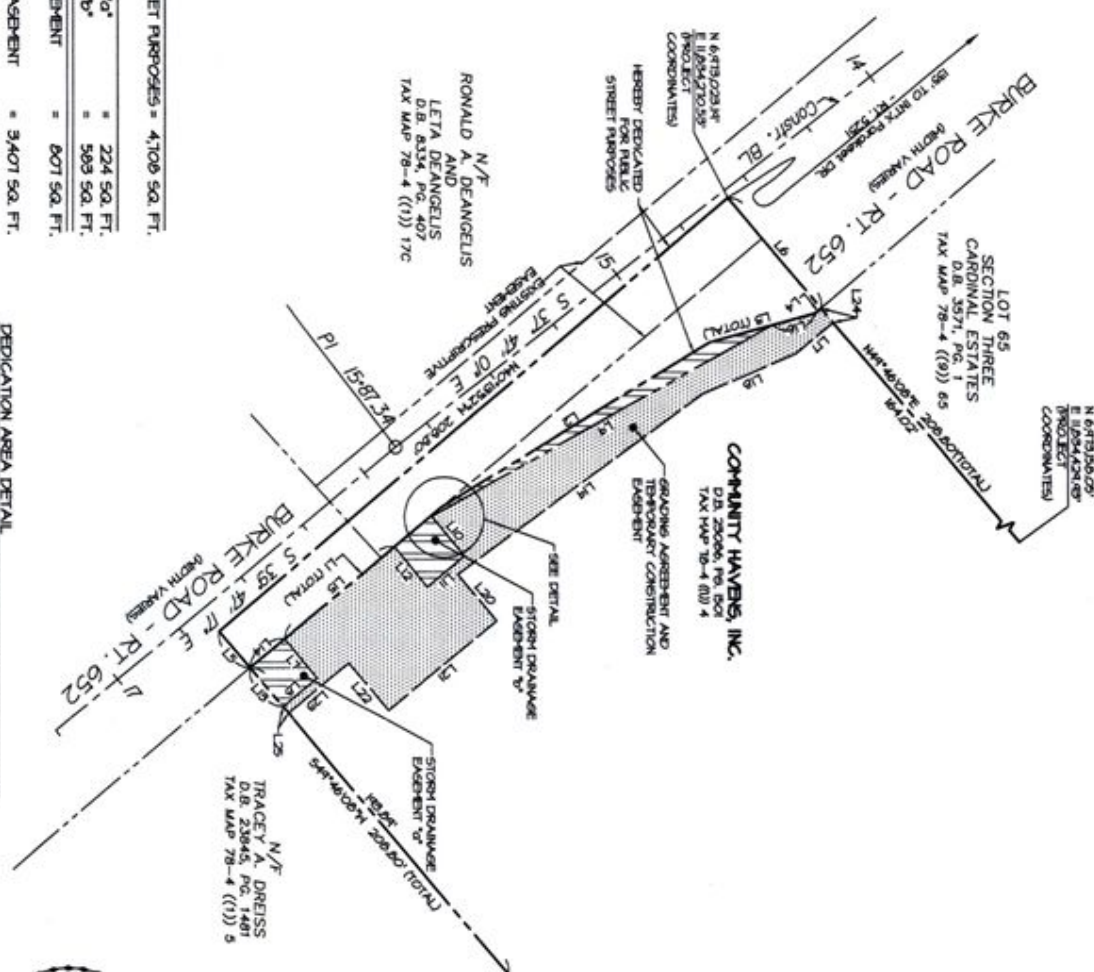
EASEMENT AREAS
STORM DRAINAGE EASEMENT "a"
STORM DRAINAGE EASEMENT "b"
TOTAL STORM DRAINAGE EASEMENT = 607 SQ. FT.

GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EASEMENT = 3,407 SQ. FT.

GRAPHIC SCALE

1" = 20'

DEDICATION AREA DETAIL
DEDICATION FOR PUBLIC STREET PURPOSES = 3,268 SQ. FT.
WITHIN PRESCRIPTIVE RIGHT-OF-WAY
DEDICATION FOR PUBLIC STREET PURPOSES = 1,440 SQ. FT.
OUTSIDE PRESCRIPTIVE RIGHT-OF-WAY



FAIRFAX COUNTY, VIRGINIA
DEPARTMENT OF PUBLIC WORKS
CIVIL ENGINEERING DIVISION
5800 MARKET STREET, SUITE 200
FAIRFAX, VIRGINIA 22030

PROJECT NUMBER: 2640-001-003
DATE: 7/26/08
DRAWN BY: JLB

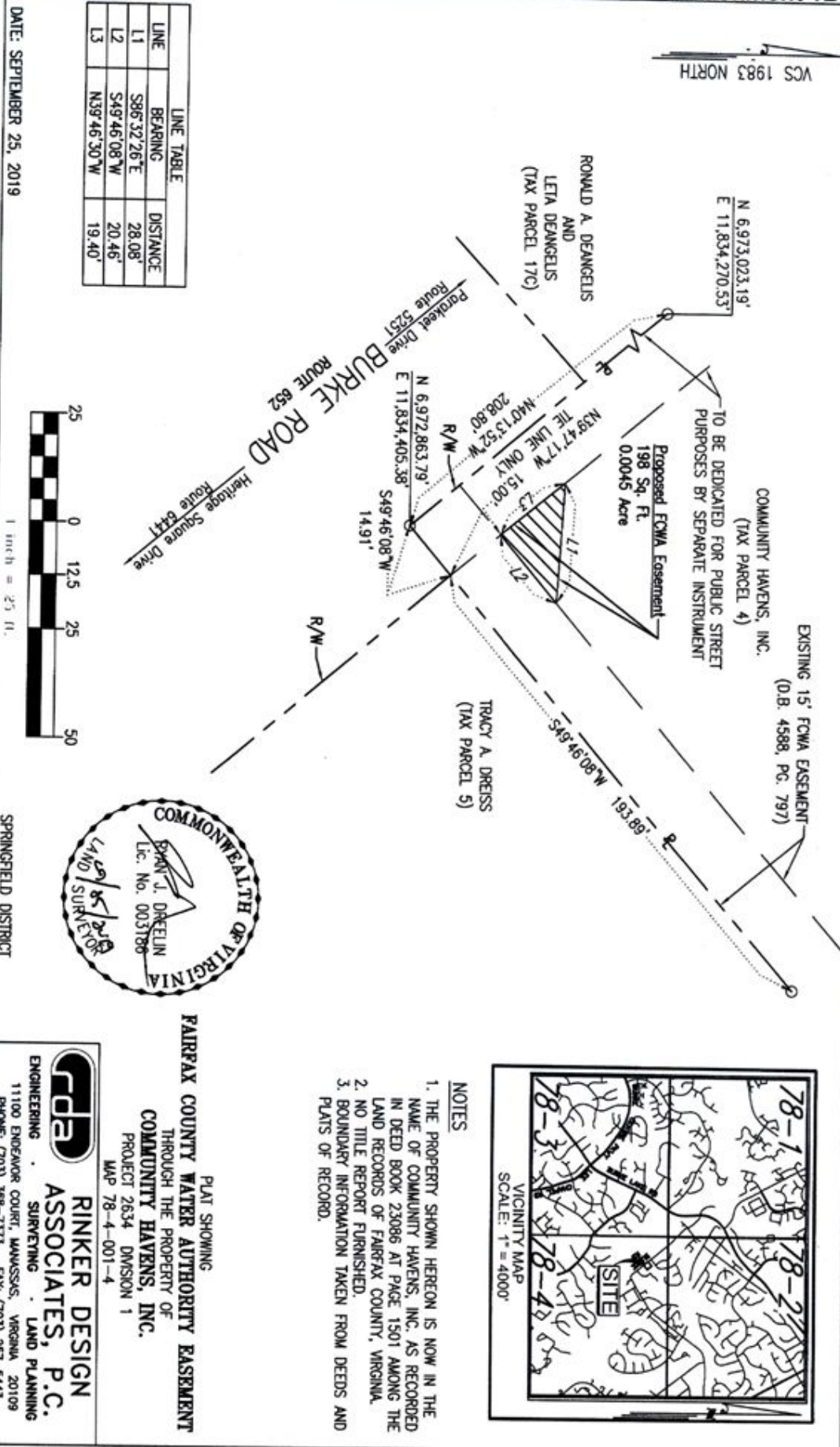
DEDICATION FOR PUBLIC STREET PURPOSES,
STORM DRAINAGE EASEMENTS, AND
GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EASEMENT
THROUGH THE PROPERTY OF
COMMUNITY HAVES, INC.
D.B. 25066, PG. 001
STAFFFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA
SHEET 1 OF 1

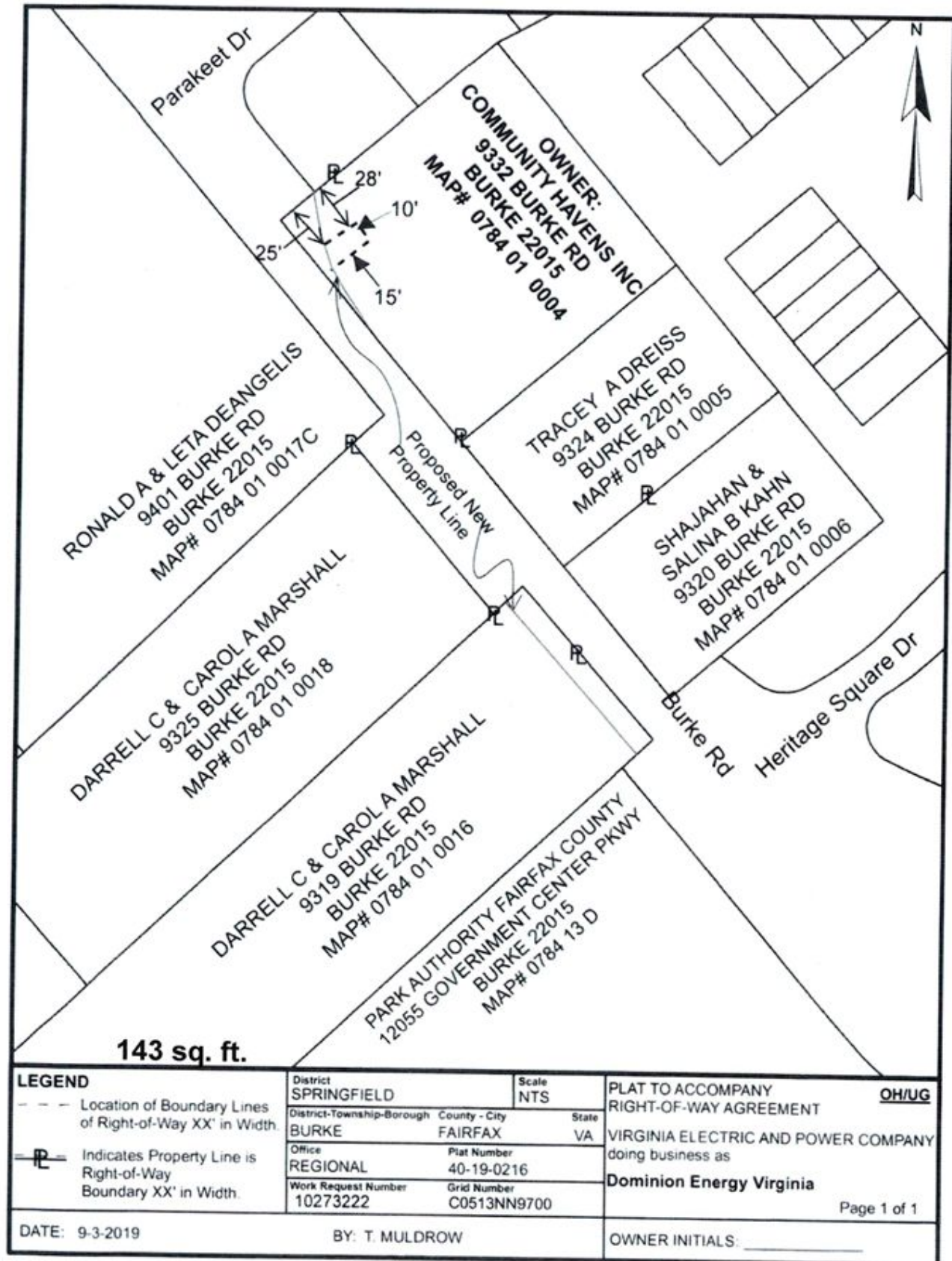
NOTES:
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE
NECESSARILY SHOWN HEREON.
THE LAND SHOWN ON THIS PLAT IS NON-HELD AS NOTED IN THE TITLE
BLOCK HEREON AND RECORDED ALONG THE LAND RECORDS OF
FAIRFAX COUNTY, VIRGINIA. THE PROPERTY OF COMMUNITY HAVES, INC.
STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS
DESCRIBED AND SHOWN ON THIS PLAT.
THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING
LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN
ACTUAL FIELD RUN BOUNDARY SURVEY.
ALL PERSONS YET RECORDED RIGHT-OF-WAY EASEMENTS, OR OTHER
INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT
UNTIL THEY OTHERWISE SPECIFICALLY SHOWN HEREON.
THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ADJACENT
MAP "B-4(III) 4."

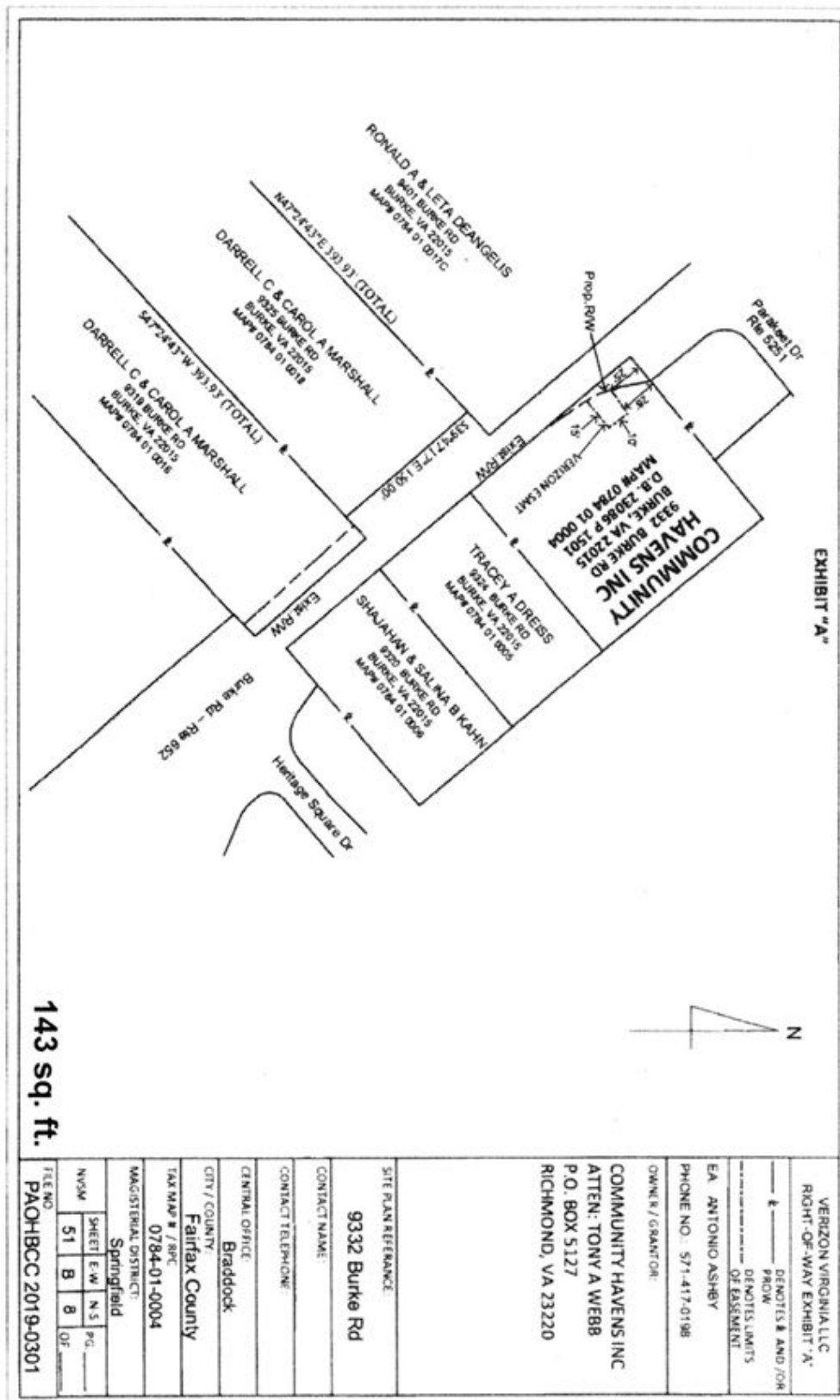


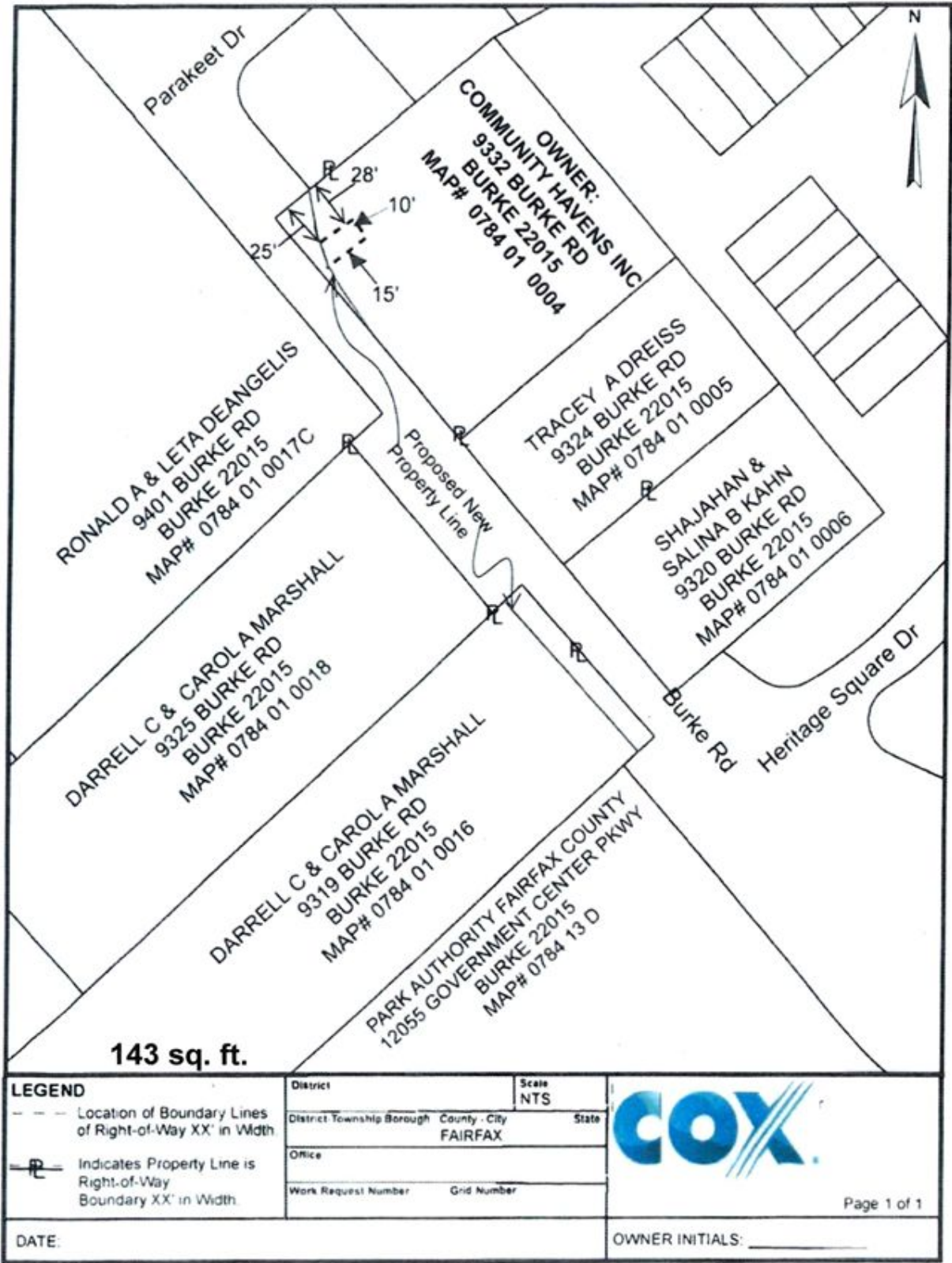
Rinker Design Associates, P.C.

Engineering * Surveying * Land Planning * Transportation * Environmental Services
8385 Discovery Boulevard, Suite 200, Manassas VA, 20108
Telephone: (703) 368-7373 Fax: (703) 367-6443









ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0016

Street Address: 9319 Burke Road, Burke VA 22015

OWNER(S): Darrell C. and Carol A. Marshall, Trustees

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

Deed of Dedication and Conveyance – 7,133 sq. ft.

Grading Agreement and Temporary Construction Easement – 2,150 sq. ft.

Dominion Virginia Easement – 1,863 sq. ft.

Verizon Easement – 1,863 sq. ft.

Cox Easement – 1,863 sq. ft.

VALUE

Estimated value of interests and damages:

TEN THOUSAND TWO HUNDRED NINETY DOLLARS (\$10,290.00)

LINE TABLE	
LINE	DISTANCE
L1	94.45'
L2	90.00'
L3	41.93'
L4	40.95'
L5	15.04'
L6	15.02'

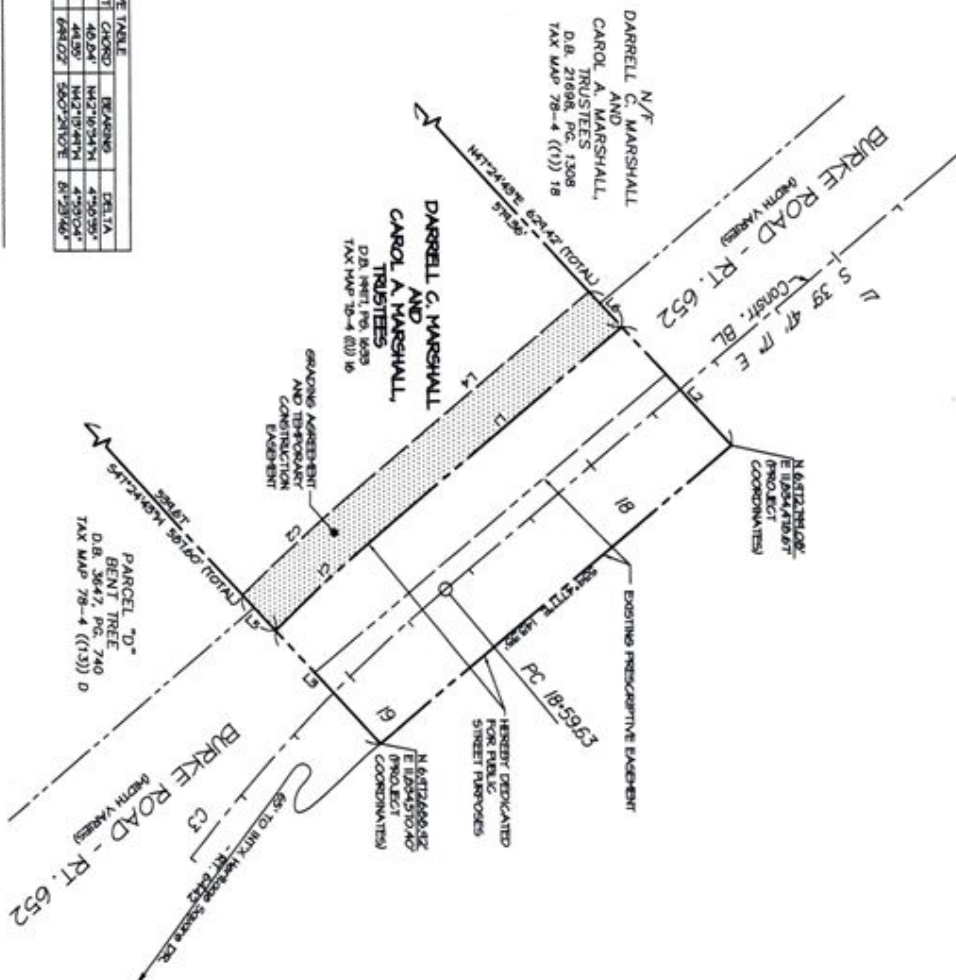
CURVE	RADIUS	LENGTH	TANGENT	BEARING	DEL. TA
C1	562.50'	40.09'	24.44'	N4°10'24"W	4°30'35"
C2	571.00'	41.50'	24.37'	N4°13'44"W	4°53'04"
C3	556.00'	36.46'	461.00'	S50°21'07"E	61°23'46"

DEDICATION AREA	
DEDICATION FOR PUBLIC STREET PURPOSES =	7,339 SQ. FT.
EASEMENT AREA	
GRADING AGREEMENT AND	
TEMPORARY CONSTRUCTION EASEMENT	= 2,350 SQ. FT.

GRAPHIC SCALE



DEDICATION AREA DETAIL
DEDICATION FOR PUBLIC STREET PURPOSES = 4300 SQ. FT.
WITHIN PRESCRIPTIVE RIGHT-OF-WAY
DEDICATION FOR PUBLIC STREET PURPOSES = 2233 SQ. FT.
OUTSIDE PRESCRIPTIVE RIGHT-OF-WAY



NOTES:
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, NOT ALL INDEMNITIES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE PLAT FOR SEVERAL ESTATES AND EASEMENTS. THE EASEMENTS AND ESTATES ARE NOT SHOWN HEREON. THE EASEMENTS AND ESTATES ARE NOT SHOWN HEREON.
THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
ALL REMOVABLE, RECORDED EASEMENTS, ESTATES, OR OTHER INTERESTS NOT SHOWN ON THIS PLAT ARE NOT SHOWN HEREON.
THE PROPERTY DEICATED ON THIS PLAT IS LOCATED ON ASSASSINATED

BURKE ROAD - APLOMADO DRIVE TO PARAKEET
CRUISE

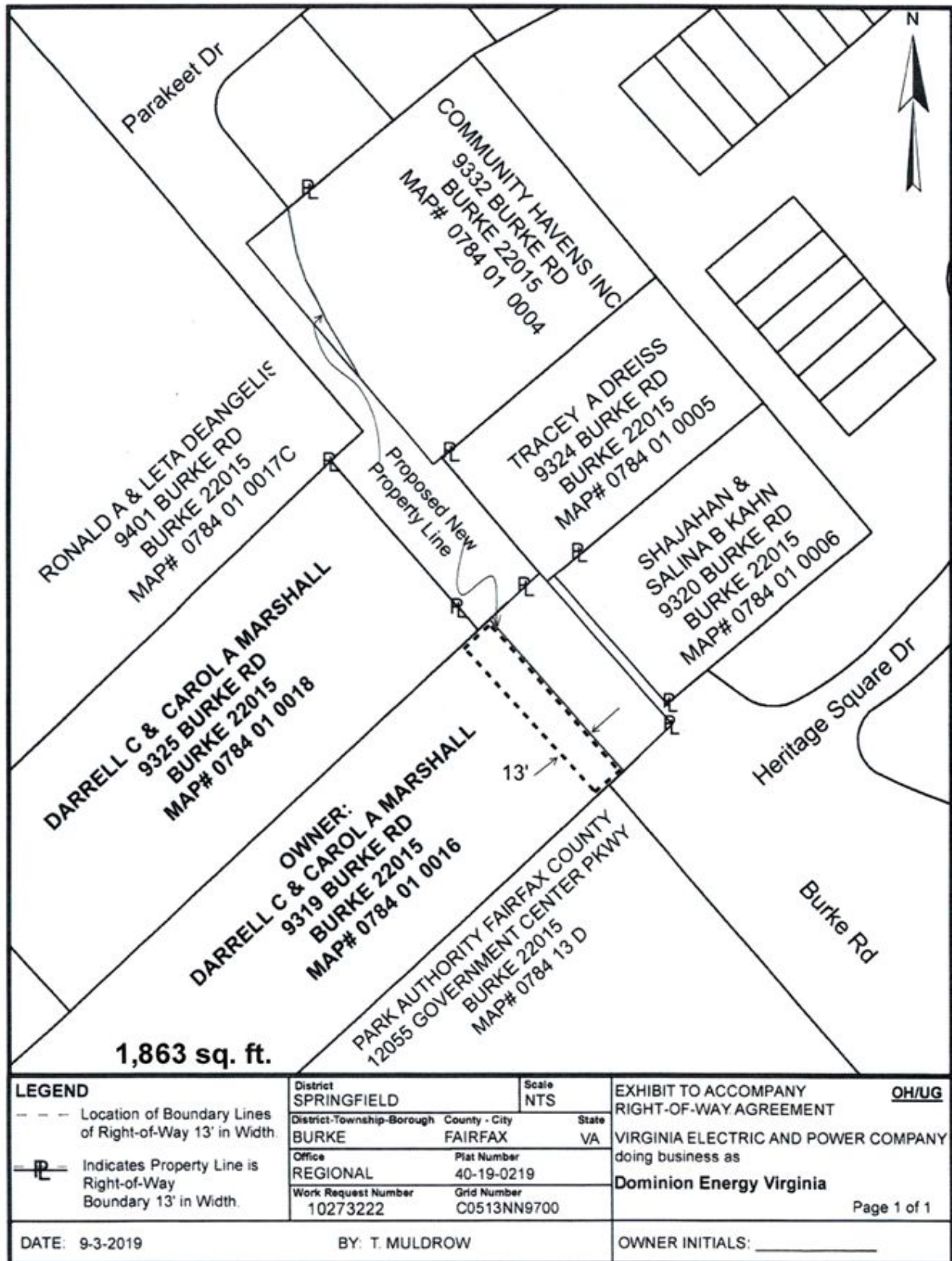
DEDICATION FOR PUBLIC STREET PURPOSES
AND
GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EVIDENT
THROUGH THE PROPERTY OF
DARRELL C. MARSHALL
AND
CAROL A. MARSHALL,
INDIVIDUALLY

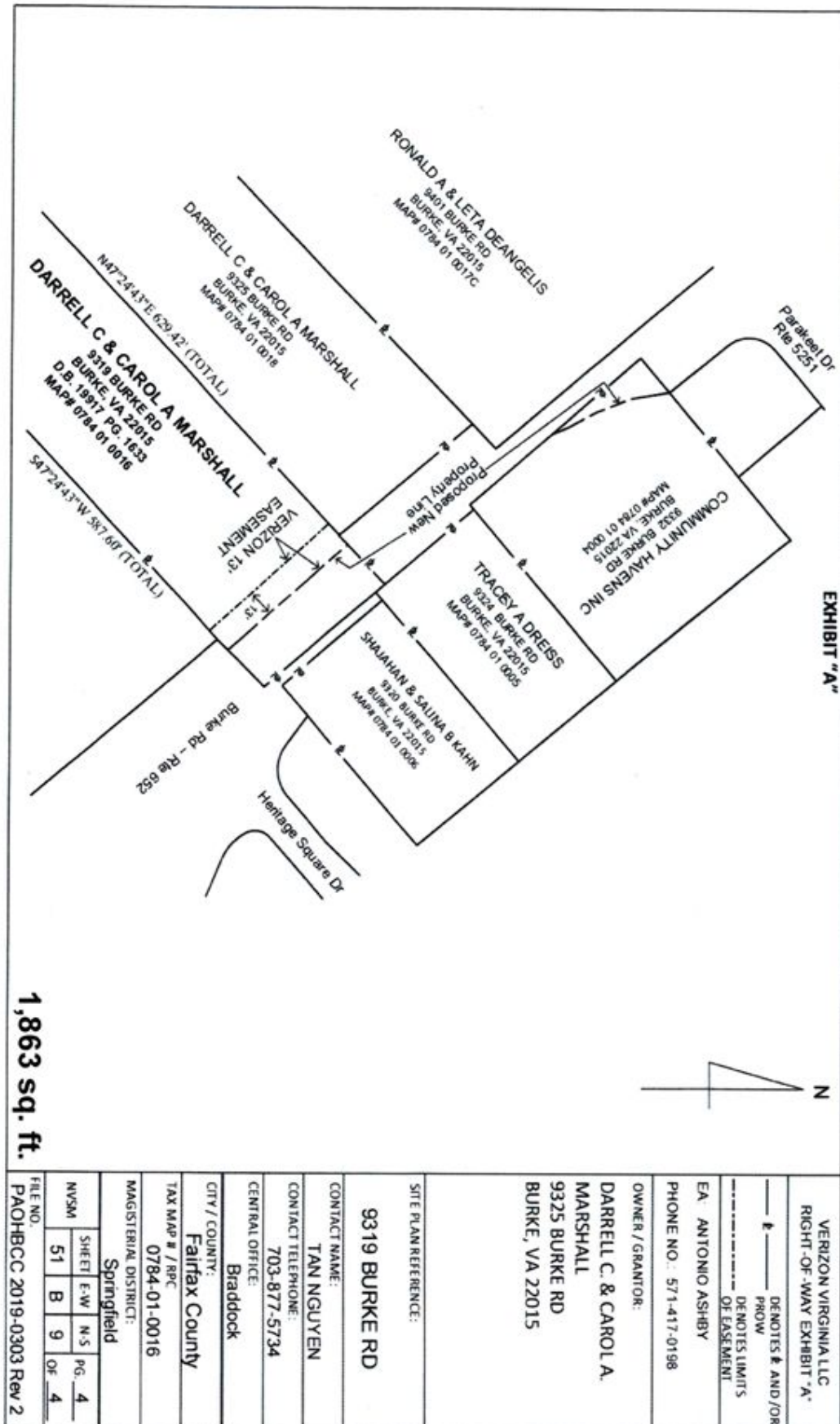
SPRINGFIELD POLICE
FAIRFAX COUNTY, VIRGINIA
94111071

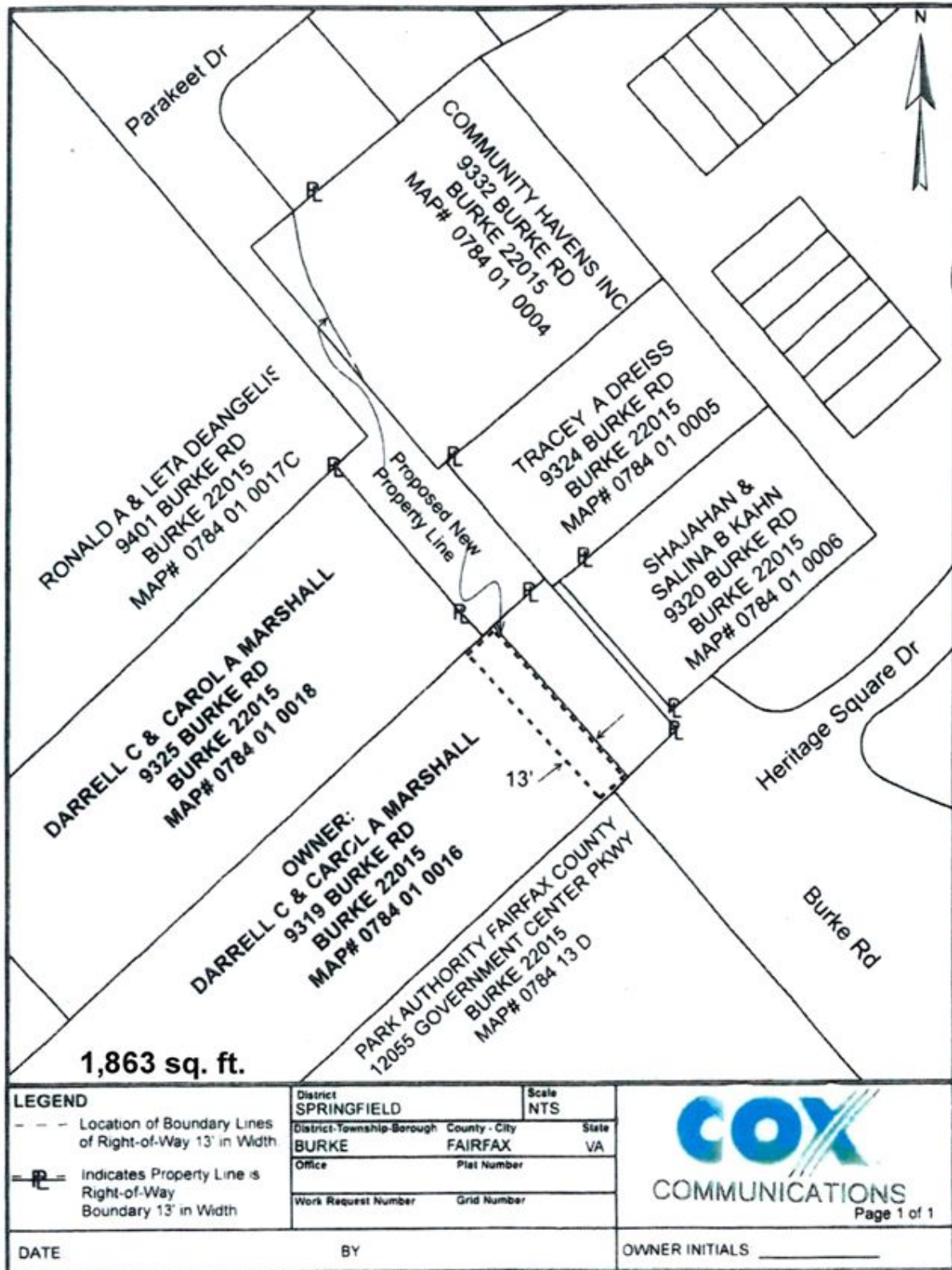
SCALE: 1"=25'	DATE: 7/26/01	DRAWN BY: JLO
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Rinker Design Associates, P.C.

Engineering * Surveying * Land Planning * Transportation * Environmental Services
9385 Discovery Boulevard, Suite 200, Manassas VA, 20109
Telephone: (703) 368-7373 Fax: (703) 257-6443







ATTACHMENT 3

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0017-C

Street Address: 9401 Burke Road, Burke VA 22015

OWNER(S): Ronald A. and Leta DeAngelis

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

Deed of Dedication and Conveyance – 18,684 sq. ft.

Grading Agreement and Temporary Construction Easement – 6,469 sq. ft.

VALUE

Estimated value of interests and damages:

SIXTY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$63,500.00)

ATTACHMENT 4

AFFECTED PROPERTY

Tax Map Number: 078-4-01-0018

Street Address: 9325 Burke Road, Burke VA 22015

OWNER(S): Darrell C. and Carol A. Marshall, Trustees

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

Grading Agreement and Temporary Construction Easement – 3,771 sq. ft.

Dominion Virginia Easement – 225 sq. ft.

Verizon Easement – 225 sq. ft.

Cox Easement – 225 sq. ft.

VALUE

Estimated value of interests and damages:

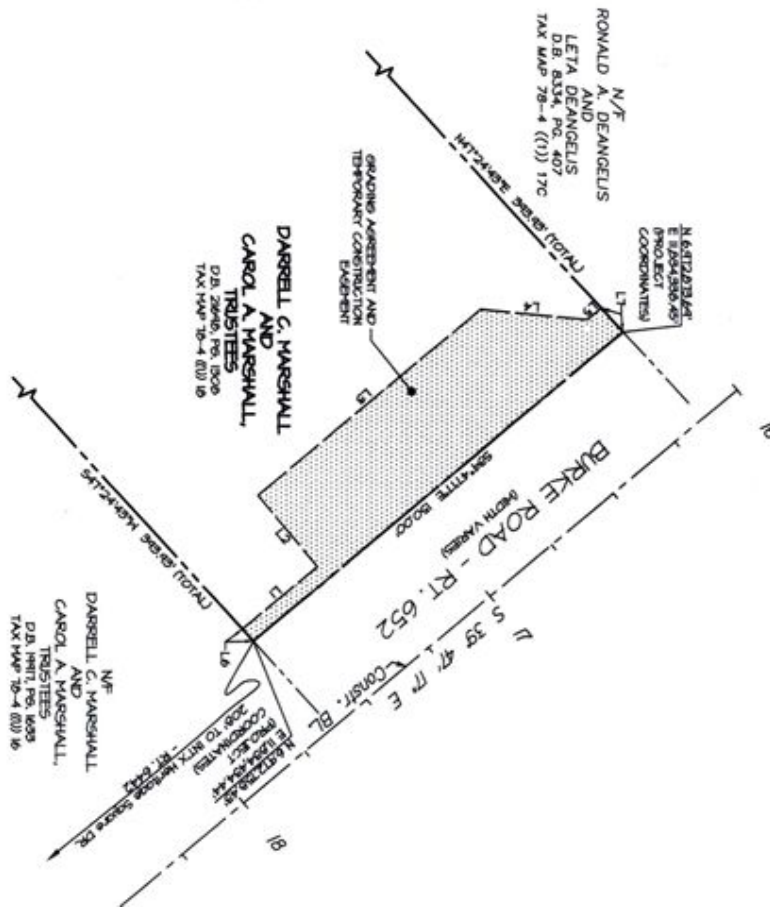
SIXTEEN THOUSAND THREE HUNDRED EIGHTY DOLLARS (\$16,380.00)



LINE	BEARING	DISTANCE
1	N 89° 41' 17" W	30.36'
2	S 60° 12' 43" W	28.76'
3	N 89° 41' 17" W	40.17'
4	N 65° 24' 53" E	33.44'
5	N 89° 41' 17" W	5.65'
6	S 41° 24' 43" W	5.07'
7	N 41° 24' 43" E	5.07'

GRAPHIC SCALE

EASEMENT AREA
GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EASEMENT = 3,771 SQ. FT.



NOTES:
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
THE LAND SHOWN ON THIS PLAT IS NOT HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AGAINST THE LAND RECORDS OF FAIRFAX COUNTY. ALL ENCUMBRANCES AND DEEDS OF RECORD, ETC., SHOWN HEREON ARE NOT INTENDED TO REPRESENT THE RESULTS OF AN ACTUAL FIELD SURVEY.
THE INFORMATION SHOWN ON THIS PLAT WAS OBTAINED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD SURVEY.
ALL PROPERTY RECORDED RIGHT-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON ASSESSMENT MAP 78-4 (III) 16.

BURKE ROAD - PLOWING DRIVE TO PARAKEET DRIVE

PROJECT NUMBER 2040-001-003

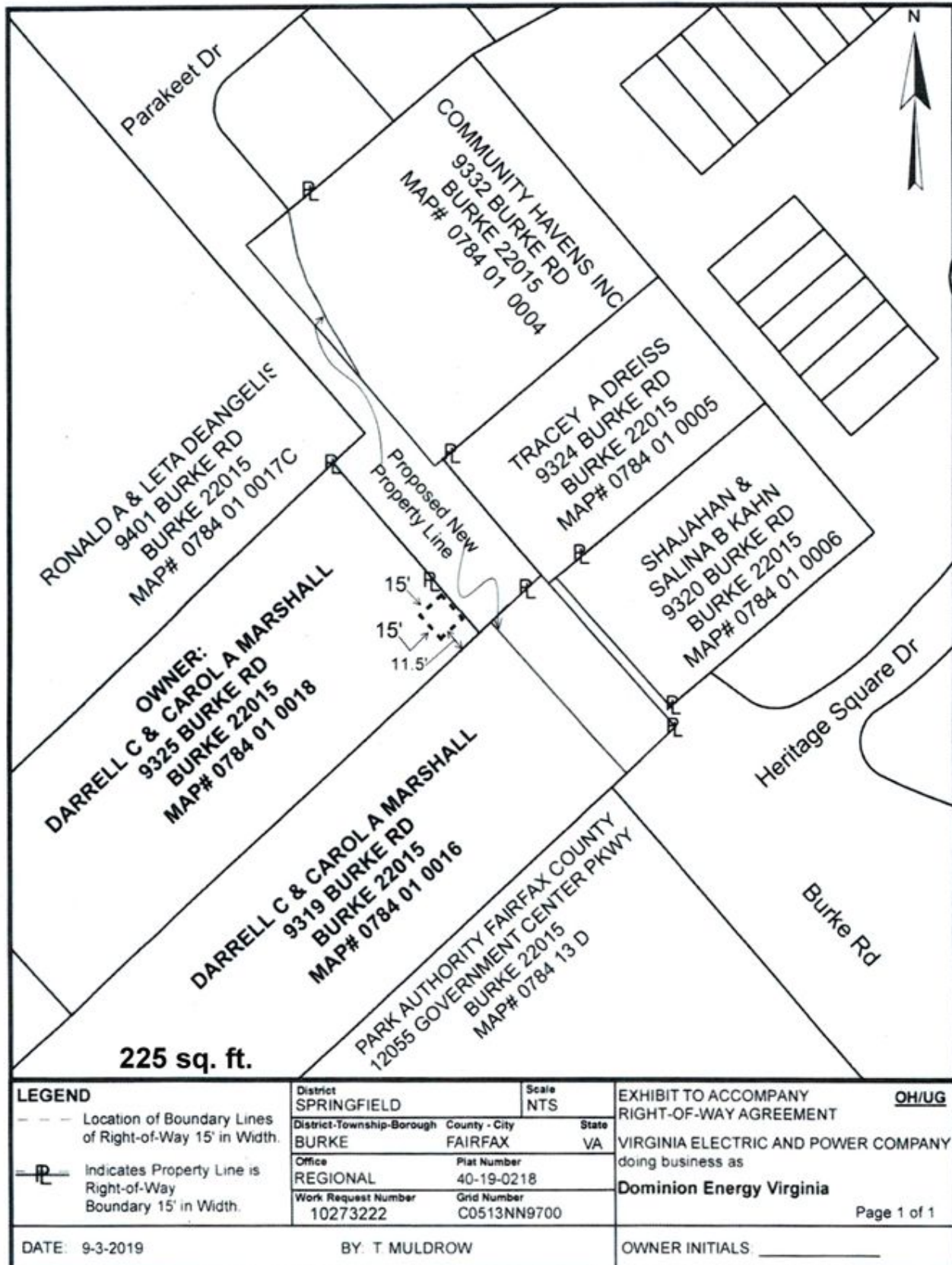
FAIRFAX COUNTY, VIRGINIA

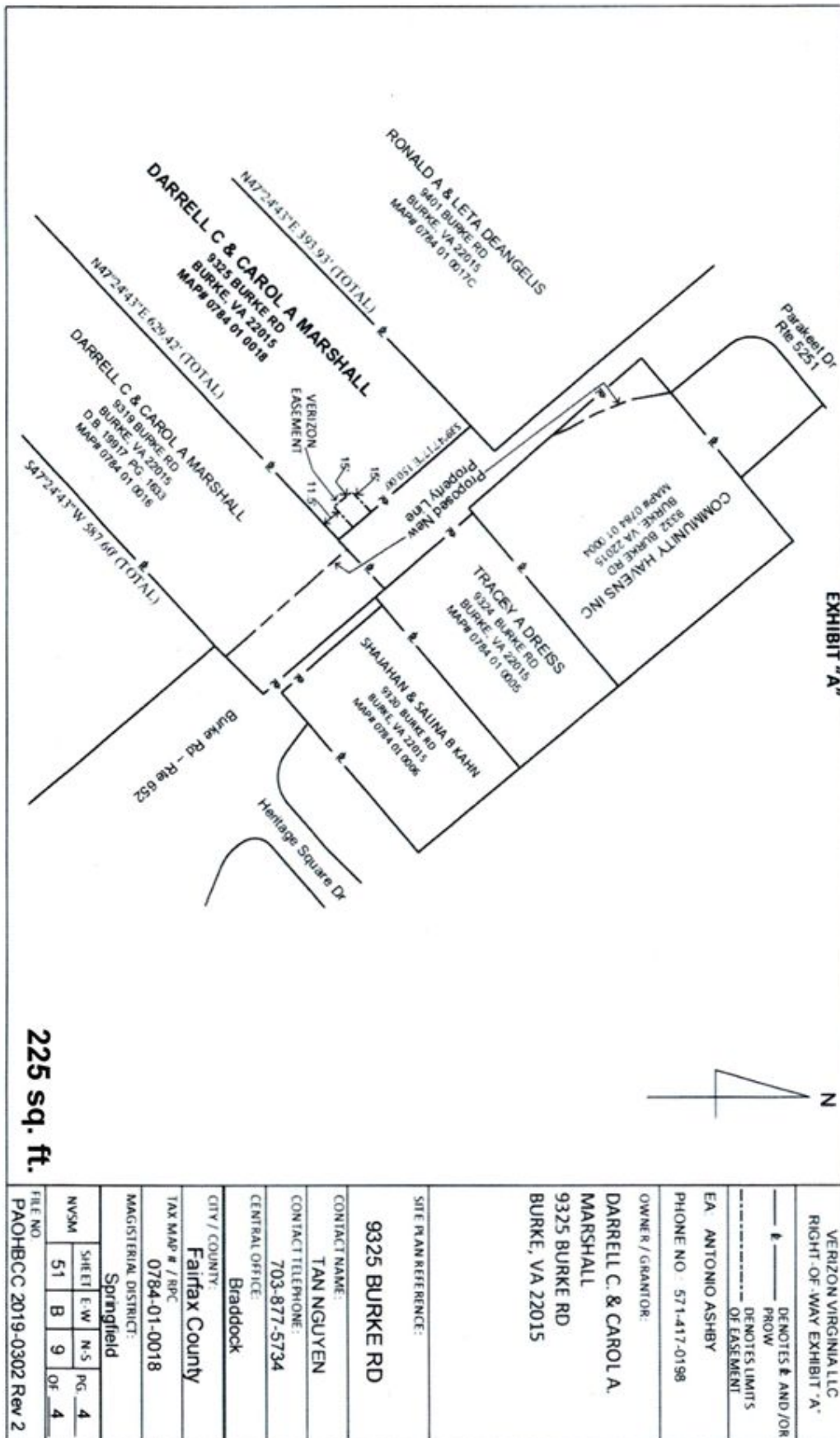
DEPARTMENT OF PUBLIC WORKS
& ENVIRONMENTAL SERVICES
CAPITAL FACILITIES, LAND SERVICE BRANCH
12000 GOVERNMENT CENTER PARKWAY
FAIRFAX, VIRGINIA

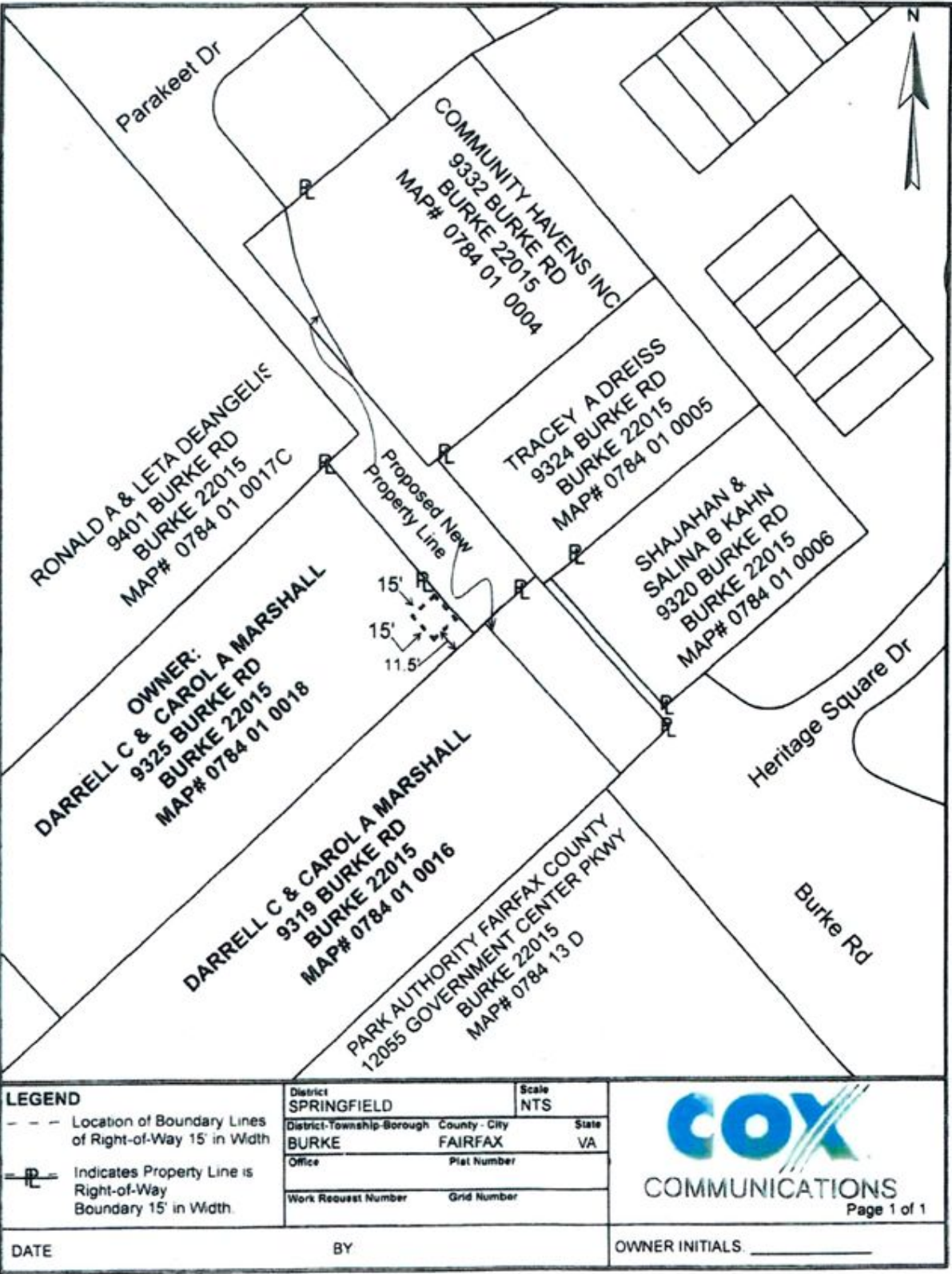
GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EASEMENT
THROUGH THE PROPERTY OF
DARRELL C. MARSHALL
AND
CAROL A. MARSHALL,
TRUSTEES

D.R. 2040, P.B. 000
FAIRFAX COUNTY, VIRGINIA
SHEET 1 OF 1

SCALE: 1"=20' DATE: 7/20/2019 DRAWN BY: J.D.







ATTACHMENT 5

AFFECTED PROPERTY

Tax Map Number: 078-4-18-0000-A

Street Address: Common area at Burke Road @ Heritage Square Drive

OWNER(S): Heritage Square North HOA

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

Storm Drainage Easement – 370 sq. ft.

Grading Agreement and Temporary Construction Easement – 1,279 sq. ft.

VALUE

Estimated value of interests and damages:

ONE THOUSAND FIVE HUNDRED EIGHTY DOLLARS (\$1,580.00)

VA STATE GRID NORTH
VCS 83, NORTH ZONE

LINE	BEARING	PERMANENT
L1	N 82°26'00" E	10.00
L2	N 82°26'00" E	10.00
L3	N 82°26'00" E	10.00
L4	N 82°26'00" E	10.00
L5	N 82°26'00" E	10.00

LINE	BEARING	PERMANENT	DELTA
C1	N 82°26'00" E	10.00	0.00
C2	N 82°26'00" E	10.00	0.00
C3	N 82°26'00" E	10.00	0.00
C4	N 82°26'00" E	10.00	0.00
C5	N 82°26'00" E	10.00	0.00
C6	N 82°26'00" E	10.00	0.00
C7	N 82°26'00" E	10.00	0.00
C8	N 82°26'00" E	10.00	0.00
C9	N 82°26'00" E	10.00	0.00
C10	N 82°26'00" E	10.00	0.00
C11	N 82°26'00" E	10.00	0.00

EASEMENT AREAS

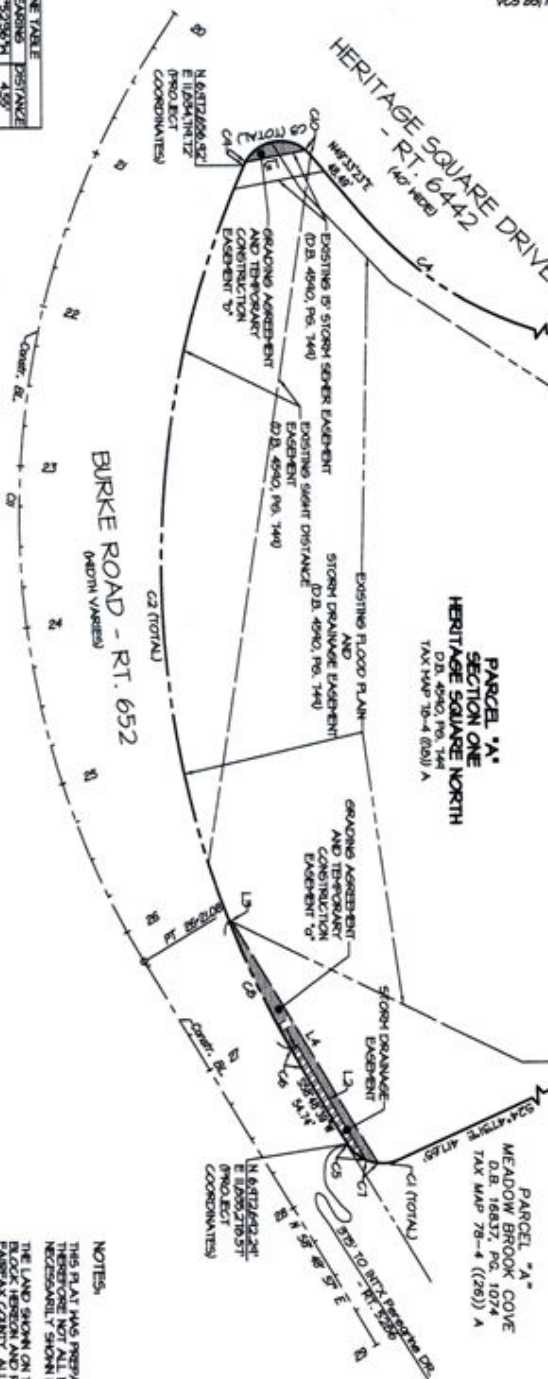
STORM DRAINAGE EASEMENT = 370 SQ. FT.

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "a" = 1043 SQ. FT.

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT "b" = 236 SQ. FT.

TOTAL GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT = 1279 SQ. FT.

GRAPHIC SCALE



NOTES:

THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAN IS NOT HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AROUND THE LAND RECORDS OF FAIRFAX COUNTY. ALL EASEMENTS AND ENCUMBRANCES FOR PUBLIC UTILITIES, TELEPHONE, GAS, WATER, AND OTHER SERVICES, AS DESCRIBED AND SHOWN ON THIS PLAN.

THE INFORMATION SHOWN ON THIS PLAN WAS OBTAINED FROM EXISTING LAND RECORDS AND SURVEY. THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHT-OF-WAY EASEMENTS OR OTHER INTERESTS IN THE LAND SHOWN ON THIS PLAN SHALL BE VOID AND EFFECT LESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON ASSESSMENT MAP 78-4 (100) A.

BURKE ROAD - A FLORADO DRIVE TO PARKCREE DRIVE

PROJECT NUMBER: 2000-001-003

FAIRFAX COUNTY, VIRGINIA
DEPARTMENT OF PUBLIC WORKS
& ENVIRONMENTAL SERVICES
CAPITAL FACILITIES LAND SURVEY BRANCH
10000 GOVERNMENT CENTER PARKWAY
FALLS CHURCH, VIRGINIA 22041

STORM DRAINAGE EASEMENT AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENTS THROUGH

PARCEL 'A' SECTION ONE HERITAGE SQUARE NORTH
D.B. 4990, PG. 144
PROPERTY BEING IN THE NAME OF HERITAGE SQUARE NORTH HOMEOWNERS ASSOCIATION

DATE: 1/26/04
DRAWN BY: LJD

SCALE: 1"=50'
DATE: 1/26/04
DRAWN BY: LJD

ATTACHMENT 6

AFFECTED PROPERTY

Tax Map Number: 078-4-26-0000-A

Street Address: Common area at Burke Road @ Meadow Brook Drive

OWNER(S): Meadow Brook Cove HOA, Inc.

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

Storm Drainage Easement – 328 sq. ft.

Grading Agreement and Temporary Construction Easement – 480 sq. ft.

VALUE

Estimated value of interests and damages:

TWO THOUSAND THREE HUNDRED DOLLARS (\$2,300.00)

Board Agenda Item
April 13, 2021

2:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Greenway Downs Residential Permit Parking District, District 13 (Providence District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Greenway Downs Residential Permit Parking District (RPPD), District 13.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G of the Fairfax County Code to expand the Greenway Downs RPPD, District 13.

TIMING:

On March 23, 2021, the Board authorized a public hearing to consider the proposed amendment to Appendix G of the Fairfax County Code to take place on April 13, 2021, at 2:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of the Fairfax County Code authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Board Agenda Item
April 13, 2021

On November 6, 2019, a peak parking demand survey was conducted for the requested area. The results of this survey verified that the designated block face met or exceeded the requirements to qualify for RPPD inclusion according to Section 82-5A-4(b) of the Fairfax County Code. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated to be \$800. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Deputy Director, FCDOT
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Henri Stein McCartney, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

Proposed Amendment

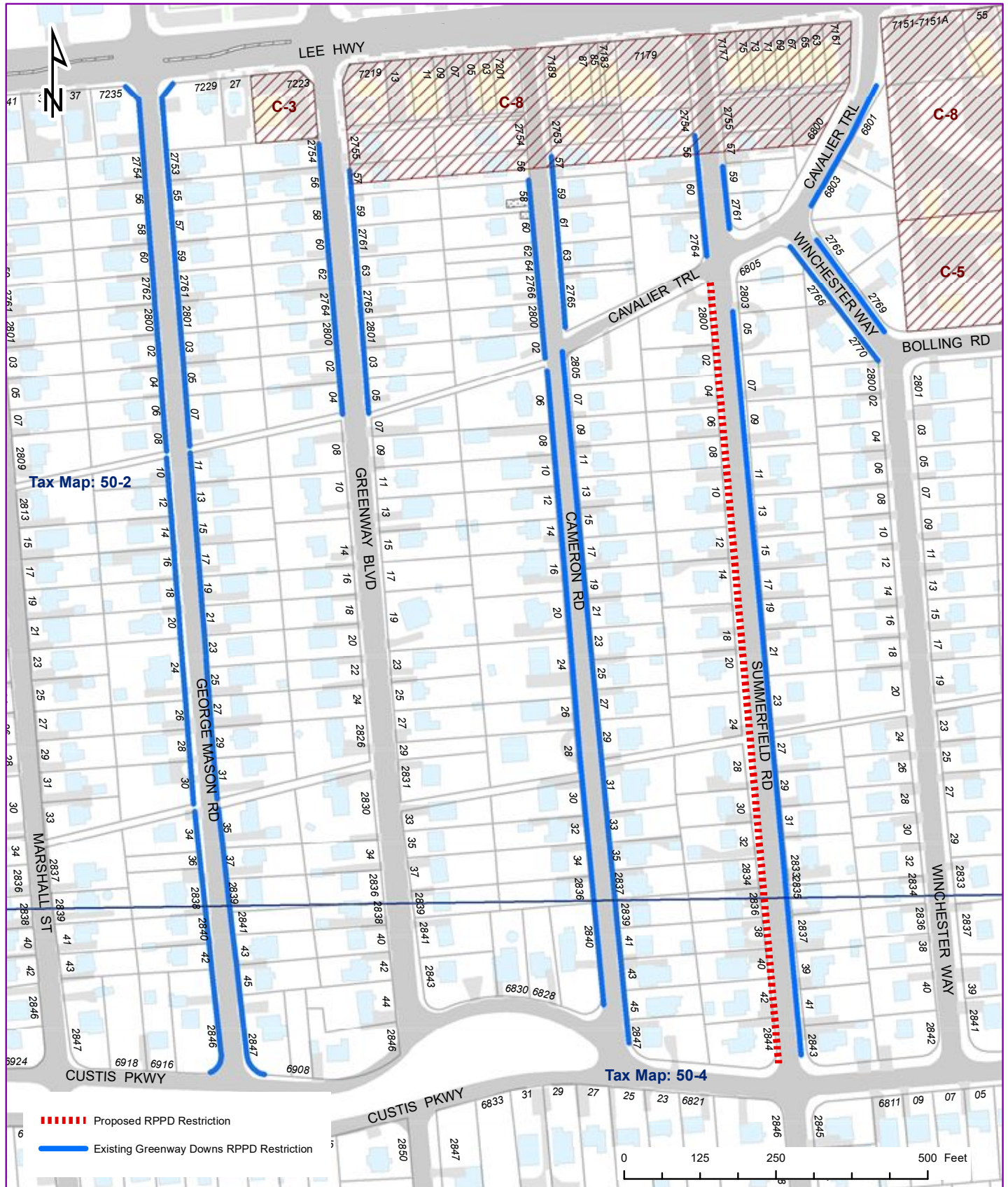
Amend *The Code of the County of Fairfax, Virginia*, by modifying the following street in Appendix G-13, Section (b), (2), Greenway Downs Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Summerfield Road (Route 1713):

~~From the northern property boundary of 2756 Summerfield Road to
Cavalier Trail; west side only~~

~~From the northern property boundary of 2759 Summerfield Road to Custis
Parkway; east side only~~

From the northern property boundaries of 2756 and 2759 Summerfield
Road to Custis Parkway



FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL PERMIT PARKING DISTRICT
GREENWAY DOWNS (13)
PROVIDENCE DISTRICT



Board Agenda Item
April 13, 2021

2:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Mount Vernon Memorial Highway Trail from George Washington's Gristmill Entrance to Southwood Drive (Mount Vernon District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 2G40-088-026, Mount Vernon Memorial Highway Trail from George Washington's Gristmill entrance to Southwood Drive, Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

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

TIMING:

On March 9, 2021, the Board authorized advertisement of a public hearing to be held on April 13, 2021, at 2:30 p.m.

BACKGROUND:

The Mount Vernon Memorial Highway Trail project is proposed to complete the missing segments within the Fairfax County portion of the Potomac Heritage National Scenic Trail. The project consists of the construction of approximately 6,200 linear feet of ten-foot-wide asphalt trail. The project is located adjacent to the north side of Mount Vernon Memorial Highway (Route 235) between George Washington's Gristmill entrance and Southwood Drive. The project also involves the construction of a new pedestrian bridge adjacent to the Mount Vernon Memorial Highway Bridge spanning Dogue Creek. A proposed storm sewer system will be installed to replace the existing roadside ditch and to minimize property impacts.

Land rights for these improvements are required on 13 properties, six of which have been acquired by the Land Acquisition Division. Four of the 13 properties are Fairfax County Park Authority and Fairfax County School Board. The construction of this project requires the acquisition of Street Dedication, Storm Drainage, Retaining Wall, Trail, Traffic Signal Equipment, and Grading Agreement and Temporary Construction Easements.

Board Agenda Item
April 13, 2021

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

FISCAL IMPACT:

Funding is available in Project 2G40-088-000, County Six Year Plan Bike & Pedestrian Program, Fund 40010, County and Regional Transportation Projects. This project is included in the Advertised FY 2022 – FY 2026 Capital Improvement Program (with future Fiscal Years to FY 2031) and is part of the Board's Transportation Priorities Plan adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A – Project Location Map

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

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, Department of Transportation

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

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

ASSIGNED COUNSEL:

Pamela K. Pelto, Assistant County Attorney

Attachment A



Mount Vernon Memorial Hwy. Trail

Mount Vernon District

Tax Map: 109-2;110-1;110-3

Project: 2G40-088-026

Affected Properties: 

Proposed Improvements: 



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, April 13, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, certain Project 2G40-088-026, Mount Vernon Memorial Highway Trail from George Washington's Gristmill entrance to Southwood Drive had been approved; and

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

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

WHEREAS, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than May 28, 2021.

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

RESOLVED, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests to complete the missing segments within the Fairfax County portion of the Potomac Heritage National Scenic Trail. The project consists of the construction of approximately 6,200 linear feet of ten-foot-wide

asphalt trail. The project is located adjacent to the north side of Mount Vernon Memorial Highway (Route 235) between George Washington's Gristmill entrance and Southwood Drive. The project also involves the construction of a new pedestrian bridge adjacent to the Mount Vernon Memorial Highway Bridge spanning Dogue Creek. A proposed storm sewer system will be installed to replace the existing roadside ditch and to minimize property impacts as shown and described in the plans of Project 2G40-088-026, Mount Vernon Memorial Highway Trail from George Washington's Gristmill entrance to Southwood Drive on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

RESOLVED, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or after May 13, 2021, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

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

LISTING OF AFFECTED PROPERTIES

Project 2G40-088-026, Mount Vernon Memorial Highway Trail from George Washington's Gristmill entrance to Southwood Drive
(Mount Vernon District)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1. Deretta A. Poling Cathy M. Poling Address: 5500 Mount Vernon Memorial Highway, Alexandria VA 22309	109-2-01-0033
2. Mount Vernon Ladies Association of the Union Address: 5515 Mount Vernon Memorial Highway, Alexandria, VA 22309	109-2-01-0028
3. Trustees of The St. James' Episcopal Church Address: 5614 Old Mill Road, Alexandria, VA 22309	110-1-01-0004B

A Copy – Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 109-2-01-0033

Street Address: 5500 Mount Vernon Memorial Highway, Alexandria VA
22309

OWNER(S): Deretta A. Poling
Cathy M. Poling

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

Dedication For Public Street Purposes – 1,147 sq. ft.

Retaining Wall Easement and Storm Drainage Easement– 3,665 sq. ft.

Storm Drainage Easement – 307 sq. ft.

Grading Agreement and Temporary Construction Easement – 6,684 sq. ft.

VALUE

Estimated value of interests and damages:

THIRTY-THREE THOUSAND TWO HUNDRED NINETY DOLLARS
(\$33,290.00)

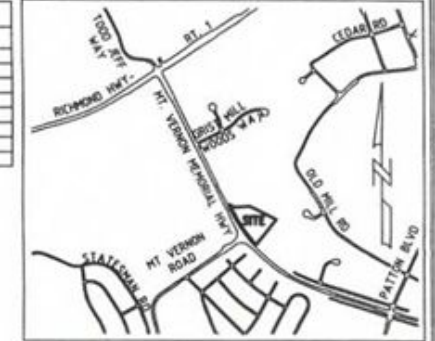
VA STATE ZONE
VCS 81, NORTH ZONE



THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA
D.B. 8762, PG. 803
L&E D.B. 3248 PG. 1074
TAX MAP 109-2 (11) 32A

ROBERT D. POLING, DERETTA A. POLING,
AND CATHY M. POLING
D.B. 21715, PG. 1258
TAX MAP 109-2 (11) 33

CURVE TABLE						
NO.	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHORD BEARING
C1	1875.00'	489.21'	14°59'08"	244.01'	487.81'	N34°24'29"W
C2	1875.00'	393.72'	8°25'41"	194.21'	393.33'	N37°11'17"W
C3	1875.00'	43.88'	0°18'56"	21.44'	43.88'	N39°49'33"W
C4	1875.00'	188.60'	8°14'14"	69.33'	188.53'	N29°02'14"W
C5	1841.43'	244.65'	0°31'49"	122.50'	244.48'	S38°05'33"E
C6	1875.00'	271.54'	0°09'12"	136.02'	271.32'	N37°44'32"W
C7	1875.00'	20.00'	0°03'16"	10.00'	20.00'	N33°16'33"W
C8	1875.00'	16.17'	0°02'29"	8.08'	16.16'	N32°43'18"W

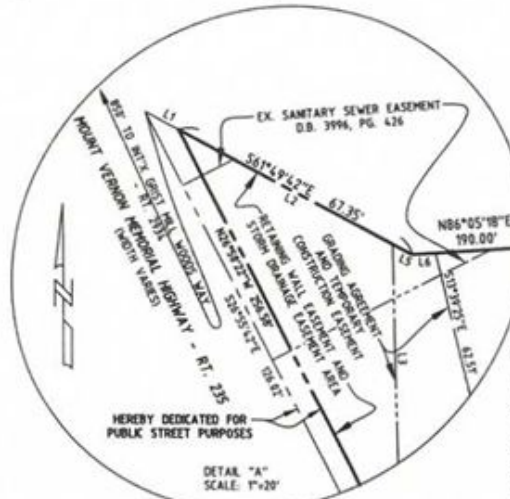


VICINITY MAP
SCALE: 1" = 1000'

LINE TABLE		
NO.	BEARING	LENGTH
L1	S61°49'42"E	9.61'
L2	S61°49'42"E	81.84'
L3	S61°08'58"E	68.77'
L4	S59°47'42"E	43.85'
L5	S61°49'42"E	5.71'
L6	N86°05'18"E	5.85'
L7	S55°54'55"W	10.00'
L8	N55°57'18"E	15.28'
L9	S34°02'05"E	28.00'
L10	S55°57'18"W	15.44'

DEDICATION AND EASEMENT AREAS
DEDICATION FOR PUBLIC STREET PURPOSES
RETAINING WALL EASEMENT AND STORM DRAINAGE EASEMENT
STORM DRAINAGE EASEMENT
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT

1,147 SQ. FT.
3,665 SQ. FT.
307 SQ. FT.
6,684 SQ. FT.



CRAIG A. COLE AND CHIE N. COLE
D.B. 15270, PG. 2144
TAX MAP 109-2 (11) 34

Notes:

This plat was prepared without the benefit of a title report; therefore not all encumbrances to the property are necessarily shown hereon.

The land shown on this plat is now held as noted in the title block hereon and recorded among the land records of Fairfax County, all easements and dedications for public street purposes are within the bounds of the original tract, as described and recorded therein.

The information shown on this plat was compiled from existing land records and does not represent the results of an actual field run boundary survey.

All previously recorded Rights-of-Way, easements, or other interests of the County shall remain in full force and effect unless otherwise specifically shown hereon.

The property delineated on this plat is located on Tax Assessment Map 109-2 (11) 33.

This plat was prepared with care and diligence for accuracy and legibility and complies with all relevant Virginia Administrative Code. Often, legibility has degraded upon retrieval from Circuit Court's Courts Public Access Network (CPAN). If you have difficulty deciphering this plat, please contact the County Surveyor directly for a copy of the signed document, if it is still on hand.

PLAT SHOWING
DEDICATION FOR PUBLIC STREET PURPOSES, RETAINING WALL EASEMENT,
STORM DRAINAGE EASEMENT, AND
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT
THROUGH THE PROPERTY OF
**ROBERT D. POLING, DERETTA A. POLING, AND
CATHY M. POLING**
D.B. 21715, PG. 1258

MT. VERNON DISTRICT

FAIRFAX COUNTY, VIRGINIA



**COUNTY OF FAIRFAX
VIRGINIA**
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES
CAPITAL FACILITIES
LAND SURVEY BRANCH
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA



**MOUNT VERNON MEMORIAL HIGHWAY TRAIL
FROM GEORGE WASHINGTON'S GRISTMILL ENTRANCE
TO SOUTHWOOD DRIVE**
2G40-088-026

DRAWN BY: MRP DATE: 04/07/2020 SCALE: 1" = 40' SHEET 1 OF 1

Attachment 1A

ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 109-2-01-0028

Street Address: 5515 Mount Vernon Memorial Highway, Alexandria, VA
22309

OWNER(S): Mount Vernon Ladies' Association of the Union

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

Grading Agreement and Temporary Construction Easement – 5,132 sq. ft.

VALUE

Estimated value of interests and damages:

THREE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$3,840.00)

ATTACHMENT 3

AFFECTED PROPERTY

Tax Map Number: 110-1-01-0004B

Street Address: 5614 Old Mill Road, Alexandria, VA 22309

OWNER(S): Trustees of The St. James' Episcopal Church

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

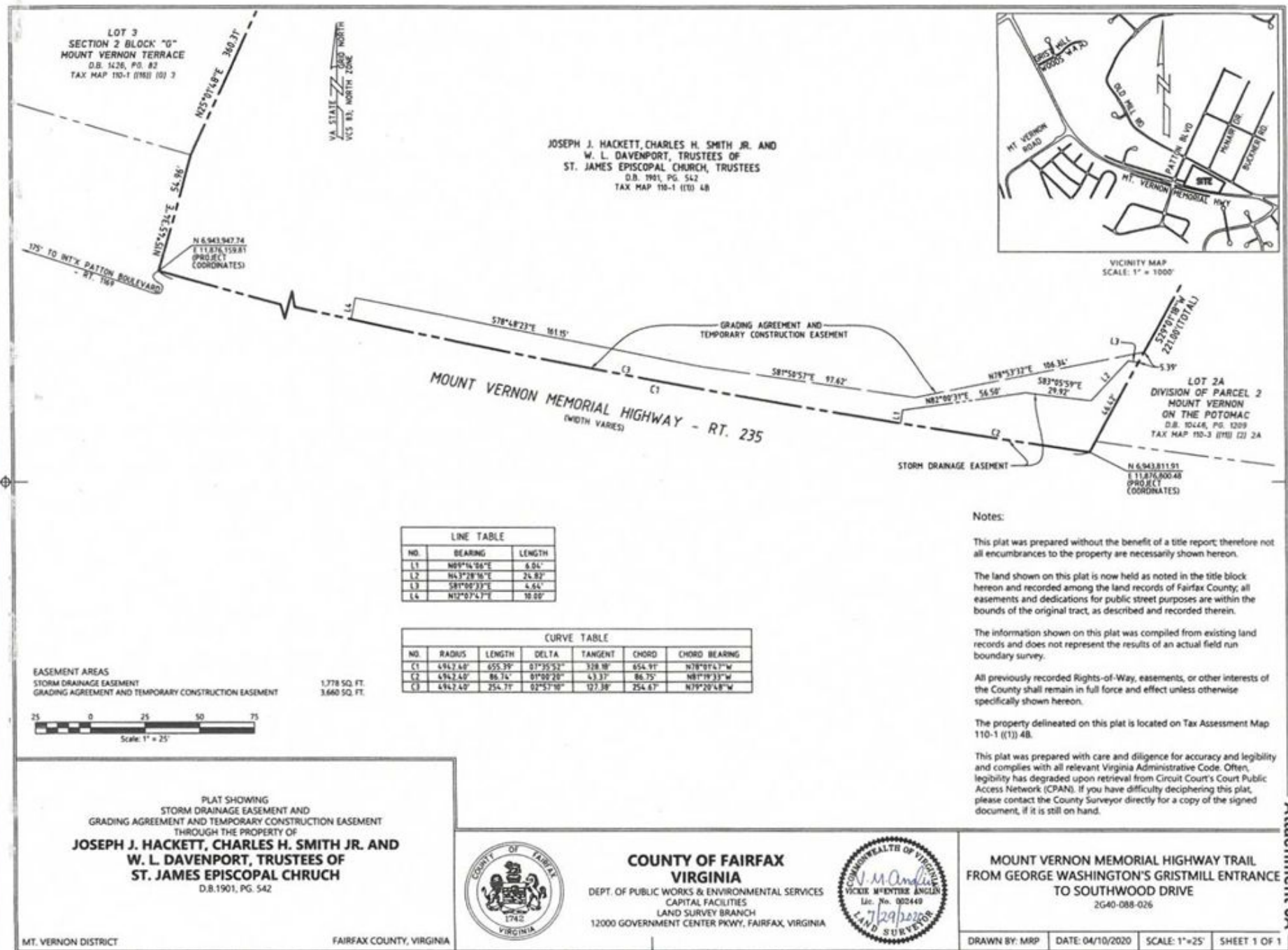
Storm Drainage Easement – 1,778 sq. ft.

Grading Agreement and Temporary Construction Easement – 3,660 sq. ft.

VALUE

Estimated value of interests and damages:

TWENTY THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$20,470.00)



Board Agenda Item
April 13, 2021

3:00 p.m.

Public Hearing to Convey Board-Owned Property at 10033 Blake Lane to the Fairfax County Park Authority (Providence District)

ISSUE:

Public hearing regarding the conveyance of Board-owned property located at 10033 Blake Lane to the Fairfax County Park Authority (Park Authority).

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to convey Board-owned property at 10033 Blake Lane to the Park Authority.

TIMING:

On March 9, 2021, the Board authorized the advertisement of a public hearing to convey certain Board-owned property at 10033 Blake Lane to the Park Authority.

BACKGROUND:

The BOS is the owner of two parcels of land totaling approximately 10 acres and located at the intersection of Blake Lane and Bushman Drive, just north of the City of Fairfax, in Oakton. The two parcels, located at 10033 Blake Lane, Oakton, VA 22124 (Blake Lane) and identified as Tax Map Nos. 0472 01 0123 (Parcel 123) and 0472 17 B (Parcel B), were originally owned by the Fairfax County School Board (School Board) and were developed with park amenities by the Park Authority pursuant to an interim use agreement with the School Board. Recreational amenities at Blake Lane currently include two rectangular athletic fields, a dog park, a butterfly garden, a gravel parking area and an open play area.

The School Board originally transferred ownership of Blake Lane, along with other properties that were deemed surplus to future expansion requirements, to the BOS in 2006 in exchange for additional bond funding for school construction. However, in 2017, the School Board identified Blake Lane as one of several possible sites in the Oakton area for the development of a \$35 million elementary school. On January 5, 2021, after reviewing data that indicated that the elementary schools around Blake Lane did not confront the capacity problems that were previously anticipated, the School Board designated the Dunn Loring Administration Center to be repurposed as an elementary school, thereby eliminating the hurdle to the conveyance of Blake Lane to the Park Authority.

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Of the two parcels, solely Parcel B was dedicated to the BOS expressly for open space or recreational purposes. Consequently, as real property that is not subject to any park or recreational use restrictions, only Parcel 123 is subject to the provisions of the existing Land Bank Agreement between the BOS and the Park Authority. The Land Bank serves as a mechanism to allow the Park Authority to convey land back to the BOS without the actual payment of fair market value compensation if the BOS determines that there is a public need for the Park Authority property. In this instance, in exchange for the conveyance of Parcel 123 to the Park Authority, the BOS will receive a credit in the Land Bank in an amount equivalent to the tax-assessed value of the parcel. The existing balance in the Land Bank operates as an accounting measure only and cannot be "cashed out" by either party to the agreement. More information on the Land Bank has been made available via the memorandum to the Board from the County Executive dated February 16, 2021.

Staff recommends that the conveyance of Blake Lane to the Park Authority be subject to the condition that the parcels must be used for public park purposes. The Park Authority will include Blake Lane in its inventory and maintain the parcels in accordance with the adopted Park Authority Maintenance Standards. Any initiatives to change the existing park uses and facilities at Blake Lane will be guided by the Park Authority's master planning process.

Staff further recommends that the conveyances be made subject to the County's reservation of the right to assign to public entities, public utilities, telecommunications or cable television providers the right to construct improvements on the property for the purpose of providing utilities and other public services. Staff also recommends that any public utilities located on the property that are owned and maintained by County agencies, such as sanitary sewers and stormwater management facilities and structures, continue to be owned and maintained by the County.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map
Attachment 2 – Resolution

Board Agenda Item
April 13, 2021

STAFF:

Joseph M. Mondoro, Chief Financial Officer
Rachel Flynn, Deputy County Executive
Sara Baldwin, Acting Executive Director, Fairfax County Park Authority
José A. Comayagua, Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney



RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic), on Tuesday, April 13, 2021, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors owns land in Providence District known as Blake Lane Park, located at 10033 Blake Lane and identified as Tax Map No. 0472 01 0123 and Tax Map No. 0472 17 B (Blake Lane);

WHEREAS, the Fairfax County Park Authority has managed the property as a park since the late 1970's and has developed park amenities on the parcels;

WHEREAS, the Park Authority has asked the Board of Supervisors to transfer Blake Lane to the Park Authority for inclusion in its park inventory;

WHEREAS, the Board finds that it would be in the best interest of the residents of Fairfax County to convey the real property as described above to the Park Authority.

NOW, THEREFORE, upon public hearing duly advertised according to law, it is **RESOLVED** that the County Executive is hereby authorized to execute all necessary documents to convey the real property described above to the Park Authority.

A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
April 13, 2021

3:00 p.m.

Public Hearing on the FY 2022 Effective Tax Rate Increase

ISSUE:

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

RECOMMENDATION:

The County Executive's proposed budget is balanced based on a real estate tax rate of \$1.14, which would represent a decrease of \$0.01 from the current real estate tax rate for FY 2021. However, the current real estate tax rate of \$1.15 per \$100 of assessed value was authorized by the Board of Supervisors for advertisement to provide the Board flexibility during their deliberations on the FY 2022 budget. Action on the tax rate is recommended to take place on May 4, 2021, as part of the annual adoption of the tax rate resolution, after the public hearings on the FY 2022 Advertised Budget Plan beginning on April 13, 2021, and the Board markup on April 27, 2021.

TIMING:

On March 9, 2021, the Board authorized advertisement of a public hearing to be held on April 13, 2021, at 3:00 p.m.

BACKGROUND:

The FY 2022 Advertised Budget Plan is based on a real estate tax rate of \$1.14 per \$100 of assessed value. However, in order to provide flexibility during budget deliberations, the Board of Supervisors has authorized advertisement of a tax rate of \$1.15 per \$100 of assessed value. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate cannot be imposed without advertising the higher rate. Based on the total assessed value of existing property, the effective tax rate has increased by more than one percent. Under such circumstances, Virginia Code Section 58.1-3321 requires that the Board advertise a public hearing and take action to adopt the proposed FY 2022 rate rather than the rate computed by the statutory formula. It should be noted that the total increase in assessed value of existing properties is expected to be 2.02 percent, including an increase of 4.25 percent for residential real property and a decrease of 4.05 percent for non-residential real property. As a result, most property owners will experience an increase in their real estate tax bill.

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

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 2.02 percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.1273 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: Fairfax County, Virginia, proposes to adopt a tax rate of \$1.150 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0227 per \$100, or 2.01 percent. This difference will be known as the "effective tax rate increase."

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

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 1.51 percent¹.

FISCAL IMPACT:

The advertised FY 2022 real estate tax rate of \$1.150 per \$100 of assessed value results in the revenue projections outlined in the FY 2022 Advertised Budget Plan. It should be noted that, although revenues are shown at the current \$1.15 rate, the budget is balanced at \$1.14 per \$100 of assessed value. If the tax rate is lowered to a rate of \$1.1273 per \$100 of assessed value as described by Virginia Code Section 58.1-3321, then the revenue projection set forth in the FY 2022 Advertised Budget Plan would decrease by \$61.6 million.

ENCLOSED DOCUMENTS:

None

Board Agenda Item
April 13, 2021

STAFF:

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

ASSIGNED COUNSEL:

Patricia McCay, Senior Assistant County Attorney

¹ The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2022 disbursements as shown in the FY 2022 Advertised Budget Plan reflect a decrease of 4.68 percent from the FY 2021 level.

3:00 p.m.

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

ISSUE:

The Board of Supervisors' adoption of ordinances to amend and readopt Fairfax County Code Section 67.1-10-2, relating to Sewer Service Charges, Base Charges, Availability Charges, Fixture Unit Charges, Charges for Hauled Wastewater, and clarifying the intent behind adjustment of Sewer Base Charges:

- 1) re-affirming the Sewer Service Charges for FY 2021, adjusting the Sewer Service Charges for FY 2022 through FY 2025, and establishing the Sewer Service Charges for FY 2026;
- 2) re-affirming the Base Charges for FY 2021, adjusting the Base Charges for FY 2022 through FY 2025, and establishing the Base Charges for FY 2026;
- 3) re-affirming the Availability Charges (including the fixture unit rate for nonresidential uses) for FY 2021, adjusting the Availability Charges for FY 2022 through FY 2025, and establishing the Availability Charges for FY 2026;
- 4) re-affirming the Hauled Wastewater Charges for FY 2021, adjusting the Hauled Wastewater Charges for FY 2022 through FY 2025, and establishing the Hauled Wastewater Charges for FY 2026; and
- 5) clarifying the intent behind Base Charge adjustments for upsized commercial water meters.

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

RECOMMENDATION:

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

TIMING:

Public notices of the ordinance revisions were advertised on March 26th and April 2nd, 2021. Decision on the sewer rate revisions will coincide with the markup and adoption of

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the FY 2022 Advertised Budget Plan. The FY 2022 new charges will become effective on July 1, 2021.

BACKGROUND:

In January 2021, the Wastewater Management Program and its consultants, Raftelis Financial Consultants, Inc. (Raftelis), completed the annual “Revenue Sufficiency and Rate Analysis” (the Rate Study) for the Sewer System. Based upon the results of the Rate Study, changes are proposed to the previously approved rates for FY 2022 to FY 2025 and new rates are proposed for FY 2026.

The following proposed five-year rate schedule will meet the Program’s current and projected five-year revenue requirements of approximately \$1.5 billion by increasing both the Base Charge and Sewer Service Charge, which is the industry practice. This allows for recovering a portion of the Program’s costs through the Base Charge and recovering the remaining required revenues through the Sewer Service Charge, based on the volume of water consumed. New or revised rates that were not advertised as part of last year’s annual rate schedule review are shown in **bold**. Note that the proposed adjustments to Base Charges and Sewer Service Charges for FY 2022 through FY 2025 are less than those presented to the Board during last year’s budget process.

The Proposed Base Charge of \$36.54 per quarterly bill will recover 22.3 percent of the costs in FY 2022. Industry practice is to recover 25 to 30 percent of the total costs through a Base Charge. In order to strive towards such recovery rate, a phased-in approach is being proposed, as shown in the table on the following page.

BASE CHARGE SCHEDULE* Cost (\$) per Quarterly Bill Proposed New Rates in Bold						
Type of Connection	Current Rate	New Rate				
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Residential (3/4" meter)	\$32.91	\$36.54	\$41.03	\$45.05	\$49.48	\$51.95
All customers based on meter size						
3/4" and smaller, or no meter	\$32.91	\$36.54	\$41.03	\$45.05	\$49.48	\$51.95

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1"	\$82.28	\$91.35	\$102.58	\$112.63	\$123.70	\$129.88
1 1/2"	\$164.55	\$182.70	\$205.15	\$225.25	\$247.40	\$259.75
2"	\$263.28	\$292.32	\$328.24	\$360.40	\$395.84	\$415.60
3"	\$493.65	\$548.10	\$615.45	\$675.75	\$742.20	\$779.25
4"	\$822.75	\$913.50	\$1,025.75	\$1,126.25	\$1,237.00	\$1,298.75
6"	\$1,645.50	\$1,827.00	\$2,051.50	\$2,252.50	\$2,474.00	\$2,597.50
8"	\$2,632.80	\$2,923.20	\$3,282.40	\$3,604.00	\$3,958.40	\$4,156.00
10" and larger	\$3,784.65	\$4,202.10	\$4,718.45	\$5,180.75	\$5,690.20	\$5,974.25

*Adjustment to the Base Charge for nonresidential customers who have sub-meters for irrigation and other water uses that do not enter the sewer system must be justified.

SEWER SERVICE CHARGE SCHEDULE*						
Per 1,000 gallons of water consumption						
Proposed New Rates in Bold						
	Current Rate	New Rate				
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Sewer Service Charge	\$7.28	\$7.72	\$8.18	\$8.47	\$8.76	\$9.20

*Proposed adjustments to Base Charges and Sewer Service Charges for FY 2022 through FY 2025 are less than those presented to the Board during last year's budget process.

PROPOSED AVAILABILITY CHARGE SCHEDULE

The County has completed reviewing the adequacy of the amount of the Availability Charge. Based upon the results of this review, the Availability Charge is proposed to increase from \$8,340 to \$8,507, a 2.0 percent increase, for a single-family residence in FY 2022 and one percent increases are proposed from FY 2023 to FY 2026. The Availability Charge is a one-time charge, which is paid at the time of connection to the

sewer system. The revised, five-year rate schedule for the Availability Charges is as follows:

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AVAILABILITY CHARGE SCHEDULE* Proposed New Rates in Bold						
Type of Connection	Current Rate	New Rate				
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Single Family Detached	\$8,340	\$8,507	\$8,592	\$8,678	\$8,765	\$8,853
Lodging House, Hotel, Inn or Tourist Cabin	\$8,340	\$8,507	\$8,592	\$8,678	\$8,765	\$8,853
Townhouse	\$6,672	\$6,806	\$6,874	\$6,942	\$7,012	\$7,082
Apartment	\$6,672	\$6,806	\$6,874	\$6,942	\$7,012	\$7,082
Mobile Home	\$6,672	\$6,806	\$6,874	\$6,942	\$7,012	\$7,082
Any other residential dwelling unit	\$6,672	\$6,806	\$6,874	\$6,942	\$7,012	\$7,082
Hotels, Motels, or Dormitory rental unit	\$2,085	\$2,127	\$2,148	\$2,170	\$2,191	\$2,213

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

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

AVAILABILITY CHARGE SCHEDULE* Cost (\$) per Quarterly Bill Proposed New Rates in Bold						
	Current Rate	New Rates				
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Nonresidential per fixture unit	\$417	\$425	\$430	\$434	\$438	\$443

*The County's Sewer Service Charges, Base Charges, and Availability Charges remain very competitive on a local basis. Below are average annual sewer service billings and Availability Charges per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions, as of December 2020 (FY 2021). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's equivalent base charge and sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

**Comparison of Average Service Charges and Availability Charges for SFREs as
of December 2020 (FY 2021)
Based on 18,000 gallons per quarter for all jurisdictions**

Jurisdiction*	Average Annual Sewer Service Billing	Sewer Availability Fees
DCWASA	\$1,239.23	----
City of Alexandria	\$1,052	\$8,859
WSSC (improved)	\$841	\$14,500
Arlington County	\$669	\$2,760
Fairfax County	\$656	\$8,340
Prince William County	\$624	\$10,800
Loudoun Water	\$513	\$8,541

The table below outlines base charges by other regional utilities for comparison to Fairfax County's current Base Charge of \$32.91 as of December 2020 (FY 2021).

Quarterly Base Charges for Sewer Service for Residential Customers	
DC Water	\$ 66.00
Prince William County Service Authority	\$ 36.30
Loudoun Water	\$ 35.81
Alexandria Renew Enterprises	\$ 34.62
Fairfax County	\$ 32.91
Washington Suburban Sanitation Commission	\$ 28.50
Neighboring Utilities Average	\$ 40.25

HAULED WASTEWATER CHARGES

The County's Septage Receiving Facility (SRF) was constructed to receive and treat septage from local onsite sewage disposal systems in accordance with Section 15.2-2123 of the Code of Virginia. In addition, the SRF receives landfill leachate, portable toilet waste, restaurant grease, and recycled carwash water. Hauled Wastewater Charges were introduced in FY 2020 to recover a portion of the costs of operation, maintenance, and upcoming necessary improvements to the SRF. The proposed charges for FY 2022 are as follows:

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- (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes. This rate remains unchanged from the prior year.
- (2) Low-Strength Waste - \$7.72 per 1,000 gallons of the hauler's truck capacity for portable toilet, recycled carwash water, landfill leachate, or other such low strength waste. This rate is based on the proposed Sewer Service Charge for FY 2022 and will be modified as the Sewer Service Charge is adjusted in the future.

FISCAL IMPACT:

In FY 2022, assuming a water usage for a typical residential customer of 18,000 gallons/quarter (or 72,000 gallons/year), the annual sewer bill will be approximately \$702.00 per year, which is an increase of 7 percent or \$46.20 over the FY 2021 annual sewer bill. This is equal to an increase of \$3.85 per month.

In FY 2022, revenue is projected to increase approximately \$33.2 million over the *FY 2021 Revised Budget Plan* due to the proposed rate increase to Sewer Service Charge, Base Charge, Availability Fee Charge, and Hauled Wastewater Charge. Revenues from the collection of Sewer Service Charges, Base Charges, Availability Charges, and Hauled Wastewater Charges are recorded in Fund 69000, Sewer Revenue.

ENCLOSED DOCUMENTS:

Attachment I: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (clean version)

Attachment Ia: The Proposed Amendment to Chapter 67.1 Article 10 (Charges), Section 2 of the Code of the County of Fairfax (with amendments tracked)

STAFF:

Rachel Flynn, Deputy County Executive

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

Eleanor Ku Coddling, Deputy Director, DPWES, Stormwater and Wastewater Management Divisions

Shahram Mohsenin, Director, DPWES, Wastewater Planning and Monitoring Division

ASSIGNED COUNSEL:

Emily H. Smith, Assistant County Attorney

**AN ORDINANCE AMENDING
ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO
CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE
SEWERAGE FACILITIES OF THE COUNTY**

**AN ORDINANCE to amend the Fairfax County Code by amending and
readopting Section 67.1-10-2, relating to charges for the availability of,
connection to, and/or use of the sewerage facilities of the County.**

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

- 1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as follows:**

ARTICLE 10. - Charges

Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges, and Hauled Wastewater Charges.

(a) *Availability Charges:*

- (1) *Residential uses:*** The following schedule of availability charges for residential uses desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
(A)	Single-Family Detached	\$8,340	\$8,507	\$8,592	\$8,678	\$8,765	\$8,853
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8,340	8,507	8,592	8,678	8,765	8,853
(C)	Townhouse	6,672	6,806	6,874	6,942	7,012	7,082
(D)	Apartment	6,672	6,806	6,874	6,942	7,012	7,082
(E)	Mobile Home	6,672	6,806	6,874	6,942	7,012	7,082
(F)	Any other residential dwelling unit	6,672	6,806	6,874	6,942	7,012	7,082

(G)	Hotel, Motel, or Dormitory rental unit	2,085	2,127	2,148	2,170	2,191	2,213
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- (2) *Commercial and all other uses:* The following schedule of fixture unit rates for computing availability charges for all nonresidential uses is hereby established and imposed:

	Fiscal Year (July 1-June 30)					
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Fixture unit rate	\$417	\$425	\$430	\$434	\$438	\$443

The availability charge will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code (VUSBC), (as amended), Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum charge equivalent to one single-family detached dwelling per premises. For Significant Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System and other industrial or commercial Users determined by the Director to have processes generating significant wastewater flows, the availability charge will be calculated on the basis of equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other industrial or commercial Users determined by the Director to have processes generating significant flow will be equal to the current rate for a single-family detached dwelling unit times the number of equivalent units associated with the permitted flow. The number of equivalent units is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day. Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other equipment, or such other rates as the Director shall determine.

- (3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate applicable to each fiscal year is subject to annual review by the Board.

(b) *Connection Charges.*

(1) *Residential and community uses:* Except as otherwise provided herein, there is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers, or other such similar community uses, to the Facilities of the County.

(2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.

(3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

(c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been installed by the County at the expense of Fairfax County.

(d) *Service charges:* There are hereby established and imposed the following sanitary sewer service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Sewer Service Charge, \$/1,000 gallons	\$7.28	\$7.72	\$8.18	\$8.47	\$8.76	\$9.20

(e) *Base charges:* There are hereby established and imposed the following quarterly base charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill						
	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Residential Base Charge	\$32.91	\$36.54	\$41.03	\$45.05	\$49.48	\$51.95

Commercial: (meter size)						
¾" and smaller, or no meter	\$32.91	\$36.54	\$41.03	\$45.05	\$49.48	\$51.95
1"	\$82.28	\$91.35	\$102.58	\$112.63	\$123.70	\$129.88
1½"	\$164.55	\$182.70	\$205.15	\$225.25	\$247.40	\$259.75
2"	\$263.28	\$292.32	\$328.24	\$360.40	\$395.84	\$415.60
3"	\$493.65	\$548.10	\$615.45	\$675.75	\$742.20	\$779.25
4"	\$822.75	\$913.50	\$1,025.75	\$1,126.25	\$1,237.00	\$1,298.75
6"	\$1,645.50	\$1,827.00	\$2,051.50	\$2,252.50	\$2,474.00	\$2,597.50
8"	\$2,632.80	\$2,923.20	\$3,282.40	\$3,604.00	\$3,958.40	\$4,156.00
10" and larger	\$3,784.65	\$4,202.10	\$4,718.45	\$5,180.75	\$5,690.20	\$5,974.25

70

71 If requested, the Base Charge for nonresidential customers, who have irrigation systems and other
 72 water uses that do not enter the sewer system, will be adjusted. Calculations prepared by a Virginia
 73 licensed professional engineer must be provided to demonstrate what size of main water meter
 74 would be necessary for the building to accommodate only the water that enters the sewer system.
 75 The Base Charge will be adjusted based on the calculated meter size. In no case the Base Charge
 76 will be smaller than that for ¾" meter.

77 (1) *Effective date:* The Service charges and Base charges will change on July 1st of each
 78 new fiscal year. For metered accounts, the change is effective with meter readings
 79 beginning October 1st of each year. For unmetered accounts, the change is effective with
 80 billings beginning October 1st of each year.

81 (2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line

detached, rowhouses, garden court and patio houses with a separate water service line meter.	meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

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83 (D) The winter-quarter-maximum consumption is determined as follows:

84 (i) The quarterly-daily-average consumption of water is the consumption,
85 measured by the water service line meter for the period between meter readings
86 divided by the number of days elapsed between meter readings.87 (ii) The quarterly consumption is 91.5 times the quarterly-daily-average
88 consumption of water in leap years or 91.25 times the quarterly-daily-average
89 consumption in non-leap years.90 (iii) The winter-quarter-consumption is the quarterly consumption determined at
91 the water service line meter reading scheduled between February 1 and April 30.
92 The winter-quarter-consumption of each respective year shall be applicable to
93 the four quarterly sewer billings rendered in conjunction with the regular meter
94 reading scheduled after the next May.95 (iv) All water delivered to the premises, as measured by the winter-quarter-
96 consumption for single-family dwellings and townhouses or the meter of all
97 other Users, shall be deemed to have been discharged to the Facilities of the
98 County. However, any person may procure the installation of a second water
99 service line meter. Such person may notify the Director of such installation, in
100 which event the Director shall make such inspection or inspections as may be
101 necessary to ascertain that no water delivered to the premises or only the water
102 delivered through any such additional meter may enter the Facilities of the
103 County. If the Director determines that water delivered through an additional
104 meter may not enter the Facilities of the County, no charge hereunder shall be
105 based upon such volume of water delivery. If the Director determines that only
106 the water delivered through an additional meter may enter the Facilities of the
107 County, only the water recorded on the additional meter shall be charged. In the
108 alternative, any person may procure the installation of a sewage meter which
109 shall be of a type and installed in a manner approved by the Director, who shall
110 make periodic inspection to ensure accurate operation of said meter; in such
111 event, the charge imposed hereunder shall be based upon the volume measured

by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

(E) For single-family premises as in (c)(2)(A) not able to register valid meter readings for the measurement of winter-quarter-consumption the following billing method shall apply:

(i) Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.

(ii) Such premises may be billed on the basis of the average winter-quarter-consumption for similar dwelling units or the current quarterly consumption, as registered by water service line meter, or based on historical water usage. Accounts for single-family premises established by a builder for sewerage service during construction shall be considered a nonresidential use.

(3) Premises not having metered water supply or having both well water and public metered water supply:

(A) Single-family dwellings, as in (c)(2)(A). An amount equal to the average winter-quarter-consumption, during the applicable winter quarter, of similar dwelling units, times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-family residential customer may apply to the County, via the water supplier providing water service to the area in which the residential customer is located, for special billing rates, based on average per capita consumption of water in similar type units.

(B) All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load Factors for All Other Premises. There shall be an additional charge equal to the effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures discharging continuously or semi-continuously. Volume of continuous or semi-continuous discharge shall be deemed to be that used in determining availability charge.

(f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled Wastewater Charges:

(1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes.

(2) Low-Strength Waste - Based on prevailing Sewer Service Charge per 1,000 gallons of the hauler's truck capacity for portable toilet, landfill leachate, or any such low-strength wastewater. This rate will be adjusted as the Sewer Service Charge is adjusted from time to time.

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155 *TABLE I. Table of Fixture Units*

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value (DFU)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2
Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2

Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2
Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5

4 inches	6
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TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
Fiscal Year (July 1 - June 30)

Fixture Units	Load Factor	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
20 or less	1.00	182.00	193.00	204.50	211.75	219.00	230.00
21 to 30	1.25	227.50	241.25	255.63	264.69	273.75	287.50
31 to 40	1.45	263.90	279.85	296.53	307.04	317.55	333.50
41 to 50	1.60	291.20	308.80	327.20	338.80	350.40	368.00
51 to 60	1.75	318.50	337.75	357.88	370.56	383.25	402.50
61 to 70	1.90	345.80	366.70	388.55	402.33	416.10	437.00
71 to 80	2.05	373.10	395.65	419.23	434.09	448.95	471.50
81 to 90	2.20	400.40	424.60	449.90	465.85	481.80	506.00
91 to 100	2.30	418.60	443.90	470.35	487.03	503.70	529.00
101 to 110	2.40	436.80	463.20	490.80	508.20	525.60	552.00
111 to 120	2.55	464.10	492.15	521.48	539.96	558.45	586.50
121 to 130	2.65	482.30	511.45	541.93	561.14	580.35	609.50
131 to 140	2.75	500.50	530.75	562.38	582.31	602.25	632.50

ATTACHMENT I

141 to 150	2.85	518.70	550.05	582.83	603.49	624.15	655.50
151 to 160	2.95	536.90	569.35	603.28	624.66	646.05	678.50
161 to 170	3.05	555.10	588.65	623.73	645.84	667.95	701.50
171 to 180	3.15	573.30	607.95	644.18	667.01	689.85	724.50
181 to 190	3.25	591.50	627.25	664.63	688.19	711.75	747.50
191 to 200	3.35	609.70	646.55	685.08	709.36	733.65	770.50
201 to 210	3.45	627.90	665.85	705.53	730.54	755.55	793.50
211 to 220	3.55	646.10	685.15	725.98	751.71	777.45	816.50
221 to 230	3.65	664.30	704.45	746.43	772.89	799.35	839.50
231 to 240	3.75	682.50	723.75	766.88	794.06	821.25	862.50
241 to 250	3.85	700.70	743.05	787.33	815.24	843.15	885.50
251 to 260	3.90	709.80	752.70	797.55	825.83	854.10	897.00
261 to 270	4.00	728.00	772.00	818.00	847.00	876.00	920.00
271 to 280	4.05	737.10	781.65	828.23	857.59	886.95	931.50
281 to 290	4.10	746.20	791.30	838.45	868.18	897.90	943.00
291 to 300	4.15	755.30	800.95	848.68	878.76	908.85	954.50
301 to 310	4.20	764.40	810.60	858.90	889.35	919.80	966.00
311 to 320	4.30	782.60	829.90	879.35	910.53	941.70	989.00
321 to 330	4.40	800.80	849.20	899.80	931.70	963.60	1,012.00
331 to 340	4.50	819.00	868.50	920.25	952.88	985.50	1,035.00

ATTACHMENT I

341 to 350	4.60	837.20	887.80	940.70	974.05	1,007.40	1,058.00
351 to 360	4.70	855.40	907.10	961.15	995.23	1,029.30	1,081.00
361 to 370	4.80	873.60	926.40	981.60	1,016.40	1,051.20	1,104.00
371 to 380	4.90	891.80	945.70	1,002.05	1,037.58	1,073.10	1,127.00
381 to 390	5.00	910.00	965.00	1,022.50	1,058.75	1,095.00	1,150.00
391 to 400	5.10	928.20	984.30	1,042.95	1,079.93	1,116.90	1,173.00
401 to 410	5.20	946.40	1,003.60	1,063.40	1,101.10	1,138.80	1,196.00
411 to 420	5.30	964.60	1,022.90	1,083.85	1,122.28	1,160.70	1,219.00
421 to 430	5.40	982.80	1,042.20	1,104.30	1,143.45	1,182.60	1,242.00
431 to 440	5.50	1,001.00	1,061.50	1,124.75	1,164.63	1,204.50	1,265.00
441 to 450	5.60	1,019.20	1,080.80	1,145.20	1,185.80	1,226.40	1,288.00
451 to 460	5.70	1,037.40	1,100.10	1,165.65	1,206.98	1,248.30	1,311.00
461 to 470	5.80	1,055.60	1,119.40	1,186.10	1,228.15	1,270.20	1,334.00
471 to 480	5.90	1,073.80	1,138.70	1,206.55	1,249.33	1,292.10	1,357.00
481 to 490	6.00	1,092.00	1,158.00	1,227.00	1,270.50	1,314.00	1,380.00
491 to 500	6.10	1,110.20	1,177.30	1,247.45	1,291.68	1,335.90	1,403.00
501 to 525	6.25	1,137.50	1,206.25	1,278.13	1,323.14	1,368.75	1,437.50
526 to 550	6.50	1,183.00	1,254.50	1,329.25	1,376.38	1,423.50	1,495.00
551 to 575	6.75	1,228.50	1,302.75	1,380.38	1,429.31	1,478.25	1,552.50
576 to 600	7.00	1,274.00	1,351.00	1,431.50	1,482.25	1,533.00	1,610.10

ATTACHMENT I

601 to 625	7.25	1,319.50	1,399.25	1,482.63	1,535.19	1,587.75	1,667.50
626 to 650	7.50	1,365.00	1,447.50	1,533.75	1,588.13	1,642.50	1,725.00
651 to 675	7.75	1,410.50	1,495.75	1,584.88	1,641.06	1,697.25	1,782.50
676 to 700	8.00	1,456.00	1,544.00	1,636.00	1,694.00	1,752.00	1,840.00
701 to 725	8.20	1,492.40	1,582.60	1,676.90	1,736.35	1,795.80	1,886.00
726 to 750	8.40	1,528.80	1,621.20	1,717.80	1,778.70	1,839.60	1,932.00
751 to 775	8.60	1,565.20	1,659.80	1,758.70	1,821.05	1,883.40	1,978.00
776 to 800	8.80	1,601.60	1,698.40	1,799.60	1,863.40	1,927.20	2,024.00
801 to 825	9.00	1,638.00	1,737.00	1,840.50	1,905.75	1,971.00	2,070.00
826 to 850	9.20	1,674.40	1,775.60	1,881.40	1,948.10	2,014.80	2,116.00
851 to 875	9.35	1,701.70	1,804.55	1,912.08	1,979.86	2,047.65	2,150.50
876 to 900	9.50	1,729.00	1,833.50	1,942.75	2,011.630	2,080.50	2,185.00
901 to 925	9.65	1,756.30	1,862.45	1,973.43	2,043.39	2,113.35	2,219.50
926 to 950	9.80	1,783.60	1,891.40	2,004.10	2,075.15	2,146.20	2,254.00
951 to 975	9.95	1,810.90	1,920.35	2,034.78	2,106.91	2,179.05	2,288.50
976 to 1,000	10.15	1,847.30	1,958.95	2,075.68	2,149.26	2,222.85	2,334.50
1,001 to 1,050	10.55	1,920.10	2,036.15	2,157.48	2,233.96	2,310.45	2,426.50
1,051 to 1,100	10.90	1,983.80	2,03.70	2,229.05	2,308.08	2,387.10	2,507.00
1,101 to 1,150	11.30	2,056.60	2,180.90	2,310.85	2,392.78	2,474.70	2,599.00
1,151 to 1,200	11.70	2,129.40	2,258.10	2,392.65	2,477.48	2,562.30	2,691.00

ATTACHMENT I

1,201 to 1,250	12.00	2,184.00	2,316.00	2,454.00	2,541.00	2,628.00	2,760.00
1,251 to 1,300	12.35	2,247.70	2,383.55	2,525.58	2,615.11	2,704.65	2,840.50
1,301 to 1,350	12.70	2,311.40	2,451.10	2,597.15	2,689.23	2,781.30	2,921.00
1,351 to 1,400	13.00	2,366.00	2,509.00	2,658.50	2,752.75	2,847.00	2,990.00
1,401 to 1,450	13.25	2,411.50	2,557.25	2,709.63	2,805.69	2,901.75	3,047.50
1,451 to 1,500	13.50	2,457.00	2,605.50	2,760.75	2,858.63	2,956.50	3,105.00
1,501 to 1,600	14.05	2,557.10	2,711.65	2,873.23	2,975.09	3,076.95	3,231.50
1,601 to 1,700	14.60	2,657.20	2,817.80	2,985.70	3,091.55	3,197.40	3,358.00
1,701 to 1,800	15.15	2,757.30	2,923.95	3,098.18	3,208.01	3,317.85	3,484.50
1,801 to 1,900	15.70	2,857.40	3,030.10	3,210.65	3,324.48	3,438.30	3,611.00
1,901 to 2,000	16.25	2,957.50	3,136.25	3,323.13	3,440.94	3,558.75	3,737.50
2,001 to 2,100	16.80	3,057.60	3,242.40	3,435.60	3,557.40	3,679.20	3,864.00
2,101 to 2,200	17.35	3,157.70	3,348.55	3,548.08	3,673.86	3,799.65	3,990.50
2,201 to 2,300	17.90	3,257.80	3,454.70	3,660.55	3,790.33	3,920.10	4,017.00
2,301 to 2,400	18.45	3,357.90	3,560.85	3,773.03	3,906.79	4,040.55	4,243.50
2,401 to 2,500	19.00	3,458.00	3,667.00	3,885.50	4,023.25	4,161.00	4,370.00
2,501 to 2,600	19.55	3,558.10	3,773.15	3,997.98	4,139.71	4,281.45	4,496.50
2,601 to 2,700	20.10	3,658.20	3,879.30	4,110.45	4,256.18	4,401.90	4,623.00
2,701 to 2,800	20.65	3,758.30	3,984.45	4,222.93	4,372.64	4,522.35	4,749.50
2,801 to 2,900	21.20	3,858.40	4,091.60	4,335.40	4,489.10	4,642.80	4,876.00

ATTACHMENT I

2,901 to 3,000	21.75	3,958.50	4,197.75	4,447.88	4,605.56	4,763.25	5,002.50
3,001 to 4,000	26.00	4,732.00	5,018.00	5,317.00	5,505.50	5,694.00	5,980.00
4,001 to 5,000	29.50	5,369.00	5,693.50	6,032.75	6,246.63	6,460.50	6,785.00
5,001 to 6,000	33.00	6,006.00	6,369.00	6,748.50	6,987.75	7,227.00	7,590.00
6,001 to 7,000	36.40	6,624.80	67,025.20	7,443.80	7,707.70	7,971.60	8,372.00
7,001 to 8,000	39.60	7,207.20	7,642.80	8,098.20	8,385.30	8,672.40	9,108.00
8,001 to 9,000	42.75	7,780.50	8,250.75	8,742.38	9,052.31	9,362.25	9,832.50
9,001 to 10,000	46.00	8,372.00	8,878.00	9,407.00	9,740.50	10,074.00	10,580.00
10,001 to 11,000	48.85	8,890.70	9,428.05	9,989.83	10,343.99	10,698.15	11,235.50
11,001 to 12,000	51.60	9,391.20	9,958.80	10,552.20	10,926.30	11,300.40	11,868.00
12,001 to 13,000	54.60	9,937.20	10,537.80	11,165.70	11,561.55	11,957.40	12,558.00
13,001 to 14,000	57.40	10,446.80	11,078.20	11,738.30	12,154.45	12,570.60	13,202.00
14,001 to 15,000	60.00	10,920.00	11,580.00	12,270.00	12,705.00	13,140.00	13,800.00

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163 NOTES:

164 (1) Base charge is not included in rates above.

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GIVEN under my hand this _____ day of _____, 2020

Jill G. Cooper
Clerk for the Board of Supervisors

**AN ORDINANCE AMENDING
ARTICLE 10 OF CHAPTER 67.1 OF THE FAIRFAX COUNTY CODE, RELATING TO
CHARGES FOR THE AVAILABILITY OF, CONNECTION TO, AND/OR USE OF THE
SEWERAGE FACILITIES OF THE COUNTY**

AN ORDINANCE to amend the Fairfax County Code by amending and
readopting Section 67.1-10-2, relating to charges for the availability of,
connection to, and/or use of the sewerage facilities of the County.

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

1. That Section 67.1-10-2 of the Fairfax County Code is amended and readopted as follows:

ARTICLE 10. - Charges

Section 67.1-10-2. – Availability, Connection, Lateral Spur, Service Charges, Base Charges, and Hauled Wastewater Charges.

(a) *Availability Charges:*

- (1) *Residential uses:* The following schedule of availability charges for residential uses desiring to connect to the Facilities of the County is hereby established and imposed:

		Fiscal Year (July 1-June 30)					
	Customer Class	FY 2021 10	FY 2022 21	FY 2023 32	FY 2024 43	FY 2025 54	FY 2026 65
(A)	Single-Family Detached	\$8,340	\$8, 507 423	\$8, 592 423	\$8, 678 423	\$8, 765 423	\$8, 853 423
(B)	Lodging House, Hotel, Inn or Tourist Cabin	8,340	8, 507 423	8, 592 423	8, 678 423	8, 765 423	8, 853 423
(C)	Townhouse	6,672	6, 806 739	6, 874 739	6, 942 739	7,012 6,739	7,082 6,739
(D)	Apartment	6,672	6, 806 739	6, 874 739	6, 942 739	7,012 6,739	7,082 6,739
(E)	Mobile Home	6,672	6, 806 739	6, 874 739	6, 942 739	7,012 6,739	7,082 6,739

(F)	Any other residential dwelling unit	6,672	6, 806 739	6, 874 739	6, 942 739	7,012 6,739	7,082 6,739
(G)	Hotel, Motel, or Dormitory rental unit	2,085	2,1 27 06	2,1 48 06	2,1 70 06	2,1 91 06	2,2 13 406

(2) *Commercial and all other uses:* The following schedule of fixture unit rates for computing availability charges for all nonresidential uses is hereby established and imposed:

	Fiscal Year (July 1-June 30)					
	FY 202 10	FY 202 21	FY 202 32	FY 202 43	FY 202 54	FY 202 65
Fixture unit rate	\$417	\$42 51	\$43 021	\$43 421	\$43 821	\$44 321

The availability charge will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code (VUSBC), (as amended), Section 101.2, Note 1, which incorporates by reference the 2012 International Plumbing Code (Chapter 7, Section 709) ("VUSBC"), times the fixture unit rate with a minimum charge equivalent to one single-family detached dwelling per premises. For Significant Industrial Users with wastewater discharge permits authorizing discharge into the Integrated Sewer System and other industrial or commercial Users determined by the Director to have processes generating significant wastewater flows, the availability charge will be calculated on the basis of equivalent units. One equivalent unit is equal to 280 gallons per day and rated equal to one single-family detached dwelling unit. Therefore, the availability charge for Significant Industrial Users and other industrial or commercial Users determined by the Director to have processes generating significant flow will be equal to the current rate for a single-family detached dwelling unit times the number of equivalent units associated with the permitted flow. The number of equivalent units is equal to the permitted or projected flow in gallons per day divided by 280 gallons per day. Fixture unit counts, for Users having fixtures discharging continuously or semi-continuously to drainage system leading to the County sanitary sewer facilities, shall be increased by two fixture units for each gallon per minute of such continuous or semi-continuous discharge. The rate of such discharge shall be deemed to be that rate certified by the manufacturer of the fixture or other equipment, or such other rates as the Director shall determine.

(3) *Effective date:* The rate will change on July 1st of each new fiscal year. The rate applicable to each fiscal year is subject to annual review by the Board.

(b) *Connection Charges.*

(1) *Residential and community uses:* Except as otherwise provided herein, there is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum of \$7,625 and a maximum of \$15,250 for the connection of single-family detached and attached dwellings, churches, schools, fire stations, community centers, or other such similar community uses, to the Facilities of the County.

(2) *All other uses:* There is hereby established and imposed a connection charge of \$152.50 per front foot of premises (with a minimum charge of \$15,250) for the connection of all other uses to the Facilities of the County.

(3) The connection charges established and imposed above shall not apply to premises to be connected to the Facilities of the County if such Facilities of the County are constructed totally at private expense.

(4) For the purposes of Section 67.1-10-2(b), front foot of premises will be determined by measuring the frontage of the premises located on the street address side of the premises.

(c) *Lateral spur charges:* There is hereby established and imposed a lateral spur charge of \$600.00 for the connection of all uses to a lateral spur, where such lateral spur has been installed by the County at the expense of Fairfax County.

(d) *Service charges:* There are hereby established and imposed the following sanitary sewer service charges:

	Sewer Service Charges — Fiscal Year (July 1 - June 30)					
	FY 202 1 ⁰	FY 202 2 ¹	FY 202 3 ²	FY 202 4 ³	FY 202 5 ⁴	FY 202 6 ⁵
Sewer Service Charge, \$ / 1,000 gallons	\$7.28	\$7. 72 ⁵⁶	\$ 8.18 ^{7.94}	\$8. 47 ²⁰	\$8. 76 ⁴⁸	\$ 9.20 ^{8.90}

(e) *Base charges:* There are hereby established and imposed the following quarterly base charges in addition to the sewer service charge:

BASE CHARGE Cost (\$) per Quarterly Bill

	FY 202 10	FY 202 21	FY 202 32	FY 202 43	FY 202 54	FY 202 65
Resident ial Base Charge	\$32.91	\$ 36.54 5.50	\$ 41.03 39.05	\$ 45.05 3.12	\$ 49.48 7.36	\$ 51.95 49.73
Commercial: (meter size)						
¾" and smaller, or no meter	\$32.91	\$ 36.54 5.50	\$ 41.03 39.05	\$ 45.05 3.12	\$ 49.48 7.36	\$ 51.95 49.73
1"	\$82.28	\$ 91.35 88.75	\$ 102.58 97.63	\$ 112.63 07.80	\$ 123.70 18.4 0	\$129.884.33
1½"	\$164.5 5	\$ 182.70 77.5 0	\$ 205.15 495.2 5	\$ 225.25 15.60	\$ 247.40 36.8 0	\$259.7548.65
2"	\$263.2 8	\$ 292.32 84.0 0	\$ 328.24 12.40	\$360.4044.96	\$ 395.84 78.8 8	\$ 415.60 397.8 4
3"	\$493.6 5	\$ 548.10 32.5 0	\$ 615.45 585.7 5	\$ 675.75 46.80	\$ 742.20 10.4 0	\$779.2545.95
4"	\$822.7 5	\$ 913.50 887. 50	\$ 1,025.75 976. 25	\$1,126.25078. 00	\$1,237.184.0 0	\$1,298.7543.2 5
6"	\$1,645. 50	\$1,827.775.0 0	\$2,051.501.95 2.50	\$2,252.50156. 00	\$2,474.368.0 0	\$2,597.486.50
8"	\$2,632. 80	\$2,923.2084 0.00	\$3,282.40124. 00	\$3,604.00449. 60	\$3,958.4078 8.80	\$4,156.003.97 8.40
10" and larger	\$3,784. 65	\$4,202.1008 2.50	\$4,718.45490. 75	\$5,180.754.95 8.80	\$5,690.2044 6.40	\$5,974.25718. 95

If requested, the Base Charge for nonresidential customers, who have ~~sub-meters for~~ irrigation systems and other water uses that do not enter the sewer system, will be adjusted. Calculations prepared by a Virginia licensed professional engineer must be provided to demonstrate what size of main water meter would be necessary for the building to accommodate only the water that enters the sewer system. The Base Charge will be adjusted based on the calculated meter size, based on their sub-meter size per above table. In no case the Base Charge will be smaller than that for $\frac{3}{4}$ " and smaller meter.

(1) *Effective date:* The Service charges and Base charges will change on July 1st of each new fiscal year. For metered accounts, the change is effective with meter readings beginning October 1st of each year. For unmetered accounts, the change is effective with billings beginning October 1st of each year.

(2) *Premises having a metered water supply:*

Category of Use	Service Charges
(A) Single-family detached and single-family attached dwellings such as townhouses, duplexes, multiplexes, semi-detached, rowhouses, garden court and patio houses with a separate water service line meter.	For each 1,000 gallons of water, based on winter-quarter consumption or current quarterly consumption, as measured by the service line meter, whichever is lower, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(B) All other uses.	For each 1,000 gallons of water as measured by the water service line, a charge equal to the effective unit cost rate (\$/1,000 gallons).
(C) All users.	Base charge per billing as established in Section 67.1-10-2(e).

(D) The winter-quarter-maximum consumption is determined as follows:

- (i) The quarterly-daily-average consumption of water is the consumption, measured by the water service line meter for the period between meter readings divided by the number of days elapsed between meter readings.
- (ii) The quarterly consumption is 91.5 times the quarterly-daily-average consumption of water in leap years or 91.25 times the quarterly-daily-average consumption in non-leap years.
- (iii) The winter-quarter-consumption is the quarterly consumption determined at the water service line meter reading scheduled between February 1 and April 30. The winter-quarter-consumption of each respective year shall be applicable to

the four quarterly sewer billings rendered in conjunction with the regular meter reading scheduled after the next May.

- (iv) All water delivered to the premises, as measured by the winter-quarter-consumption for single-family dwellings and townhouses or the meter of all other Users, shall be deemed to have been discharged to the Facilities of the County. However, any person may procure the installation of a second water service line meter. Such person may notify the Director of such installation, in which event the Director shall make such inspection or inspections as may be necessary to ascertain that no water delivered to the premises or only the water delivered through any such additional meter may enter the Facilities of the County. If the Director determines that water delivered through an additional meter may not enter the Facilities of the County, no charge hereunder shall be based upon such volume of water delivery. If the Director determines that only the water delivered through an additional meter may enter the Facilities of the County, only the water recorded on the additional meter shall be charged. In the alternative, any person may procure the installation of a sewage meter which shall be of a type and installed in a manner approved by the Director, who shall make periodic inspection to ensure accurate operation of said meter; in such event, the charge imposed hereunder shall be based upon the volume measured by such meter. The cost of all inspections required by the foregoing provisions for elective metering, as determined by normal cost accounting methods, shall be an additional charge for sanitary sewer service to the premises on which such meter or meters are installed.

- (E) For single-family premises as in (e)(2)(A) not able to register valid meter readings for the measurement of winter-quarter-consumption the following billing method shall apply:

- (i) Premises not existing, unoccupied or occupied by a different household during the applicable winter quarter, or which due to unfavorable weather, meter failure or for any other reason of meter inaccuracy cannot register valid meter readings, shall not be considered to have a valid meter reading for the purpose of winter-quarter-consumption measurement.
- (ii) Such premises may be billed on the basis of the average winter-quarter-consumption for similar dwelling units or the current quarterly consumption, as registered by water service line meter, or based on historical water usage. Accounts for single-family premises established by a builder for sewerage service during construction shall be considered a nonresidential use.

- (3) Premises not having metered water supply or having both well water and public metered water supply:

- (A) Single-family dwellings, as in (e)(2)(A). An amount equal to the average winter-quarter-consumption, during the applicable winter quarter, of similar dwelling units, times the effective unit cost rate (\$/1,000 gallons). In the alternative, any such single-family residential customer may apply to the County, via the water supplier providing water service to the area in which the residential customer is located, for

special billing rates, based on average per capita consumption of water in similar type units.

- (B) All other uses: The charge shall be based upon the number of fixture units and load factor in accordance with the VUSBC, Table I and Table II Fixture Units and Load Factors for All Other Premises. There shall be an additional charge equal to the effective unit cost (\$/1,000 gallons) for the volume discharged by fixtures discharging continuously or semi-continuously. Volume of continuous or semi-continuous discharge shall be deemed to be that used in determining availability charge.

(f) Hauled Wastewater Charges: There are hereby established and imposed the following Hauled Wastewater Charges:

- (1) High-Strength Waste - \$27 per 1,000 gallons of the hauler's truck capacity for septic tank and restaurant grease wastes.
- (2) Low-Strength Waste – Based on prevailing Sewer Service Charge per 1,000 gallons of the hauler's truck capacity for portable toilet, landfill leachate, or any such low-strength wastewater. This rate will be adjusted as the Sewer Service Charge is adjusted from time to time.

TABLE I. Table of Fixture Units

Type of Fixture or Group of Fixtures	Drainage Fixture Unit Value(DFU)
Commercial automatic clothes washer (2" standpipe)	3
Bathroom group consisting of water closet, lavatory and bathtub or shower stall (Residential):	
Tank type closet	6
Bathtub (with or without overhead shower)	2
Combination sink-and-tray with food disposal unit	2
Combination sink-and-tray with 1½" trap	2

Dental unit or cuspidor	1
Dental lavatory	1
Drinking fountain	½
Dishwasher, domestic	2
Floor drains with 2" waste	2
Kitchen sink, domestic, with one 1½" waste	2
Kitchen sink, domestic, with food waste grinder and/or dishwasher	2
Lavatory with 1¼" waste	1
Laundry tray (1 or 2 compartments)	2
Shower stall	2
Sinks:	
Surgeon's	3
Flushing rim (with valve)	6
Service (trap standard)	3
Service (P trap)	2
Pot, scullery, etc.	4
Urinal, pedestal, syphon jet blowout	6
Urinal, wall lip	4
Urinal stall, washout	4
Urinal trough (each 6-ft. section)	2

Wash sink (circular or multiple) each set of faucets	2
Water closet, tank-operated	4
Water closet, valve-operated	6
Fixture drain or trap size:	
1¼ inches and smaller	1
1½ inches	2
2 inches	3
2½ inches	4
3 inches	5
4 inches	6

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TABLE II.
Fixture Units and Load Factors for All Other Premises
Quarterly Service Charges
Fiscal Year (July 1 - June 30)

Fixture Unit s	Load Factor	FY 202 1 ₀	FY 202 2 ₁	FY 202 3 ₂	FY 202 4 ₃	FY 202 5 ₄	FY 202 6 ₅
20 or less	1.00	182.00	193 89.00	204 198.50	211.75 05.00	21 9 2.00	230.00 22.50
21 to 30	1.25	227.50	241 36.25	255.63 48.13	264.69 56.25	273.75 65.00	287.50 78.13

31 to 40	1.45	263.90	279.85 4.05	296.53 87.83	307.04 297.2 5	317.55 07.40	333.50 22.63
41 to 50	1.60	291.20	308.80 2.40	327.20 17.60	338.80 28.00	350.40 39.20	368 56.00
51 to 60	1.75	318.50	337 0.75	357.88 47.38	370.56 58.75	383.25 71.00	402.50 389.3 8
61 to 70	1.90	345.80	366.70 59.10	388.55 77.15	402.33 389.5 0	416.10 02.80	437.00 22.75
71 to 80	2.05	373.10	395.65 87.45	419.23 06.93	434.09 20.25	448.95 34.60	471.50 56.13
81 to 90	2.20	400.40	424.60 15.80	449.90 36.70	465.85 51.00	481.80 66.40	506.00 489.5 0
91 to 100	2.30	418.60	443.90 34.70	470.35 56.55	487.03 71.50	503.70 487.6 0	529.00 11.75
101 to 110	2.40	436.80	463.20 53.60	490.80 76.40	508.20 492.0 0	525.60 08.80	552 34.00
111 to 120	2.55	464.10	492.15 81.95	521.48 06.18	539.96 22.75	558.45 40.60	586.50 67.38
121 to 130	2.65	482.30	511.45 00.85	541.93 26.03	561.14 43.25	580.35 61.80	609.50 589.6 3
131 to 140	2.75	500.50	530 19.75	562.38 45.88	582.31 63.75	602.25 583.0 0	632.50 11.88

141 to 150	2.85	518.70	<u>550.0538.65</u>	<u>582.8365.73</u>	<u>603.49584.2</u> 5	<u>624.1504.20</u>	<u>655.5034.13</u>
151 to 160	2.95	536.90	<u>569.3557.55</u>	<u>603.28585.5</u> 8	<u>624.6604.75</u>	<u>646.0525.40</u>	<u>678.5056.38</u>
161 to 170	3.05	555.10	<u>588.6576.45</u>	<u>623.7305.43</u>	<u>645.8425.25</u>	<u>667.9546.60</u>	<u>701.50678.6</u> 3
171 to 180	3.15	573.30	<u>607.95595.3</u> 5	<u>644.1825.28</u>	<u>667.0145.75</u>	<u>689.8567.80</u>	<u>724.5000.88</u>
181 to 190	3.25	591.50	<u>62714.25</u>	<u>664.6345.13</u>	<u>688.1966.25</u>	<u>711.75689.0</u> 0	<u>747.5023.13</u>
191 to 200	3.35	609.70	<u>646.5533.15</u>	<u>685.0864.98</u>	<u>709.36686.7</u> 5	<u>733.6510.20</u>	<u>770.5045.38</u>
201 to 210	3.45	627.90	<u>665.8552.05</u>	<u>705.53684.8</u> 3	<u>730.5407.25</u>	<u>755.5531.40</u>	<u>793.5067.63</u>
211 to 220	3.55	646.10	<u>685.1570.95</u>	<u>725.9804.68</u>	<u>751.7127.75</u>	<u>777.4552.60</u>	<u>816.50789.8</u> 8
221 to 230	3.65	664.30	<u>704.45689.8</u> 5	<u>746.4324.53</u>	<u>772.8948.25</u>	<u>799.3573.80</u>	<u>839.5012.13</u>
231 to 240	3.75	682.50	<u>72308.75</u>	<u>766.8844.38</u>	<u>794.0668.75</u>	<u>821.25795.0</u> 0	<u>862.5034.38</u>

241 to 250	3.85	700.70	<u>743.0527.65</u>	<u>787.3364.23</u>	<u>815.24789.2</u> 5	<u>843.1546.20</u>	<u>885.5056.63</u>
251 to 260	3.90	709.80	<u>752.7037.10</u>	<u>797.5574.15</u>	<u>825.83799.5</u> 0	<u>854.1026.80</u>	<u>897.0067.75</u>
261 to 270	4.00	728.00	<u>77256.00</u>	<u>818794.00</u>	<u>84720.00</u>	<u>87648.00</u>	<u>920890.00</u>
271 to 280	4.05	737.10	<u>781.6565.45</u>	<u>828.2303.93</u>	<u>857.5930.25</u>	<u>886.9558.60</u>	<u>931.5001.13</u>
281 to 290	4.10	746.20	<u>791.3074.90</u>	<u>838.4543.85</u>	<u>868.1840.50</u>	<u>897.9069.20</u>	<u>943.0042.25</u>
291 to 300	4.15	755.30	<u>800.95784.3</u> 5	<u>848.6823.78</u>	<u>878.7650.75</u>	<u>908.85879.8</u> 0	<u>954.5023.38</u>
301 to 310	4.20	764.40	<u>810.60793.8</u> 0	<u>858.9033.70</u>	<u>889.3561.00</u>	<u>919.80890.4</u> 0	<u>966.0034.50</u>
311 to 320	4.30	782.60	<u>829.9042.70</u>	<u>879.3553.55</u>	<u>910.53881.5</u> 0	<u>941.7041.60</u>	<u>989.0056.75</u>
321 to 330	4.40	800.80	<u>849.2031.60</u>	<u>899.8073.40</u>	<u>931.7002.00</u>	<u>963.6032.80</u>	<u>1,012979.00</u>
331 to 340	4.50	819.00	<u>868.5050.50</u>	<u>920.25893.2</u> 5	<u>952.8822.50</u>	<u>985.5054.00</u>	<u>1,035.0004.2</u> 5

ATTACHMENT Ia

341 to 350	4.60	837.20	<u>887.8069.40</u>	<u>940.7013.10</u>	<u>974.0543.00</u>	<u>1,007.40975.20</u>	<u>1,058.0023.50</u>
351 to 360	4.70	855.40	<u>907.10888.30</u>	<u>961.1532.95</u>	<u>995.2363.50</u>	<u>1,029.30996.40</u>	<u>1,081.0045.75</u>
361 to 370	4.80	873.60	<u>926.4007.20</u>	<u>981.6052.80</u>	<u>1,016.40984.00</u>	<u>1,051.2017.60</u>	<u>1,104068.00</u>
371 to 380	4.90	891.80	<u>945.7026.10</u>	<u>1,002.05972.65</u>	<u>1,037.5804.50</u>	<u>1,073.1038.80</u>	<u>1,127.00090.25</u>
381 to 390	5.00	910.00	<u>9645.00</u>	<u>1,022992.50</u>	<u>1,058.7525.00</u>	<u>1,09560.00</u>	<u>1,150.0012.50</u>
391 to 400	5.10	928.20	<u>984.3063.90</u>	<u>1,042.9512.35</u>	<u>1,079.9345.50</u>	<u>1,116.90081.20</u>	<u>1,173.0034.75</u>
401 to 410	5.20	946.40	<u>1,003.60982.80</u>	<u>1,063.4032.20</u>	<u>1,101.10066.00</u>	<u>1,138.8002.40</u>	<u>1,19657.00</u>
411 to 420	5.30	964.60	<u>1,022.9001.70</u>	<u>1,083.8552.05</u>	<u>1,122.28086.50</u>	<u>1,160.7023.60</u>	<u>1,219.00179.25</u>
421 to 430	5.40	982.80	<u>1,042.2020.60</u>	<u>1,104.30071.90</u>	<u>1,143.4507.00</u>	<u>1,182.6044.80</u>	<u>1,242.0001.50</u>
431 to 440	5.50	1,001.00	<u>1,06139.50</u>	<u>1,124091.75</u>	<u>1,164.6327.50</u>	<u>1,204.50166.00</u>	<u>1,265.0023.75</u>

441 to 450	5.60	1,019. 20	1,080.8058.4 0	1,145.2041.6 0	1,185.8048.0 0	1,226.40187. 20	1,28846.00
451 to 460	5.70	1,037. 40	1,100.10077. 30	1,165.6531.4 5	1,206.98168. 50	1,248.3008.4 0	1,311.00268. 25
461 to 470	5.80	1,055. 60	1,119.40096. 20	1,186.1051.3 0	1,228.15189. 00	1,270.2029.6 0	1,334.00290. 50
471 to 480	5.90	1,073. 80	1,138.7045.4 0	1,206.55171. 45	1,249.3309.5 0	1,292.1050.8 0	1,357.0042.7 5
481 to 490	6.00	1,092. 00	1,15834.00	1,227494.00	1,270.5030.0 0	1,314272.00	1,38035.00
491 to 500	6.10	1,110. 20	1,177.3052.9 0	1,247.4540.8 5	1,291.6850.5 0	1,335.90293. 20	1,403.00357. 25
501 to 525	6.25	1,137. 50	1,206481.25	1,278.1340.6 3	1,323.14281. 25	1,368.7525.0 0	1,437.50390. 63
526 to 550	6.50	1,183. 00	1,25428.50	1,329290.25	1,376.3832.5 0	1,423.50378. 00	1,495.0046.2 5
551 to 575	6.75	1,228. 50	1,302275.75	1,380.3839.8 8	1,429.31383. 75	1,478.2534.0 0	1,552.5004.8 8
576 to 600	7.00	1,274. 00	1,35123.00	1,431389.50	1,482.2535.0 0	1,533484.00	1,610.10557. 50

601 to 625	7.25	1,319. 50	1,3 99 70.25	1,4 82.6339.1 3	1,535.19486. 25	1,587.7537.0 0	1,667.5013.1 3
626 to 650	7.50	1,365. 00	1,447 17 .50	1,533488.75	1,588.1337.5 0	1,642.50590. 00	1,725.00668. 75
651 to 675	7.75	1,410. 50	1,495 64 .75	1,584.8838.3 8	1,641.06588. 75	1,697.2543.0 0	1,782.5024.3 8
676 to 700	8.00	1,456. 00	1,544 12 .00	1,636588.00	1,69440.00	1,752696.00	1,840780.00
701 to 725	8.20	1,492. 40	1,582.6049.8 0	1,676.9027.7 0	1,736.35681. 00	1,795.8038.4 0	1,886.0024.5 0
726 to 750	8.40	1,528. 80	1,621.20587. 60	1,717.80667. 40	1,778.7022.0 0	1,839.60780. 80	1,932869.00
751 to 775	8.60	1,565. 20	1,659.8025.4 0	1,758.7007.1 0	1,821.05763. 00	1,883.4023.2 0	1,978.0013.5 0
776 to 800	8.80	1,601. 60	1,698.4063.2 0	1,799.6046.8 0	1,863.4004.0 0	1,927.20865. 60	2,0241,958.0 0
801 to 825	9.00	1,638. 00	1,73701.00	1,840786.50	1,905.75845. 00	1,97108.00	2,07.0002.50
826 to 850	9.20	1,674. 40	1,775.6038.8 0	1,881.4026.2 0	1,948.10886. 00	2,014.801,95 0.40	2,116047.00

851 to 875	9.35	1,701. 70	1,804.55767. 45	1,912.08855. 98	1,979.8646.7 5	2,047.651,98 2.20	2,150.50080. 38
876 to 900	9.50	1,729. 00	1,833795.50	1,942885.75	2,011.634,94 7.50	2,080.5014.0 0	2,185.0043.7 5
901 to 925	9.65	1,756. 30	1,862.4523.8 5	1,973.4345.5 3	2,043.394,97 8.25	2,113.35045. 80	2,219.50447. 43
926 to 950	9.80	1,783. 60	1,891.4052.2 0	2,004.104,94 5.30	2,075.1509.0 0	2,146.20077. 60	2,254.00480. 50
951 to 975	9.95	1,810. 90	1,920.35880. 55	2,034.784,97 5.08	2,106.91039. 75	2,179.0509.4 0	2,288.5043.8 8
976 to 1,00 0	10.1 5	1,847. 30	1,958.9548.3 5	2,075.6844.7 8	2,149.26080. 75	2,222.85454. 80	2,334.50258. 38
1,00 1 to 1,05 0	10.5 5	1,920. 10	2,036.154,99 3.95	2,157.48094. 48	2,233.96462. 75	2,310.45236. 60	2,426.50347. 38
1,05 1 to 1,10 0	10.9 0	1,983. 80	2,03.70060.4 0	2,229.05463. 65	2,308.08234. 50	2,387.1040.8 0	2,507.00425. 25
1,10 1 to 1,15 0	11.3 0	2,056. 60	2,180.9035.7 0	2,310.85243. 05	2,392.7846.5 0	2,474.70395. 60	2,599.0044.2 5

1,15 1 to 1,20 0	11.7 0	2,129. 40	2,258.1041.3 0	2,392.6522.4 5	2,477.48398. 50	2,562.30480. 40	2,691.0003.2 5
1,20 1 to 1,25 0	12.0 0	2,184. 00	2,316268.00	2,454382.00	2,541460.00	2,628544.00	2,76670.00
1,25 1 to 1,30 0	12.3 5	2,247. 70	2,383.5534.4 5	2,525.58454. 48	2,615.11534. 75	2,704.65618. 20	2,840.50747. 88
1,30 1 to 1,35 0	12.7 0	2,311. 40	2,451.1000.3 0	2,597.1520.9 5	2,689.2303.5 0	2,781.30692. 40	2,921.00825. 75
1,35 1 to 1,40 0	13.0 0	2,366. 00	2,509457.00	2,6580.50	2,752.75665. 00	2,847756.00	2,990.00892. 50
1,40 1 to 1,45 0	13.2 5	2,411. 50	2,55704.25	2,709.63630. 43	2,805.69716. 25	2,901.75809. 00	3,047.502.94 8.13
1,45 1 to 1,50 0	13.5 0	2,457. 00	2,605554.50	2,760679.75	2,858.63767. 50	2,956.50862. 00	3,105.00003. 75
1,50 1 to 1,60 0	14.0 5	2,557. 10	2,711.65655. 45	2,873.23788. 93	2,975.09880. 25	3,076.952.97 8.60	3,231.50426. 43

1,60 1 to 1,70 0	14.6 0	2,657. 20	2,817.80759. 40	2,985.70898. 10	3,091.552,99 3.00	3,197.40095. 20	3,358.00248. 50
1,70 1 to 1,80 0	15.1 5	2,757. 30	2,923.95863. 35	3,098.1807.2 8	3,208.01405. 75	3,317.85211. 80	3,484.50370. 88
1,80 1 to 1,90 0	15.7 0	2,857. 40	3,030.102,96 7.30	3,210.65446. 45	3,324.48218. 50	3,438.30328. 40	3,611.00493. 25
1,90 1 to 2,00 0	16.2 5	2,957. 50	3,136071.25	3,323.13225. 63	3,440.94331. 25	3,558.75445. 00	3,737.50615. 63
2,00 1 to 2,10 0	16.8 0	3,057. 60	3,242.40175. 20	3,435.60334. 80	3,557.40444. 00	3,679.20561. 60	3,864738.00
2,10 1 to 2,20 0	17.3 5	3,157. 70	3,348.55279. 15	3,548.08443. 98	3,673.86556. 75	3,799.65678. 20	3,990.50860. 38
2,20 1 to 2,30 0	17.9 0	3,257. 80	3,454.70383. 10	3,660.55553. 15	3,790.33669. 50	3,920.10794. 80	4,017.003,98 2.75
2,30 1 to 2,40 0	18.4 5	3,357. 90	3,560.85487. 05	3,773.03662. 33	3,906.79782. 25	4,040.553,91 1.40	4,243.50405. 13

2,40 1 to 2,50 0	19.0 0	3,458. 00	3,667,591.00	3,885,771.50	4,023,253.89 5.00	4,161,028.00	4,370,002.77 50
2,50 1 to 2,60 0	19.5 5	3,558. 10	3,773,156.94 95	3,997,988.80 68	4,139,710.07 75	4,281,451.44 60	4,496,503.49 88
2,60 1 to 2,70 0	20.1 0	3,658. 20	3,879,307.98 90	4,110,453.98 9.85	4,256,181.20 50	4,401,902.61 20	4,623,004.72 25
2,70 1 to 2,80 0	20.6 5	3,758. 30	3,984,450.28 5	4,222,930.99 03	4,372,642.33 25	4,522,353.77 80	4,749,505.94 63
2,80 1 to 2,90 0	21.2 0	3,858. 40	4,091,600.68 0	4,335,402.08 20	4,489,103.46 00	4,642,804.94 40	4,876,717.00
2,90 1 to 3,00 0	21.7 5	3,958. 50	4,197,40.75	4,447,883.17 38	4,605,564.58 75	4,763,256.11 00	5,002,504.83 9.38
3,00 1 to 4,00 0	26.0 0	4,732. 00	5,018,491.40 0	5,317,161.00	5,505,503.30 00	5,694,512.00	5,980,785.00
4,00 1 to 5,00 0	29.5 0	5,369. 00	5,693,575.50	6,032,585.7 5	6,246,630.47 50	6,460,502.54 00	6,785,005.63 75

5,00 1 to 6,00 0	33.0 0	6,006. 00	6, 369 237.00	6, 748 550.50	6, 987.75 765. 00	7,227 6,996.0 0	7, 590.00 342. 50
6,00 1 to 7,00 0	36.4 0	6,624. 80	67,025.20 87 9.60	7,443.80 225. 40	7,707.70 462. 00	7,971.60 716. 80	8, 372 099.00
7,00 1 to 8,00 0	39.6 0	7,207. 20	7,642.80 484. 40	8,098.20 7,86 0.60	8,385.30 118. 00	8,672.40 395. 20	9,108 8,811.0 0
8,00 1 to 9,00 0	42.7 5	7,780. 50	8,250.07 9.75	8,742.38 485. 88	9,052.31 8,76 3.75	9,362.25 063. 00	9,832.50 511. 88
9,00 1 to 10,0 00	46.0 0	8,372. 00	8, 878 694.00	9, 407 131.00	9,740.50 430. 00	10,074 9,752. 00	10, 580 235.0 0
10,0 01 to 11,0 00	48.8 5	8,890. 70	9,428.05 232. 65	9,989.83 696. 73	10,343.99 01 4.25	10,698.15 35 6.20	11,235.50 0,8 69.13
11,0 01 to 12,0 00	51.6 0	9,391. 20	9,958.80 752. 40	10,552.20 24 2.60	10,926.30 57 8.00	11,300.40 0,9 39.20	11, 868 481.0 0
12,0 01 to 13,0 00	54.6 0	9,937. 20	10, 537.80 31 9.40	11,165.70 0,8 38.10	11,561.55 19 3.00	11,957.40 57 5.20	12, 558.00 14 8.50

13,0 01 to 14,0 00	57.4 0	10,446 .80	11,078.200,8 48.60	11,738.3039 3.90	12,154.451,7 67.00	12,570.6046 8.80	13,202.002,7 71.50
14,0 01 to 15,0 00	60.0 0	10,920 .00	11,58340.00	12,2704,910. 00	12,705300.0 0	13,1402,720. 00	13,80350.00

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164 NOTES:

165 (1) Base charge is not included in rates above.

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167 GIVEN under my hand this _____ day of _____, 2020

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Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
April 13, 2021

4:00 p.m.

Public Hearing on the County Executive's Proposed FY 2022 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2022-2026 (CIP) (With Future Fiscal Years to 2031) and the Current Appropriation in the FY 2021 Revised Budget Plan

ENCLOSED DOCUMENTS:

None. Board Members will receive the Planning Commission's recommendations on the FY 2022 – FY 2026 Advertised Capital Improvement Program (With Future Fiscal Years to 2031) prior to the April 13, 2021, meeting.

Board Members are directed to the following budget documents available online at the links provided below:

1. *FY 2021 Third Quarter Review*
<https://www.fairfaxcounty.gov/budget/fy-2021-third-quarter-review>
2. FY 2022 Advertised Budget Plan
<https://www.fairfaxcounty.gov/budget/advertised-budget-plan>
3. FY 2022 – FY 2026 Advertised Capital Improvement Program (With Future Fiscal Years to 2031)
<https://www.fairfaxcounty.gov/budget/fy-2022-fy-2026-advertised-capital-improvement-program-cip>

STAFF:

Bryan J. Hill, County Executive
Joseph Mondoro, Chief Financial Officer
Christina Jackson, Director, Department of Management and Budget
Philip Hagen, Deputy Director, Department of Management and Budget