

FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 23, 2021

AGENDA

- 1:00 Report on General Assembly Activities
- 1:00 Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
- 1:00 County Executive's Presentation of the Proposed FY 2022 and FY 2023 Multi-Year Budget Plan
- 1:00 Presentation by The Chairman's Task Force on Equity and Opportunity
- 1:00 Matters Presented by Board Members
- 1:00 Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 Authorization to Advertise a Public Hearing to Sublease Clark-Enyedi House at 10605 Furnace Road in Connection with the Resident Curator Program (Mount Vernon District)
- 2 **Authorization to Advertise a Public Hearing to Sublease Ellmore Farmhouse at 2739 West Ox Road in Connection with the Resident Curator Program (Hunter Mill District)**
- 3 Designation of Plans Examiner Status Under the Expedited Land Development Review Program
- 4 Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-3-2 to Establish an Additional Voter Satellite Office at Burke Centre Library
- 5 Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 to Rename the Polling Places for Pioneer Precinct in the Lee District and Hidden Meadow Precinct in the Sully District; and to Relocate the Polling Places for Skyline Precinct in the Mason District, Belleview Precinct in the Mount Vernon District, Oak Marr Precinct in the Providence District, and Centerpointe Precinct in the Springfield District
- 6 Extension of Review Period for 2232 Application (Mason District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 23, 2021**

**ADMINISTRATIVE
ITEMS
(continued)**

- 7 Authorization to Advertise a Public Hearing to Consider Amendments to Chapter 4, Articles 14, 15, and 16.1 of the Fairfax County Code
- 8 Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Gunston Cove Road (Mount Vernon District)
- 9 Supplemental Appropriation Resolution AS 21263 for the Department of Neighborhood and Community Services to Accept Grant Funding from the U.S. Department of the Treasury for the Emergency Rental Assistance Program

ACTION ITEMS

- 1 Approval of Project Agreements Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for Fiscal Year (FY) 2021 Transit Capital Project Assistance Grant Funds
- 2 Authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to Issue a Housing Blueprint Loan to the Autumn Willow Project in the Amount of \$4,450,000 to Assist in the Financing of the Development of The Lodge at Autumn Willow (Springfield District)
- 3 Board Action to Initiate the 2021 Redistricting and Reapportionment of the Board of Supervisors Election Districts
- 4 Approval of a Memorandum of Agreement (MOA) Between the Northern Virginia Transportation Commission and the County of Fairfax Regarding Coordination of Technical Analysis and Funding for Phase IV-1 of the Envision Route 7 Bus Rapid Transit Project (Dranesville, Hunter Mill, Mason and Providence Districts)
- 5 Proposed Addition of Jeff Todd Way (Route 619) to the Secondary System of State Highways (Mount Vernon District)

**CONSIDERATION
ITEMS**

- 1 Amendments to the Fairfax-Falls Church Community Services Board Bylaws

FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 23, 2021

CONSIDERATION
ITEMS
(continued)

2 Limited Amendment to the Bylaws for the Police Civilian Review Panel

PUBLIC
HEARINGS

3:30 Public Hearing on SE 2020-SP-017 (The Michaels Development Company I, L.P.) (Springfield District)

4:00 Public Hearing on Proposed Plan Amendment 2020-CW-2CP, Housing Element and Workforce Dwelling Unit (WDU) Policy, and Proposed Revisions to the WDU Administrative Policy Guidelines

4:00 Public Hearing to Consider Amendments to the County's Solid Waste Management Ordinance, Chapter 109.1, to Prohibit the Use of Plastic Bags for Yard Waste

4:00 Public Comment

4:00 Closed Session

Board Agenda Item
February 23, 2021

1:00 p.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

Documents available online at <https://www.fairfaxcounty.gov/boardofsupervisors/>, under “2021 Board Legislative Reports,” by February 22, 2021.

PRESENTED BY:

Supervisor James R. Walkinshaw, Chairman, Board of Supervisors’ Legislative Committee

Bryan J. Hill, County Executive

Board Agenda Item
February 23, 2021

1:00 p.m.

Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard February 23, 2021

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

February 23, 2021

DRAFT

**APPOINTMENTS TO BE HEARD FEBRUARY 23, 2021
(ENCOMPASSING VACANCIES PROJECTED THROUGH FEBRUARY 28, 2021)
(Unless otherwise noted, members are eligible for reappointment)**

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Clifford L. Fields (Appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly; 2/09- 1/20 by Bulova) Term exp. 1/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (appointed 1/10-1/20 by Foust) Term exp. 1/21	Dranesville District Representative		Foust	Dranesville
Catherine Shaw (Appointed 3/19 by Hudgins; 1/20 by Alcorn) Term exp. 1/21	Hunter Mill District Representative		Alcorn	Hunter Mill
Deborah A. Woolen (Appointed 11/20 by Lusk) Term exp. 1/21	Lee District Representative		Lusk	Lee
Mary Frances Tunick (Appointed 10/20 by Gross) Term exp. 1/21	Mason District Representative		Gross	Mason

Continued

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE (1 year)

Continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Douglas M. Salik (Appointed 1/20 by Storck) Term exp. 1/21	Mount Vernon District Representative		Storck	Mount Vernon
Ernestine Heastie (Appointed 2/04-2/19 by L. Smyth; 1/20 by Palchik) Term exp. 1/21	Providence District Representative		Palchik	Providence
Philip E. Rosenthal (Appointed 1/92-2/08 by McConnell; 1/09- 1/20 by Herrity) Term exp. 1/21	Springfield District Representative		Herrity	Springfield

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Carol Hawn (Appointed 1/97-1/03 by Hanley; 1/06 by Connolly; 2/09-1/18 by Bulova) Term exp. 1/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by Andrew Martin Concannon; appointed 9/15-1/17 by Gross) Term exp. 1/20 <i>Resigned</i>	Mason District Representative		Gross	Mason

CONFIRMATION NEEDED:

- Ms. Julie Jones as the League of Women Voters of the Fairfax Area Representative

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP) (3 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Frieda A. Tatem; appointed 10/93- 10/96 by Davis; 9/99- 10/02 by Hanley; 10/05-10/08 by Connolly; 11/11- 10/17 by Bulova) Term exp. 10/20 Deceased	At-Large #1 Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 Resigned	Mason District Alternate Representative		Gross	Mason

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Barbara Glakas (Appointed 1/12-6/19 by Foust) Term exp. 6/20	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Judith Fogel; appointed 6/12-5/15 by Gross) Term exp. 6/16 <i>Resigned</i>	Mason District Representative		Gross	Mason

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4 years)

(No official, technical assistant, inspector or other employee of the DPWES, DPZ, or FR shall serve as a member of the board.)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large
David Anthony Beale (Appointed 1/10-7/17 by Bulova) Term exp. 2/21	Design Professional #3 Representative		By Any Supervisor	At-Large
Wayne Bryan (Appointed 6/13-2/17 by Bulova) Term exp. 2/21	Alternate #1 Representative		By Any Supervisor	At-Large
Michael J. Grinnell (Appointed 7/15-2/17 by Herrity) Term exp. 2/21	Alternate #2 Representative		By Any Supervisor	At-Large

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)
(2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joseph W. Blackwell, appointed 2/05-1/08 by Kauffman; 12/09-12/17 by McKay) Term exp. 12/20 <i>Resigned</i>	At-Large #2 Representative		By Any Supervisor	At-Large

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS
(2 years – limited to 3 consecutive terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Karen Pica (Appointed 10/14-9/18 by McKay) Term exp. 9/20 <i>Not eligible for reappointment</i>	At-Large #1 Representative		By Any Supervisor	At-Large
Joan Marie Dec (Appointed 10/18 by Smith) Term exp. 9/20	At-Large #2 Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE
EXCEPTION REVIEW COMMITTEE (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Grant Sitta; appointed 9/10-9/15 by Gross) Term exp. 9/19 <i>Resigned</i>	Mason District Representative		Gross	Mason

CHILD CARE ADVISORY COUNCIL (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gita D'Souza Kumar (Appointed 7/12-3/15 by Frey; 6/17-2/19 by Smith) Term exp. 2/21	Sully District Representative		Smith	Sully

CIVIL SERVICE COMMISSION (2 years)

[NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a member of a minority group.]

Current Membership: Males: 7 Females: 3 Minorities: 4

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Lee Ellen Helfrich; appointed 2/14-1/20 by Gross) Term exp. 12/21 <i>Resigned</i>	At-Large #9 Representative		By Any Supervisor	At-Large

COMMISSION ON AGING (2 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kathleen Hoyt (Appointed 12/16-5/18 by Gross) Term exp. 5/20	Mason District Representative		Gross	Mason

COMMUNITY ACTION ADVISORY BOARD (CAAB)
(3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Douglas Dane (Appointed 2/09-2/18 by Bulova) Term exp. 2/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
Michelle C. Jefferson (Appointed 4/14-2/18 by Cook) Term exp. 2/21	Braddock District Representative		Cook	Braddock
Benjamin Zuhl (Appointed 6/13-2/18 by Foust) Term exp. 2/21	Dranesville District Representative		Foust	Dranesville
Michele Menapace (Appointed 5/18 by McKay) Term exp. 2/21	Lee District Representative		Lusk	Lee
Philip E. Rosenthal (Appointed 1/01-2/06 by McConnell; 2/09- 2/18 by Herrity) Term exp. 2/21	Springfield District Representative		Herrity	Springfield

CONFIRMATIONS NEEDED:

- Mr. Isaac Orea Montero as the Elected - Central Target Area #1 Representative
- Mr. Willie Williams as the Elected-North Target Area #2 Representative
- Ms. Melandee Jones Canady as the AARP Representative
- Ms. Adwoa Rey as the South County #1 Representative

<p align="center">CONSUMER PROTECTION COMMISSION (3 years)</p>

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Dirck A. Hargraves (Appointed 2/06 by Kauffman; 10/08-7/17 by McKay) Term exp. 7/20	Fairfax County Resident #5 Representative		By Any Supervisor	At-Large

<p align="center">DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I - (4 years)</p>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James D. Policaro (Appointed 3/10-3/16 by Smyth) Term exp. 3/20	At-Large Representative #1		By Any Supervisor	At-Large
VACANT (Formerly held by Peter M. Rosen; appointed 3/04-3/16 by Smyth) Term exp. 3/20 <i>Deceased</i>	At-Large #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jeffrey L. Kovach; appointed 6/12-3/16 by Smyth) Term exp. 3/20 <i>Resigned</i>	At-Large #3 Representative		By Any Supervisor	At-Large

**DULLES RAIL TRANSPORTATION IMPROVEMENT
DISTRICT ADVISORY BOARD, PHASE II (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Gregory W. Trimmer (Appointed 1/12-1/16 by Bulova) Term exp. 1/20	BOS At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC ADVISORY COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Janice D. Brangman (Appointed 6/19 by Bulova) Term exp. 12/20	At-Large Chairman's #4 Land Use Representative		McKay	At-Large Chairman's
Paul A Gilbert (Appointed 3/19 by Bulova) Term exp. 12/20	At-Large #11 Representative		By Any Supervisor	At-Large
John McGranahan (Appointed 2/18 by Bulova) Term exp. 12/20	At-Large #12 Representative		By Any Supervisor	At-Large
Justin Mark Brown (Appointed 9/15-12/17 by McKay) Term exp. 12/20	Lee District Representative		Lusk	Lee
Alfred Thieme Appointed 1/09-12/17 by Gross) Term exp. 12/20	Mason District Representative		Gross	Mason

<p align="center">ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)</p>

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 05/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

CONFIRMATIONS NEEDED:

- Mr. Bruce E. Titus as the Fairfax Bar Associations Representative
- Mr. Paul Noursi as the Citizen #3 Representative

<p align="center">FAIRFAX AREA DISABILITY SERVICES BOARD</p>

(3 years- limited to 2 full consecutive terms per MOU, after initial term)

[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michele Hymer Blitz (Appointed 6/06-3/16 by Hudgins) Term exp. 11/18 <i>Not eligible for reappointment</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
Ayman Eldarwish (Appointed 10/17 by Gross) Term exp. 11/20	Mason District Representative		Gross	Mason

continued

FAIRFAX AREA DISABILITY SERVICES BOARD
(3 years- limited to 2 full consecutive terms per MOU, after initial term)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kelley Brooks Simoneaux (Appointed 3/19 by L. Smyth; 1/20 by Palchik) Term exp. 11/22	Providence District Representative		Palchik	Providence

HEALTH CARE ADVISORY BOARD (4 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael Christ Trahos (Appointed 7/12-5/16 by Bulova) Term exp. 6/20	At-Large Chairman's Representative		McKay	At-Large Chairman's

HEALTH SYSTEMS AGENCY BOARD
(3 years - limited to 2 full terms, may be reappointed after 1-year lapse)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jacqueline Hixson (Appointed 6/17 by Hudgins) Term exp. 6/20	Consumer #2 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)

[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 1	Springfield - 2
Hunter Mill - 3	Mount Vernon - 3	Sully - 2

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Steve Sherman (Appointed 10/09-12/17 by McKay) Term exp. 12/20	Citizen #4 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Naomi D. Zeavin; appointed 1/95 by Trapnell; 1/96-11/13 by Gross) Term exp. 12/16 <i>Mason District Resigned</i>	Historian #1 Representative		By Any Supervisor	At-Large
Gregory P. Wilson (Appointed 5/19 by Foust) Term exp. 12/20	Historian #3 Representative		By Any Supervisor	At-Large

**INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC)
(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Steven Lam (Appointed 5/09-12/17 by Cook) Term exp. 12/12/20	Braddock District Representative		Walkinshaw	Braddock

**JUVENILE AND DOMESTIC RELATIONS COURT
CITIZENS ADVISORY COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Patience H. Samson (Appointed 1/18-1/19 by Bulova) Term exp. 1/21	At-Large Chairman's Representative		McKay	At-Large Chairman's
Patricia L. Smith- Solan (Appointed 1/08-1/19 by Hudgins) Term exp. 1/21	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Caroline C. Kerns; appointed 2/02-1/15 by Frey; 1/17-1/19 by Smith) Term exp. 1/21 <i>Resigned</i>	Sully District Representative		Smith	Sully

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Annette Koklauner (Appointed 1/16 by Bulova) Term exp. 6/19	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock

Continued

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING (3 years)
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 Resigned	Dranesville District Representative		Foust	Dranesville
Nabil S. Barbari (Appointed 1/07-9/16 by Gross) Term exp. 6/19	Mason District Representative		Gross	Mason
VACANT (Formerly held by Jeffrey Levy; appointed 7/02-6/13 by Hyland) Term exp. 6/16 Resigned	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by L. Smyth) Term exp. 6/14 Resigned	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

POLICE CIVILIAN REVIEW PANEL (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Hansel Aguilar (Appointed 2/17- 2/18 by Bulova) Term exp. 2/21	Seat #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Robert E. Cluck; appointed 9/18 by Bulova; 2/20 by McKay) Term exp. 2/23 <i>Resigned</i>	Seat #2 Representative		By Any Supervisor	At-Large
Hollye Doane (Appointed 2/17- 2/18 by Bulova) Term exp. 2/21	Seat #4 Representative		By Any Supervisor	At-Large
Rhonda VanLowe (Appointed 2/17- 2/18 by Bulova) Term exp. 2/21	Seat #9 Representative		By Any Supervisor	At-Large

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board of Supervisors established the advisory board on April 4, 2017
 There will be 14 members on this advisory board. The appointees would serve
 for 4-year terms from April 4, 2017

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Mark S. Ingrao; appointed 9/17 by Hudgins) Term exp. 9/21 <i>Resigned</i>	Reston Chamber of Commerce lessees on Non-Residential Space Representative		By Any Supervisor	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #1 Representative		Foust or Alcorn	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #2 Representative		Foust or Alcorn	At-Large
NEW POSITION	Residential Owners and HOA/Civic Association #3 Representative		Foust or Alcorn	At-Large

ROAD VIEWERS BOARD (1 year)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Marcus Wadsworth (Appointed 6/09-1/20 by McKay) Term exp. 12/20	At-Large #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by L. Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large
Micah D. Himmel (Appointed 12/11-1/18 by L. Smyth) Term exp. 12/18	At-Large #5 Representative		By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION (3 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Nalin Jain (Appointed 1/19 by L. Smyth) Term exp. 12/20	Providence District Representative		Palchik	Providence District
VACANT (Formerly held by Robert Kyle McDaniel; appointed 1/19 by Herrity) Term exp. 12/20 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sandra Deleon; appointed 10/16-3/19 by Hudgins) Term exp. 3/21 <i>Resigned</i>	Fairfax County #2 Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
Christopher Lee Kocsis (Appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Angelina Panettieri; appointed 6/11-1/15 by L. Smyth) Term exp. 1/18	Tenant Member #1 Representative		By Any Supervisor	At-Large
Amy Purnell (Appointed 9/16-1/17 by Bulova) Term exp. 1/20	Tenant Member #2 Representative		By Any Supervisor	At-Large

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Laurie A. DiRocco; appointed 5/14-2/19 by Bulova) Term exp. 2/21	Adjacent Community Member #1 Representative	Linda Colbert (McKay)	By Any Supervisor	At-Large
Sally Horn (Appointed 2/13-2/19 by Bulova) Term exp. 2/21	Adjacent Community Member #2 Representative		By Any Supervisor	At-Large
James D. Policaro (Appointed 2/13-2/19 by Bulova) Term exp. 2/21	Commercial or Retail Ownership #1 Representative		By Any Supervisor	At-Large
Cory Scott (Appointed 1/16-2/19 by Smyth) Term exp. 2/21	Commercial or Retail Ownership #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		McKay	At-Large
Mark Zetts (Appointed 2/13-2/19 by Foust) Term exp. 2/21	Dranesville District Representative		Foust	Dranesville
Brad Swanson (Appointed 2/20 by Alcorn) Term exp. 2/21	Hunter Mill District Representative #1		Alcorn	Hunter Mill
Raymond Baxter (Appointed 2/13-2/19 by Hudgins) Term exp. 2/21	Hunter Mill District Representative #2		Alcorn	Hunter Mill

Continued

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 YEARS)
 continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christopher M. Auth (Appointed 2/15-2/19 by L. Smyth) Term exp. 2/21	Providence District Representative #1		Palchik	Providence
VACANT (Formerly held by Molly Peacock; appointed 2/13-1/15 by L. Smyth) Term exp. 2/17 <i>Resigned</i>	Providence District Representative #2		Palchik	Providence
Erika M. Yalowitz (Appointed 1/20 by Palchik) Term exp. 2/21 <i>Resigned</i>	Residential Owners and HOA/Civic Association Representative #1		Palchik	Providence
Douglas M. Doolittle (Appointed 6/15-3/19 by L. Smyth) Term exp. 2/21	Residential Owners and HOA/Civic Association Representative #2		Palchik	Providence
Claudia Diamond (Appointed 2/13-2/19 by Hudgins) Term exp. 2/21	Residential Owners and HOA/Civic Association Representative #3		Alcorn	Hunter Mill

WATER AUTHORITY (3 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Armand B. Weiss; appointed 6/10-6/19 by Foust) Term exp. 6/22 <i>Deceased</i>	Dranesville District Representative		Foust	Dranesville

WETLANDS BOARD (5 years)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anita Van Breda (Appointed 12/13- 2/16 by Bulova) Term exp. 12/20	At-Large #2 Representative		By Any Supervisor	At-Large

Board Agenda Item
February 23, 2021

1:00 p.m.

County Executive's Presentation of the Proposed FY 2022 and FY 2023 Multi-Year Budget Plan

ENCLOSED DOCUMENTS:

None. Materials will be available online after 1:00 p.m. on February 23, 2021, at:
<https://www.fairfaxcounty.gov/budget/advertised-budget-plan>.

PRESENTED BY:

Bryan J. Hill, County Executive

1:00 p.m.

Presentation by The Chairman's Task Force on Equity and Opportunity

ENCLOSED DOCUMENTS:

The Task Force Recommendations Presentation can be found online at:

<https://www.fairfaxcounty.gov/chairman/sites/chairman/files/assets/documents/chairmans%20task%20force%20recommendations%20for%20feb%2023%20-%20final.pdf>

The Task Force Recommendations can be found online at:

<https://www.fairfaxcounty.gov/chairman/sites/chairman/files/assets/documents/combined%20list%20of%20recommendations.pdf>

The List of Participants can be found online at:

<https://www.fairfaxcounty.gov/chairman/sites/chairman/files/assets/documents/task%20force%20list%20of%20participants%20-%20final.pdf>

PRESENTED BY:

Karla Bruce, Chief Equity Officer

Robin Wilson, Policy Advisor for One Fairfax

Board Agenda Item
February 23, 2021

1:00 p.m.

Matters Presented by Board Members

Board Agenda Item
February 23, 2021

1:00 p.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Sublease Clark-Enyedi House at 10605 Furnace Road in Connection with the Resident Curator Program (Mount Vernon District)

ISSUE:

Authorization of the Board of Supervisors to advertise a public hearing to sublease property owned by the Fairfax County Park Authority (FCPA) at 10605 Furnace Road (Clark-Enyedi House) in connection with the Resident Curator Program.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the proposed sublease of the Clark-Enyedi House to the Resident Curator.

TIMING:

Board action is requested on February 23, 2021, to provide sufficient time to advertise the proposed public hearing on March 23, 2021 at 4:30 p.m.

BACKGROUND:

In accordance with enabling legislation enacted by the Commonwealth, the Board approved the creation of the Resident Curator Program (Program) to address underutilized, publicly-owned historic properties by entering into long-term leases with qualified tenants who pledge to rehabilitate the property in accordance with federal standards established for the treatment of historic properties. The tenant under the lease (Resident Curator) agrees to complete the rehabilitation and provide ongoing maintenance and upkeep of the property for the duration of the lease in exchange for rent-free accommodation. The program is managed by the FCPA.

The state legislation requires that the Board serve as the landlord under the lease. Consequently, the FCPA will lease the property selected through the screening process established in the Program to the Board (Lease), and the Board will concurrently sublease the property to the Resident Curator (Sublease). The Sublease will contain the detailed provisions on the rehabilitative workplan for the property; however, the responsibility for monitoring the Resident Curator's progress with the workplan and the Program will remain with the FCPA per the terms of the Lease.

Board Agenda Item
February 23, 2021

The third property selected by the FCPA for inclusion in the Program is the 1,250 square-foot Hannah Potter Clark-Enyedi house. The house is located at 10605 Furnace Road (Tax Map No. 1133 01 0019A) on one and one-quarter acre of land within Old Colchester Park and Preserve. The Clark-Enyedi House's features include vertical-peeled log framing construction and a living room with exposed ceiling beams. The period of significance for the house is 1876 to 1925, when Hannah P. Clark constructed and resided in the house during Virginia's Reconstruction Period after the Civil War. The grounds also include a 1986 outbuilding used as a studio by artist Janos Enyedi.

During the first phase of the twelve-year term of the sublease, the Resident Curator will rehabilitate the Clark-Enyedi House in accordance with a building condition and treatment report prepared for the FCPA and an approved work plan. The subsequent maintenance phase will require the Resident Curator to make improvements and repairs in line with the Program's duties.

In accordance with Board Policy and Section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the leasing of any property owned or leased by the Board.

FISCAL IMPACT:

None. Any expenses associated with the Program or acting as landlord under the Sublease shall be borne by the FCPA.

ENCLOSED DOCUMENTS:

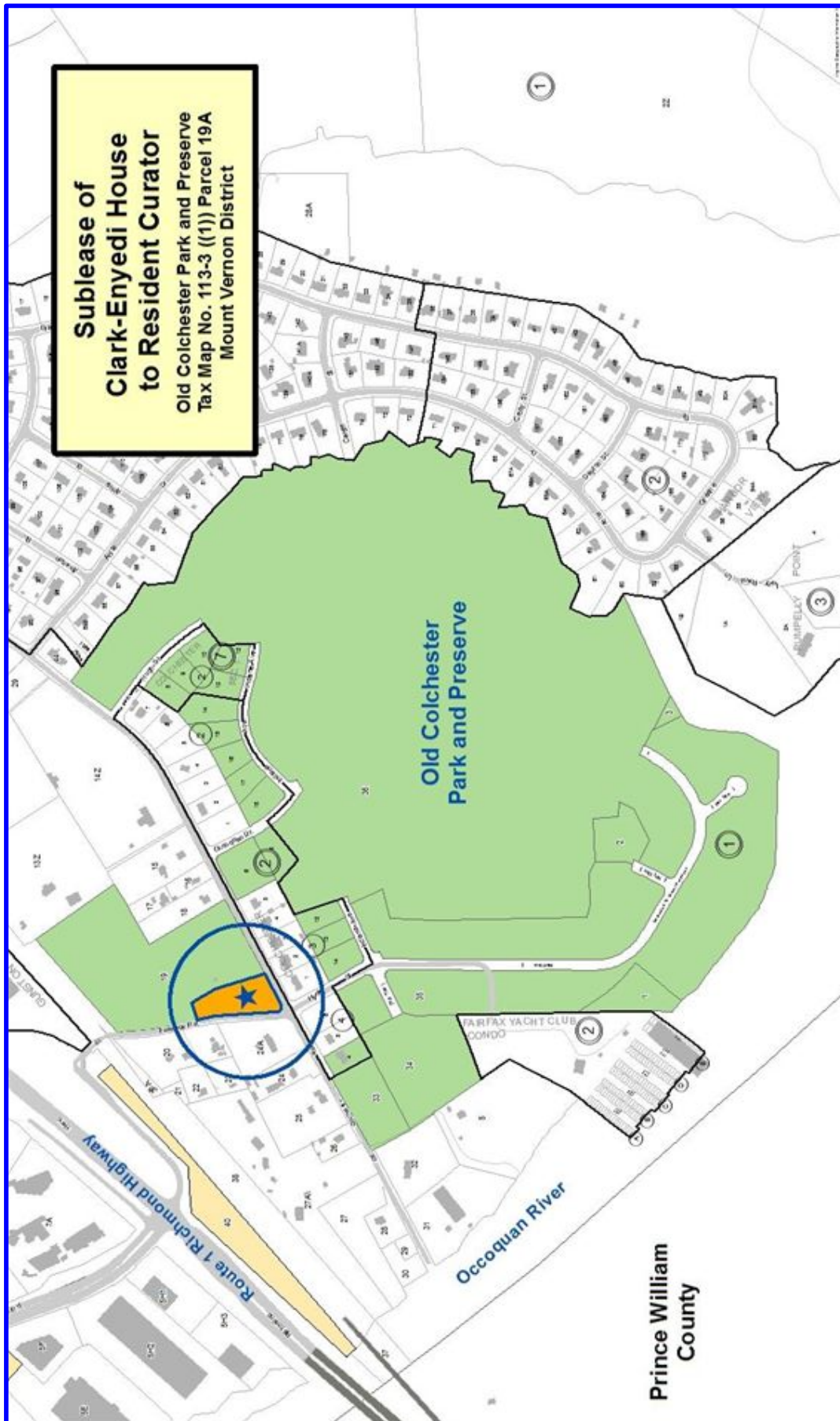
Attachment 1 – Location Map

STAFF:

Joseph M. Mondoro, Chief Financial Officer
Sara K. Baldwin, Acting Director, Fairfax County Park Authority
Jose A. Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

Richard Dzubin, Assistant County Attorney



REVISED

Board Agenda Item
February 23, 2021

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Sublease Ellmore Farmhouse at 2739 West Ox Road in Connection with the Resident Curator Program (Hunter Mill District)

ISSUE:

Authorization of the Board of Supervisors to advertise a public hearing to sublease property owned by the Fairfax County Park Authority (FCPA) at 2739 West Ox Road (Ellmore Farmhouse) in connection with the Resident Curator Program.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the proposed sublease of the Ellmore Farmhouse to the Resident Curator.

TIMING:

Board action is requested on February 23, 2020~~21~~, to provide sufficient time to advertise the proposed public hearing on ~~March 23, 2020 at 4:30 p.m.~~ May 4, 2021 at 4:00 p.m.

BACKGROUND:

In accordance with enabling legislation enacted by the Commonwealth, the Board approved the creation of the Resident Curator Program (Program) to address underutilized, publicly-owned historic properties by entering into long-term leases with qualified tenants who pledge to rehabilitate the property in accordance with federal standards established for the treatment of historic properties. The tenant under the lease (Resident Curator) agrees to complete the rehabilitation and provide ongoing maintenance and upkeep of the property for the duration of the lease in exchange for rent-free accommodation. The program is managed by the FCPA.

The state legislation requires that the Board serve as the landlord under the lease. Consequently, the FCPA will lease the property selected through the screening process established in the Program to the Board (Lease), and the Board will concurrently sublease the property to the Resident Curator (Sublease). The Sublease will contain the detailed provisions on the rehabilitative workplan for the property; however, the

Board Agenda Item
February 23, 2021

responsibility for monitoring the Resident Curator's progress with the workplan and the Program will remain with the FCPA per the terms of the Lease.

The fourth property selected by the FCPA for inclusion in the Program is the two-story, 3,300 square-foot Ellmore Farmhouse, located at 2739 West Ox Road (Tax Map No. 0251 01 0030) on four and one-half acres of land within Frying Pan Park. The Farmhouse was built in 1891 and served as the base of operations for a 50-acre dairy farm until the 1950's. The house is listed as a contributing structure to the Floris Historic District's listing in the National Register of Historic Places.

The Resident Curator selected during the screening process for the Program is ServiceSource, a nonprofit organization whose mission is to engage disabled individuals with the local community. The Resident Curator intends to use Ellmore Farmhouse as a Community Integration Center that will provide employment opportunities for up to fifteen adults through the operation of an onsite café and handicrafts specialty store. During the twenty-nine-year term of the Sublease, the Resident Curator will rehabilitate the Ellmore Farmhouse by making ADA-compliant improvements and incorporating green-building designs in a manner that respects the heritage, historic features and appearance of the property. The implementation of these renovations will be governed by a building condition report and FCPA-approved workplan that will be incorporated into the terms of the Sublease.

In accordance with Board Policy and Section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the leasing of any property owned or leased by the Board.

FISCAL IMPACT:

None. Any expenses associated with the Program or acting as landlord under the Sublease shall be borne by the FCPA.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

STAFF:

Joseph M. Mondoro, Chief Financial Officer
Sara K. Baldwin, Acting Director, Fairfax County Park Authority
Jose A. Comayagua, Jr., Director, Facilities Management Department
Mike Lambert, Assistant Director, Facilities Management Department

ASSIGNED COUNSEL:

Richard Dzubin, Assistant County Attorney



ADMINISTRATIVE - 3

Designation of Plans Examiner Status Under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate one individual as a Plans Examiner to participate in the Expedited Land Development Review Program pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board (APEB).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

- Designate the following individual, identified with his registration number, as a Plans Examiner:

Shaukat Faheem

Reg. No. 343

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an APEB. The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Department of Land Development Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After the review of his application and credentials, the APEB has found that the candidate listed above satisfies these requirements. This finding was documented in a letter dated December

Board Agenda Item
February 23, 2021

30, 2020, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Jeffrey C. McKay.

Inactive Status: Chapter 117 requires Plans Examiners to participate in the Board adopted Continuing Education Program. Consonant with the requirements of Section 117-1-3(a), and subject to Board approval, the APEB will recommend designation of inactive status for individuals electing not to pursue the continuing education program. This status designation continues until and if they wish to reactivate their Designated Plans Examiner (DPE) status by completing the continuing education requirements. An inactive status makes these individuals ineligible to participate in the expedited plan process procedure. At the time, they are placed in inactive status, individuals are provided with information concerning requirements for reinstatement as an active DPE.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Letter dated 12/30/2020, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:
Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Department of Land Development Services

**Engineers & Surveyors Institute**

"a public/private partnership"

4795 Meadow Wood Lane
Suite 115 East
Chantilly, VA 20151
703-263-2232

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Rinker Design Associates, P.C.

Executive Director
Jeffrey L. Blackford, P.E.

December 30, 2020

Hon. Jeffrey C. McKay Chairman
Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

Dear Chairman, McKay:

The following named individual was approved by the Fairfax County Advisory Plans Examiner Board for recommendation as Designated Plans Examiner:

Name	Reg. No
Shaukat Faheem, P.E.	343

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County is in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, P.E. LS
Chairman
Fairfax County Advisory Plans Examiner Board



Board Agenda Item
February 23, 2021

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-3-2 to Establish an Additional Voter Satellite Office at Burke Centre Library

ISSUE:

Authorization to advertise a Public Hearing to consider an ordinance that proposes to amend Fairfax County Code Section 7-3-2 and establish an additional voter satellite office for absentee voting in person at Burke Centre Library.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, March 23, 2021, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on February 23, 2021, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on March 23, 2021, at 4:00 p.m. Adoption on this date will ensure sufficient time to inform voters of all voter satellite office locations no later than 55 days prior to next election which is anticipated to be the June Primary on Tuesday, June 8, 2021, but may change depending on COVID-19 restrictions or action of the General Assembly.

BACKGROUND:

On July 1, 2020, concurrent with the establishment of “no excuse” absentee voting in Virginia, Virginia Code Section 24.2-701.2 now requires the governing body of each county and city to establish the locations of voter satellite offices by ordinance, if any such offices are desired.

Under the new law, the Board of Supervisors may establish as many voter satellite offices as it deems necessary to support countywide absentee voting in person, subject to the physical and accessibility requirements of Virginia Code Section 24.2-701.2.

In the November 2020 Election, Fairfax County’s Central Absentee Precinct accounted for 8% of the total votes cast in the Commonwealth of Virginia. Approximately 33% of the total ballots cast in Fairfax County for this election were cast early in person at one

Board Agenda Item
February 23, 2021

of the fourteen satellite voter offices or at the Fairfax County Government Center. The trend of absentee/early voting in person in Fairfax County is expected to increase.

If approved, the proposed ordinance would approve and establish an additional voter satellite office at the following location:

Burke Centre Library
5935 Fred Oaks Road
Burke, Virginia 22015

FISCAL IMPACT:

Approval of an additional voter satellite office requires an increase of approximately \$35,000 over the amount budgeted under the current FY 2021 Budget.

ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Voter Satellite Offices
Attachment 2: Map of Proposed Additional Voter Satellite Office
Attachment 3: Proposed Ordinance

STAFF:

Gary D. Scott, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-701.1. Absentee voting in person.

A. Absentee voting in person shall be available on the forty-fifth day prior to any election and shall continue until 5:00 p.m. on the Saturday immediately preceding the election. In the case of a special election, excluding for federal offices, if time is insufficient between the issuance of the writ calling for the special election and the date of the special election, absentee voting in person shall be available as soon as possible after the issuance of the writ.

Any registered voter offering to vote absentee in person shall provide his name and his residence address in the county or city in which he is offering to vote. After verifying that the voter is a registered voter of that county or city, the general registrar shall enroll the voter's name and address on the absentee voter applicant list maintained pursuant to § [24.2-706](#).

Except as provided in subsection F, a registered voter voting by absentee ballot in person shall provide one of the forms of identification specified in subsection B of § [24.2-643](#). If he does not show one of the forms of identification specified in subsection B of § [24.2-643](#), he shall be allowed to vote after signing a statement, subject to felony penalties for false statements pursuant to § [24.2-1016](#), that he is the named registered voter he claims to be. A voter who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § [24.2-649](#), may be assisted in preparation of this statement in accordance with that section. The provisions of § [24.2-649](#) regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. A voter who does not show one of the forms of identification specified in this subsection or does not sign this statement shall be offered a provisional ballot under the provisions of § [24.2-653](#). The State Board shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to § [24.2-653.01](#) and this section.

B. Absentee voting in person shall be available during regular business hours. The electoral board of each county and city shall provide for absentee voting in person in the office of the general registrar or a voter satellite office established pursuant to § [24.2-701.2](#). For purposes of this chapter, such office shall be open to the public a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections. Any applicant who is in line to cast his ballot when the office of the general registrar or voter satellite office closes shall be permitted to cast his absentee ballot that day.

C. The general registrar may provide for the casting of absentee ballots in person pursuant to this section on voting systems. The Department shall prescribe the procedures for use of voting systems. The procedures shall provide for absentee voting in person on voting systems that have been certified and are currently approved by the State Board. The procedures shall be applicable and uniformly applied by the Department to all localities using comparable voting systems.

D. At least two officers of election shall be present during all hours that absentee voting in person is available and shall represent the two major political parties, except in the case of a party primary, when they may represent the party conducting the primary. However, such requirement shall not apply when (i) voting systems that are being used pursuant to subsection C are located in the office of the general registrar or voter satellite office and (ii) the general registrar or an assistant registrar is present.

E. The Department shall include absentee ballots voted in person in its instructions for the preparation, maintenance, and reporting of ballots, pollbooks, records, and returns.

F. This subsection shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § [24.2-653](#). The identification requirements of subsection B of § [24.2-643](#) and subsection A of § [24.2-653](#) shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § [24.2-653.01](#) and this section.

2019, cc. [278](#), [668](#), [669](#); 2020, cc. [735](#), [856](#), [1064](#), [1065](#), [1149](#), [1151](#), [1201](#).

§ 24.2-701.2. Absentee voting in person; voter satellite offices.

A. The governing body of any county or city may establish, by ordinance, voter satellite offices to be used in the locality for absentee voting in person. The governing body may establish as many offices as it deems necessary. No change in, including the creation or abolishment of, any voter satellite office shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the locality once a week for two successive weeks.

B. Any voter satellite office shall be in a public building owned or leased by the county, city, or town within the county and may be in a facility that is owned or leased by the Commonwealth and used as a location for Department of Motor Vehicles facilities or as an office of the general registrar. Such location shall be deemed the equivalent of the office of the general registrar for the purposes of completing the application for an absentee ballot in person pursuant to §§ [24.2-701](#) and [24.2-706](#). Any such location shall have adequate facilities for the protection of all elections

materials produced in the process of absentee voting in person, the voted and unvoted absentee ballots, and any voting systems in use at the location.

C. Voter satellite offices shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the acts.

D. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each voter satellite office for the conduct of elections.

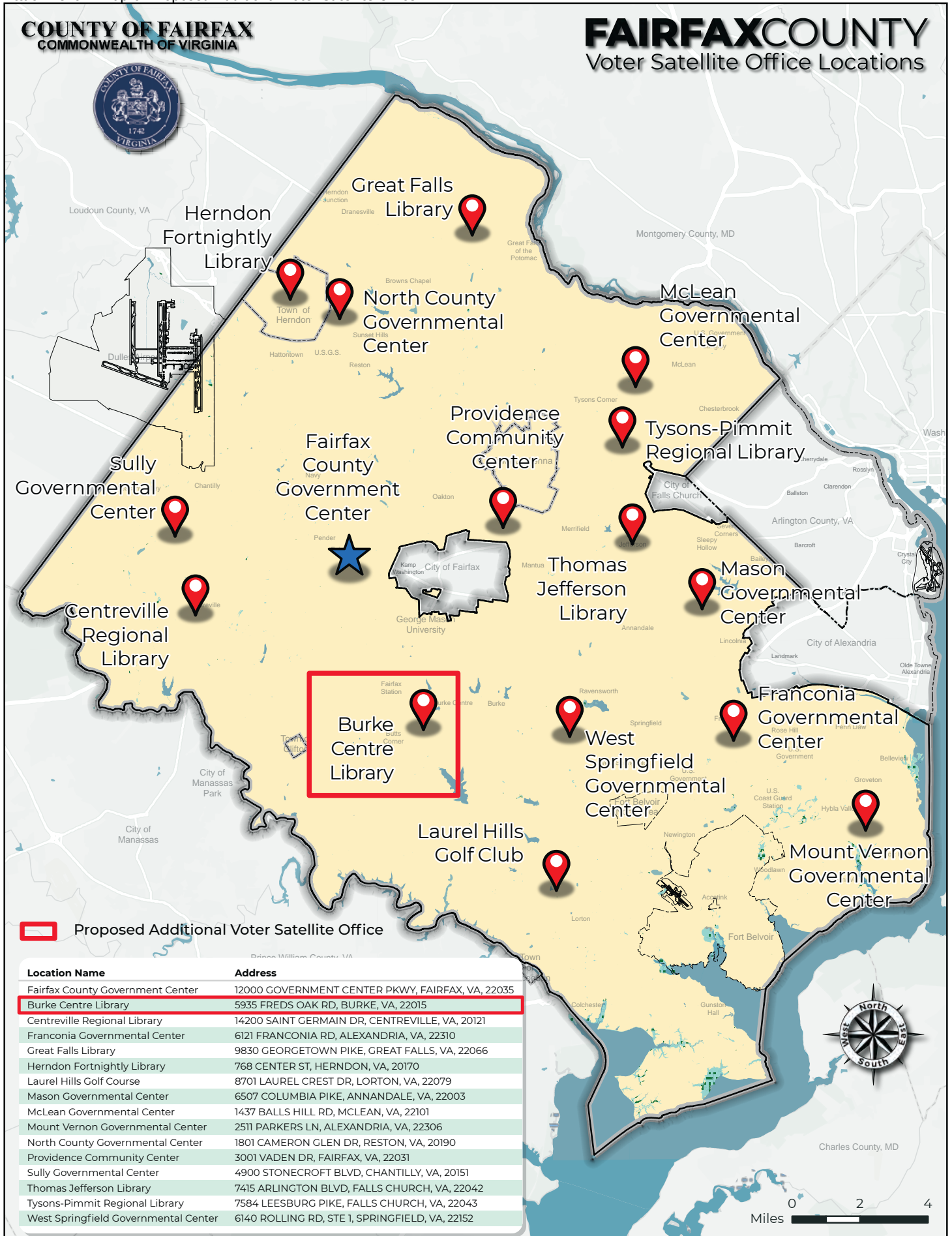
E. Not later than 55 days prior to any election, the general registrar shall post notice of all voter satellite office locations in the locality and the dates and hours of operation of each location in the office of the general registrar and on the official website for the county or city. Such notice shall remain in the office of the general registrar and on the official website for the county or city for the duration of the period during which absentee voting in person is available. If the county or city does not have an official website, such notice shall be published in a newspaper of general circulation in the county or city at least once prior to the election but not later than 55 days prior to such election.

F. If an emergency makes a voter satellite office unusable or inaccessible, the electoral board or the general registrar shall provide an alternative voter satellite office, subject to the approval of the State Board, and shall give notice of the change in the location of the voter satellite office. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

G. The provisions of subsection E of § [24.2-310](#) providing certain limited circumstances in which a local electoral board may approve an exception to the prohibition on the distribution of campaign materials inside the prohibited area outside of a polling place shall apply to voter satellite offices and the building in which such offices may be located.

H. A voter satellite office established pursuant to this section shall be deemed to be the equivalent of an office of the general registrar for purposes of completing an application for an absentee ballot in person pursuant to §§ [24.2-701](#), [24.2-701.1](#), and [24.2-706](#).

2020, cc. [856](#), [1149](#), [1151](#), [1201](#).



**AN ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION
7-3-2 AND ESTABLISH A VOTER SATELLITE OFFICES AT BURKE CENTRE
LIBRARY**

Draft of March 23, 2021

**AN ORDINANCE to amend and readopt Fairfax County Code Section 7-3-2
and establish an additional voter satellite office at Burke Centre Library
pursuant to Virginia Code Section 24.2-701.2.**

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

- 1. That Section 7-3-2 of the Fairfax County Code is amended and
readopted, as follows:**

Section 7-3-2. – Voter Satellite Offices.

Voter satellite offices are hereby established at the following locations:

(a). – Burke Centre Library

5935 Fred Oaks Road, Burke, Virginia 22015

(ab). – Centreville Regional Library

14200 Saint Germain Drive, Centreville, Virginia 20121

(bc). – Franconia Governmental Center

6121 Franconia Road, Alexandria, Virginia 22310

(cd). – Great Falls Library

9830 Georgetown Pike, Great Falls, Virginia 22066

(de). – Herndon Fortnightly Library

768 Center Street, Herndon, Virginia 20170

(ef). – Laurel Hill Golf Club

8701 Laurel Crest Drive, Lorton, Virginia 22079

(fg). – Mason Governmental Center

6507 Columbia Pike, Annandale, Virginia 22003

(gh). – McLean Governmental Center

1437 Balls Hill Road, McLean, Virginia 22101

(hi) – Mount Vernon Governmental Center
2511 Parkers Lane, Alexandria, Virginia 22306

(ij). – North County Governmental Center
1801 Cameron Glen Drive, Reston, Virginia 20190

(jk). – Providence Community Center
3001 Vaden Drive, Fairfax, Virginia 22031

(kl). – Sully Governmental Center
4900 Stonecroft Boulevard, Chantilly, Virginia 20151

(lm). – Thomas Jefferson Library
7415 Arlington Boulevard, Falls Church, Virginia 22042

(mn). Tysons-Pimmit Regional Library
7584 Leesburg Pike, Falls Church, Virginia 22043

(no). – West Springfield Governmental Center
6140 Rolling Road, Springfield, Virginia 22152

2. That this ordinance shall become effective upon adoption.

GIVEN under my hand this _____ day of _____, 2021.

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

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 to Rename the Polling Places for Pioneer Precinct in the Lee District and Hidden Meadow Precinct in the Sully District; and to Relocate the Polling Places for Skyline Precinct in the Mason District, Belleview Precinct in the Mount Vernon District, Oak Marr Precinct in the Providence District, and Centerpointe Precinct in the Springfield District

ISSUE:

Authorization to advertise a Public Hearing to consider an ordinance that proposes to amend and readopt Fairfax County Code Section 7-2-13 to rename the polling places for Pioneer Precinct and Hidden Meadow Precinct; and to relocate the polling places for Skyline Precinct, Belleview Precinct, Oak Marr Precinct, and Centerpointe Precinct.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, March 23, 2021, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on February 23, 2021, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on March 23, 2021, at 4:00 p.m. in advance of the next election, which is currently set for Tuesday, June 8, 2021, but may change depending on COVID-19 restrictions or action by the General Assembly related to redistricting.

BACKGROUND:

The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310, and 24.2-310.1. If approved, the proposed ordinance will make the following changes:

In Lee District, on July 23, 2020, the Fairfax County School Board voted to change the name of Lee High School to Lewis High School. All voters affected by this change have already been notified through the Virginia Election and Registration Information System (VERIS). Staff recommends recognizing and adopting this change.

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In Mason District, staff recommends moving the polling place for the Skyline precinct from Three Skyline Place located at 5201 Leesburg Pike, Falls Church, to the Bailey's Community Center, 5920 Summers Lane, Falls Church. Three Skyline Place has been sold and will no longer be available for voting.

In Mount Vernon District, staff recommends moving the polling place for the Belleview precinct from the Martha Washington Library, located at 6614 Fort Hunt Road, Alexandria, to the Belle View Elementary School, 6701 Fort Hunt Road, Alexandria. In April 2019, Belle View Elementary underwent renovation. Due to repurposing of spaces within the school as a result of the construction, the area designated for voting was needed for educational purposes and was unavailable for voting. Construction was completed ahead of schedule, allowing the polling place to temporarily relocate at Belle View Elementary School for the November 3, 2020, General and Special Elections. This recommendation will permanently move the polling place back to Belle View Elementary School.

In Providence District, staff recommends moving the polling place for the Oak Marr precinct from the Oak Marr Recreation Center, located at 3200 Jermantown Road, Oakton, to the Oakton Library, 10304 Lynnhaven Place, Oakton. This proposed change will provide a more accessible and convenient facility for the voters in this precinct.

In Springfield District, staff recommends moving the polling place for the Centerpointe precinct from The Waterford at Fair Oaks, located at 12025 Lee Jackson Memorial Highway, Fairfax, to the Herrity Building, 12055 Government Center Parkway, Fairfax. The Waterford at Fair Oaks has been closed permanently and will no longer be available for voting.

In Sully District, on August 14, 2020, the Junior Warden of Epiphany Episcopal Church informed the Office of Elections that Episcopal Church of the Epiphany changed its name to Epiphany Episcopal Church. All voters affected by this change have already been notified through the Virginia Election and Registration Information System (VERIS). Staff recommends recognizing and adopting this change.

FISCAL IMPACT:

Insignificant. Funding for polling place change notifications is provided in the agency's FY 2021 Adopted Budget.

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ENCLOSED DOCUMENTS:

Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2: Summary of Proposed Changes
Attachment 3: Descriptions and Maps of Proposed Changes
Attachment 4: Proposed Ordinance

STAFF:

Gary D. Scott, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

§ 24.2-307 (in part). Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. [515](#); 2020, c. [1268](#).

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ [24.2-304.3](#) and [30-264](#), and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

2008, c. [112](#); 2018, cc. [778](#), [779](#); 2020, Sp. Sess. I, c. [56](#).

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ [51.5-1](#) et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § [24.2-604](#) and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § [24.2-604](#), and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § [24.2-604](#). The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § [24.2-307](#) or [24.2-308](#)

for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. [307](#); 2003, c. [1015](#); 2004, c. [25](#); 2005, c. [340](#); 2008, cc. [113](#), [394](#); 2010, cc. [639](#), [707](#); 2012, cc. [488](#), [759](#); 2016, cc. [18](#), [492](#).

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ [24.2-307](#), [24.2-308](#), and [24.2-310](#), including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

(1993, c. 904, § 24.1-37.1; 1993, c. 641.)

Attachment 2: Summary of Proposed Changes

March 2021 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES							
SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
LEE	409 PIONEER	4,479	Lee High School	409 PIONEER	4,479	Lewis High School	Recognize the change in the name of the polling place.
MASON	520 SKYLINE	3,111	Three Skyline Place	520 SKYLINE	3,111	Bailey's Community Center	Move polling place due to sale of Three Skyline Place.
MOUNT VERNON	602 BELLEVIEW	2,618	Martha Washington Library	602 BELLEVIEW	2,618	Belle View Elementary School	Move the polling place back to renovated Belle View Elementary School.
PROVIDENCE	732 OAK MARR	4,200	Oak Marr Recreation Center	732 OAK MARR	4,200	Oakton Library	Move polling place to provide a facility with improved accessibility for voters.
SPRINGFIELD	844 CENTERPOINTE	3,739	The Waterford at Fair Oaks	844 CENTERPOINTE	3,739	Herrity Building	Move polling place due to the permanent closure of The Waterford at Fair Oaks.
SULLY	908 HIDDEN MEADOW	2,493	Episcopal Church of the Epiphany	908 HIDDEN MEADOW	2,493	Epiphany Episcopal Church	Recognize the change in the name of the polling place.

* VERIS registered voters as of 012621_Reports Library_Statistics_Registrant_Counts_By_Locality

Commonwealth of Virginia
COUNTY OF FAIRFAX

LEE DISTRICT

DESCRIPTION:

Beginning at the intersection of Accotink Creek and the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a northeasterly direction to its intersection with the Capital Beltway (I-495), thence with the Capital Beltway in a southeasterly direction to its intersection with the Shirley Memorial Highway (I-395), thence with the Shirley Memorial Highway in a northerly direction to its intersection with the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a northeasterly direction to its intersection with the west corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southerly, then easterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a southwesterly direction to its intersection with North Kings Highway, thence with North Kings Highway in a generally southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a southerly, then southwesterly direction to its intersection with Frye Road, thence with Frye Road in a northerly direction to its intersection with the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a southwesterly direction to its intersection with the northeast boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a northwesterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a southwesterly direction to its intersection with Beulah Street, thence with Beulah Street in a northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a westerly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a southerly direction to its intersection with Newington Road, thence with Newington Road in a westerly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a northwesterly direction to its intersection with Alban Road, thence with Alban Road in a southwesterly direction to its intersection with Boudinot Drive, thence with Boudinot Drive in a northwesterly direction to its intersection with Fullerton Road, thence with Fullerton Road in a westerly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally northwesterly direction to its intersection with the Norfolk Southern Railroad, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Beulah, Bush Hill, Cameron East, Cameron West, Crestwood, Fairfield, Franconia, the northeastern portion of Garfield, Groveton East, Groveton West, Hayfield, Kingstowne, Lynbrook, Mount Eagle Central, Mount Eagle North, Mount Eagle South, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and the northern portion of Woodlawn.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Beulah, Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Groveton, Hayfield, Huntley, Kingstowne, Lynbrook, Mount Eagle, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and Wilton.

NOTES: On August 6, 2001, Cameron East, Cameron West, Mount Eagle North, and Mount Eagle Central, were renamed Cameron, Clermont, Mount Eagle and Wilton, respectively. The “northeastern portion of Garfield” was renamed Garfield.

The “northern portion of Woodlawn” was combined with Groveton West, a small portion of Hayfield and the southern portion of Virginia Hills to form Huntley precinct. Mount Eagle South was combined with the existing Groveton East precinct to form Groveton precinct.

As amended, recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Beulah, Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Kingstowne, Lynbrook, Mount Eagle, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and Wilton.

NOTES: On March 24, 2003, Garfield was divided to form Greenspring precinct. Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended and readopted by the Board of Supervisors on March 8, 2004

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and Wilton.

NOTES: On March 8, 2004, Beulah precinct was renamed and divided to form “Lane” and “Island Creek” precincts.

As amended by the Board of Supervisors on March 27, 2006

NOTES: On March 27, 2006, the description of Franconia precinct was amended and readopted to change the name of the polling place [facility] to the “Snyder Center.”

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, Virginia Hills, and Wilton.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Woodlawn precinct (Mount Vernon District) to create a new precinct named “Pinewood” and moved Pinewood precinct into Lee District. The polling place for Pinewood was established at Mount Vernon Woods Elementary School.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Hybla Valley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, and Virginia Hills.

NOTES: On July 26, 2011, the Groveton precinct was divided to form the Hybla Valley precinct. The Groveton precinct polling place was moved to Groveton Elementary School and the Hybla Valley precinct was established at Hybla Valley Elementary School.

The boundaries of Fairfield, Hayfield, Mount Eagle, Pinewood, Rose Hill and Villages precincts were adjusted and Wilton precinct was abolished. The polling places for Franconia precinct and Van Dorn precincts were moved to Edison High School and Key Middle School, respectively.

As amended and readopted by the Board of Supervisors on June 23, 2015

Section 7-2-7. Lee District

The Lee District shall consist of these election precincts: Bush Hill, Cameron, Clermont, Crestwood, Fairfield, Forestdale, Franconia, Garfield, Greenspring, Groveton, Hayfield, Huntley, Hybla Valley, Island Creek, Kingstowne, Lane, Lynbrook, Mount Eagle, Pinewood, Pioneer, Rose Hill, Van Dorn, Villages, and Virginia Hills.

NOTES: On June 23, 2015, the Pioneer precinct was divided to form the Forestdale precinct. The polling place for Forestdale precinct was established at Forestdale Elementary School.

As amended and readopted by the Board of Supervisors on July 12, 2016

NOTES: On July 12, 2016, the Board moved the polling place for Huntley precinct to St. Mark's Episcopal Church.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board recognized the name change of the polling place for Pioneer precinct from Lee High School to Lewis High School.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Lee District

PRECINCT 409: PIONEER

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-NINTH
HOUSE OF DELEGATES DISTRICT: THIRTY-NINTH

DESCRIPTION:

Beginning at the intersection of the Shirley Memorial Highway (I-395/I-95) and the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a northeasterly direction to its intersection with the west corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southerly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a generally southwesterly direction to its intersection with Franconia Road, thence with Franconia Road in a westerly direction to its intersection with Frontier Drive, thence with Frontier Drive in a southerly direction to its intersection with the Franconia-Springfield Parkway (Route 289), thence with the Franconia-Springfield Parkway in a southeasterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a generally southwesterly direction to its intersection with Newington Road, thence with Newington Road in a southwesterly direction to its intersection with the Shirley Memorial Highway, thence with the Shirley Memorial Highway in a northerly direction to its intersection with the Norfolk Southern Railroad, point of beginning.

POLLING PLACE: ~~Lee~~ Lewis High School
6540 Franconia Road, Springfield

MAP GRIDS: 80-2, 80-4, 81-1, 81-2, 81-3, 90-2, 90-4, 91-1, 99-1, 99-2

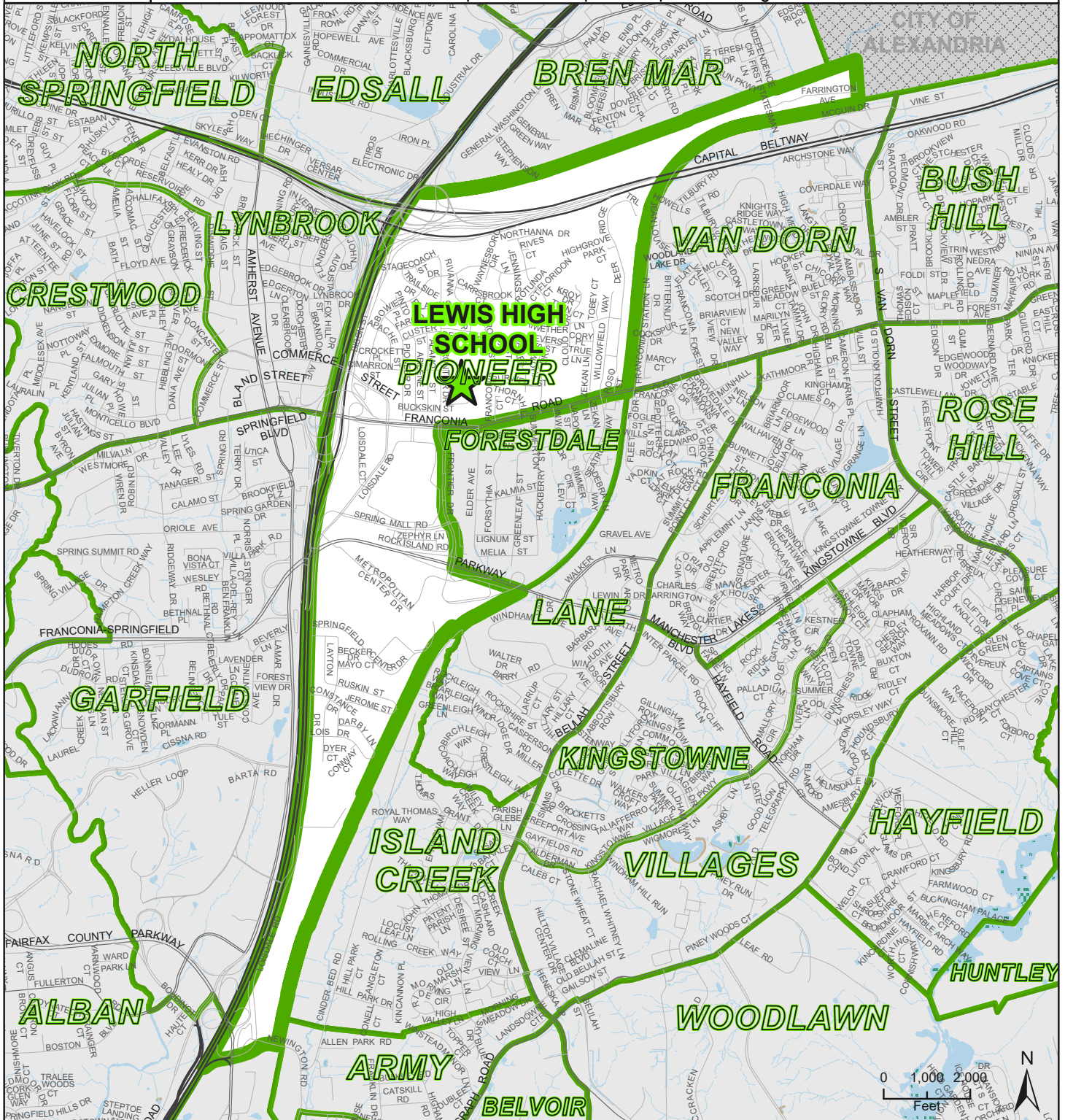
NOTES: Established 1960
Combined with Forest precinct - May 1994
Precinct description revised and readopted – March 2003
Delegate District changed from 43rd to 39th – July 2011
Precinct divided – June 2015
Polling place renamed – March 2021



Commonwealth of Virginia County of Fairfax



Lee District Attachment 3: Descriptions and Maps of Proposed Changes



Proposed Polling Place Change for: 409 Pioneer

March 2021

★ **Current name & address:** Lee High School, 6540 Franconia Rd, Springfield

★ **Proposed name & address:** Lewis High School, 6540 Franconia Rd, Springfield

Commonwealth of Virginia
COUNTY OF FAIRFAX

MASON DISTRICT

DESCRIPTION:

Beginning at the intersection of Holmes Run (stream) and Arlington Boulevard (Route 50), thence with Arlington Boulevard in a northeasterly direction to its intersection with the south corporate boundary of the City of Falls Church, thence with corporate boundary of the City of Falls Church in an easterly, then northerly direction to its intersection with the Arlington County/Fairfax County Line, thence with the Arlington County/Fairfax County Line in a southeasterly direction to its intersection with the west corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in southwesterly, then generally southerly direction to its intersection with the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in a southwesterly direction to its intersection with the Shirley Memorial Highway (I-395), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with the Capital Beltway (I-495), thence with the Capital Beltway in a northwesterly direction to its intersection with Backlick Road, thence with Backlick Road in a northerly direction to its intersection with Leesville Boulevard, thence with Leesville Boulevard in a westerly direction to its intersection with Backlick Run (stream), thence with the meanders of Backlick Run in a northwesterly direction to its intersection with Braddock Road, thence with Braddock Road in a westerly direction to its intersection with Ravensworth Road, thence with Ravensworth Road in a northeasterly direction to its intersection with Heritage Drive, thence with Heritage Drive in a northwesterly, then northerly direction to its intersection with Little River Turnpike (Route 236), thence with Little River Turnpike in a northwesterly direction to its intersection with Glenbrook Road, thence with Glenbrook Road in a northerly direction to its intersection with Crook Branch (stream), thence with the meanders of Crook Branch in an easterly direction to its intersection with Prosperity Avenue, thence with Prosperity Avenue in a southerly direction to its intersection with Leroy Place, thence with Leroy Place in an easterly direction to its intersection with Woodburn Road, thence with Woodburn Road in a northeasterly, then easterly direction to its intersection with Gallows Road, thence with Gallows Road in a southeasterly direction to its intersection with Annandale Road, thence with Annandale Road in a northeasterly direction to its intersection with Holmes Run (stream), thence with the meanders of Holmes Run in a generally northwesterly direction to its intersection with Arlington Boulevard, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Brook Hill, Camelot, Columbia, Edsall, Glen Forest East, Glen Forest West, Holmes East, Holmes West, Hummer, Lincolnia, Masonville, the northeastern portion of North Springfield No. 3, Parklawn, Poe, Ravenwood, Ridgelea, Skyline, Sleepy Hollow, Saint Albans, Walnut Hill No. 1, Westlawn, Weyanoke, Whittier and Willston.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Brook Hill, Camelot, Columbia, Edsall, Glen Forest No. 1, Glen Forest No. 2, Holmes No. 1, Holmes No. 2, Hummer, Leewood, Lincolnia, Masonville, Parklawn, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill No. 1, Westlawn, Weyanoke, Whittier and Willston.

NOTES: On August 6, 2001, Glen Forest East, Glen Forest West, Holmes East and Holmes West were renamed Glen Forest No. 1, Glen Forest No. 2, Holmes No. 1 and Holmes No. 2, respectively. The “northeastern portion of North Springfield No. 3” was renamed Leewood.

The boundary between Brook Hill and Poe precincts was adjusted to conform to the boundary between the Thirty-Eighth and Thirty-Ninth House of Delegates Districts.

As recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Brook Hill, Camelot, Columbia, Edsall, Glen Forest No. 1, Glen Forest No. 2, Holmes No. 1, Holmes No. 2, Hummer, Leewood, Lincolnia, Masonville, Parklawn, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill No. 1, Westlawn, Weyanoke, Whittier and Willston.

NOTES: On March 24, 2003, revised and updated descriptions of the precincts were formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance. No voters were affected by these changes.

As amended by the Board of Supervisors on July 7, 2003

NOTES: On July 7, 2003, the description of Walnut Hill No. 1 precinct was amended and readopted to change the name of the polling place [facility] to the “Alan Leis Instructional Center at Walnut Hill.”

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the polling place for Lincolnia precinct was moved to the Green Spring Gardens Park.

As amended by the Board of Supervisors on March 9, 2010

NOTES: On March 9, 2010, the polling place for Masonville precinct was temporarily moved to the Westminster School, and the polling place for Skyline precinct was moved to the National Association of Power Engineers training facility.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Edsall, Glen Forest No. 1, Glen Forest No. 2, Holmes No. 1, Holmes No. 2, Hummer, Leewood, Lincolnia, Masonville, Parklawn, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill No. 1, Walnut Hill No. 2, Westlawn, Weyanoke, Whittier and Willston.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that moved the Bristow precinct from Braddock District to Mason District and moved the Walnut Hill No. 2 precinct from Providence District to Mason District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Edsall, Glen Forest, Holmes, Hummer, Lincolnia, Masonville, Parklawn, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

REDISTRICTING NOTES: On July 26, 2011, the Board adjusted the boundaries of Glen Forest No. 1 and Skyline precincts and moved the polling place for Skyline precinct to the Goodwin House Bailey's Crossroads, effective for the August 23, 2011, primary elections.

The Board adjusted the boundaries of Barcroft, Edsall, Masonville, Ravenwood, Skyline, Sleepy Hollow, and Weyanoke precincts. Additionally, Holmes No. 1 and Holmes No. 2, Glen Forest #1 and Glen Forest No. 2, and Walnut Hill No. 1, Walnut Hill No. 2, and Whittier precincts were consolidated to form Holmes, Glen Forest and Walnut Hill precincts, respectively. These changes were effective September 1, 2011.

As amended by the Board of Supervisors on July 10, 2012

NOTES: On July 10, 2012, the polling place for Masonville precinct was moved from the temporary location at Westminster School to the new Mason Crest Elementary School.

As amended and readopted by the Board of Supervisors on July 9, 2013

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Edsall, Glen Forest, Holmes, Hummer, Lincolnia, Masonville, Parklawn, Plaza, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

NOTES: On July 9, 2013, Skyline was divided to form "Plaza" precinct. The polling place for Plaza precinct was established at the Skyline Plaza Residential Towers.

As amended and readopted by the Board of Supervisors on November 18, 2014

Section 7-2-8. Mason District

The Mason District shall consist of these election precincts: Baileys, Barcroft, Belvedere, Bren Mar, Bristow, Brook Hill, Camelot, Columbia, Crossroads, Edsall, Glen Forest, Holmes No. 1, Holmes No. 2, Hummer, Lincolnia, Masonville, Parklawn, Plaza, Poe, Ravenwood, Ridgelea, Saint Albans, Skyline, Sleepy Hollow, Walnut Hill, Westlawn, Weyanoke, and Willston.

NOTES: On November 18, 2014, Skyline was divided to form Crossroads precinct and Holmes was divided to form Holmes No. 1 and Holmes No. 2. The polling place for Skyline was moved to Three Skyline Place and the polling place for Crossroads was established at Goodwin House Bailey's Crossroads.

As amended by the Board of Supervisors on December 8, 2015

NOTES: On December 8, 2015, the Board moved the polling place for Holmes No. 1 precinct to the Woodrow Wilson Library.

As amended by the Board of Supervisors on December 4, 2018

NOTES: On December 4, 2018, the Board recognized the name change of the polling place for Ravenwood from Lee High School to Justice High School.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board moved the polling place for Skyline precinct to the Bailey's Community Center.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mason District

PRECINCT 520: SKYLINE

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FIFTH
HOUSE OF DELEGATES DISTRICT: FORTY-NINTH

DESCRIPTION:

Beginning at the intersection of Seminary Road and Leesburg Pike (Route 7) thence with Leesburg Pike in a southeasterly direction to its intersection with South George Mason Drive, thence with South George Mason Drive in a southwesterly direction to its intersection with an unnamed parking lot access road along the southwestern boundary of the Skyline Plaza property, thence with the access road and a projection of the access road along the Skyline Plaza property line in a southeasterly direction to its intersection with the corporate boundary of the City of Alexandria, thence with the Corporate Boundary of the City of Alexandria in a southwesterly direction to its intersection with Seminary Road, thence with Seminary Road in a generally northwesterly direction to its intersection with Leesburg Pike, point of beginning.

POLLING PLACE: ~~Three Skyline Place~~ Bailey's Community Center
~~5201 Leesburg Pike~~, 5920 Summers Lane, Falls Church

MAP GRIDS: 61-2, 61-4, 62-1, 62-3

NOTES: Established July 1981
Polling place moved from Skyline Mall – March 2003
Precinct description revised and readopted – March 2003
Polling place moved – March 2010
Boundary adjusted, polling place moved – July 2011
Senate District changed from 31st to 35th – July 2011
Delegate District changed from 46th to 49th – July 2011
Precinct divided – July 2013
Precinct divided – November 2014
Polling place moved – March 2021

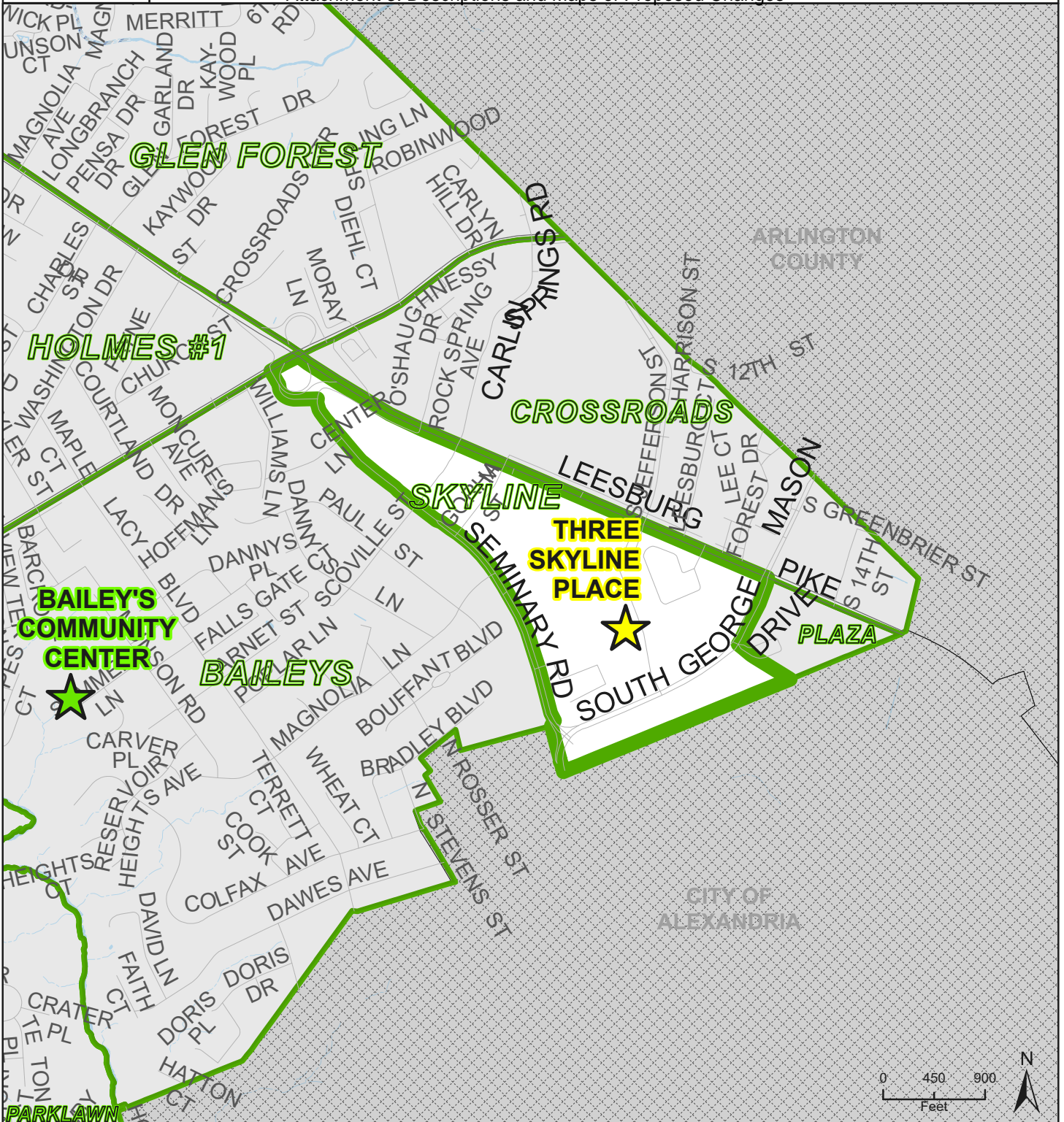


Commonwealth of Virginia County of Fairfax



Mason District

Attachment 3: Descriptions and Maps of Proposed Changes



Proposed Polling Place Change for: 520 Skyline

March 2021

★ **Current name & address:** Three Skyline Place, 5201 Leesburg Pike, Falls Church

★ **Proposed name & address:** Bailey's Community Center, 5920 Summers Lane, Falls Church

Commonwealth of Virginia
COUNTY OF FAIRFAX

MOUNT VERNON DISTRICT

DESCRIPTION:

Beginning at the intersection of Telegraph Road and the south corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southeasterly direction to its intersection with the Maryland/Virginia State Line (Potomac River), thence with the Maryland/Virginia State Line in a southerly, then generally southwesterly direction to its intersection with the Prince William County/Fairfax County Line (Occoquan River), thence with the Prince William County/Fairfax County Line in a generally northwesterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a northeasterly direction to its intersection with Hooes Road, thence with Hooes Road in a northerly direction to its intersection with Pohick Road, thence with Pohick Road in a generally southeasterly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a generally northerly direction to its intersection with the Fairfax County Parkway (Route 7100), thence with the Fairfax County Parkway in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a southeasterly direction to its intersection with the north boundary of the Ft. Belvoir Military Reservation-North Area (old Proving Grounds), thence with the boundary of the Ft. Belvoir Military Reservation in a generally easterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally southeasterly direction to its intersection with Fullerton Road, thence with the Fullerton in a generally easterly direction to its intersection with Boudinot Drive, thence with Boudinot Drive in a southeasterly direction to its intersection with Alban Road, thence with Alban Road in a northeasterly direction to its intersection with Backlick Road, thence with Backlick Road in a southeasterly direction to its intersection with the Shirley Memorial Highway (I-95), thence with the Shirley Memorial Highway in a southwesterly direction to its intersection with Newington Road, thence with Newington Road in an easterly direction to its intersection with the Richmond, Fredericksburg and Potomac Railroad, thence with the Richmond, Fredericksburg and Potomac Railroad in a northerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in an easterly direction to its intersection with Beulah Road, thence with Beulah Road in a southeasterly, then easterly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the northeast boundary of the Fort Belvoir Military Reservation, thence with the boundary of the Fort Belvoir Military Reservation in a southeasterly direction to its intersection with the south boundary of Huntley Meadows Park, thence with the boundary of Huntley Meadows Park in a southeasterly, then northeasterly

direction to its intersection with Frye Road, thence with Frye Road in a southerly direction to its intersection with Richmond Highway (Route 1), thence with Richmond Highway in a northeasterly, then northerly direction to its intersection North Kings Highway, thence with North Kings Highway in a northerly direction to its intersection with Telegraph Road, thence with Telegraph Road in a northeasterly direction to its intersection with the south corporate boundary of the City of Alexandria, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Belle Haven, Belleview, Belvoir, Bucknell, DeLong, Fort Hunt, the southwestern portion of Garfield, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Run East, Pohick Run West, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, the southern portion of Woodlawn, and Woodley.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Church, Pohick Run, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On August 6, 2001, Pohick Run East and Pohick Run West precincts were renamed Pohick Church and Pohick Run, respectively. The “southwestern portion of Garfield” was named Alban and the “southern portion of Woodlawn” was named Woodlawn. DeLong precinct was combined with Saratoga precinct and abolished.

As recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Marlan, Newington, Pohick Church, Pohick Run, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 24, 2003, the boundary between Hollin Hall and Waynewood precincts was adjusted to conform to the boundary between the Eighth and Eleventh Congressional Districts.

The boundary between the Mount Vernon and Lee Districts and their respective Belvoir and Pioneer precincts was adjusted to conform to the realignment of Newington Road between Backlick Road and the RF&P Railroad tracks. No voters were affected by the adjustment.

Revised and updated descriptions of the precincts were formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended and readopted by the Board of Supervisors on March 8, 2004

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On March 8, 2004, Pohick Church precinct was renamed “Lorton Center” and its polling place was moved to the Lorton Station Recreation Center. The Pohick Run precinct was renamed “Lorton Station” and its polling place was moved to the new Lorton Station Elementary School.

As amended by the Board of Supervisors on June 21, 2004

NOTES: On June 21, 2004, the polling place for the Lorton Center precinct was moved to the Lorton Station Elementary School.

As amended and readopted by the Board of Supervisors on March 27, 2006

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

Attachment 3: Descriptions and Maps of Proposed Changes

NOTES: On March 27, 2006, Lorton precinct was divided to form “Laurel Hill” precinct. The polling place for Laurel Hill precinct was established at the South County Secondary School and the polling place for Lorton precinct was moved to the Lorton Library.

Also, on March 27, 2006, the polling place for the Lorton Center precinct was moved to the Grace Bible Church.

As amended by the Board of Supervisors on March 26, 2007

NOTES: On March 26, 2007, the polling place for the Grosvenor precinct was moved to the Huntington Community Center.

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the polling place for the Marlan precinct was temporarily moved to the Paul Spring Retirement Community.

The United States Postal Service address for the Lorton Station polling place was updated.

As amended and readopted by the Board of Supervisors on January 12, 2009

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Hunt, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

NOTES: On January 12, 2009, Laurel Hill precinct was divided to form South County precinct. The polling place for both precincts is the South County Secondary School.

As amended by the Board of Supervisors on July 27, 2010

NOTES: On July 27, 2010, the polling place for the Marlan precinct was permanently moved to the Paul Spring Retirement Community.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Whitman, Woodlawn, and Woodley.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Woodlawn precinct along Frye Road to create a new precinct named “Pinewood Lake” and moved the Pinewood Lake precinct into Lee District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Center, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

NOTES: On July 26, 2011, the Board renamed Whitman precinct “Riverside” and adjusted the boundaries of Belle Haven, Belleview, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Sherwood, Stratford, and Westgate precincts.

As amended by the Board of Supervisors on July 10, 2012

NOTES: On July 10, 2012, the Board moved the polling place for South County precinct to the South County Middle School and renamed the polling place for Laurel Hill precinct from “South County Secondary School” to “South County High School.”

As amended by the Board of Supervisors on July 9, 2013

NOTES: On July 9, 2013, the Board adjusted the boundaries between Alban and Saratoga precincts; moved the polling place for Laurel Hill precinct to the Laurel Hill Elementary School; moved the polling place for South County precinct to the South County High School; and moved the polling place for Woodlawn precinct to the Knights of Columbus #5998.

As amended by the Board of Supervisors on November 18, 2014

NOTES: On November 18, 2014, the Board adjusted the boundaries between Belvoir and Woodlawn precincts.

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-9. Mount Vernon District

The Mount Vernon District shall consist of these election precincts: Alban, Army, Belle Haven, Belleview, Belvoir, Bucknell, Fort Hunt, Grosvenor, Gunston, Hollin Hall, Huntington, Kirkside, Laurel Hill, Lorton, Lorton Station, Marlan, Newington, Riverside, Saratoga, Sherwood, South County, Stratford, Waynewood, Westgate, Woodlawn, and Woodley.

NOTES: On July 11, 2017, the Board consolidated Lorton Center precinct into the southern portion of Belvoir precinct, and established its polling location at the Newington DVS Facility.

The Board also created a new precinct, "Army", from the northern portion of Belvoir precinct with its polling location at the Kingstowne Library.

As amended by the Board of Supervisors on December 4, 2018

NOTES: On December 4, 2018, the description of Belvoir precinct was amended and readopted to change the address of the polling place [facility] from 6900 Newington Road to 8201 Cinder Bed Road.

As amended by the Board of Supervisors on April 9, 2019

NOTES: On April 9, 2019, the Board relocated the polling place for Belleview precinct to the Martha Washington Library.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board moved the polling place for Belleview precinct back to Belle View Elementary School. The polling place was temporarily relocated in April 2019 while Belle View Elementary School underwent renovation.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Mount Vernon District

PRECINCT 602: BELLEVIEW

CONGRESSIONAL DISTRICT: EIGHTH
VIRGINIA SENATORIAL DISTRICT: THIRTIETH
HOUSE OF DELEGATES DISTRICT: FORTY-FIFTH

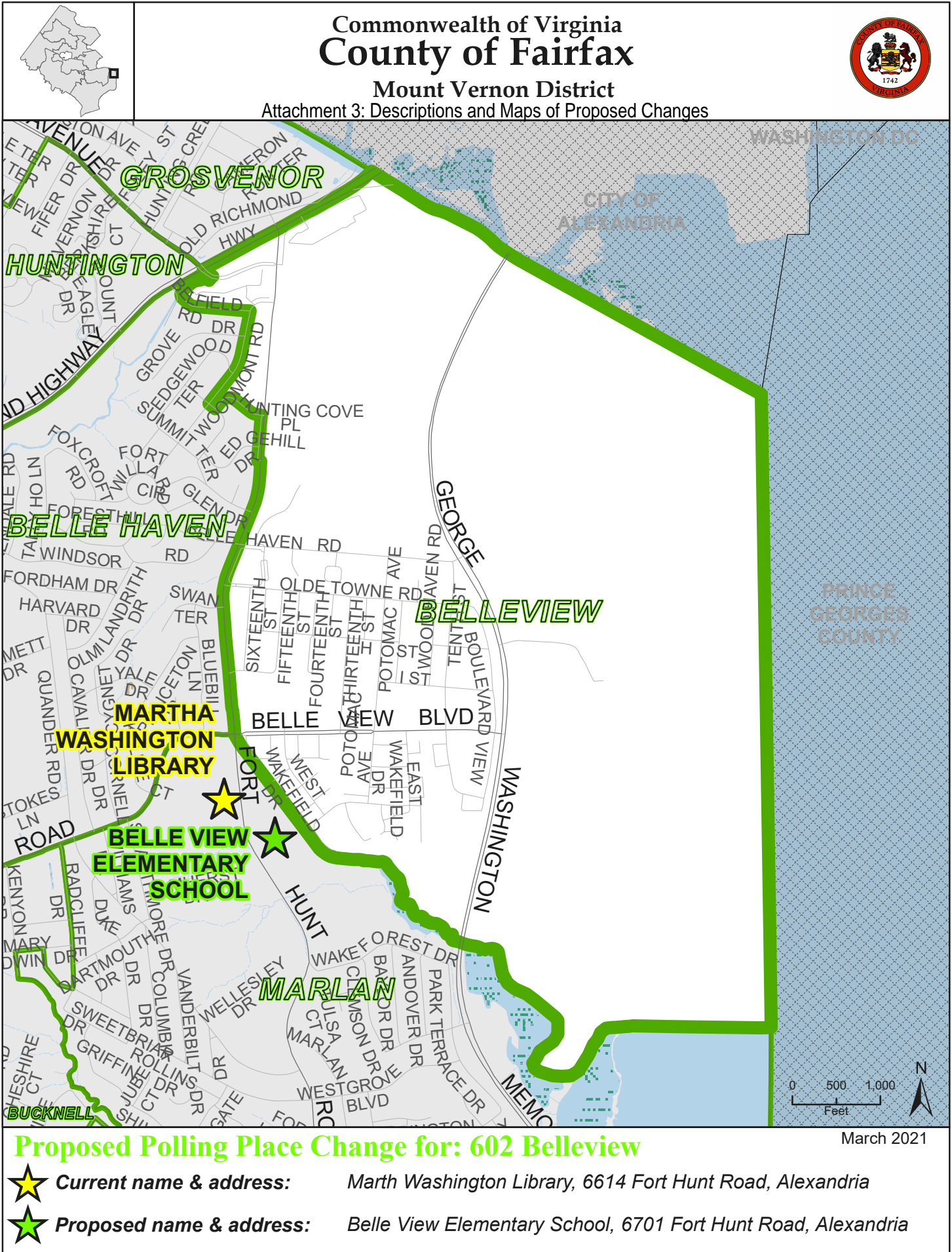
DESCRIPTION:

Beginning at the intersection of Richmond Highway (Route 1) and the south corporate boundary of the City of Alexandria, thence with the corporate boundary of the City of Alexandria in a southeasterly direction to its intersection with the Maryland/Virginia State Line (Potomac River), thence with the Maryland/Virginia State Line in a southerly direction to its intersection with the projection of an unnamed stream (crosses the George Washington Parkway north of Wake Forest Drive), thence with this projection and the unnamed stream, into and through Dykes Marsh, in a northwesterly direction to its intersection with Fort Hunt Road at Belle View Boulevard, thence with Fort Hunt Road in a northerly direction to its intersection with Hunting Cove Place, thence with Hunting Cove Place in a northwesterly, then southwesterly direction to its intersection with Vernon Terrace, thence with Vernon Terrace in a northwesterly direction to its intersection with Woodmont Road, thence with Woodmont Road in a northeasterly direction to its intersection with Belfield Road, thence with Belfield Road and an extension of Belfield Road in a westerly direction to its intersection with an unnamed stream, thence with the unnamed stream in a northeasterly direction to its intersection with Huntington Avenue, thence with Huntington Avenue in a northwesterly direction to its intersection with Richmond Highway, thence with Richmond Highway in a northeasterly direction to its intersection with the south corporate boundary of the City of Alexandria, point of beginning.

POLLING PLACE: ~~Martha Washington Library~~ Belle View Elementary School
6614 6701 Fort Hunt Road, Alexandria

MAP GRIDS: 83-2, 83-3, 83-4, 93-1, 93-2

NOTES: Established 1957
Precinct description revised and readopted – March 2003
Precinct boundary adjusted with Belle Haven – July 2011
Polling place moved – April 2019
Polling place moved – March 2021



Commonwealth of Virginia
COUNTY OF FAIRFAX

PROVIDENCE DISTRICT

DESCRIPTION:

Beginning at the intersection of Leesburg Pike (Route 7) and the Washington Dulles Access and Toll Road, thence with the Washington Dulles Access and Toll Road in an easterly direction to its intersection with Magarity Road, thence with Magarity Road in a southwesterly direction to its intersection with Leesburg Pike, thence with Leesburg Pike in a southeasterly direction to its intersection with the west corporate boundary of the City of Falls Church, thence with the corporate boundary of the City of Falls Church in a southwesterly, then generally southeasterly direction to its intersection with Arlington Boulevard (Route 50) at Seven Corners, thence with Arlington Boulevard in a southwesterly direction to its intersection with Holmes Run (stream), thence with Holmes Run in a generally southeasterly direction to its intersection with Annandale Road, thence with Annandale Road in a southwesterly direction to its intersection with Gallows Road, thence with Gallows Road in a northwesterly direction to its intersection with Woodburn Road, thence with Woodburn Road in a westerly, then southwesterly direction to its intersection with Leroy Place, thence with Leroy Place in a westerly direction to its intersection with Prosperity Avenue, thence with Prosperity Avenue in a northerly direction to its intersection with Crook Branch (stream), thence with the meanders of Crook Branch in a westerly direction to its intersection with a projection of Glenbrook Road, thence with this projection and Glenbrook Road in a southerly direction to its intersection with Little River Turnpike (Route 236), thence with Little River Turnpike in a northwesterly direction to its intersection with the east corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax in a northerly, then generally westerly direction to its intersection with the Lee-Jackson Memorial Highway (Route 50), thence with the Lee-Jackson Memorial Highway in a northwesterly direction to its intersection with West Ox Road, thence with West Ox Road in a northwesterly direction to its intersection with Waples Mill Road, thence with Waples Mill Road in a generally southeasterly direction to its intersection with Difficult Run (stream), thence with the meanders of Difficult Run in a northeasterly direction to its intersection with Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Hunter Mill Road, thence with Hunter Mill Road in a northerly direction to its intersection with Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Lakevale Drive, thence with Lakevale Drive in a southwesterly direction to its intersection with Babcock Road, thence with Babcock Road, a projection of Babcock Road and Babcock Road in a southeasterly direction to its intersection with Chain Bridge Road (Route 123), thence with Chain Bridge Road in a northeasterly direction to its intersection with the west corporate boundary of the Town of Vienna, thence with the corporate

boundary of the Town of Vienna in a generally southeasterly, and then northeasterly, then northerly direction to its intersection with Chain Bridge Road, thence with Chain Bridge Road in a northeasterly direction to its intersection with Leesburg Pike, thence with Leesburg Pike in a northwesterly direction to its intersection with the Washington Dulles Access and Toll Road, point of beginning.

Providence District also includes a non-contiguous section of Fairfax County that is surrounded by Fairfax City and contains the governmental complex, including the property on which the Fairfax County Public Safety Center (Massey Building and Annex), the Judicial Center (Jennings Building), the Adult and Juvenile Detention Centers, the Police Annex Building and the Fairfax County Public Schools Burkholder Center are located.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, Walnut Hill No. 2, and Woodburn.

As amended, re-codified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, Walnut Hill No. 2, and Woodburn.

NOTES: On March 24, 2003, Freedom Hill was divided to form Kilmer precinct. Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended by the Board of Supervisors on July 7, 2003

NOTES: On July 7, 2003, the description of Walnut Hill No. 2 precinct was amended and readopted to change the name of the polling place [facility] to the “Alan Leis Instructional Center at Walnut Hill.”

For Board of Supervisors Information on June 21, 2004

NOTES: On August 5, 2002, the Board of Supervisors adopted an ordinance to temporarily relocate the polling place for Fort Buffalo precinct until such time as the renovations to the James Lee Community Center were completed. On June 21, 2004, the Board of Supervisors was informed that the renovations were completed and that the polling place was to be returned to its permanent location at the James Lee Community Center.

As amended by the Board of Supervisors on September 10, 2007

NOTES: On September 20, 2007, the boundaries of the Blake, Nottoway, and Oak Marr precincts were adjusted to reduce the number of voters in Nottoway precinct.

As amended by the Board of Supervisors on March 10, 2008

NOTES: On March 10, 2008, the description of Oakton precinct was amended and readopted to change the name of the polling place [facility] to the “Unitarian Universalist Congregation of Fairfax.”

As amended by the Board of Supervisors on March 9, 2010

NOTES: On March 9, 2010, the polling place for Greenway precinct was temporarily moved to the Timber Lane Elementary School.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that moved the Walnut Hill No. 2 precinct from Providence District to Mason District and divided Nottoway precinct to move the Town of Vienna portion of the Nottoway into the Vienna No. 6 precinct in Hunter Mill District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham, Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

REDISTRICTING NOTES: On July 26, 2011, the Board divided the Mosby precinct to create Hunters Branch precinct and established the polling place for Hunters Branch precinct at the Regent's Park Clubhouse. In addition, the Board adjusted the boundaries of Fort Buffalo and Greenway precincts and moved the polling place for Tysons precinct to the Providence Committee Meeting Room

As amended and readopted by the Board of Supervisors on July 10, 2012

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Shreve, Stenwood, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

NOTES: On July 10, 2012, the Board combined Graham and Greenway into one precinct and moved the polling place to the new Graham Road Elementary School. In addition, the Board adjusted the boundaries of Magarity and Tysons precincts to conform to the boundary between the 8th and 11th Congressional Districts.

As amended by the Board of Supervisors on November 18, 2014

NOTES: On November 18, 2014, the description of Marshall precinct was amended to conform to the new boundary between Fairfax County and the City of Falls Church.

As amended by the Board of Supervisors on June 23, 2015

NOTES: On June 23, 2015, the polling place for Hunters Woods precinct was moved to the Providence Community Center, and Stenwood precinct was combined with Thoreau precinct and Stenwood was abolished.

As amended and readopted by the Board of Supervisors on July 12, 2016

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Rotonda, Shreve, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

NOTES: On July 12, 2016, the Board divided the Tysons precinct to create Rotonda precinct and established the polling place for Rotonda precinct at the Rotonda Condominiums Community Center.

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-10. Providence District

The Providence District shall consist of these election precincts: Blake, Fairfax Court (that part of Fairfax County containing the governmental complex which is surrounded by Fairfax City), Fort Buffalo, Freedom Hill, Gallows East, Graham-Greenway, Hunters Branch, Kilmer, Magarity, Mantua, Marshall, Merrifield, Mosby, Nottoway, Oak Marr, Oakton, Penderbrook, Pine Ridge, Pine Spring, Price, Rotonda, Shreve, Thoreau, Timber Lane, Tysons, Walker, and Woodburn.

NOTES: On July 11, 2017, the Board divided the Merrifield precinct to create "Gallows East" precinct and established its polling place at the Gatehouse Administration Center.

Attachment 3: Descriptions and Maps of Proposed Changes

The Board also adjusted and corrected a boundary between the Rotonda and Tysons precincts.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board moved the polling place for Oak Marr precinct to the Oakton Library.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Providence District

PRECINCT 732: OAK MARR

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

DESCRIPTION:

Beginning at the intersection of Difficult Run (stream) and Vale Road, thence with Vale Road in a northeasterly, then southeasterly direction to its intersection with Hunter Mill Road, thence Hunter Mill Road in a generally southerly direction to its intersection with Chain Bridge Road (Route 123), thence with Chain Bridge Road in a southwesterly direction to its intersection with the north corporate boundary of the City of Fairfax, thence with the corporate boundary of the City of Fairfax in a northwesterly direction to its intersection with Jermantown Road, thence with Jermantown Road in a northeasterly direction to its intersection with Oakton Road, thence with Oakton Road in a generally westerly direction to its intersection with Waples Mill Road, thence with Waples Mill Road in a northwesterly direction to its intersection with Difficult Run, thence with the meanders of Difficult Run in a northeasterly direction to its intersection with Vale Road, point of beginning.

POLLING PLACE: ~~Oak Marr Recreation Center~~ Oakton Library
~~3200 Jermantown Road~~, 10304 Lynnhaven Place, Oakton

MAP GRIDS: 37-1, 37-2, 37-3, 37-4, 47-1, 47-2, 47-3, 47-4, 46-2, 46-4

NOTES: Established February 1996
Precinct description revised and readopted – March 2003
Precinct boundary adjusted with Blake – January 2008
Polling place moved – March 2021

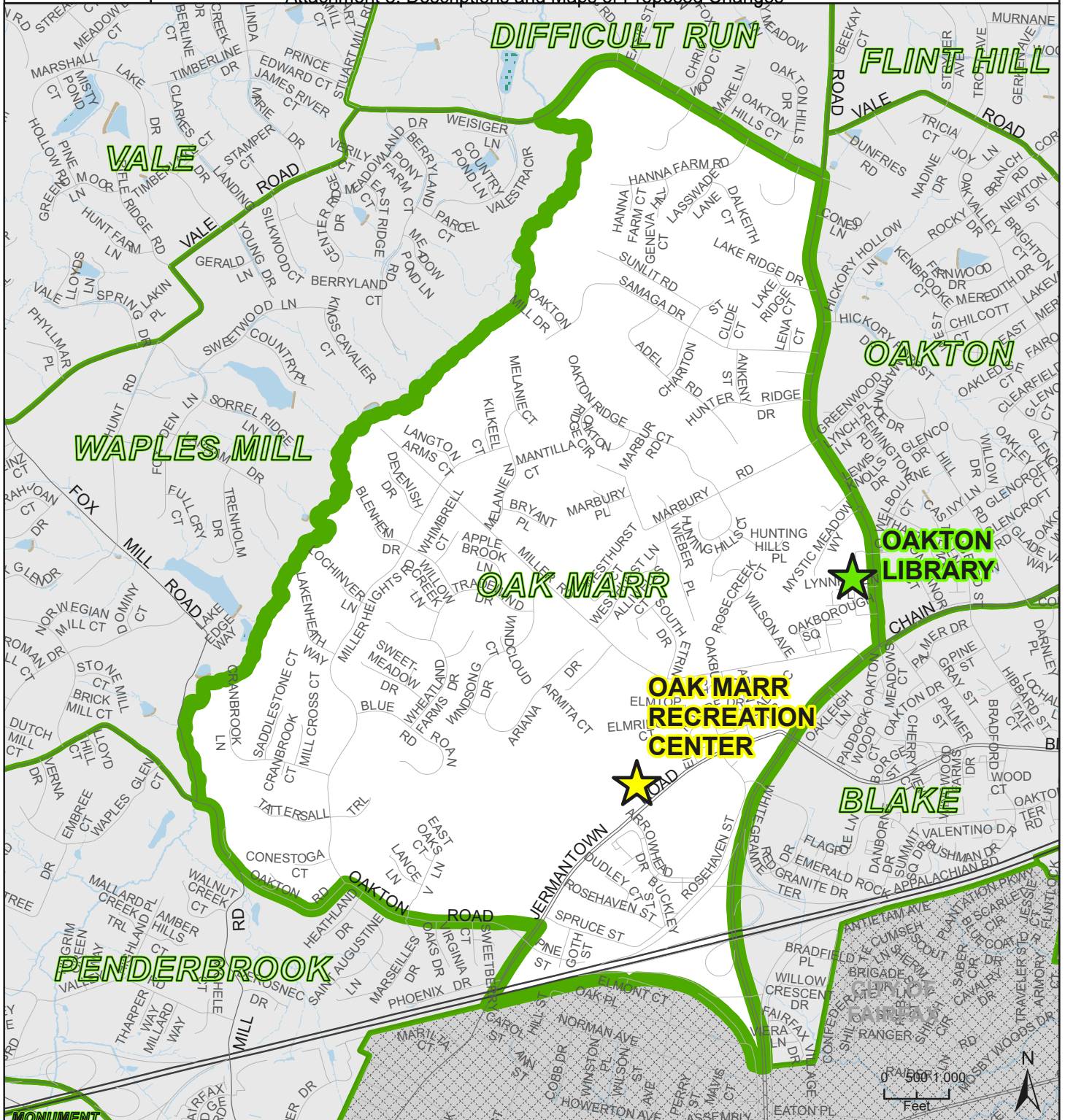


Commonwealth of Virginia County of Fairfax





Providence District

Attachment 3: Descriptions and Maps of Proposed Changes



Proposed Polling Place Change for: 732 Oak Marr

March 2021

-  **Current name & address:** Oak Marr Recreation Center, 3200 Jermantown Road, Oakton
-  **Proposed name & address:** Oakton Library, 10304 Lynnhaven Place, Oakton

Commonwealth of Virginia
COUNTY OF FAIRFAX

SPRINGFIELD DISTRICT

DESCRIPTION:

Beginning at the intersection of Stringfellow Road and the Lee-Jackson Memorial Highway (Route 50), thence with Lee-Jackson Memorial Highway in a southeasterly direction to its intersection with Interstate 66, thence with Interstate 66 in a southwesterly direction to its intersection with Monument Drive, thence with Monument Drive in a southeasterly direction to its intersection with Random Hills Road, thence with Random Hills Road in a southwesterly direction to its intersection with Legato Road at Post Forest Drive, thence with Legato Road in a southwesterly direction to its intersection with Lee Highway (Route 29), thence with Lee Highway in a southwesterly direction to its intersection with the Fairfax County Parkway (Route 286), thence with the Fairfax County Parkway in a southeasterly direction to its intersection with Braddock Road, thence with Braddock Road in a generally easterly direction to its intersection with Ox Road (Route 123), thence with Ox Road in a southerly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a southeasterly direction to its intersection with Burke Lake Road, thence with Burke Lake Road in a northeasterly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a northerly direction to its intersection with an unnamed stream on the northwest side of the Burke Village Center, thence with the meanders of the unnamed stream in a northerly direction to its intersection with the Norfolk Southern Railroad, thence with the Norfolk Southern Railroad in an easterly direction to its intersection with Rolling Road, thence with Rolling Road in a southeasterly direction to its intersection with Old Keene Mill Road, thence with Old Keene Mill Road in an easterly direction to its intersection with Carrleigh Parkway, thence with Carrleigh Parkway in a northerly direction to its intersection with Winslow Avenue, thence with Winslow Avenue in a westerly direction to its intersection with Roxbury Avenue, thence with Roxbury Avenue in a northwesterly direction to its intersection with Oakford Drive, thence with Oakford Drive in a northwesterly direction to its intersection with Forrester Boulevard, thence with Forrester Boulevard in an easterly direction to its intersection with Carrleigh Parkway, thence with Carrleigh Parkway in an easterly direction to its intersection with Greeley Boulevard, thence with Greeley Boulevard in a generally southeasterly direction to its second intersection with Bardu Avenue, thence with Bardu Avenue in a southwesterly direction to its intersection with Old Keene Mill Road, thence with Old Keene Mill Road in a southeasterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a generally southerly direction to its intersection with the north boundary of the Ft. Belvoir Military Reservation, thence with the boundary of the Ft. Belvoir Military Reservation in a westerly, then northwesterly, then southwesterly direction to its intersection with Rolling Road, thence with Rolling Road in a

northwesterly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a westerly direction to its intersection with Pohick Creek, thence with the meanders of Pohick Creek in a southerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power easement in a westerly direction to its intersection with Pohick Road, thence with Pohick Road in a northwesterly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a southwesterly direction to its intersection with Hooes Road, thence with Hooes Road in a southerly direction to its intersection with the Virginia Power Easement, thence with the Virginia Power Easement in a westerly, then southwesterly direction to its intersection with the Prince William County/Fairfax County Line, thence with the Prince William County/Fairfax County Line in a generally northwesterly direction to its intersection with Centreville Road (Route 28), thence with Centreville Road in a northerly direction to its intersection with Compton Road, thence with Compton Road in a southeasterly direction to its intersection with Little Rocky Run (stream), thence with the meanders of Little Rocky Run in a northeasterly direction to its intersection with New Braddock Road, thence with New Braddock Road in an easterly direction to its intersection with Braddock Road, thence with Braddock Road in an easterly direction to its intersection with a projection of Old Clifton Road, thence with this projection and Old Clifton Road in a northeasterly direction to its intersection with Clifton Road, thence with Clifton Road in a northerly direction to its intersection with Stringfellow Road at Lee Highway (Route 29), thence with Stringfellow Road in a northerly direction to its intersection with Lee-Jackson Memorial Highway, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cherry Run, Clifton, Fairfax Station, Greenbriar East, Greenbriar West, Irving, Leehigh, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster North, Sangster South, Silverbrook, Valley, West Springfield, White Oaks, Willow Springs, Woodyard North, and Woodyard South.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cherry Run, Clifton, Fairfax Station, Fair Lakes, Fair Ridge, Fountainhead, Greenbriar East, Greenbriar West, Irving, Leehigh, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs and Woodyard.

NOTES: On August 6, 2001, the Board divided Greenbriar East and Greenbriar West precincts to form Fair Ridge and Fair Lakes precincts, respectively, in response to population growth in the area.

Sangster North, Sangster South, Woodyard North and Woodyard South were renamed Sangster, South Run, Woodyard and Fountainhead, respectively.

The boundary of Silverbrook was adjusted with Fountainhead (Woodyard South) to reduce the size of Silverbrook and to allow for growth in the area.

As amended, recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cherry Run, Clifton, Fairfax Station, Fair Lakes, Fair Ridge, Fountainhead, Greenbriar East, Greenbriar West, Irving, Leehigh, Monument, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On March 24, 2003, the Board divided Leehigh precinct to form Monument precinct in response to population growth in the area.

Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended by the Board of Supervisors on May 5, 2003

NOTES: On May 5, 2003, the Board amended and readopted the description of Leehigh precinct to change the name of the polling place [facility] to “Fair Oaks Academy Gym.”

As amended by the Board of Supervisors on March 27, 2006

NOTES: On March 27, 2006, the Board amended and readopted the description of Leehigh precinct to update the polling place address to include the street number.

As amended by the Board of Supervisors on March 26, 2007

NOTES: On March 26, 2007, the Board moved the polling place for Fair Ridge precinct to the Centerpointe Church, and the precinct was renamed “Centerpointe.”

As amended and readopted by the Board of Supervisors on September 10, 2007

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Centerpointe, Cherry Run, Clifton, Eagle View, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Irving, Monument, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On September 10, 2007, the Board divided Monument and Leehigh precincts to form Eagle View precinct in response to population growth in the area. Leehigh was renamed “Fair Oaks.”

As amended and readopted by the Board of Supervisors on January 12, 2009

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Centerpointe, Cherry Run, Clifton, Eagle View, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Irving, Monument, Newgate North, Newgate South, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On January 12, 2009, the Board divided Newgate precinct to form Newgate North and Newgate South precincts. The polling place for both precincts is the Centreville High School.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Centerpointe, Cherry Run, Clifton, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Hunt, Irving, Newgate North, Newgate South, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Willow Springs precinct along Stringfellow Road. The portion of the precinct west of Stringfellow Road was moved into the Powell precinct in Sully District. The Board also moved Eagle View and Monument precincts from Springfield to Braddock District and moved Hunt precinct from Mount Vernon to Springfield District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cedar Lake, Centerpointe, Cherry Run, Clifton, Colchester, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Hunt, Hunt Valley, Irving, Newgate North, Newgate South, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On July 26, 2011, the Board divided Popes Head precinct to create Colchester, divided Centerpointe precinct to create Cedar Lake, created Hunt Valley from portions of Pohick and Hunt, adjusted boundaries of Fair Oaks, Willow Springs, Fairfax Station, Woodyard, South Run, and Silverbrook, and moved the polling place for Clifton precinct.

As amended and readopted by the Board of Supervisors on July 10, 2012

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cedar Lake, Centerpointe, Cherry Run, Clifton, Colchester, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Hunt Valley, Irving, Newgate North, Newgate South, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Sydenstricker, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On July 10, 2012, the Board moved the polling place for Cedar Lake precinct, moved the polling place for Hunt precinct, and renamed the precinct "Sydenstricker," and corrected the description of Burke precinct.

As amended by the Board of Supervisors on December 8, 2015

NOTES: On December 8, 2015, the Board moved the polling place for Fountainhead precinct to Christ Church.

As amended by the Board of Supervisors on July 12, 2016

NOTES: On July 12, 2016, the Board changed the name of the polling place of Fair Oaks precinct to the "Expectation Church Rec Center."

As amended and readopted by the Board of Supervisors on July 11, 2017

Section 7-2-11. Springfield District

The Springfield District shall consist of these election precincts: Burke, Cedar Lake, Centerpointe, Cherry Run, Clifton, Colchester, Fair Lakes, Fair Oaks, Fairfax Station, Fountainhead, Greenbriar East, Greenbriar West, Hunt Valley, Irving, Newgate, Orange, Parkway, Pohick, Popes Head, Sangster, Silverbrook, South Run, Sydenstricker, Valley, West Springfield, White Oaks, Willow Springs, and Woodyard.

NOTES: On July 11, 2017, the Board combined Newgate North and Newgate South precincts and renamed the precinct "Newgate." The polling location will remain at Centreville High School. The Board also moved the polling place for Fair Oaks precinct to the Virginia Department of Transportation Building.

As amended by the Board of Supervisors on December 4, 2018

NOTES: On December 4, 2018, the Board moved the polling location for Centerpointe precinct to the Waterford at Fair Oaks. The Board also moved the polling location for Cedar Lake precinct to the Michael R. Frey Animal Shelter.

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board moved the polling location for Centerpointe precinct to the Herrity Building.

Commonwealth of Virginia
COUNTY OF FAIRFAX
Springfield District

PRECINCT 844: CENTERPOINTE

CONGRESSIONAL DISTRICT: ELEVENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-FOURTH
HOUSE OF DELEGATES DISTRICT: THIRTY-FIFTH

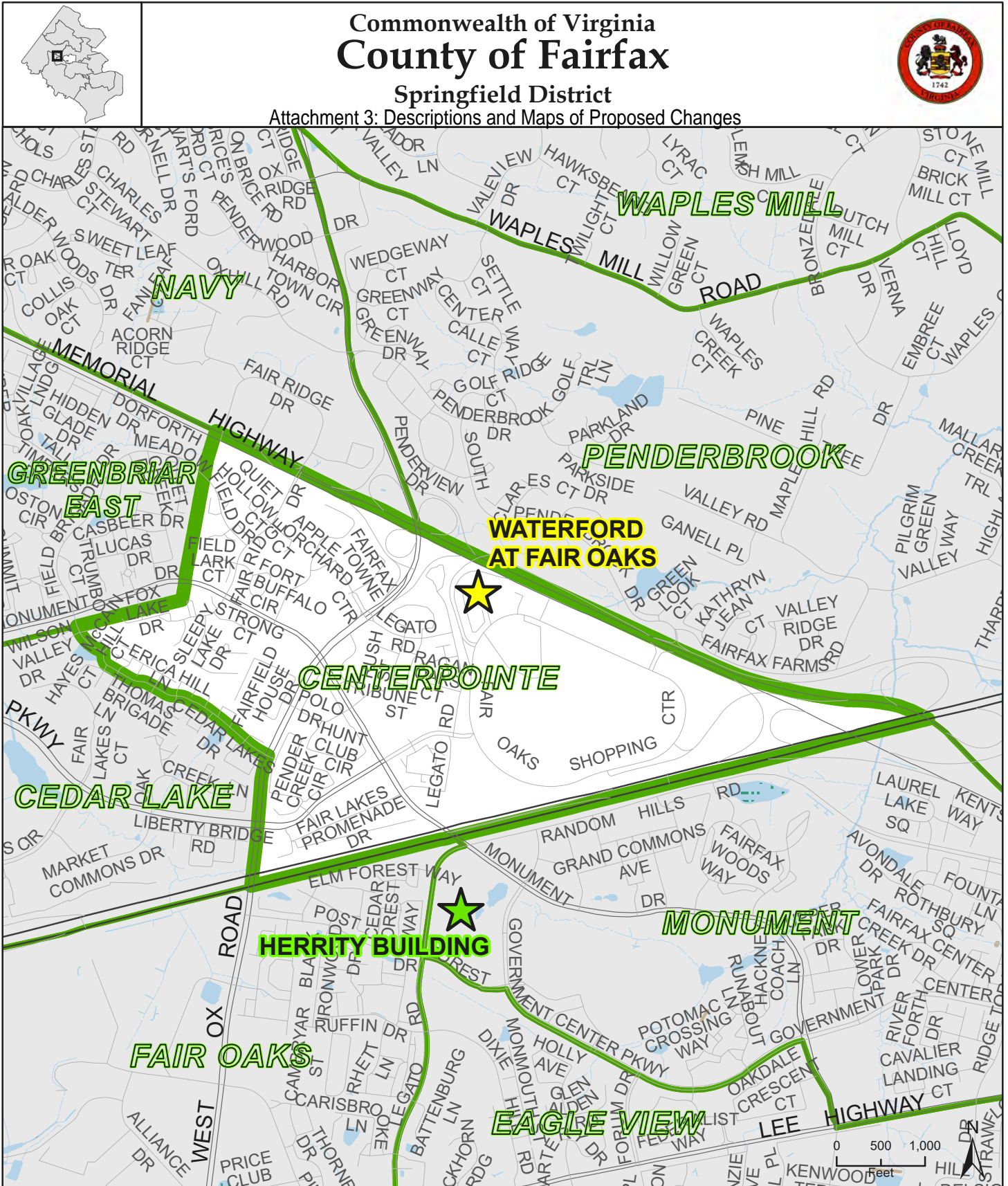
DESCRIPTION:

Beginning at the intersection of the Virginia Power Easement and the Lee-Jackson Memorial Highway (Route 50), thence with Lee-Jackson Memorial Highway in a southeasterly direction to its intersection with Interstate 66, thence with Interstate 66 in a southwesterly direction to its intersection with West Ox Road, thence with West Ox Road in a northerly direction to its intersection with Cedar Lakes Drive, thence with Cedar Lakes Drive in a northwesterly direction to its intersection with Fields Brigade Road, thence with Fields Brigade Road in a northwesterly direction to its intersection with the Virginia Power Easement (along Monument Drive,) thence with the Virginia Power Easement in an easterly, then northeasterly direction to its intersection with the Lee-Jackson Memorial Highway, point of beginning.

POLLING PLACE: ~~The Waterford at Fair Oaks~~ Herrity Building
 ~~12025 Lee Jackson Memorial Highway~~
 12055 Government Center Parkway, Fairfax

MAP GRIDS: 45-4, 46-3, 46-4, 56-1, 56-2

NOTES: Established August 2001
 Precinct description revised and readopted – March 2003
 Polling place relocated and precinct name changed – March 2007
 Precinct divided – July 2011
 Senate District changed from 37th to 34th – July 2011
 Delegate District changed from 67th to 35th – July 2011
 Congressional District changed from 10th to 11th – January 2012
 Polling place moved – December 2018
 Polling place moved – March 2021



Proposed Polling Place Change for: 844 Centerpointe

March 2021

- ★ **Current name & address:** Waterford at Fair Oaks, 12025 Lee Jackson Memorial Highway, Fairfax
- ★ **Proposed name & address:** Herrity Building, 12055 Government Center Parkway, Fairfax

Commonwealth of Virginia
COUNTY OF FAIRFAX

SULLY DISTRICT

DESCRIPTION:

Beginning at the intersection of the Loudoun County/Fairfax County Line and Horsepen Run (stream), thence with the meanders of Horsepen Run in a generally southeasterly direction to its intersection with West Ox Road, thence with West Ox Road in a southeasterly direction to its intersection with Folkstone Drive at Lawyers Road, thence with Folkstone Drive in an easterly direction to its intersection with Fox Mill Road, thence with Fox Mill Road in a southeasterly direction to its intersection with Little Difficult Run (stream), thence with the meanders of Little Difficult Run in a generally northeasterly direction to its intersection with Difficult Run (stream), thence with Difficult Run in a northeasterly direction to its intersection with Lawyers Road, thence with Lawyers Road in a southeasterly direction to its intersection with Hunter Mill Road, thence with Hunter Mill Road in a southeasterly, then southerly direction to its intersection with Vale Road, thence with Vale Road in a northwesterly, then southwesterly direction to its intersection with Difficult Run, thence with the meanders of Difficult Run in a southwesterly direction to its intersection with Fox Mill Road, thence with Fox Mill Road in a southerly direction to its intersection with Waples Mill Road, thence with Waples Mill Road in a generally westerly direction to its intersection with West Ox Road, thence with West Ox Road in a southerly direction to its intersection with the Lee-Jackson Memorial Highway (Route 50), thence with the Lee-Jackson Memorial Highway in a northwesterly direction to its intersection with Stringfellow Road, thence with Stringfellow Road in a southerly direction to its intersection with Clifton Road at Lee Highway (Route 29), thence with Clifton Road in a southerly direction to its intersection with Old Clifton Road, thence with Old Clifton Road and a projection of Old Clifton Road to its intersection with Braddock Road, thence with Braddock Road in a westerly direction to its intersection with New Braddock Road, thence with New Braddock Road in a westerly direction to its intersection with Little Rocky Run (stream), thence with the meanders of Little Rocky Run in a southwesterly direction to its intersection with Compton Road, thence with Compton Road in a northwesterly direction to its intersection with Centreville Road (Route 28), thence with Centreville Road in a southerly direction to its intersection with the Prince William County/Fairfax County Line (Bull Run), thence with the Prince William County/Fairfax County Line in a westerly, then generally northwesterly direction to its intersection with the Loudoun County/Fairfax County Line, thence with the Loudoun County/Fairfax County Line in a northeasterly direction to its intersection with Horsepen Run, point of beginning.

As adopted by the Board of Supervisors on June 11, 2001

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Centre Ridge, Centreville, Chantilly, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner, London Towne East, London Towne West, Navy, Rocky Run, Stone, Vale, Virginia Run, and Waples Mill.

As amended and readopted by the Board of Supervisors on August 6, 2001

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Bull Run, Centre Ridge, Centreville, Chantilly, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner, London Towne East, London Towne West, Navy, Old Mill, Rocky Run, Stone, Trinity, Vale, Virginia Run, and Waples Mill.

NOTES: On August 6, 2001, the Centre Ridge, Centreville and Virginia Run precincts were divided to form Old Mill, Trinity and Bull Run precincts, respectively, in response to population growth in the area.

A small portion of Centre Ridge precinct was moved into Bull Run precinct to unite a divided neighborhood along Bull Run Drive and a portion of Navy precinct was moved into Lees Corner precinct to provide a more convenient polling place for the Chantilly Farms neighborhood.

Boundaries of the Franklin, Kinross and Lees Corner precincts were also adjusted to conform to the new boundaries of the Thirty-Sixth, Sixty-Seventh and Eighty-Sixth House of Delegates Districts.

As amended, recodified and readopted by the Board of Supervisors on March 24, 2003

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Centre Ridge, Centreville, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner East, Lees Corner West, London Towne East, London Towne West, Navy, Old Mill, Poplar Tree, Rocky Run, Stone, Trinity, Vale, Virginia Run, and Waples Mill.

NOTES: On March 24, 2003, Lees Corner precinct was divided to form Lees Corner East and Lees Corner West. Chantilly and Rocky Run precincts were divided to form Poplar Tree precinct and Chantilly was renamed “Brookfield.”

Revised and updated descriptions of the precincts were also formally adopted to remove antiquated and unnecessary language, to update changes in the names of roads and other features, and to create a uniform format and appearance.

As amended and readopted by the Board of Supervisors on March 8, 2004

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Centre Ridge, Centreville, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner East, Lees Corner West, London Towne East, London Towne West, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Stone, Vale, Virginia Run, and Waples Mill.

NOTES: On March 8, 2004, Trinity precinct was renamed “Powell” and its polling place was moved to the Powell Elementary School.

As amended and readopted by the Board of Supervisors on April 26, 2011

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Centre Ridge, Centreville, Cub Run, Deer Park, Dulles, Franklin, Green Trails, Kinross, Lees Corner East, Lees Corner West, London Towne East, London Towne West, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Stone, Vale, Virginia Run, and Waples Mill.

REDISTRICTING NOTES: On April 26, 2011, the Board adopted their redistricting plan that divided the Willow Springs precinct (Springfield District) along Stringfellow Road. The portion of the precinct west of Stringfellow Road was moved into the Powell precinct in Sully District.

As amended and readopted by the Board of Supervisors on July 26, 2011

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Compton, Cub Run, Deer Park, Difficult Run, Dulles, Franklin, Green Trails, Kinross East, Kinross West, Lees Corner No. 1, Lees Corner No. 2, London Towne No. 1, London Towne No. 2, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Stone North, Stone South, Vale, Virginia Run, and Waples Mill.

NOTES: On July 26, 2011, the Board moved the polling place for Lees corner East and renamed the precinct Chantilly. The Board divided the Franklin, Green Trails and Vale precincts to create the new precincts of Carson, Colchester and Difficult Run and established their polling places at Carson Middle School, Centreville Elementary Schools, and the Church of the Good Shepherd, respectively.

The Kinross, Lees Corner West, and Stone precincts were divided and renamed to create Kinross East, Kinross West, Lees Corner No. 1 and Lees Corner No.2, Stone North, Stone South, precincts. The boundaries of Vale and Waples Mill precincts were realigned and the polling place for Waples Mill was moved to Crossfield Elementary School. The boundaries of London Towne East and London Towne West were realigned and the precincts were renamed London Towne No. 1 and London Towne No. 2.

As amended by the Board of Supervisors on July 10, 2012

NOTES: On July 10, 2012, the Board adjusted the boundaries of Center Ridge, Green Trails and Old Mill precincts to conform to the new boundary of the 10th and 11th Congressional Districts.

As amended by the Board of Supervisors on March 19, 2013

NOTES: On March 19, 2013, the Board changed the name of Dulles precinct to “Stonecroft” and moved its polling place to the Cub Run Recreation Center.

As amended and readopted by the Board of Supervisors on November 18, 2014

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Brookfield, Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Compton, Cub Run, Deer Park, Difficult Run, Dulles, Franklin, Green Trails, Kinross East, Kinross West, Lees Corner No. 1, Lees Corner No. 2, London Towne, Navy, Old Mill, Poplar Tree, Powell, Rocky Run, Spindle, Stone North, Stone South, Vale, Virginia Run, and Waples Mill.

NOTES: On November 18, 2014, the Board adjusted the boundaries between Centre Ridge and London Towne No. 2, changed the name of London Towne No. 2 to “Spindle” and moved its polling place to the Centreville Regional Library and changed the name of London Towne No. 1 to “London Towne.”

As amended and readopted by the Board of Supervisors on June 23, 2015

Section 7-2-12. Sully District

The Sully District shall consist of these election precincts: Armfield, Brookfield, Bull Run, Carson, Centre Ridge, Centreville, Chantilly, Compton, Cub Run, Deer Park, Difficult Run, Dulles, Franklin, Green Trails, Hidden Meadow, Lees Corner, London Towne, Navy, Oak Hill, Old Mill, Poplar Tree, Powell, Rocky Run, Spindle, Stone North, Stone South, Vale, Virginia Run, and Waples Mill.

NOTES: On June 23, 2015, the Board (1) changed the name of Lees Corner No. 1 to “Armfield” and moved its polling place to Franklin Middle School, (2) changed the name of Lees Corner No. 2 to “Lees Corner,” (3) changed the name of Kinross East to “Hidden Meadow” and moved its polling place to the Episcopal Church of the Epiphany, and (4) changed the name of Kinross West to “Oak Hill.”

As amended by the Board of Supervisors on July 11, 2017

NOTES: On July 11, 2017, the Board recognized the name change of the polling location for Centreville precinct to “Mountain View High School.”

As amended by the Board of Supervisors on March 23, 2021

NOTES: On March 23, 2021, the Board recognized the name change of the polling place for Hidden Meadow precinct from Episcopal Church of the Epiphany to “Epiphany Episcopal Church.”

Commonwealth of Virginia
COUNTY OF FAIRFAX
Sully District

PRECINCT 908: HIDDEN MEADOW

CONGRESSIONAL DISTRICT: TENTH
VIRGINIA SENATORIAL DISTRICT: THIRTY-SECOND
HOUSE OF DELEGATES DISTRICT: SIXTY-SEVENTH

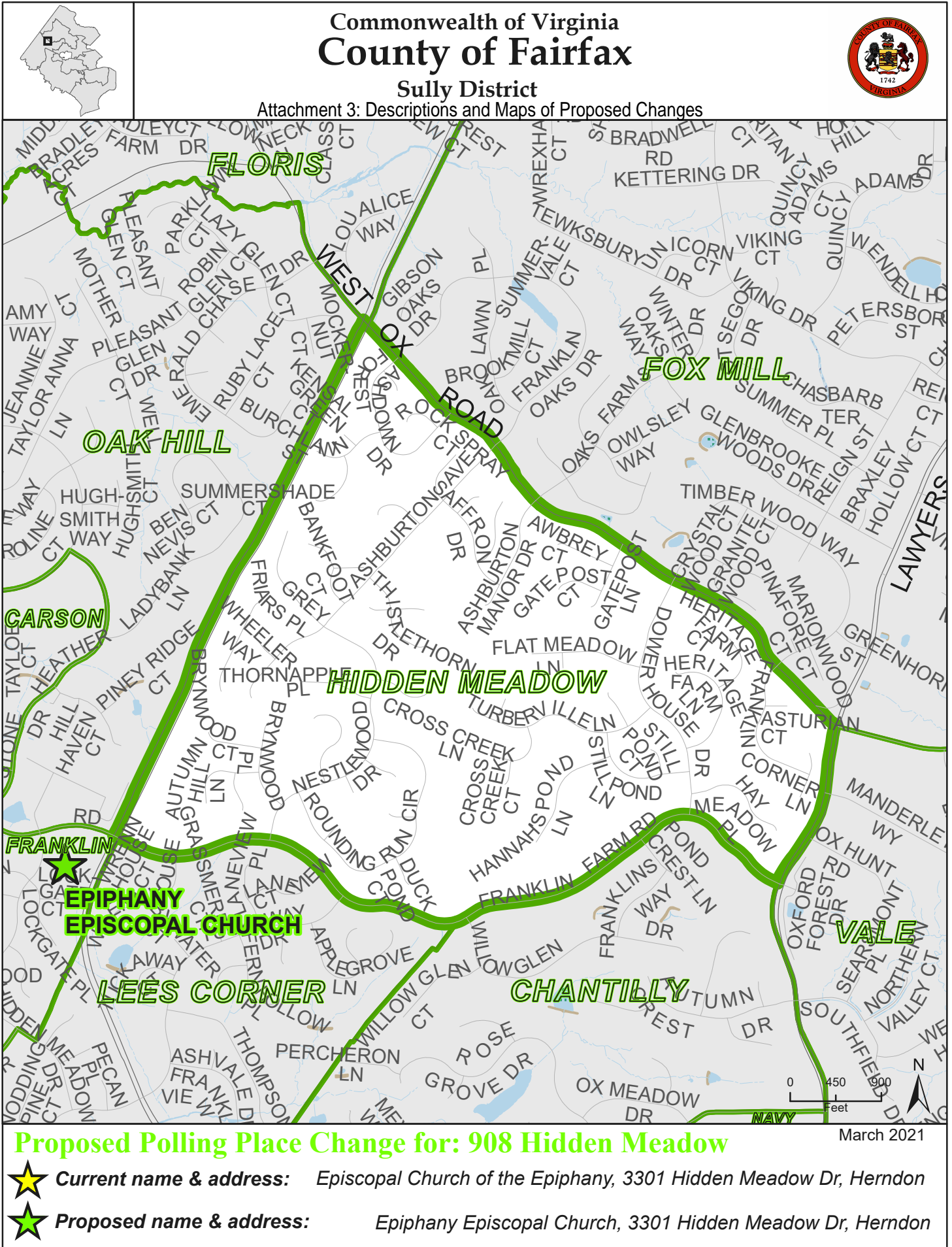
DESCRIPTION:

Beginning at the intersection of the Fairfax County Parkway (Route 286) and West Ox Road, thence with West Ox Road in a southeasterly, then southerly direction to its intersection with Franklin Farm Road, thence with Franklin Farm Road in a generally westerly direction to its intersection with the Fairfax County Parkway, thence with the Fairfax County Parkway in a northeasterly direction to its intersection with West Ox Road, point of beginning.

POLLING PLACE: ~~The Episcopal Church of the~~ Epiphany Episcopal Church
3301 Hidden Meadow Drive, Herndon

MAP GRIDS: 25-3, 25-4, 35-1, 35-2

NOTES: Established May 1995
Boundary adjusted to conform to House of Delegates Districts - August 2001
Precinct description revised and readopted – March 2003
Senate District changed from 33rd to 32nd – July 2011
Precinct divided and renamed – July 2011
Precinct renamed and polling place moved – June 2015
Polling place renamed – March 2021



ORDINANCE TO AMEND AND READOPT FAIRFAX COUNTY CODE SECTION 7-2-13 AND RENAME THE POLLING PLACES FOR PIONEER PRECINCT IN THE LEE DISTRICT AND HIDDEN MEADOW PRECINCT IN THE SULLY DISTRICT; AND TO RELOCATE THE POLLING PLACES FOR SKYLINE PRECINCT IN THE MASON DISTRICT, BELLEVIEW PRECINCT IN THE MOUNT VERNON DISTRICT, OAK MARR PRECINCT IN THE PROVIDENCE DISTRICT, AND CENTERPOINTE PRECINCT IN THE SPRINGFIELD DISTRICT

Draft of March 23, 2021

AN ORDINANCE to amend and readopt Fairfax County Code Section 7-2-13 and rename the polling places for Pioneer Precinct in the Lee District and Hidden Meadow Precinct in the Sully District; and to relocate the polling places for Skyline Precinct in the Mason District, Belleview Precinct in the Mount Vernon District, Oak Marr Precinct in the Providence District, and Centerpointe Precinct in the Springfield District.

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

- 1. That Section 7-2-13 of the Fairfax County Code is amended and readopted:**

Section 7-2-13. - General provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8, 2015, July 12, 2016, July 11, 2017, March 20, 2018, December 4, 2018, and April 9, 2019, December 3, 2019, ~~and March 24, 2020,~~ and March 23, 2021, and kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

- 2. That the election polling places for the following existing precincts are established at:**

44	<u>Supervisor District</u>	<u>Precinct</u>	<u>Polling Place</u>
45			
46	Lee District	Pioneer	From:
47		(polling place renamed)	Lee High School
48			6540 Franconia Road
49			Springfield, VA 22150
50			
51			To:
52			Lewis High School
53			6540 Franconia Road
54			Springfield, VA 22150
55			
56			
57	Mason District	Skyline	From:
58		(polling place moved)	Three Skyline Place
59			5201 Leesburg Pike
60			Falls Church, VA 22041
61			
62			To:
63			Bailey's Community Center
64			5920 Summers Lane
65			Falls Church, VA 22041
66			
67			
68	Mount Vernon	Bellevue	From:
69		(polling place moved)	Martha Washington Library
70			6614 Fort Hunt Road
71			Alexandria, VA 22307
72			
73			To;
74			Belle View Elementary School
75			6701 Fort Hunt Road
76			Alexandria, VA 22307
77			
78			
79	Providence	Oak Marr	From:
80		(polling place moved)	Oak Marr Recreation Center
81			3200 Jermantown Road
82			Oakton, VA 22124
83			
84			To:
85			Oakton Library
86			10304 Lynnhaven Place
87			Oakton, VA 22124
88			

89 Springfield Centerpointe From:
90 (polling place moved) The Waterford at Fair Oaks
91 12025 Lee Jackson Highway
92 Fairfax, VA 22033
93
94 To:
95 Herrity Building
96 12055 Government Center Parkway
97 Fairfax, VA 22035
98
99

100 Sully District Hidden Meadow From:
101 (polling place renamed) Episcopal Church of the Epiphany
102 3301 Hidden Meadow Drive
103 Herndon, VA 20170
104
105 To:
106 Epiphany Episcopal Church
107 3301 Hidden Meadow Drive
108 Herndon, VA 20170
109
110
111
112

113 **3. That this ordinance shall become effective upon adoption.**
114
115

116 **4. That the Clerk for the Board of Supervisors shall send a certified copy**
117 **of this ordinance, with GIS maps and boundary descriptions, to the**
118 **Fairfax County Electoral Board, the Department of Elections, and the**
119 **Division of Legislative Services, as required under Va. Code**
120 **§ 24.2-306(C).**
121
122

123 GIVEN under my hand this _____ day of _____, 2021.
124
125
126

127 _____
128 Jill G. Cooper
129 Clerk for the Board of Supervisors
130 Department of Clerk Services

ADMINISTRATIVE - 6

Extension of Review Period for 2232 Application (Mason District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-M20-8.

TIMING:

Board action is required February 23, 2021, to extend the review period for the application noted above before its expiration date.

BACKGROUND:

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

The review period for the following application should be extended:

2232-M20-8	Fairfax Water
	Sleepy Hollow Road Water Pumping Station
	Tax Map No. 51-3 ((14)) 1A
	2959 Sleepy Hollow Road
	Falls Church, VA
	Mason District
	Accepted January 15, 2021
	Extended to December 15, 2021

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

None.

STAFF:

Rachel Flynn, Deputy County Executive

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

Michelle K. Stahlhut, Chief, Facilities Planning Branch, Planning Division (DPD)

Salem Bush, Planner, Facilities Planning Branch, Planning Division, (DPD)

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Consider Amendments to Chapter 4, Articles 14, 15, and 16.1 of the Fairfax County Code

ISSUE:

Authorization to advertise a public hearing to consider amendments to Chapter 4, Article 14, 15, and 16.1 of the Fairfax County Code, that would change the annual tax relief deadlines for real estate tax relief, certain personal property tax relief, and rent relief from April 1 to May 1 of each year. This amendment also makes other minor housekeeping changes to conform the language of the ordinance with the existing requirements in and current County practice under state code.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on March 23, 2021, at 3:30 p.m. to consider adopting the proposed amendments to Chapter 4, Articles 14, 15, and 16.1 of the Fairfax County Code.

TIMING:

Board action is required on February 23, 2021, to provide sufficient time to advertise the public hearing on March 23, 2021, at 3:30 p.m.

BACKGROUND:

Pursuant to Virginia Code §§ 58.1-3210 through -3217, Virginia Code §§ 58.1-3503 – 3506.2, Virginia Code §§ 58.1-3506.1 through -3506.8, and Virginia Code § 63.2-802, Fairfax County provides income and asset-based tax relief and rent relief to qualified individuals who are at least 65 years of age and/or permanently and totally disabled. For calendar Year 2020, the County's tax relief program received approximately 7,100 real estate and 2,500 personal property applications and the rent relief program received approximately 700 applications requesting relief.

Annually, the tax relief and rent relief programs receive about 1,500 applications after the April 1 filing deadlines. Approximately 50 percent of these late applications fall between April 1 and May 1, of each year. The proposed amendments to Fairfax County Code Sections 4-14, 4-15, and 4-16.1 permanently extend the due date from April 1 to May 1. Many of the individuals who file their applications after the April 1 due date do so because they have not filed their federal and state income tax returns, which are

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normally due on April 15 and May 1, respectively. The proposed date change will put the tax relief deadlines in line with these return filing deadlines and provide applicants additional flexibility.

The proposed amendments also make housekeeping changes to conform the language of the ordinance with state code.

FISCAL IMPACT:
No fiscal impact.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Ordinance change to amend and readopt Chapter 4, Article 14, 15, and 16.1 of the Fairfax County Code.

STAFF:
Joseph M. Mondoro, Chief Financial Officer
Jaydeep "Jay" Doshi, Director, Department of Tax Administration (DTA)
Gregory A. Bruch, Director, Revenue Collection Division, DTA
Justin K. Nejad, Management Analyst, Revenue Collection Division, DTA

ASSIGNED COUNSEL:
Corinne N. Lockett, Senior Assistant County Attorney

**AN ORDINANCE AMENDING
ARTICLES 14, 15, and 16.1 OF CHAPTER 4 OF THE FAIRFAX COUNTY CODE,
RELATING TO APPLICATIONS FOR TAX RELIEF ON REAL ESTATE TAXES,
RENT RELIEF FOR THE LOW-INCOME ELDERLY AND THE DISABLED, and
ALTERNATIVE TAX RATES FOR PERSONAL PROPERTY TAXES ON VEHICLES
FOR THE LOW-INCOME ELDERLY AND THE DISABLED.**

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 4-14-1, 4-14-2, 4-14-3, 4-14-6, 4-15-1, 4-15-2, 4-15-4, 4-15-5, and 4-15-6, 4-16.1-1, 4-16.1-2, 4-16.1-5, 4-16.1-6 4-16.1-7, and 4-16.1-8 in Articles 14, 15, and 16.1 to change the annual filing deadlines for real estate tax real estate tax relief, alternative tax rates for personal property taxes on vehicles for the low-income elderly and the disabled, and rent relief tax from April 1 to May 1 each year and to make other minor changes to conform with the Virginia Code.

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

- 1. That Sections 4-14-1, 4-14-2, 4-14-3, 4-14-6, 4-15-1, 4-15-2, 4-15-4, 4-15-5, 4-15-6, 4-16.1-1, 4-16.1-2, 4-16.1-5 4-16.1-6, 4-16.1-7 and 4-16.1-8 of the Fairfax County Code are amended and readopted, as follows:**

ARTICLE 14. - Exemption of Real Estate Taxes.

Section 4-14-1. - Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

- (1a)** *Director* means the Director of the Fairfax County Department of Tax Administration or the designated agent of the Director.
- (2b)** *Net combined financial worth* means all assets of the owners of the dwelling and the spouse of the owner who resides therein, including equitable interests, excluding furniture, household appliances and other items typically used in a home and the value of the dwelling and the land in an amount not to exceed one acre upon which that dwelling is located.
- (3c)** *Total combined income* means gross income from all sources of owners of the dwelling residing therein and any relative of the owner who resides in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not, provided that the first \$7,500.00 of any income received by an owner who is permanently and totally disabled and the first \$6,500.00 of income of each relative, other than the spouse of the owner or owners who is living in the dwelling, shall not be included in such total. If a relative subject to this subsection **(3c)** is permanently and totally disabled, any disability income received by such person shall not be included in the calculation of total combined income.

46
47 Section 4-14-2. - Eligibility for exemptions.
48

49 A.a Any persons not less than 65 years of age or any person permanently and totally
50 disabled as provided in Section 4-14-3, or any person or husband and wife who
51 owns a dwelling jointly wherein at least one spouse is not less than 65 or is
52 permanently and totally disabled, by December 31 of the year preceding the date
53 of the application, who owns, or partially owns, a dwelling as the sole dwelling
54 and residence of that person or persons during the year for which the exemption
55 is sought, shall be eligible for, and may apply for, an exemption from real estate
56 taxes specified in Section 4-14-5 on such dwelling and the land, not exceeding
57 one acre, upon which that dwelling is located; provided that the applicant or
58 applicants satisfy the conditions of subsection C of this Section.

59 B.b Notwithstanding the provisions of subsection A of this Section, if during the
60 calendar year a person reaches the age of 65 or is certified as being permanently
61 and totally disabled in accordance with Section 4-14-3, and if any such person is
62 otherwise eligible for the tax relief benefits provided by this Article, then that
63 person may apply to the Director for tax relief benefits for the remaining portion of
64 the calendar year. All such benefits shall be prorated on monthly basis from the
65 month in which the applicant became eligible to the end of the calendar year
66 unless there is a disqualifying change in ownership, income, or financial worth as
67 provided in Section 4-14-4. In the event that there is such a disqualifying change,
68 then the benefits shall be limited in the manner specified by Section 4-14-4.

69 C.c (1) In order to receive a 100 percent exemption from real estate taxes, the
70 total combined income during the immediately preceding year shall not be
71 greater than \$52,000.00. In order to receive a 50 percent exemption from
72 real estate taxes, the total combined income during the immediately
73 preceding year shall be greater than \$52,000.00, but shall not be greater
74 than \$62,000.00. In order to receive a 25 percent exemption from real
75 estate taxes, the total combined income shall be greater than \$62,000.00
76 but shall not be greater than \$72,000.00.

77 (2) The net combined financial worth, as defined in Section 4-14-1, as of
78 December 31 of the immediately preceding year, shall not exceed
79 \$340,000.00.
80

81 Section 4-14-3. - Application for exemption; affidavit.
82

83 Application for exemption provided for by this Article shall be made not later than
84 April-May 1 of each year for which exemption is sought, except this date may be
85 extended by the Director to December 31 of the year following the year that application
86 was due, if the applicant is applying for relief for the first time or if hardship conditions
87 exist which through no fault of the applicant prohibit applying by April-May 1, and if
88 proper application is made along with sworn affidavit that failure to apply was due to
89 reasons beyond the control of the applicant.

90 All applications for exemption shall be made to the Director on application forms
91 provided by the Director. Each application shall be accompanied by an affidavit or
92 written statement, setting forth the names of all owners and relatives-related persons
93 occupying such dwelling real estate as specified in Va. Code § 58.1-3212 and stating
94 that the total combined net worth and the combined income from all sources does not
95 exceed the limits set forth in Section 4-14-2(c) -and the net combined financial worth of
96 as well as all such persons and such other information required by the Director to
97 administer the provisions of this Article. If the application is made by an owner filing for
98 exemption because of permanent and total disability, or if the owner is seeking
99 exclusion from total combined income of the disability income of a relative living in the
100 residence, the application shall also be accompanied by affidavits made in accordance
101 with Code of Virginia Code § 58.1-3213 stating that such owner or relative, as the case
102 may be, meets the definition of permanently and totally disabled specified by Code of
103 Virginia Code § 58.1-3217. The Director may require an applicant to answer questions
104 under oath concerning the requirements under this Article and/or to produce for
105 inspection certified federal income tax returns for the preceding three (3) years to
106 establish the total combined income or net combined financial worth as defined in
107 Section 4-14-1.

108 ~~Beginning January 1, 1997, applications~~ Applications for real estate tax relief
109 shall be filed on a three-year cycle. Applicants ~~approved for real estate tax relief for~~
110 ~~1996, or for any year thereafter pursuant to the filing of an application for exemption,~~
111 shall file a certification in each of the two (2) years following the approval year attesting
112 that no information contained on the last ~~previous years~~ application has changed in a
113 way that would exceed the limitations and conditions prescribed herein pertinent to the
114 eligibility for tax relief. The annual certification shall be filed no later than April-May 1
115 each year. The deadline to file a certification may be extended by the Director to
116 December 31 of the year following the calendar year in which the certification was due,
117 if hardship conditions existed where, through no fault of the applicant, the applicant was
118 prohibited from filing the certification by the April-May 1 due date. Failure to file an
119 application or certification as specified in this section shall result in denial of tax relief.

120
121
122 Section 4-14-6. - Certification to Director of Finance.

123
124 The Director ~~of the Department of Tax Administration~~ shall certify to the Director
125 of Finance annually those persons who qualify under this Article for an exemption and
126 the amounts thereof. The Director of Finance shall deduct the amount of exemption
127 from the applicant's real estate tax bill for that year.

128
129
130 ARTICLE 15. - Rent Relief for the Low-Income Elderly and the Disabled.

131
132 Section 4-15-1. - Definitions.

(a) For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- (1) *Affidavit* shall mean the rental grant affidavit.
- (2) *Applicant* shall mean the person who applies for rent relief.
- (3) *County* shall mean Fairfax County, Virginia.
- (4) *County Board* shall mean the Fairfax County Board of Supervisors.
- (5) *County Executive* shall mean the County Executive of Fairfax County, Virginia, or any of his duly authorized deputies or agents.
- (6) *Dwelling* shall mean the full-time residence of the person or persons seeking a grant.
- (7) *Grant* shall mean a financial assistance payment made to any meeting the requirements of this Article.
- (8) *Grant year* shall mean the calendar year for which a grant is sought.
- (9) *Rent* shall mean the monetary consideration paid for occupation of the dwelling unit, and shall include the monetary stipend paid to a cooperative housing association by its residents.
- (10) *Tenant* shall mean the one who resides in a dwelling, for the privilege of which rent is paid

Section 4-15-2. - Grants authorized; persons qualified.

Grants in varying amounts according to the terms of this Article are provided for qualified tenants who are residents of the County and who are not less than sixty-five (65) years of age or permanently and totally disabled as provided in Section 4-15-6(b) and (c). Persons qualifying for grants are deemed to bear an extraordinary burden in rent costs in relation to their income and net worth and are in need of public relief. Such persons thus qualify for general relief as provided in Code of Virginia, Section Virginia Code § 63.1-10663.2-802.

Section 4-15-6. - Claiming of grant.

- (a) Annually, but not later than April-May 1 of the year following the grant year, the person claiming a grant shall file with the County Executive a rental grant affidavit and other such information as required according to procedure set forth by the County Executive except this date may be extended to December 31 if the applicant is applying for rental grant for the first time or if hardship conditions exist which, through no fault of the applicant, prohibits applying by April-May 1 and if proper application is made along with sworn affidavit that failure to apply was due to reasons beyond the control of the applicant. No extension shall be made beyond December 31 of the year following the year for which the grant is sought.

- (b) The affidavit shall set forth in a manner prescribed by the County Executive, the names of the related persons sharing the same dwelling with the applicant, their gross combined income, and the financial worth of the applicant and spouse.
- (c) If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification made in accordance with ~~Code of Virginia, Section~~Virginia Code § 58.1-3213, that such person is permanently and totally disabled, as defined ~~by Code of Virginia, Section~~Virginia Code § 58.1-3217.

ARTICLE 16.1. - Alternative Tax Rates for Personal Property Taxes on Vehicles for the Low-Income Elderly and the Disabled.

Section 4-16.1-1. - Purpose.

The Board of Supervisors of Fairfax County finds that persons who are elderly, or permanently and totally disabled, bear an extraordinary tax burden on certain tangible personal property in relation to their income and financial worth. Therefore, the Board hereby ordains that any such tangible personal property owned and used primarily by or for such qualifying individuals as herein after defined shall be eligible to be taxed in accord with the provisions of ~~Code of Virginia, Section~~ Virginia Code § 58.1-3506 et seq. and this Article, and at the rate established annually by the Board.

Section 4-16.1-2. - Definitions.

- (a) Elderly ~~shall mean~~s an individual who has attained the age of sixty-five (65) or older on or before January 1 of the year for which relief is sought under this Article.
- (b) *Disabled* ~~shall mean~~s an individual who is permanently and totally disabled so as to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or which can be expected to last for the duration of such person's life. A person who is receiving benefits from the Social Security Administration pursuant to 42 U.S.C. Section 423(d) shall be deemed to be disabled, so long as the person remains eligible for such Social Security benefits.
- (c) *Net financial worth* ~~shall mean~~s the dollar value of all assets, including the present worth of all equitable interests. For purposes of this definition, the value of the applicants home and up to one (1) acre of land upon which the house is situated shall be excluded. Assets shall also exclude furniture, household appliances and other items typically used in a home. Net financial worth shall be computed by aggregating the assets of a husband and wife who reside in the same dwelling and shall be applied to any owner of the motor vehicle who seeks the benefits of the preferential tax rate permitted under this Article, irrespective of how such motor vehicle may be titled.
- (d) *Vehicle* ~~shall mean~~s a private passenger automobile or van, or a pickup truck with a gross vehicle weight not to exceed fourteen thousand (14,000) pounds.

(e) ~~Income shall mean~~ the gross income from all sources of the owners of the vehicle for which application is made under this Article. Income shall be computed by aggregating the income of ~~a husband and wife~~ married individuals who reside in the same dwelling and shall be applied to any owner of the motor vehicle who seeks the benefits of the preferential tax rate permitted under this Article, irrespective of how such motor vehicle may be titled.

Section 4-16.1-5. - Application requirements.

(a) Application for personal property taxation under this Article shall be made on forms prescribed by the Director of the Department of Tax Administration. Any application made under this Article shall be made under oath and filed with the Director of the Department of Tax Administration on or before ~~April~~ May 1 of each year. The deadline to file an application may be extended to December 31 when the applicant is applying for the first time or if hardship conditions existed where, through no fault of the applicant, the applicant was prohibited from filing by the ~~April~~ May 1 due date.

(b) ~~Beginning January 1, 1997, applications~~ Applications for personal property tax relief shall be filed on a three-year cycle. Applicants approved for personal property tax relief for 1996, or for any year thereafter pursuant to the filing of an application for exemption, shall file a certification in each of the two years following approval attesting that no information contained on the last ~~previous years~~ application has changed to violate the limitations and conditions prescribed herein pertinent to the eligibility for tax relief. The annual certification shall be filed no later than ~~April~~ May 1 of each year. The deadline to file ~~a~~ certification may be extended to December 31 of the year following the year in which the application was due if hardship conditions existed where, through no fault of the applicant, the applicant was prohibited from filing by the ~~April~~ May 1 due date. Failure to file ~~a fully completed~~ application or certification as specified in this section shall result in denial of tax relief.

(c) Applicants requesting an extension due to hardship must submit an application along with a signed affidavit stating the reason for the requesting of such an extension and that failure to apply by the due date was due to reasons unpreventable by the applicant. The Director of the Department of Tax Administration shall make reasonable inquiry into the nature of the hardship and shall be the sole authority in approving any extension. Any determination of hardship made by the Director of the Department of Tax Administration hereunder shall be deemed final, and no extension shall be made beyond December 31 of the year following the year in which the application was due. Except as set out above, an application filed late shall bar the applicant from receiving the preferential tax relief rate for the current year.

(d) The application shall contain an affidavit that the owner or, if applicable, the owner's spouse, satisfies the age or disability requirements; that the vehicle is primarily used by or for the owner or spouse whose age or disability is the basis upon which relief is sought; that the owner and the spouse of the owner satisfy the income and net worth limitations set forth in this Article; and that the applicant

reasonably expects to continue to satisfy the net income and worth limitation and, if applicable, the disability requirement, throughout the tax year for which relief is sought.

(e) The application shall also contain a complete copy of the federal and Virginia income tax returns of the individuals whose income is subject to the limitations set forth in Section 4-16.1-4(2) for the calendar year preceding the tax year for which relief is sought. If such tax returns are not available when the application is required to be filed, the copies shall be provided to the Director of the Department of Tax Administration immediately after they have been filed with the appropriate tax officials. No applications will be acted upon until such time as the required tax returns are received.

(f) If relief is sought on the basis of the disability of the owner or spouse, the application shall contain a certification by the Social Security Administration, the Department of Veteran Affairs or the Railroad Retirement Board. If the owner and spouse are ineligible for certification by any of these agencies, the application shall contain a sworn affidavit by two medical doctors who are either licensed to practice medicine in Virginia or are military officers on active duty who practice medicine with the United States Armed Forces, that the owner or the owner's spouse is permanently and totally disabled, as defined in ~~the Code of Virginia, Section Virginia Code §~~ 58.1-3506.3. The affidavit of at least one of the doctors may be based upon medical information contained in the record of the Civil Service Commission which is relevant to the standards for determining permanent and total disability.

(g) The Director of the Department of Tax Administration shall make any other reasonable inquiry, including, if need be, requiring the questions be answered under oath, for the purpose of determining if the owner is eligible for the relief provided under this section. In accordance with the Virginia Code §§ 58.1-3109 - 3110, any applicant may be required to furnish any additional information or records requested by the Director necessary to determine the applicant's status or eligibility under this Article. Failure to comply with any such request may lead to the denial of the application made under this Article.

Section 4-16.1-6. - Changes in financial status; exemption nullified.

Except as provided in Section 4-16.1-3, ~~and any~~ change in respect to total combined income, net combined financial worth, ownership of the vehicle, or other applicable factors, which occur during the year for which the application is filed, and which have the effect of exceeding or violating the limitations and conditions of this Article, shall nullify any exemption for the current taxable year and the taxable year immediately following.

Section 4-16.1-7. - Personal property tax.

Vehicles for which the owner has met the terms and conditions of this Article shall be taxed at the personal property tax relief rate adopted by the Board of Supervisors each year in accord with ~~Code of Virginia, Section Virginia Code §~~ 58.1.3506.1.

303 Section 4-16.1-8. - Vehicles equipped for the handicapped.

304 Nothing contained in this Article shall prevent owners of motor vehicles specially
305 equipped for the transportation of the handicapped to qualify for any reduced personal
306 property tax rate which may be adopted in accord with ~~Code of Virginia Section Virginia~~
307 Code § 58.1-3506(12).

308

309 **2. That the provisions of this ordinance shall take effect immediately upon adoption.**

310

311 GIVEN under my hand this _____ day of _____, 2021.

312

313

314

315

Jill G. Cooper

316

Clerk for the Board of Supervisors

317

Department of Clerk Services

318

319

320

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on
Gunston Cove Road (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Gunston Cove Road in the Mount Vernon District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 23, 2021, at 4:00 p.m., to consider adoption of an amendment (Attachment I) to Appendix R of the Fairfax County Code. The amendment will prohibit commercial vehicles, recreational vehicles and trailers as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1, and 82-1-2(a)(50) from parking on portions of Gunston Cove Road from 6:00 p.m. to 6:00 a.m., seven days per week.

TIMING:

The Board of Supervisors should act on February 23, 2021, to provide sufficient time for advertisement of the public hearing on March 23, 2021, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

Representatives of the properties along Gunston Cove Road contacted the Mount Vernon District office seeking relief from long-term parking that is occurring and impacting their businesses. They requested that parking restrictions be posted on the west side of Gunston Cove Road, where applicable, prohibiting all commercial vehicles, recreational vehicles, and all trailers from 6:00 p.m. to 6:00 a.m., seven days per week. The area to be restricted is shown on the attached map (Attachment II).

Staff has viewed this area over a period of time in excess of 30 days and has observed long term parking of out-of-area large commercial vehicles, recreational vehicles and trailers.

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FISCAL IMPACT:

The cost of sign installation is estimated to be \$900. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

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

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Gunston Cove Road (Route 600).

Commercial vehicles, recreational vehicles, and trailers as defined, respectively, in Fairfax County Code §§ 82-5-7, 82-5B-1, and 82-1-2(a)(50), shall be restricted from parking on the west side of Gunston Cove Road from Lorton Road to the end from 6:00 p.m. to 6:00 a.m., seven days per week.

Fairfax County
Department of Transportation
Proposed Parking Restrictions
Mt Vernon District



Tax Map: 107-4

— Proposed Parking Restriction
(Gunston Cove Rd)
No Parking Commercial Vehicles, Recreational
Vehicles, and Trailers 6:00 pm to 6:00 am

ADMINISTRATIVE - 9

Supplemental Appropriation Resolution AS 21263 for the Department of Neighborhood and Community Services to Accept Grant Funding from the U.S. Department of the Treasury for the Emergency Rental Assistance Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 21263 for the Department of Neighborhood and Community Services (NCS) to accept funding from the U.S. Department of the Treasury for the Emergency Rental Assistance program, in the amount of \$34,463,869. Funding will allow the County to continue providing financial assistance, including back and forward rent and utility payments, and other housing expenses. No Local Cash Match is required. The grant period is March 13, 2020 to December 31, 2021. When grant funding expires, the County is under no obligation to continue funding the program. In order to be eligible to receive funding the County needed to accept the grant award no later than January 12, 2021. Therefore, the County Executive signed the grant agreement and accepted the award terms. Formal Board approval is needed to appropriate the funding in the Federal-State Grant fund and is consistent with the information provided in the Emergency Rental Assistance Program memo sent to the Board on February 12, 2021.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve AS 21263 for the Department of Neighborhood and Community Services to accept funding from the U.S. Department of the Treasury for the Emergency Rental Assistance program, in the amount of \$34,463,869. Funding will allow the County to continue providing financial assistance, including back and forward rent and utility payments, and other housing expenses. There are no positions associated with this funding and no Local Cash Match is required.

TIMING:

Board approval is requested on February 23, 2021.

BACKGROUND:

The Emergency Rental Assistance program made available \$25 billion to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic. The County received just under \$34.5 million in funding directly from the U.S.

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Department of the Treasury for this effort. Households are eligible for emergency rental assistance funds if one or more individuals meet the following criteria:

- Qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19;
- Demonstrates a risk of experiencing homelessness or housing instability; and
- Has a household income at or below 80 percent of the area median income (AMI).

However, eligible households that include an individual who has been unemployed for the 90 days prior to application for assistance and households with income at or below 50 percent of the area median are to be prioritized for assistance. Not less than 90 percent of awarded funds must be used for direct financial assistance, including rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing. The remaining 10 percent can be used for housing stability services, including case management and other services intended to keep households stably housed, and administrative costs.

While funding is available through December 31, 2021, at least 65 percent of the allocation must be obligated by September 30, 2021. Beginning on September 30, 2021, the Treasury Secretary is required to recapture excess funds not obligated and reallocate these dollars to eligible states and localities. The process for reallocating excess funding by the U.S. Department of the Treasury has not yet been released.

As the Board may recall, \$20 million of the County's Coronavirus Relief Fund (CRF) was allocated for Basic Needs Supplemental Funding. This funding provided support to the County's existing Coordinated Services Planning (CSP) community-based organizations to support basic needs in the community. The CSP determined eligibility with referral to the community-based organizations. The Emergency Rental Assistance program will utilize the same service delivery model.

It should also be noted that there are differences in the eligibility criteria for the Basic Needs Supplemental Funding and the Emergency Rental Assistance program. Most notably, the Basic Needs Supplemental Funding targets individuals at or below 100 percent AMI as well as mortgage assistance while the Emergency Rental Assistance program targets individuals at or below 80 percent AMI and does not cover mortgage assistance or the procurement of food. Staff expects to continue the same eligibility criteria defined at the beginning of the pandemic but will need to continue utilizing the Coronavirus Relief Fund for applicants not eligible under the Emergency Rental Relief program. As noted in the CARES Act Stimulus Funding Update – December 2020 update to the Board, an additional \$8.0 million in CRF funding was added to the Basic Needs Support – CBO Distribution allocation. It is expected that this funding will

Board Agenda Item
February 23, 2021

address participants who are not eligible for the Emergency Rental Assistance program as well as funding to community providers for the provision of food. As mentioned in the February 12, 2021 memo to the Board, landlord outreach and a new landlord portal, have been added to the numerous strategies supporting eviction prevention and housing stability. This new portal allows landlords to apply for rental assistance on behalf of their tenant.

Staff is waiting on additional guidance from the U.S. Department of the Treasury on specific requirements for program administration. Once this guidance is released, staff will have a better idea of how best to maximize both this funding and other funding available for this purpose.

FISCAL IMPACT:

Funding from the U.S. Department of the Treasury in the amount of \$34,463,869 is available for the Emergency Rental Assistance program. No Local Cash Match is required. This action does not increase the expenditure level of the Federal-State Grant Fund as funds were added to the reserve as part of the *FY 2021 Mid-Year Review* in anticipation of this award. While up to 10 percent of the award may be used to offset the County's administrative expenses, staff will only claim administrative expenses if funding remains at the end of the program period.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Grant Acceptance

Attachment 2: Supplemental Appropriation Resolution AS 21263

STAFF:

Christopher Leonard, Deputy County Executive

Dean Klein, Chief Strategist

Sarah Allen, Acting Director, NCS

Keisha Dotson, Division Director, NCS

OMB Approved No.: 1505-0266

Expiration Date: 7/31/21

U.S. DEPARTMENT OF THE TREASURY
EMERGENCY RENTAL ASSISTANCE

Recipient name and address: Fairfax County, Virginia 12000 Government Center Parkway, Suite 214 Fairfax, VA 22035-0066	DUNS Number: 07-483-7626 Taxpayer Identification Number: 54-0787833
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Section 501(a) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) authorizes the Department of the Treasury ("Treasury") to make payments to certain recipients to be used to provide emergency rental assistance.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.


Authorized Representative Name:

Title: *County Executive*

Date signed: JAN 12 2021

U.S. DEPARTMENT OF THE TREASURY
EMERGENCY RENTAL ASSISTANCE

1. Use of Funds. Recipient understands and agrees that the funds disbursed under this award may only be used for the purposes set forth in Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (referred to herein as "Section 501").
2. Repayment and reallocation of funds.
 - a. Recipient agrees to repay excess funds to Treasury in the amount as may be determined by Treasury pursuant to Section 501(d). Such repayment shall be made in the manner and by the date, which shall be no sooner than September 30, 2021, as may be set by Treasury.
 - b. The reallocation of funds provided by Section 501(d) shall be determined by Treasury and shall be subject to the availability of funds at such time.
3. Availability of funds.
 - a. Recipient acknowledges that, pursuant to Section 501(e), funds provided under this award shall remain available only through December 31, 2021, unless, in the case of a reallocation made by Treasury pursuant to section 501(d), Recipient requests and receives from Treasury an extension of up to 90 days.
 - b. Any such requests for extension shall be provided in the form and shall include such information as Treasury may require.
 - c. Amounts not expended by Recipient in accordance with Section 501 shall be repaid to Treasury in the manner specified by Treasury.
4. Administrative costs.
 - a. Administrative expenses of Recipient may be treated as direct costs, but Recipient may not cover indirect costs using the funds provided in this award, and Recipient may not apply its negotiated indirect cost rate to this award.
 - b. The sum of the amount of the award expended on housing stability services described in Section 501(c)(3) and the amount of the award expended on administrative expenses described in Section 501(c)(5) may not exceed 10 percent of the total award.
5. Reporting.
 - a. Recipient agrees to comply with any reporting obligations established by Treasury, including the Treasury Office of Inspector General, as relates to this award, including but not limited to: (i) reporting of information to be used by Treasury to comply with its public reporting obligations under section 501(g) and (ii) any reporting to Treasury and the Pandemic Response Accountability Committee that may be required pursuant to section 15011(b)(2) of Division B of the Coronavirus Aid, Relief, and Economic Security Act (Pub. L. No. 116-136), as amended by Section 801 of Division O of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260). Recipient acknowledges that any such information required to be reported pursuant to this section may be publicly disclosed.
 - b. Recipient agrees to establish data privacy and security requirements as required by Section 501(g)(4).
6. Maintenance of and Access to Records

- a. Recipient shall maintain records and financial documents sufficient to support compliance with Section 501(c) regarding the eligible uses of funds.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Compliance with Applicable Law and Regulations.
- a. Recipient agrees to comply with the requirements of Section 501 and Treasury interpretive guidance regarding such requirements. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance in any agreements it enters into with other parties relating to this award.
 - b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25 and pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180 (including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - c. Statutes and regulations prohibiting discrimination applicable to this award, include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII-IX of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicap under any program or activity receiving or benefitting from federal assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
9. False Statements. Recipient understands that false statements or claims made in connection with this award may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
10. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
11. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are not repaid by Recipient as may be required by Treasury pursuant to Section 501(d) shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made. Interest, penalties, and administrative charges shall be charged on delinquent debts in accordance with 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. Treasury will refer any debt that is more than 180 days delinquent to Treasury's Bureau of the Fiscal Service for debt collection services.
 - c. Penalties on any debts shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by Treasury.
 - d. Funds for payment of a debt must not come from other federally sponsored programs.
12. Disclaimer.
- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
 - b. The acceptance of this award by Recipient does not in any way constitute an agency relationship between the United States and Recipient.

13. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to any of the list of persons or entities provided below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; and/or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

14. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (April 8, 1997), Recipient should and should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
15. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 21263

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 February 23, 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: G7979, Department of Neighborhood and Community Services

Grants: 1CV7903-2021, Emergency Rental Assistance (ERA) \$34,463,869

Reduce Appropriation to:

Agency: G8787, Unclassified Administrative Expenses \$34,463,869

Fund: 500-C50000, Federal-State Grant Fund

Source of Funds: U.S. Department of the Treasury, \$34,463,869

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
February 23, 2021

ACTION - 1

Approval of Project Agreements Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for Fiscal Year (FY) 2021 Transit Capital Project Assistance Grant Funds

ISSUE:

Approval for the Director of the Department of Transportation to sign six Project Agreements with DRPT to enable the County's receipt of FY 2021 transit capital assistance.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Director of the Department of Transportation to sign six Project Agreements between DRPT and Fairfax County, in substantial form as those attached, for FY 2021 transit capital assistance (Attachments 1 through 6).

TIMING:

The Board of Supervisors should act on this item on February 23, 2021, so that DRPT can release FY 2021 transit funding to Fairfax County.

BACKGROUND:

For more than 30 years, the state disbursed state transit assistance to the Northern Virginia jurisdictions through the Northern Virginia Transportation Commission (NVTC). Pursuant to the Code of Virginia, NVTC uses a Subsidy Allocation Model (SAM) to distribute regional transit funding among the jurisdictions.

Prior to 2013, NVTC processed three main funding agreements annually between Fairfax County and DRPT: two for the Washington Metropolitan Area Transit Authority (WMATA) regional projects and one for Fairfax County local projects. In 2012, Fairfax County and DRPT entered into a Master Agreement for the Use of Commonwealth Transportation Funds (the Master Agreement), which provides the basis for which the County receives most transportation project grant funds.

NVTC acts as Fairfax County's agent for WMATA regional agreements. This relationship reduces the number of project agreements that Fairfax County is required to process. NVTC is also the grantee for Virginia's share of WMATA capital and

Board Agenda Item
February 23, 2021

operating funds, which is brought forward in a separate agreement.

Staff is seeking approval for six FY 2021 agreements in this Board Item.

FISCAL IMPACT:

The six enclosed agreement documents provide the County with a total of \$4,725,000, comprised of \$3,213,000 in state funds and a local share amount of \$1,512,000. These agreements provide support for approved Fairfax County transit capital projects. Capital funding from the Commonwealth is provided on a reimbursement basis after the purchase and/or project is complete. These revenues and expenditures are included in Fund 40000, County Transit Systems. There is no General Fund impact.

ENCLOSED DOCUMENTS:

Attachment 1 – Project Grant # 73021-59: Hire 3rd Party Contractor to Inspect Buses and Conduct Maintenance Audits on Existing Fleet
Attachment 2 – Project Grant # 73021-60: Make Safety Improvements to Bus Stops and Shelters
Attachment 3 – Project Grant # 73021-61: Rehabilitate and Rebuild Buses
Attachment 4 – Project Grant # 73021-62: Purchase Shop Equipment
Attachment 5 – Project Grant # 73021-63: Purchase Four Replacement Support Vehicles
Attachment 6 – Project Grant # 73021-64: Purchase Shop Equipment for Opening of Silver Line Phase II

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Christina Jackson, Director, Department of Management and Budget
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Noelle Dominguez, Chief, Coordination Section, FCDOT
Malcolm Watson, Transportation Planner, FCDOT

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2021
Six Year Improvement Program Approved Project
Project Number 73021-59**

This Project Agreement, effective July 1, 2020, by and between the Department and Grantee, is for the provision of funding the Project.

WHEREAS, on February 3, 2020, the Grantee submitted an Application for the Project; and

WHEREAS, the Department has approved funding for the Project; and on December 9, 2020, the CTB allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Hire 3rd party contractor to inspect new buses and conduct maintenance audits on existing fleet.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$170,000 for the Project approved in the Fiscal Year 2021 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. This Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS**

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 ("Master Agreement"), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

**Project: Hire 3rd Party Contractor to Inspect Buses and Conduct
Maintenance Audits on Existing Fleet**

Capital Assistance Program Project Agreement

Project Number: 73021-59

Project Start Date: July 1, 2020

Project Expiration Date: September 30, 2022

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$170,000
1400	Local expense (share of Project cost - 32%)	\$ 80,000
	Total Project Expense	\$250,000

In no event shall this grant exceed \$170,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2021
Six Year Improvement Program Approved Project
Project Number 73021-60**

This Project Agreement, effective July 1, 2020, by and between the Department and Grantee, is for the provision of funding the Project.

WHEREAS, on February 3, 2020, the Grantee submitted an Application for the Project; and

WHEREAS, the Department has approved funding for the Project; and on December 9, 2020, the CTB allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Make safety improvements to bus stops and shelters.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$816,000 for the Project approved in the Fiscal Year 2021 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. This Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS**

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 ("Master Agreement"), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Make Safety Improvements to Bus Stops and Shelters

Capital Assistance Program Project Agreement

Project Number: 73021-60

Project Start Date: July 1, 2020

Project Expiration Date: June 30, 2022

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$ 816,000
1400	Local expense (share of Project cost - 32%)	\$ 384,000
	Total Project Expense	\$1,200,000

In no event shall this grant exceed \$816,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2021
Six Year Improvement Program Approved Project
Project Number 73021-61**

This Project Agreement, effective July 1, 2020, by and between the Department and Grantee, is for the provision of funding the Project.

WHEREAS, on February 3, 2020, the Grantee submitted an Application for the Project; and

WHEREAS, the Department has approved funding for the Project; and on December 9, 2020, the CTB allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Rehabilitate and rebuild buses.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$1,955,000 for the Project approved in the Fiscal Year 2021 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. This Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS**

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 ("Master Agreement"), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Rehabilitate and Rebuild Buses

VINs on buses to be rehabilitated:

5FYD8FV11BC039339 5FYD8FV1XBC039341 5FYD8FV13BC039343 5FYD8FV17BC039345
5FYD8FV19BC039346 5FYD8FV18BC039340 5FYD8FV11BC039342 5FYD8FV15BC039344
5FYD8FV10BC039347 5FYD8FV12BC039348 5FYD8FV14BC039349 5FYD8FV10BC039350
5FYD8FV12BC039351 5FYD8FV14BC039352 5FYD8FV16BC039353 5FYD8FV1XBC039355
5FYD8FV11BC039356 5FYD8FV13BC039357 5FYD8FV15BC039358 5FYD8FV17BC039359
5FYD8FV13BC039360 5FYD8FV15BC039361 5FYD8FV17BC039362 5FYD8FV10BC039364
5FYD8FV12BC039365 5FYD8FV14BC039366 5FYD8FV16BC039367 5FYD8FV18BC039368
5FYD8FV1XBC039369 5FYD8FV16BC039370 5FYD8FV18BC039371 5FYD8FV1XBC039372
5FYD8FV11BC039373 5FYD8FV13BC039374 5FYD8FV18BC039354 5FYD8FV19BC039363
5FYD8FV15BC039375

Capital Assistance Program Project Agreement

Project Number: 73021-61

Project Start Date: July 1, 2020

Project Expiration Date: September 30, 2022

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$1,955,000
1400	Local expense (share of Project cost - 32%)	\$ 920,000
	Total Project Expense	\$2,875,000

In no event shall this grant exceed \$1,955,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2021
Six Year Improvement Program Approved Project
Project Number 73021-62**

This Project Agreement, effective July 1, 2020, by and between the Department and Grantee, is for the provision of funding the Project.

WHEREAS, on February 3, 2020, the Grantee submitted an Application for the Project; and

WHEREAS, the Department has approved funding for the Project; and on December 9, 2020, the CTB allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase shop equipment
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$102,000 for the Project approved in the Fiscal Year 2021 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. This Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS**

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 ("Master Agreement"), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase Shop Equipment

Capital Assistance Program Project Agreement

Project Number: 73021-62

Project Start Date: July 1, 2020

Project Expiration Date: June 30, 2022

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$102,000
1400	Local expense (share of Project cost - 32%)	\$ 48,000
	Total Project Expense	\$150,000

In no event shall this grant exceed \$102,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2021
Six Year Improvement Program Approved Project
Project Number 73021-63**

This Project Agreement, effective July 1, 2020, by and between the Department and Grantee, is for the provision of funding the Project.

WHEREAS, on February 3, 2020, the Grantee submitted an Application for the Project; and

WHEREAS, the Department has approved funding for the Project; and on December 9, 2020, the CTB allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase four replacement support vehicles.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$68,000 for the Project approved in the Fiscal Year 2021 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. This Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS**

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 ("Master Agreement"), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase Four Replacement Support Vehicles

VINs to be replaced:

3FADP0L30BR344245 1FMCU59359KC19402

1FMCU59369KC38587 3FAHP0GA1BR344233

Capital Assistance Program Project Agreement

Project Number: 73021-63

Project Start Date: July 1, 2020

Project Expiration Date: June 30, 2022

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$ 68,000
1400	Local expense (share of Project cost - 32%)	\$ 32,000
	Total Project Expense	\$100,000

In no event shall this grant exceed \$68,000.

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2021
Six Year Improvement Program Approved Project
Project Number 73021-64**

This Project Agreement, effective July 1, 2020, by and between the Department and Grantee, is for the provision of funding the Project.

WHEREAS, on February 3, 2020, the Grantee submitted an Application for the Project; and

WHEREAS, the Department has approved funding for the Project; and on December 9, 2020, the CTB allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. Under the terms of this Project Agreement, the Grantee shall:
 - a. Purchase shop equipment for opening of Silver Line Phase II.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$102,000 for the Project approved in the Fiscal Year 2021 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
3. This Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
4. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH TRANSPORTATION FUNDS**

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 ("Master Agreement"), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Appendix 1

Grantee: Fairfax County

Project: Purchase Shop Equipment for Opening of Silver Line Phase II

Capital Assistance Program Project Agreement

Project Number: 73021-64

Project Start Date: July 1, 2020

Project Expiration Date: June 30, 2022

Fund Code		Item Amount
477	Grant Amount (State share of Project cost - 68%)	\$102,000
1400	Local expense (share of Project cost - 32%)	\$ 48,000
	Total Project Expense	\$150,000

In no event shall this grant exceed \$102,000.

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ACTION - 2

Authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to Issue a Housing Blueprint Loan to the Autumn Willow Project in the Amount of \$4,450,000 to Assist in the Financing of the Development of The Lodge at Autumn Willow (Springfield District)

ISSUE:

The Board of Supervisors is requested to authorize the Fairfax County Redevelopment and Housing Authority (FCRHA) to issue a Housing Blueprint Loan in the amount of \$4,450,000 for the Autumn Willow project to finance the development of 150 units of affordable senior housing, known as The Lodge at Autumn Willow (Project), in the Springfield District.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCRHA to make the proposed loan in the amount of \$4,450,000 to The Lodge at Autumn Willow project.

TIMING:

Immediate. Approval of the Housing Blueprint Loan for the Project is required for Michaels Development to apply for nine percent competitive tax credits for Autumn Willow 9, LLC before the March 18, 2021 deadline with Virginia Housing (VH). VH requires commitment of the Housing Blueprint Loan at the time Michaels Development applies for nine percent tax credits to ensure that funding is committed for the full Project.

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 \$4,450,000 to Michaels Development for the Project. (The balance of remaining funds will be awarded to another selected project or projects.)

Ownership:

The FCRHA approved an Interim Agreement with Michael Development Company 1, LP (Michaels Development) on July 31, 2020 through the Virginia Public-Private

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Educational Facilities Infrastructure Act (PPEA) for the development of the Project located at 13090 Autumn Willow Drive. The FCRHA held a public hearing on January 13, 2021 for consideration of the Comprehensive Agreement pursuant to the PPEA (Comprehensive Agreement) that provides for a 99-year ground lease (Ground Lease) from the FCRHA to Michaels Development. The FCRHA approved the Comprehensive Agreement at its meeting on February 18, 2021. Under the current schedule, the Ground Lease will be executed as part of the closing on the Project projected to occur in Spring 2022.

Applicant:

Michaels Development is a privately held real estate development firm located in Camden, New Jersey focused on creating quality affordable and workforce rental residences with a portfolio of over 400 properties across the country, including extensive work in Washington DC, Maryland, and Virginia.

Michaels Development has a 47-year history of developing, constructing, and managing affordable housing. They have developed over 55,000 units and manage 53,000 units with 145,000 residents. Their largest completed bond deal was valued at \$575 million and they have nearly \$2 billion worth of projects in the pipeline. Examples of completed projects include: Pleasant View Gardens Senior, a 110-unit senior resident community in Downtown Baltimore, MD; South Cap, a 196-unit multifamily community in Washington, DC; and Rosemont Tower, a 201-unit senior high-rise community in Baltimore, MD. Based on its 2019 audited financial statements, Michaels Development has total assets of \$95,411,955 and a cash balance of \$5,330,368.

Michaels Development's team includes local firms with long-time local principals and employees that have extensive knowledge of the development process from inception to completion.

Project Description:

The Lodge at Autumn Willow includes 150 independent-living senior housing units in a two-story building with surface parking located in a unique natural wooded setting surrounded by a public park, pedestrian trails, and the Little Rocky Run streambed. The design is a simple asymmetrical H-shape building that follows the topographic contours to minimize the built presence and maximize the preservation of the existing trees. The building is located towards the site center and the surface parking aligns with the building to minimize site impacts and maximize the buffer from adjacent properties. The building will have an almost stealth design that will be perceived through the filter of existing and new trees and vegetation.

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The central amenity space is a transparent wooden box that embraces the site views through transparency. An arrival vehicular drop-off transitions into an arrival court and an open colonnade with the building entrance. The common amenity program connects the building wings and emphasizes the site views. A smaller amenity space on the south end of each residential wing allows residents a direct connection to the natural woods and stream trail down the valley.

Approximately 5.5 acres of the 10.88-acre site will be disturbed, resulting in tree save buffer zones between 50-75 feet along the three sides of the property (north, east, and west ends). Supplemental planting, using native planting will provide visual buffer to neighboring residents and restore the woodlands. The construction will take place over a period of 18 months after closing and is expected to commence in Spring 2022.

Potential Benefits:

- a) 150 units of affordable senior housing in the highly cost-burdened Springfield District of Fairfax County, VA.
- b) Senior units at 30 percent of Area Median Income (AMI) for extremely low-income residents to 60 percent of AMI levels.
- c) Outdoor amenity space including a serenity studio, reading cove, firepit, and recreation zone, all looking out into a natural forested park area.
- d) On-site walkways that will connect to Fairfax County Parks Authority trails.
- e) High-visibility crosswalk between Stringfellow Park and the Project's entrance, subject to VDOT approval.
- f) Storm Water Management consisting of on-site naturalistic bio-retention facilities, tree planters, and approximately 5 acres of undisturbed area to be placed in a land cover conservation easement.
- g) Affordability for 99 years.
- h) Earthcraft Certification and Universal Design in all units.
- i) 15 Americans with Disabilities Act compliant units.
- j) 8 Project-Based Vouchers (PBVs) for the 9% LIHTC component of the project (if awarded).

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Appraised Value:

The independent appraiser, RPJ, Inc., confirmed that the appraised value of the property fully collateralizes the FCRHA Housing Blueprint Loan. According to the appraisal dated December 14, 2020, the prospective value based on restricted rents is \$30,150,000 and the 'forced liquidation decontrol value' is \$39,700,000. The Blueprint Loan in the 4 percent condo is collateralized by the decontrol value of the property. The Department of Tax Administration (DTA) has reviewed the appraisal for approved values as well as the methodology used to determine those values and has found the methodology to be appropriate and the values to be reasonable.

Financing Plan; Ground Lease; Terms of Housing Blueprint Loan

Please see Attachment 2.

Financial Closing:

Requirements for the closing include, but are not limited to, completion of the following:

1. First mortgage loan, Housing Blueprint Loan and tax-exempt bond financing closing and disbursement of funds
2. Reservation of tax credits from Virginia Housing
3. Commitment and disbursement from tax credit investor
4. Tax-exempt Bonds issued by the FCRHA
5. Final underwriting by HCD Staff
6. Satisfactory appraisal of the property that collateralizes the loan
7. Receipt and approval of all third-party reports by HCD staff
8. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County

Risks and Concerns:

1. Interest rate risk on the first mortgage: The interest rate will not be fixed until closing. Should interest rates increase before closing, above the currently estimated interest rate of 4.25 percent for both Autumn Willow 9 (nine percent transaction) and Autumn Willow 4 (four percent transaction), Michaels Development will have to seek additional sources of funds or identify cost savings in the development budget.
2. First Mortgage commitment risk: If first mortgage commitment is not received in time for the closing in Spring 2022, the timing for the project will need to be re-evaluated.
3. Tax credit equity price: Currently, the tax credits have been priced at \$0.93/credit dollar for both Autumn Willow 9 and Autumn Willow 4. Should equity prices fall below current levels, Michaels Development will have to identify additional funds or cost savings in the development budget.

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4. 9% LIHTC Award: The 9% tax credits are competitive. If Autumn Willow 9 does not receive the 9% award, Michaels Development will need to restructure the financing using other sources to fill that gap.

FISCAL IMPACT:

Funding of approximately \$4,450,000 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 \$7,570,249 as of December 21, 2020.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map

Attachment 2 – Financing Plan; Ground Lease; Terms of Housing Blueprint Loan

Attachment 3 – Housing Blueprint Loan Term Sheet for Autumn Willow 4, LLC (Four percent)

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

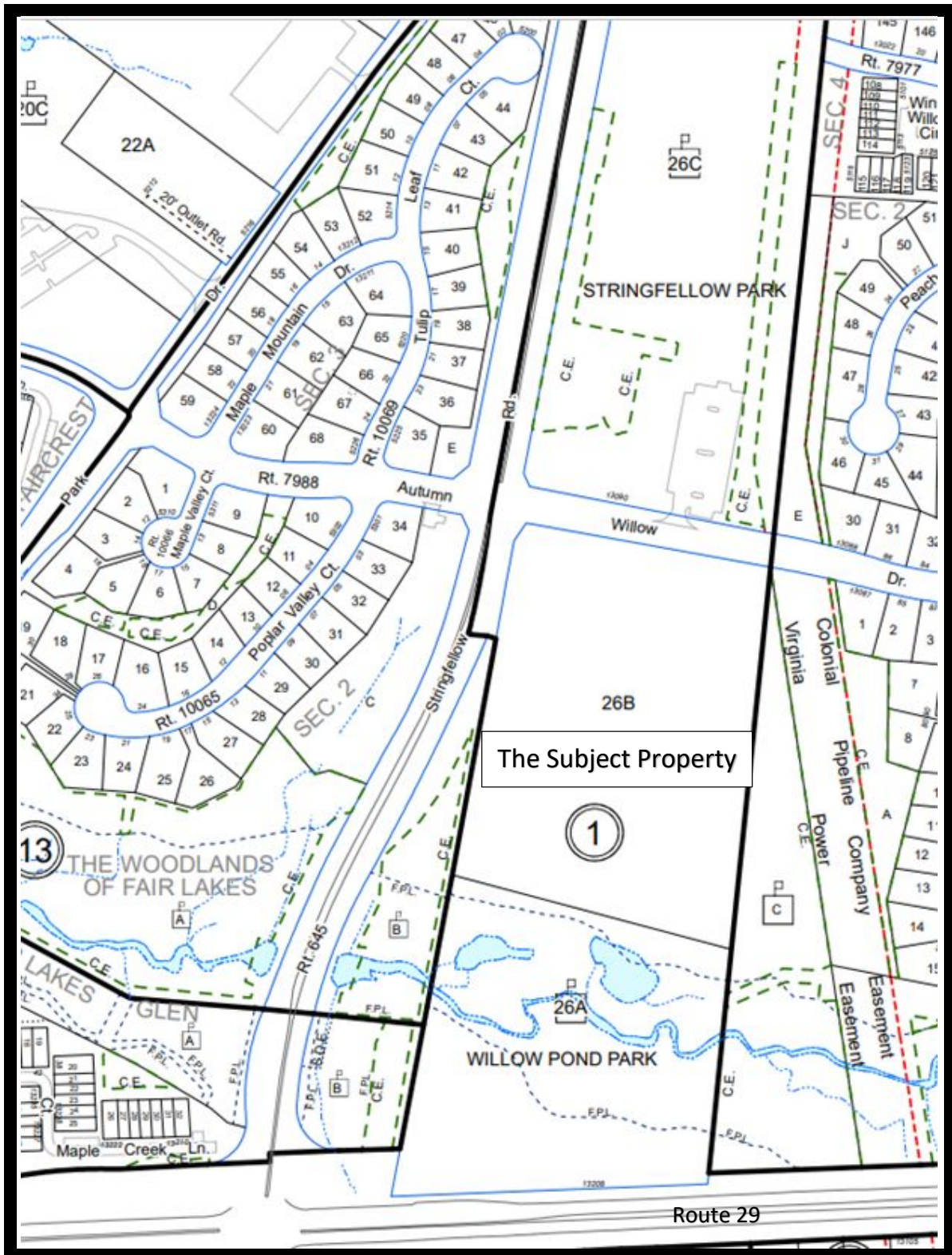
Jyotsna Sharma, Associate Director, Real Estate Finance and Grants Management (REFGM), HCD

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

ASSIGNED COUNSEL:

Cynthia A. Bailey, Deputy County Attorney

Alan Weiss, Assistant County Attorney



Financing Plan:

Michaels Development is proposing to finance the development using both nine percent and four percent LIHTC using the two separate condominium regimes: Autumn Willow 9, LLC (nine percent) and Autumn Willow 4, LLC (four percent), both of which will be financed using first mortgage financing, subordinate financing from the FCRHA, tax exempt bond financing and Deferred Developer Fee. The aggregate amount of Blueprint Financing will not exceed \$4,450,000 and all of it is currently budgeted in Autumn Willow 4, LLC, however, the financing structure and breakdown between the two transactions (Autumn Willow 4, LLC and Autumn Willow 9, LLC) may be revised before closing subject to market conditions to reach an optimal financing structure.

Ground Lease

Michaels Development will enter into the Ground Lease with the FCRHA for a term of 99 years. In consideration of the Ground Lease, Michaels Development will pay to the FCRHA, at closing, a capitalized Ground Lease payment of \$500,000 from the 4 percent condominium deal and a \$50,000 lease preparation fee. Under the terms of the Ground Lease, the Michaels Development (or its affiliates) will also pay annual rent in the amount of 50% of the net cash flow from the Project beginning immediately after the payoff of the Housing Blueprint Loan until termination of the Ground Lease. In addition, the Ground Lease requires de minimis additional rent payments of \$1/year by each of the 4 percent and 9 percent condos, or \$2/year total.

Autumn Willow 9, LLC (Nine Percent LIHTC)

Permanent Sources	Sources
Freddie Mac Loan	\$8,135,000
Tax Credit Equity	\$14,413,659
Deferred Developer Fee	\$963,496
Capitalized Interim Income	\$227,936
Total Permanent	\$23,740,091
Summarized Uses	Uses
Construction Costs	\$15,261,267
Hard Cost Contingency	\$1,220,901
Architecture and Engineering	\$780,633
Soft Cost Contingency	\$130,658
Other Soft Costs	\$1,919,256
Permanent Loan Fees	\$323,793
Syndication Costs	\$55,000
Owner and Third-Party Costs	\$160,516
Construction Period Interest	\$913,263
Fixed Furniture & Equipment (FF&E)	\$165,000
Operating Reserve	\$284,382

Real Estate Taxes and Insurance (Escrow First Year)	\$152,250
Debt Service Reserve	\$228,550
Developer Fee	\$2,144,622
Total Uses	\$23,740,091

Autumn Willow 4, LLC (Four Percent LIHTC)

Permanent Sources	Sources
Freddie Mac Loan	\$10,125,000
Subordinate Financing (Housing Blueprint Funds Loan)	\$4,450,000
Tax Credit Equity	\$5,365,235
Deferred Developer Fee	\$1,083,857
Capitalized Interim Income	\$260,600
Interest Income from Bond Proceeds and Bond Collateral	\$256,500
Total Permanent	\$21,541,292
Summarized Uses	Uses
Acquisition Costs	\$500,000
Construction Costs	\$12,486,490
Construction Costs Contingency	\$998,919
Architecture and Engineering	\$638,700
Soft Cost Contingency	\$112,911
Other Soft Costs	\$1,654,651
Permanent Loan Fees	\$394,438
Tax-Exempt Bond and Tax-Exempt Loan Fees	\$180,500
Syndication Costs	\$45,000
Owner and Third-Party Costs	\$267,500
Construction Period Interest	\$1,491,222
Fixed Furniture & Equipment (FF&E)	\$135,000
Real Estate Taxes and Insurance (Escrow 1 st Year)	\$152,250
Operating Reserve	\$257,490
Debt Service Reserve	\$284,459
Developer's Fee	\$1,941,762
Total Uses	\$21,541,292

Terms of Housing Blueprint Loan:

The Housing Blueprint Loan, the subordinate loan, will close simultaneously with all other permanent funding sources for both transactions. The term will be for 30 years or such other term that is co-terminus with the permanent senior loans. It will be an interest only loan, payable from 50% of the borrower's net cash flow, with all unpaid interest deferred until maturity. Interest will be 2% simple interest per annum accruing at the time the first mortgage begins to amortize. 50% of the Housing Blueprint Loan

Attachment 2

proceeds will be disbursed when construction of the Project reaches 50% with the remaining balance disbursed upon 100% construction completion. Attachment 3 provides detailed terms for the Housing Blueprint Loan.

Housing Blueprint Loan Term Sheet:

Borrower: Autumn Willow 4, LLC

Address: 13090 Autumn Willow Drive, Fairfax, Virginia 22030

Amount: \$4,450,000, subject to terms and conditions

Interest Rate: 2% simple interest per annum accruing at the time the first mortgage begins to amortize. Interest rate during construction will be 0% per annum.

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

Term: 30 years or such other term as is co-terminus with the primary loan

Security: Second Lien Deed of Trust on the property, or such other lower priority lien position necessary to avoid reallocation of the tax credits under IRC Section 42 of the Internal Revenue Code, with assurance that the value of the property exceeds the aggregate debt of the higher priority loans and the Housing Blueprint loan.

Conditions:

- 1) This Housing Blueprint loan is for the specific purpose of providing a loan associated with the Borrower's property consisting of 75 senior rental units located in Fairfax County (Tax Map Number: 0553 01 0026B).
- 2) The Housing Blueprint loan will close simultaneously with the permanent mortgage lender(s) and the low-income housing tax credit equity provider.
- 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 permission of the FCRHA.
- 4) Borrower will pay an annual monitoring fee of \$5,000 escalating at 3% 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 an unsubordinated land use restriction agreement (LURA).

- 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.
- 7) Borrower will maintain the property as affordable housing with units at a maximum of 60% of Area Median Income (AMI). These 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.
- 8) The following additional conditions are required for loan closing and release of funds:

Loan Terms

- a. Loan will not exceed \$4,450,000.
- b. The loan will have an interest rate of 2% per annum.
- c. The payment of all principal and interest (in the event of default and as provided in the Housing Blueprint Loan documents) will be deferred and simple interest will accrue for 30 years or such other term as is coterminous with the primary loan from a third-party lender, but the entire indebtedness will become due and payable upon transfer of the property without the prior approval of the FCRHA, refinancing, or failure to comply with the Housing Blueprint or other loan document requirements.
- d. Although the principal and interest are deferred, the loan from the FCRHA will be a cash-flow loan, which means that when there is net cash flow, 50% will be applied to the accrued interest and then to the principal after payment of the deferred developer's fee in full.
- e. At the end of the 30-year term, or such other term as is co-terminus with the primary loan, the outstanding principal balance along with any accrued but unpaid interest will become due and payable.
- f. The annual loan payments shall be payable only from 50% 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 co-terminus with the primary loan, refinancing may occur at the discretion of the FCRHA, but must be in compliance with applicable FCRHA policies.
- g. 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 LURA for a minimum term of 30 years or for a term coterminous with the first mortgage, whichever is greater.

- h. Borrower will provide satisfactory construction commitments prior to closing.

Loan Disbursement. 50% of the loan will be disbursed at 50% construction completion and the remaining 50% will be disbursed at 100% construction completion. Items needed for disbursement at 50% completion include:

- a. A letter by the developer certifying 50% construction contract price expended, including any approved change orders;
- b. Payment and Performance Bond provided that specifies “with FCRHA as named insured”;
- c. No outstanding or pending defaults on the project; and
- d. Compliance with all lenders (construction and disbursement requirements)

Construction Completion. Documents needed to confirm construction completion before the balance can be disbursed at construction completion include the following: The Architect’s Completion Certificate, final lien releases, and Occupancy Certificate (if applicable).

Lien Position. The Housing Blueprint Loan will be secured by a deed of trust subordinate only to the FCRHA approved senior lien(s).

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.

Loan Documentation. The senior 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.

Conditions to Disburse Funds. The Housing Blueprint loan closing and disbursement of funds will take place only with the approval of an Assistant Secretary of the FCRHA.

Other Conditions to Close. Initial closing will not take place until the following have been accomplished in form and substance acceptable to HCD on behalf of the FCRHA:

- a. Appraisal (updated no more than 6 months prior to closing)
- b. Environmental reviews

- c. Market Study
- d. Reservation of all needed low-income housing tax credits
- e. Primary loan commitment(s) from a third-party lender(s) for both construction and permanent financing
- f. Unqualified commitment from tax credit investor
- g. Final underwriting by HCD staff
- h. Zoning letter issued by the Fairfax County Department of Planning and Zoning with respect to the property and the Autumn Willow Project
- i. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County
- j. Note:
 - i. The lien position is subject to the satisfaction of the senior lender(s) and tax credit investors.
 - ii. Any savings in the development budget, at the discretion of the FCRHA and provided it does not impact the tax credit basis, will be used to reduce the Housing Blueprint loan.

ACTION - 3

Board Action to Initiate the 2021 Redistricting and Reapportionment of the Board of Supervisors Election Districts

ISSUE:

Board action on a process for considering and implementing the 2021 redistricting and reapportionment of the Board of Supervisors election districts based on the population data from the 2020 census.

RECOMMENDATION:

The County Executive recommends that the Board (1) adopt the Resolution in Attachment 1 stating the general goals, criteria, and policies that will be followed in the 2021 redistricting of the Board of Supervisors election districts; and (2) establish a redistricting advisory committee and approve the composition shown in Attachment 2.

TIMING:

The Virginia Constitution requires local governing bodies that are elected by district to consider redrawing their election districts after each decennial census to maintain proportional representation. Board action is requested on February 23, 2021, to initiate the redistricting and reapportionment process.

Local governing bodies are required to use the most recent decennial population figures from the United States Bureau of the Census, as adjusted by the Virginia Division of Legislative Services. Staff will propose a schedule for the Board's consideration when information is available about the release of the census data and about state and congressional redistricting and reapportionment.

BACKGROUND:

The Virginia Constitution requires the election districts for local governing bodies to be constituted "to give, as nearly as is practicable, representation in proportion to the population of the district." To maintain proportional representation as populations grow and shift, local governing bodies must consider changing their local election district boundaries in the year after each decennial census. Demographic information currently available to the County shows that population changes in the County since 2011 will require rebalancing of the County's election districts. Therefore, the Board

has the responsibility to redraw the districts from which its members, and those members of the Fairfax County School Board who are elected by district, are elected.

Legal Principles and Requirements

Under the Urban County Executive form of government, all members of the Board, except for the elected at-large chairman, are elected from single-member election districts. The Board may have as many as twelve members or as few as six members (including the chairman).

The Equal Protection Clause of the United States Constitution requires states to make an honest and good faith effort to construct legislative districts of as nearly as equal population as is practicable, but the Constitution does not demand mathematical perfection. The U.S. Supreme Court has ruled that a population deviation of less than 10 percent among state and local election districts will be presumed constitutional, although the presumption can be overcome by evidence of improper motivations. Deviations from strict population equalization in election districts are allowed to accommodate factors recognized as “traditional redistricting principles” by the courts. Traditional redistricting principles include: (1) compactness; (2) contiguity; (3) preservation of political boundaries, e.g., town boundaries; (4) preservation of communities of interest; (5) preservation of existing districts; (6) preservation of balance among political parties; and (7) avoiding contests between incumbents. Compliance with some of these traditional principles is mandatory. Virginia Constitutional and statutory law expressly require election districts to be compact and contiguous. Under federal law, the County must comply with the federal Voting Rights Act of 1965, as amended. Section 2 of the Voting Rights Act prohibits any voting practices or procedures that discriminate on the basis of race, color, or membership in one of the language minority groups identified in the Act.

Additionally, local election district lines in Virginia must follow “clearly defined and observable boundaries.” The laws applicable to the Urban County Executive form of government also require that when the Board of Supervisors makes changes in district boundaries to meet the tests of equitable population distribution among the districts, the changes must be made “with a minimum disruption of the then existing district pattern of service.”

Local election districts must be established and altered by adoption of an ordinance. The Board must publish notice in the newspaper once a week for two successive weeks of its intention to adopt an ordinance effecting changes.

An ordinance to accomplish a locality’s decennial redistricting takes effect immediately. Members of the Board of Supervisors and the School Board who are in

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office on the effective date of the redistricting ordinance complete their terms of office, representing the district as then constituted in the ordinance. Other County officers who are required to be appointed by district, such as planning commissioners, also complete their terms of office, regardless of loss of residency in a particular district due to redistricting.

Fairfax County's Redistricting Process, the Redistricting Advisory Committee, Other Public Participation, and County Staff Support

Fairfax County has put residents at the forefront of the redistricting process for decades. The Board has heavily relied on input and recommendations from County residents, community organizations, and interest groups since at least the 1991 redistricting.

The Board's Legislative Committee has endorsed the appointment of an advisory committee again for the 2021 redistricting. Staff recommends the Board approve the composition of the 2021 Redistricting Advisory Committee shown in Attachment 2. In keeping with the County's commitment to One Fairfax, the proposed membership strives to represent the County's diverse population to ensure fair representation both demographically and geographically. The Board may begin appointing members of the advisory committee as soon as today and make additional appointments in future Board meetings from nominations by Board members and the groups to be represented.

Once the census data is available, the members of the advisory committee should expect to meet as often as once or twice a week to develop the redistricting plans the committee will present to the Board for consideration. Before the committee begins preparing plans, staff will train committee members on the mapping software and brief the committee on the legal requirements applicable to redistricting and the Virginia Freedom of Information Act, One Fairfax, and the census data. Staff expects that the committee will meet in a series of evening meetings. The meeting format – virtual or in-person – may depend on the status of the COVID-19 pandemic. Regardless of the format, all committee meetings will be open to the public.

As in the past, the draft Resolution also contemplates allowing the public to submit plans for the Board's consideration. The County will provide a portal through which members of the public may electronically submit proposed plans. The Resolution requires members of the public who submit proposals to include the maps and other data the Board needs to evaluate the proposed plans.

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Upon receiving the advisory committee's report, public submissions, and any other information the Board wants to consider, the Board would be in a position to advertise the plans that it wishes to consider for possible adoption.

The Office of the County Executive, the Office of the County Attorney, the Department of Clerk Services, the Department of Information Technology (DIT), the Department of Management and Budget (DMB), and the Office of Public Affairs (OPA) will provide primary staff support to the redistricting effort. With direction from the Legislative Committee, the County Executive's legislative staff will monitor proposed changes to election laws in the 2021 General Assembly and keep the Board apprised of developments. The Chief Equity Officer will ensure that the principles of One Fairfax are considered in the advisory committee's process. The County Attorney's Office will monitor legal developments and advise on all legal requirements applicable to redistricting. DIT will conduct and oversee all data processing and mapping. DMB's Economic, Demographic and Statistical Research (EDSR) unit will analyze the census data and the demographic data for all proposed redistricting plans. The Office of Elections will assist in all efforts to conform precinct lines to new districts and will notify voters of all changes. Together with DIT, OPA and the Department of Cable and Consumer Services will support public meetings and public outreach.

Scheduling Considerations: The Census Data; General Assembly and Congressional Redistricting and Reapportionment

State law requires the Board to use the most recent decennial population figures from the United States Bureau of the Census, as adjusted by the Division of Legislative Services (DLS). Disruptions to the 2020 census operations, which the Census Bureau attributes to a variety of factors including the COVID-19 pandemic, have delayed the reporting of the census results by at least four months.

Federal law required the Commerce Department deliver apportionment counts, which include the total population of each state and the number of congressional seats to which each state is entitled, to the President by January 1, 2021. The Department was unable to deliver the apportionment counts by that date. On January 28, the Census Bureau announced that its "current schedule points to April 30, 2021, for the completion of the apportionment counts."¹

The block-level population and demographic data needed to redraw congressional and legislative districts, including local election districts, (commonly known in redistricting parlance as the "P.L. 94-171 file," a reference to the statute creating the requirement to provide redistricting data) is delivered separately. Federal statute

¹ <https://www.census.gov/newsroom/press-releases/2021/statement-apportionment-counts.html>.

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requires the Commerce Department to transmit this information to each state no later than March 31 of the year after the census. In practice, the Census Bureau has historically distributed the information to states on a rolling basis, starting in February of years ending in one. States like Virginia that have elections in those years traditionally have received their data first. However, in late January, the Census Bureau stated that the P.L. 94-171 redistricting data will not be delivered to the states until after July 31, 2021. The Census Bureau committed to providing a more specific delivery date when more information is available.

Once Virginia receives its P.L. 94-171 data, Virginia Code § 24.2-314, enacted in 2020, requires DLS to adjust the data of persons incarcerated in federal, state, and local correctional facilities before it is used for redistricting. The law requires DLS to make the adjusted census data available no later than 30 days after DLS receives the data from the Census Bureau. The General Assembly must use this adjusted population data for purposes of redistricting and reapportionment of congressional, State Senate, and House of Delegates districts; the Board, likewise, must use the adjusted data for redrawing local election districts.

At its first meeting on January 21, 2021, the Virginia Redistricting Commission asked the Virginia Department of Elections to provide a presentation on the expected timelines for congressional, state, and local redistricting requirements. No date has yet been set for that presentation. Staff will continue to monitor developments about the delivery of the census data, and state and congressional redistricting and reapportionment. When further information is available, staff will return to the Board with a proposed schedule of redistricting events.

FISCAL IMPACT:

No additional funding is expected to be required for this effort. Most equipment and software that will be used is already on hand. Costs associated with procuring additional GIS software for public use will be identified from project balances in Fund 10040, IT Projects. The Redistricting Advisory Committee is expected to serve without compensation.

ENCLOSED DOCUMENTS:

- Attachment 1: Proposed Resolution of the Board of Supervisors Regarding the 2021 Redistricting of the County's Election Districts
- Attachment 2: Proposed Composition of Redistricting Advisory Committee

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STAFF:

Joseph M. Mondoro, Chief Financial Officer
Claudia Arko, Legislative Director, Office of the County Executive
Karla Bruce, Chief Equity Officer, Office of the County Executive
Jill G. Cooper, Clerk for the Board of Supervisors
Christina Jackson, Director, Department of Management and Budget
Fatima Khaja, Director, Economic, Demographic and Statistical Research, DMB
Greg Scott, Director, Department of Information Technology
Nate Wentland, Department of Information Technology
Mike Liddle, GIS Program Director, DIT
Tony Castrilli, Director, Office of Public Affairs
Rebecca L. Makely, Department of Cable and Consumer Services
Gary Scott, General Registrar, Office of Elections

ASSIGNED COUNSEL:

Elizabeth D. Teare, County Attorney
Erin C. Ward, Deputy County Attorney
Martin Desjardins, Assistant County Attorney

**RESOLUTION OF THE BOARD OF SUPERVISORS
REGARDING THE 2021 REDISTRICTING OF
THE COUNTY'S ELECTION DISTRICTS**

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, February 23, 2021, at which meeting a quorum was present, the following resolution was adopted.

Whereas Fairfax County, Virginia, is required to consider redistricting and reapportionment every ten years; and

Whereas the U.S. Census Bureau is expected to release the results of the 2020 census to the appropriate Commonwealth officials in the latter half of 2021; and

Whereas the census data are expected to show that sufficient population changes have taken place within Fairfax County, Virginia, to warrant a reapportionment of the districts from which the Board of Supervisors of the County are elected; and

Whereas the Board of Supervisors has the responsibility to apportion the election districts of the governing body in accordance with federal and state laws; now therefore be it,

Resolved that the Board of Supervisors supports and adopts the following.

Goal

The goal of the Fairfax County Board of Supervisors is to reapportion the governing body of the County during calendar year 2021. As part of that process, the Board will consider the existing election districts and proposed revisions to those districts. The process will be completed and approved in accordance with federal and state law.

Legal Criteria

1. The governing body of the County shall be composed of one elected at-large chairman and a fixed number of members who are elected from single-member districts.
2. The election districts shall be composed of contiguous and compact territory and constituted as to give, as nearly as is practicable, representation in proportion to the population of the district.

3. The election districts shall have boundaries that are clearly defined and clearly observable, as Virginia law defines that term.

4. The election districts shall be drawn in accordance with the requirements of the Constitution of the United States, including the Equal Protection Clause of the Fourteenth Amendment, and the Constitution of Virginia; federal and state laws, including the federal Voting Rights Act of 1965, as amended; and relevant judicial decisions relating to racial and ethnic fairness.

5. Changes in district boundaries to meet the tests of equitable population distribution among the districts will be made with a minimum disruption of the then existing district pattern of service.

Policies

1. The Board will consider redistricting plans that maintain nine election districts as well as any other plans that propose a lawful number of election districts.

2. The Board will not consider redistricting plans that would result in a maximum population deviation (*i.e.*, the sum of the percentage deviations from population equality of the most- and least-populated districts) that is ten percent or greater.

3. The Board will not consider redistricting plans that result in the denial or abridgement of the rights of any racial or language minority group to participate in the political process.

4. The Board will consider existing geographical and political boundaries, which shall include, but not be limited to, incorporated town boundaries.

5. The Board will consider established communities of interest. A community of interest is defined as a neighborhood or geographically defined group of people living in an area who share similar social, cultural, and economic interests. Present and planned use of land and public facilities are relevant to defining communities of interest. A community of interest does not include a community based upon political affiliation or relationship with a political party.

6. The Board will consider existing districts and incumbent representation on local public bodies that may be affected by reapportionment.

7. The Board encourages redistricting plans that are based on existing voting precinct boundaries, and where changes are necessary, precincts shall be divided along census block boundaries.

8. The Board encourages interested persons to submit redistricting plans to the County. Proponents of any plan shall submit appropriate maps of proposed election districts and statistical summaries and analyses. The statistical analyses shall show the deviation of each election district from the target district population, the maximum population deviation, and the population counts for each district by race and ethnicity.

9. The Board encourages interested persons to submit proposals for amending or revising any redistricting plan that has been submitted to the County. Proponents of any such amendment or revision shall submit appropriate maps showing the proposed changes and statistical summaries and analyses. The statistical analyses shall show the deviation of each election district from the target district population, the maximum population deviation, and the population counts for each district by race and ethnicity.

10. In addition to the public participation encouraged by Policies 8 and 9 above, the Board encourages public comments or recommendations from interested persons on any plan or change to a plan that has been submitted.

11. All of the foregoing criteria shall be considered in the redistricting and reapportionment process, but population equality among districts and compliance with federal and state constitutional and statutory requirements, including the federal Voting Rights Act of 1965, as amended, shall be given priority in the event of conflict among the criteria.

GIVEN under my hand this ____ day of February 2021.

Jill G. Cooper
Clerk for the Board of Supervisors

Redistricting Advisory Committee 2021 Redistricting of the Board of Supervisors

Representing

At-Large
At-Large
At-Large
Braddock District
Dranesville District
Hunter Mill District
Lee District
Mason District
Mount Vernon District
Providence District
Springfield District
Sully District
Federation of Citizens Associations
League of Women Voters
African-American Community
Hispanic Community
Asian/Pacific Islander Community
Arab American Community
Fairfax County Chamber of Commerce
Northern Virginia Labor Federation

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ACTION - 4

Approval of a Memorandum of Agreement (MOA) Between the Northern Virginia Transportation Commission and the County of Fairfax Regarding Coordination of Technical Analysis and Funding for Phase IV-1 of the Envision Route 7 Bus Rapid Transit Project (Dranesville, Hunter Mill, Mason and Providence Districts)

ISSUE:

Board of Supervisors' approval of and authorization for the Director of the Department of Transportation to execute a Memorandum of Agreement (MOA) with the Northern Virginia Transportation Commission (NVTC). The agreement documents the parties' understanding regarding funding for Phase IV-1 of the Envision Route 7 Bus Rapid Transit Project.

RECOMMENDATION:

The County Executive recommends that the Board approve the MOA in substantially the form of Attachment 1 and authorize the Director of the Department of Transportation to execute it.

TIMING:

The Board of Supervisors should act on this item on February 23, 2021, so that NVTC can proceed with Phase IV-1 of the Envision Route 7 Bus Rapid Transit Project.

BACKGROUND:

The Route 7 corridor is an important arterial roadway linking many Northern Virginia communities. These communities include Tysons; the neighborhoods of eastern Fairfax County; the City of Falls Church; the areas of Seven Corners, Bailey's Crossroads, and Skyline; and the City of Alexandria. The corridor has a diversity of land uses, such as urban areas, suburban/strip commercial centers, a downtown area, mixed use centers, and residential neighborhoods. It has grown organically over time, with the roadway being adjusted as developments were built.

The Envision Route 7 Corridor Transit Study Final Report identified BRT as the preferred transit solution along the corridor. Based on the analysis and evaluation by the Route 7 Corridor Transit Study Team, a 12.5 mile BRT system linking Tysons with the Mark Center in Alexandria, providing a connection to the East Falls Church Metrorail Station, was selected as the recommended alternative to advance the study for environmental review, engineering, and design. This recommendation was endorsed by

the NVTC on July 7, 2016.

On December 5, 2017, the Board authorized for the Director of the Department of Transportation to execute an MOA with NVTC to fund the Envision Route 7 Phase III Planning Level Conceptual Engineering Study. The conceptual engineering study helped to refine the project cost, identified potential areas of concern, developed a potential staging strategy, and provided guidance on preserving the required right-of-way.

The next step on the Envision Route 7 BRT project will be the Phase IV-1 Mobility Analysis study. The objective of this study is to evaluate and document the mobility benefits and impacts of the proposed BRT from Falls Church to Seven Corners. This effort will require the development of a traffic microsimulation model. The County has already developed a model from Tysons to the City of Falls Church.

The parties to the MOA have agreed to undertake a mobility analysis that will fully clarify and quantify the mobility benefits and impacts identified during the planning and programming phase. The study will also develop a general course of proposed action and identify and evaluate with engineering analyses the feasible and reasonable solutions to the needs and deficiencies identified throughout the corridor. NVTC will coordinate and administer the parties' participation and implementation required for the study. The proposed agreement also documents the parties' understanding regarding funding for Phase IV-1 of the Envision Route 7 Project.

FISCAL IMPACT:

NVTC was awarded a FY 2021 Department of Rail and Public Transportation grant in the amount of \$560,000 (\$280,000 state share with a \$280,000 required local match shared between the City of Alexandria, Arlington County, Fairfax County, and the City of Falls Church) for the Envision Route 7 Phase IV-1 Mobility Analysis Study. Fairfax County's share is \$140,000 of the local match, which will be paid with state aid held in trust at NVTC. There will be no fiscal impact to the General Fund if this item is approved.

ENCLOSED DOCUMENTS:

Attachment 1 – Memorandum of Agreement Regarding Phase IV-1 Mobility Analysis Study of the Envision Route 7 Study

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STAFF:

Rachel Flynn, Deputy County Executive
Christina Jackson, Director, Department of Management and Budget
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT
Noelle Dominguez, Chief, Coordination Section, FCDOT
Malcolm Watson, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Richard F. Dzubin, Assistant County Attorney

MEMORANDUM OF AGREEMENT

REGARDING COORDINATION OF TECHNICAL ANALYSIS, TESTING, FUNDING AND
ADMINISTRATION FOR PHASE III OF THE ENVISION ROUTE 7 PROJECT

This Memorandum of Agreement (MOA) is entered into between and among the Northern Virginia Transportation Commission (NVTC) and the below identified participating jurisdictions and transportation agencies (collectively, the Entities and individually, an Entity) as a means of demonstrating their joint commitment to the funding of Phase IV-1 of the Envision Route 7 project, as is fully described below.

WITNESSETH:

WHEREAS, this MOA addresses an immediate need to fund a planning level conceptual engineering study to continue progress on the Envision Route 7 project and identify right-of-way concerns and other high-level engineering concerns along the proposed project corridor that need to be integrated into future subarea and sector planning activities;

WHEREAS, this MOA sets forth the principles agreed upon by NVTC and the Entities which will be used in continuing the Envision Route 7 project for a Phase IV-1 study and for Entity participation.

NOW, THEREFORE, in consideration of the foregoing recitals, each of which are incorporated in this MOA, and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, NVTC and the Entities agree as follows:

1.0 PURPOSE

NVTC and the Entities mutually desire, and with the assistance of grant funding agencies including the Virginia Department of Rail and Public Transportation (DRPT), to provide additional study and analysis for the continuation of the Envision Route 7 project. In accordance with the terms of this MOA, NVTC is authorized to act on behalf of the following Entities as the contracting and coordinating agent for the Phase IV-1 mobility analysis study:

- City of Alexandria
- Arlington County
- Fairfax County
- City of Falls Church

2.0 BACKGROUND AND GOALS

The Envision Route 7 project, which is generally described in the Route 7 Corridor Transit Study Final Report (January 2017), incorporated herein by reference the "Envision Route 7 Project", recently completed the Envision Route 7 Phase III Conceptual Engineering Study. The key findings from the study to date are that a Bus Rapid Transit ("BRT") along Route 7 from Mark Center to Tysons, via the East Falls Church Metro Station is a viable transit solution for the corridor, generally described as the "Corridor", providing added connectivity and multimodal choices. The key activities in the preceding efforts were to estimate the potential demand and forecast the ridership, compare possible alternative modes, determine possible funding mechanisms and strategies, define the right of way, identify guideway needs, and provide a cost estimate for both capital and operating cost. The BRT showed high demand across all trip purposes. The service would benefit not only commuters with key connections to Mark Center, Tysons, and Metro; but serve other trip purposes including shopping and recreational trips. The travel demand forecast showed approximately two-thirds of the new riders traveling for non-work purposes. The Phase II Study focused on determining which mode best serves the Corridor, and if and where the BRT should deviate from Route 7.

Following the Phase II study, NVTC conducted a conceptual engineering study (the "Envision Route 7 Phase III Planning Level Conceptual Engineering Study"). The conceptual engineering study helped to refine the project cost, identified potential areas of concern, developed a potential staging strategy, and provided guidance on preserving the required right-of-way. This study identified right-of-way that could be utilized by the BRT and provides a guide for jurisdictions in their subarea and sector planning.

The next step on the Envision Route 7 Bus Rapid Transit (BRT) project will be Phase IV-1 study. The overall objective of the Phase IV-1 Mobility Analysis Study is to evaluate and determine the mobility benefits and impacts resulting from the proposed BRT from Tysons to Seven Corners. This effort will require the development of a traffic micro-simulation model. FCDOT has already developed a model from Tysons to the City of Falls Church. This effort will take the model files and add approximately 3.5 miles onto the current network.

The Entities concur in the following goals for the Envision Route 7 Phase IV-1 Mobility Analysis Study:

- To fully clarify and quantify the mobility benefits and impacts identified during the planning and programming phase;
- To develop a general course of proposed action, and identify and evaluate with engineering analyses the feasible and reasonable solutions (alternatives) to these needs and deficiencies; and
- To document the mobility impacts and mitigations for implementation of the BRT project.

There may also be procedural issues that will require a coordinated response, which can best be addressed by NVTC, through its coordination with the Entities, as a whole, or with a standing committee of the Entities, as may be agreed.

3.0 TECHNICAL SUPPORT

Each Entity authorizes NVTC to enter into a contract, subject to availability of funds, to provide technical support for executing the Envision Route 7 Phase IV-1 Mobility Analysis Study scope of work, and to work with the Entities in identifying sources of funding to achieve the goals set forth in this MOA. NVTC will provide management and technical support on behalf of the Entities. Support work in this task will include but not be limited to:

- Reviewing and responding to requests for technical information or resources from the hired consultant team;
- Program management for the Phase IV-1 study; and
- Coordinating with the Envision Route 7 Technical Advisory Committee (TAC).

The scope of work for the Envision Route 7 Phase IV-1 Mobility Analysis Study includes but is not limited to the following:

1. Data Collection
2. Balancing Existing Traffic Volumes
3. Develop Existing Traffic Simulation Model
4. Future Years Traffic Simulation and Analysis
5. Public Outreach
6. Documentation
7. Project Management

The scope of work is an attachment to this memorandum of agreement as Attachment I.

4.0 FUNDING AND FINANCING

NVTC was awarded a FY 2021 DRPT grant in the amount of \$560,000 (\$280,000 State share with a \$280,000 required local match) for the Envision Route 7 Phase V-1 Mobility Analysis Study. The scope of technical assistance needed by the Entities has been estimated based on the Phase II travel demand forecast modeling and ridership projections. The required local share for each Entity was calculated using the BRT boardings, trip end productions, and trip end attractions by jurisdiction.

5.0 COORDINATION AND ADMINISTRATION

NVTC will coordinate and administer the Entities' participation in development and implementation of the Envision Route 7 Phase IV-1 Mobility Analysis Study. NVTC will convene regular meetings among the Entities and other regional stakeholders to discuss and seek agreement on all aspects of study.

The required local match to be provided by Entity is as follows:

Jurisdiction	Required Match
City of Alexandria	\$56,000
Arlington County	\$39,200
Fairfax County	\$140,000
City of Falls Church	\$44,800
Total	\$280,000

6.0 PARTICIPANT ROLES AND RESPONSIBILITIES

Entities executing this MOA agree to:

- Work to consensus insofar as possible in resolution of all matters;
- Confirmation of the designate lead and appropriate additional representatives to participate in TAC; and
- Identify appropriate funding sources of local match.
- NVTC will invoice the jurisdictions for the local match within 30 days of the execution of the contract with the selected consultant.

7.0 AMENDMENTS

Any signatory to this MOA may propose an amendment at any time. Any such amendment shall become effective upon the approval of the amendment by all participating Entities and execution of a written amendment by each.

8.0 DURATION OF MEMORANDUM OF AGREEMENT

This MOA shall be effective upon the signature of the NVTC and each of the Entities and shall last for the duration of the Phase IV-1 study.

9.0 ASSIGNMENTS

No Entity shall have the power to assign either their rights or obligations under this MOA, provided however, that any reorganization of an Entity shall automatically transfer the former Entity's rights and obligations to its successor.

11.0 NO PERSONAL LIABILITY

Nothing herein shall be deemed or construed to impose upon or give rise to any personal liability on behalf of any official, employee or individual who was acting in his or her authorized official capacity in the execution and/or implementation of the terms or conditions of this Agreement.

12.0 NO THIRD PARTY BENEFICIARY RIGHTS CREATED

Nothing herein shall be deemed or construed to create or vest any rights in any party which is not a signatory to this Agreement.

13. NO WAIVER OF SOVEREIGN IMMUNITY

Nothing herein shall be deemed a waiver of the sovereign immunity of any signatory party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement by their duly authorized representative;

AGENCY: City of Alexandria

By: _____
Name: Mark B. Jinks (Date) _____
Title: City Manager

AGENCY: Arlington County

By: _____
Name: Mark Schwartz (Date) _____
Title: County Manager

AGENCY: Fairfax County

By: _____
Name: Tom Biesiadny (Date) _____
Title: Director of Transportation

AGENCY: City of Falls Church

By: _____
Name: Wyatt Shields (Date) _____
Title: City Manager

AGENCY: Northern Virginia Transportation Commission (NVTC)

By: _____
Name: Katherine A. Mattice (Date) _____
Title: Executive Director, NVTC

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ACTION - 5

Proposed Addition of Jeff Todd Way (Route 619) to the Secondary System of State Highways (Mount Vernon District)

ISSUE:

Board adoption of the attached revised resolution requesting the addition of a portion of Jeff Todd Way (Route 619) to the Secondary System of State Highways (Secondary System).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached revised resolution (Attachment I) requesting that a portion of Jeff Todd Way (Route 619) be added to the Secondary System of State Highways (Secondary System).

TIMING:

The Board should take action on February 23, 2021, to allow the Virginia Department of Transportation (VDOT) to accept Jeff Todd Way for maintenance.

BACKGROUND:

Jeff Todd Way has been completed. VDOT is requesting that the Board of Supervisors adopt the revised attached resolution to facilitate the acceptance of this portion of Jeff Todd Way (Route 619) into the Secondary System of State Highways. A FCDOT vicinity map (Attachment II) showing Jeff Todd Way and VDOT sketch (Attachment III) depicting the addition are attached for reference.

The Board of Supervisors previously passed a resolution on November 21, 2017, for this road addition. However, the mileage listed for the addition (2.17 miles) in the previous resolution was incorrect, because the portion of Jeff Todd Way between Richmond Highway (Route 1) and Pole Road (Route 622) is already part the System of State Highways. Therefore, this revised resolution will allow for the acceptance of the correct portion of Jeff Todd Way (1.7 miles) into the Secondary System of State Highways.

An additional component of this acceptance is the stormwater pond that was constructed as part of the Jeff Todd Way project. There are issues with the pond's construction and functionality that cannot easily be addressed. VDOT will not accept it

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in the current condition. This problem was identified during the acceptance inspection. As a result, to address this remaining issue and allow Jeff Todd Way to be accepted, County staff has decided to close the basin and purchase off-site nutrient credits at the appropriate level to address the stormwater from this portion of Jeff Todd Way. Fairfax County Board of Supervisors approval of the corrected Resolution will enable VDOT to move forward with sending the final acceptance package to VDOT central office. Design plans for the basin closure are at 60% completion and have been submitted to VDOT for review. The County anticipates starting construction of the basin closure in Summer 2021 with completion by the end of 2021.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution
Attachment II: Location Map
Attachment III: Sketch Prepared by VDOT depicting the addition

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Jeffrey Hermann, Site Analysis & Transportation Planning, Division Chief, FCDOT
Gregory Fuller Jr, Site Analysis, Section Chief, FCDOT
Michelle Guthrie, FCDOT
Jeffrey Edmondson, FCDOT
Gavin Derleth, FCDOT

ASSIGNED COUNSEL:

Pamela K. Pelto, 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 February 23, 2021, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the construction of a portion of Jeff Todd Way from Richmond Highway (Route 1) to Telegraph Road (Route 611) is complete; and

WHEREAS, the portion of Jeff Todd Way (formerly Old Mill Road) from Richmond Highway (Route 1) to Pole Road (Route 622) has been widened and improved according to VDOT construction project (0235-029-102 C501); and

WHEREAS, the Virginia Department of Transportation (VDOT) has determined that the new construction can be accepted into the Secondary System of State Highways; and

WHEREAS, this resolution supersedes the previous resolution for the acceptance of Jeff Todd Way, approved on November 21, 2017 by the Fairfax County Board of Supervisors;

NOW THEREFORE BE IT RESOLVED, that this Board hereby requests, pursuant to Virginia Code Section §33.2-705, that the Virginia Department of Transportation add as part of the Secondary System of State Highways the centerline of Jeff Todd Way from the centerline of Pole Road (Route 622) north 1.7 miles to the centerline of Telegraph Road (Route 611);

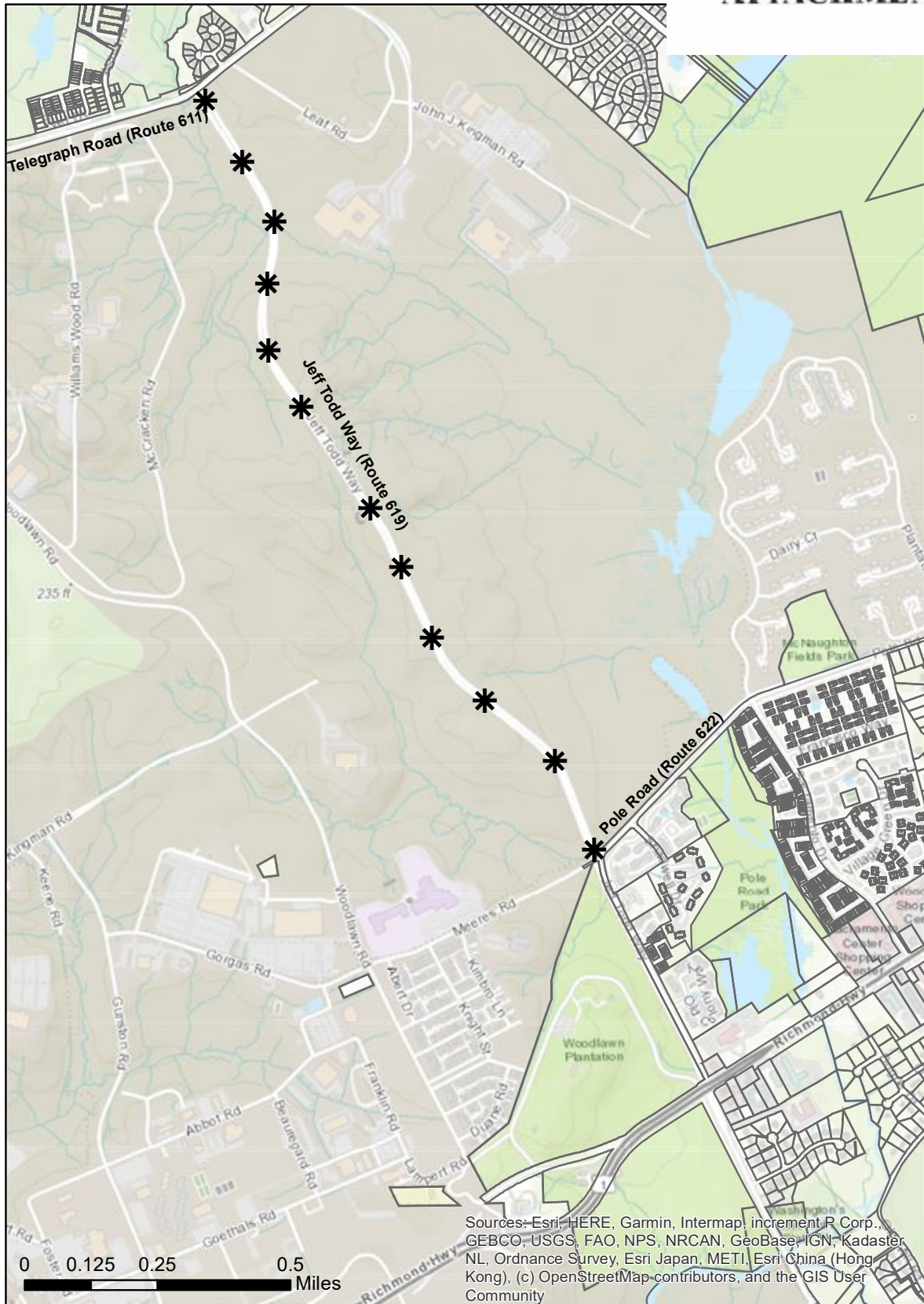
A Copy Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Jeff Todd Way (Route 619) Acceptance (Portion)

Mount Vernon District

ATTACHMENT II



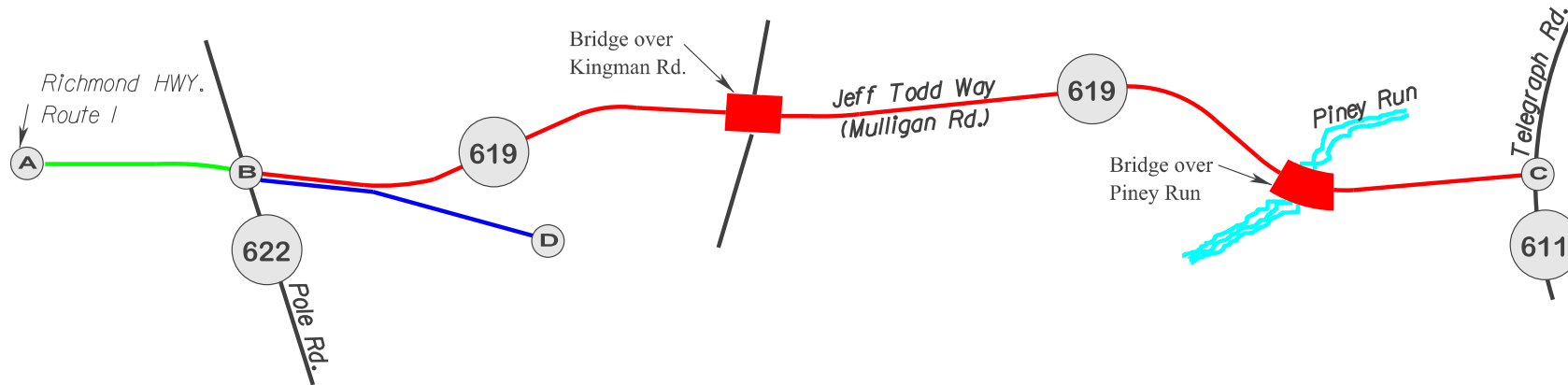
Tax Map Numbers: 100-1, 110-2, 100-3, & 109-2

*** Symbol Denotes Area of Street to be Accepted**

ATTACHMENT III

SHEET 1 OF 1

Using the DACHS application please submit form AM-4.2 for each roadway segment and the entire project including the mileage and the pavement types, reflecting post-construction conditions.



Route	Action	Segment	Station	Length
619	Data Correction	A → B	Fr: Rte. 1 To: Rte. 622	0.47 Mi.
619	Addition	B → C	Fr: Rte. 622 To: Rte. 611	1.70 Mi.
619	Abandonment	B → D	Fr: Rte. 622 To: Dead End	0.50 Mi.

UPC -- 77404



Virginia Department of Transportation
VDOT
 OFFICE OF LAND USE
 February 16, 2017

Legend

FAIRFAX COUNTY

Changes In the Secondary Systems
 due to relocation and construction on

Route 619, Project: 0235-029-102, C-501

- █ Segment(s) of new location to be added to the Secondary System.
- █ Segment(s) of Secondary Road location to be abandoned.
- █ Data Correction - Adjustment to correct RIMS records also applies to Route Re-Numbering, an Administrative change.

Not To Scale

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CONSIDERATION - 1

Amendments to the Fairfax-Falls Church Community Services Board Bylaws

ISSUE:

Approval of Bylaws for the Fairfax Falls Church Community Services Board (CSB) with proposed amendments.

TIMING:

Board consideration is requested on February 23, 2021, so that the CSB Bylaws can become effective, as amended.

BACKGROUND:

The Fairfax-Falls Church Community Services Board (CSB) approved the attached Bylaws with proposed amendments at the meeting on January 27, 2021.

Amendments include:

- Adding a provision for CSB Board members to participate electronically in CSB Board and Committee meetings (Article VIII, Meetings).
- Removing references to Early Intervention Services as these services are now provided by Department of Family Services (Preamble, Article II: Purpose, Article III: Powers and Duties).
- Revising Standing Committees to establish the Service Delivery Oversight Committee and disestablish the Behavioral Health Oversight Committee and the Developmental Disabilities Committee;(Article VII: Executive Committee, Standing Committees and Ad Hoc committees).

The proposed changes are not contrary to law or county policy.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Fairfax Falls Church Community Services Board Bylaws – edits visible
Attachment 2: Fairfax Falls Church Community Services Board Bylaws

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STAFF:

Christopher Leonard, Deputy County Executive
Daryl Washington, Executive Director, CSB

ASSIGNED COUNSEL:

Cynthia L. Tianti, Deputy County Attorney

Bylaws of the Fairfax-Falls Church Community Services Board

Preamble

Subject to the provisions of:

- A. Chapter 5 (Community Services Boards) of Title 37.2 (Behavioral Health and Developmental Services) of the Code of Virginia, as amended, and,
- B. Joint Resolution adopted by the Board of Supervisors of Fairfax County on April 23, 1969, and by the Councils of the Cities of Fairfax and Falls Church on May 28, 1969, as amended, and,
- C. Other applicable laws and regulations.

Deleted: and Chapter 53 (Early Intervention Service System) of Title 2.2 (Administration of Government) as amended,

The following bylaws apply to, and govern the administration of, the Fairfax-Falls Church Community Services Board.

Article I: Name

As provided by action of the Board of Supervisors of Fairfax County and the Councils of the Cities of Fairfax and Falls Church on August 1, 1978, the name of this board is the FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD, hereinafter referred to as the "BOARD".

Deleted: ¶

Article II: Purpose

- A. Mental Health, Developmental Disabilities, and Substance Use Disorders Services – In conformity with the provisions of Va. Code § 37.2-500, this board is established as an administrative policy board whose general purpose shall be to ensure and oversee the establishment and operation of local mental health, developmental disabilities, and substance use disorder services.
- B. The core of services provided shall include emergency services and, subject to the availability of funds appropriated for them, case management services. The core of services may include a comprehensive system of inpatient, outpatient, day support, residential, prevention, and other appropriate mental health, developmental disabilities, and substance use disorder services necessary to provide individualized services and supports to persons with mental illnesses, developmental disabilities, or substance use disorders.

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Article III: Powers and Duties

A. Mental Health, Developmental Disabilities, and Substance Use Disorder Services – In order to implement the purpose, set forth in Article II hereof, pursuant to the requirements of Va. Code § 37.2-504 and in accordance with the actions taken by the Board of Supervisors of Fairfax County and the Councils of the cities of Fairfax and Falls Church to establish the board as an administrative policy board, the board shall:

1. Review and evaluate all existing and proposed public community mental health, developmental disabilities, and substance use disorder services and facilities available to serve the community and such private services and facilities as receive funds through it and advise the local governing bodies of the political subdivisions that established it as to its findings.
2. Pursuant to Va. Code § 37.2-508, submit to the governing body of each political subdivision that established it, an annual performance contract for community mental health, developmental disabilities, and substance use disorder services for its approval prior to submission of the performance contract to the Virginia Department of Behavioral Health and Developmental Disability Services ("Department").
3. Within amounts appropriated therefore, provide such services as may be authorized under such performance contract.
4. In accordance with its approved performance contract, enter into contracts with other providers for the delivery of services or operation of facilities.
5. Make policies concerning the delivery of services or operation of facilities under its direction or supervision, subject to applicable standards, policies or regulations promulgated by the State Board of Behavioral Health and Developmental Services ("State Board").
6. Participate with local government in the appointment and annual performance evaluation of an executive director of community mental health, developmental disabilities, and substance use disorder services, according to minimum qualifications established by the Department, and prescribe his/her duties. The compensation of the executive director shall be fixed by local government in consultation with the board within the amounts made available by appropriation, therefore.
7. Prescribe a reasonable schedule for fees for services provided by personnel or facilities under the jurisdiction or supervision of the board and establish procedures for the collection of the same. All fees collected shall be included in the performance contract submitted to the local governing bodies pursuant to subdivision 2 of this subsection and Va. Code § 37.2-508 and shall be used only for community mental health, developmental disabilities, and substance use disorder purposes. The board shall institute a reimbursement system to maximize the collection of fees from persons receiving services under its jurisdiction or supervision consistent with the provisions of Va. Code § 37.2-511 and from responsible third-party payors. The board shall not attempt to bill or collect fees for time spent participating in involuntary commitment hearings pursuant to Va.

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8. Accept or refuse gifts, donations, bequests or grants of money or property from any source and utilize the same as authorized by the governing bodies of the political subdivisions that established it.
9. Seek and accept funds through federal grants. In accepting such grants, the board shall not bind the governing bodies of the political subdivision that established it to any expenditures or conditions of acceptance without the prior approval of such governing bodies.
10. Have authority, notwithstanding any provision of law to the contrary, to disburse funds appropriated to it in accordance with such regulations as may be established by the governing bodies of the political subdivisions that established it.
11. Develop joint annual written agreements, consistent with policies and procedures established by the State Board, with local school divisions; health departments; boards of social services; housing agencies, where they exist; courts; sheriffs; area agencies on aging; and regional Virginia Department for Aging and Rehabilitative Services offices. The agreements shall specify what services will be provided to consumers. All participating agencies shall develop and implement the agreements and shall review the agreements annually.
12. Develop and submit to the local governing body of each political subdivision that established it and to the Department the necessary information for the preparation of the Comprehensive State Plan for mental health, developmental disabilities and substance use disorder services pursuant to Va. Code § 37.2-315.
13. Take all necessary and appropriate actions to maximize the involvement and participation of consumers and family members of consumers in policy formulation and services planning, delivery, and evaluation.
14. Institute, singly or in combination with other operating community services boards, administrative policy boards, local government departments with policy-advisory boards, or behavioral health authorities, a dispute resolution mechanism that is approved by the Department. The dispute mechanism enables consumers and family members of consumers to resolve concerns, issues, or disagreements about services without adversely affecting their access to or receipt of appropriate types and amounts of current or future services from the board.
15. Notwithstanding the provisions of Va. Code § 37.2-400 or any regulations promulgated thereunder, release data and information about individual consumers to the Department so long as the Department implements procedures to protect the confidentiality of such information.
16. Carry out other duties and responsibilities as assigned by the governing body of each political subdivision that established it.

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Establish and administer a local system of early intervention services in compliance with Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.) and all relevant state policies and procedures; ¶

Implement consistent and uniform policies and procedures for public and private providers to determine parental liability and to charge fees for early intervention services pursuant to regulations, policies, and procedures adopted by the state lead agency in § 2.2-5304; and ¶

Manage relevant state and federal early intervention funds allocated from the state lead agency for the local early intervention system, including contracting or otherwise arranging for services with local early intervention services providers. ¶

Article IV: Members and Terms of Office

- A. In accordance with Va. Code § 37.2-502 as implemented by the Board of Supervisors of Fairfax County and the Councils of the cities of Fairfax and Falls Church, the board shall consist of sixteen members, thirteen of whom shall be appointed by the Board of Supervisors of Fairfax County, one of whom shall be designated by the Office of the Sheriff of Fairfax County; and one of whom shall be appointed by the Council of the City of Fairfax and one by the Council of the City of Falls Church. In accordance with Va. Code § 37.2-501, one-third of the appointments shall be identified consumers or former consumers, or family members of consumers or family members of former consumers, at least one of whom shall be a consumer receiving services. The term of appointment is three years, and a person may serve only three, consecutive full terms.
- B. Vacancies shall be filled for unexpired terms in the same manner as original appointments. Persons appointed to fill a vacancy may serve three additional full terms.
- C. Members are expected to regularly attend all meetings. The board Chair may notify the Clerk to the Board of Supervisors if any board member misses three consecutive board meetings as well as meetings of the standing committee to which the board member has been appointed and this may serve as grounds for removal. Members may be removed from the board in accordance with the appointing authority policies and procedures governing removal from Boards, provided that such policies and procedures are consistent with the requirements of the Virginia Code.
- D. Each member of the board shall serve on at least one Standing Committee. If a board member misses three consecutive committee meetings, the member may be recommended for removal from the committee by the committee through the Committee Chair.
- E. Each member of the board shall conduct himself or herself cordially and appropriately to members of other governmental or private entities, members of the public or CSB staff, when representing the board.

Article V: Officers and Their Duties

A. Officers

The officers of the board shall consist of a Chair, immediate past Chair, Vice Chair, and a Secretary, each of whom shall have such powers and duties as generally pertain to such respective offices, as well as such powers and duties as from time to time may be conferred upon them by the board, and which shall specifically include, but not be limited to, the powers, duties and responsibilities set forth hereinafter in Sections 2, 3, and 4 of Article VI.

B. Chair

The Chair shall preside at all meetings of the board; sign or cause to be signed the minutes when approved by the board and such other official documents required of him/her in the course of business of the board; appoint such committees as deemed necessary by the board for its operation and to serve as an *ex officio* member of all committees except the nominating committee; work closely with local public and private

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facilities, mental health, developmental disabilities, and substance use disorder, associations of Virginia, and other groups interested in mental health, developmental disabilities, and substance use disorder issues; maintain liaison with the Board of Supervisors of Fairfax County and the Councils of the Cities of Fairfax and Falls Church and the Department; and keep the Board of Supervisors, City Councils, and the Department's Commissioner advised and fully informed as to the activities and programs of the board.

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C. Vice Chair

In the absence of the Chair, the Vice Chair shall perform the duties of the Chair.

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D. Immediate Past Chair

In the absence of the Chair and the Vice Chair, the immediate past Chair shall perform the duties of the Chair.

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E. Secretary

The Secretary shall sign all policies after they have been approved or amended by the board and perform such other duties as requested by the Chair of the board. The Secretary also regularly reviews and updates the CSB Board Member Orientation Handbook. In the absence of the Chair, the Vice Chair, and the immediate past Chair, the Secretary shall perform the duties of the Chair.

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Article VI: Officers' Nomination, Election, and Term of Office

A. Nomination and Election

At its regular meeting in April of each year, the board shall appoint three of its members to serve as a nominating committee. The committee shall submit the name of at least one nominee for each of the offices of Chair, Vice Chair, and Secretary at the June meeting of the board at which meeting the election of officers of the board shall be held. Nominations also may be made from the floor. Members of the nominating committee shall be eligible for nomination, but no member shall be nominated whose consent to serve has not first been obtained. A majority of those present and voting shall constitute an election.

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B. Term of Office

The term of office of all officers shall be for one year, beginning on July 1 following the election, or until their respective successors are elected, but any officer may be removed from office, either with or without cause, at any time by the affirmative vote of a majority of all the members of the board. No officer may serve more than two consecutive terms in the same office.

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C. Vacancies

A vacancy in any office arising from any cause may be filled for the unexpired portion of the term as authorized by the board. The filling of a vacancy in office for the unexpired portion of a term will not prevent an officer from serving the two consecutive terms in the same office as proved in (B) above.

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D. Absences

In the absence of the Chair, Vice Chair, Secretary and immediate past Chair from any meeting, the board shall select one of its members to act in such capacity during that meeting.

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Article VII: Executive Committee, Standing Committees and Ad Hoc Committees

A. Executive Committee

There shall be an Executive Committee of the board. The purpose of the Executive Committee shall be to draft the agenda for the next full board meeting and to administer, subject to the authority and approval of the board, the required and necessary business of the board between regular meetings.

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The Executive Committee shall consist of the Chair, past Chairs continuing to serve on the board, Vice Chair, Secretary, and the Chairs of Standing Committees. The Executive Director shall serve as an *ex officio*, non-voting member of the Executive Committee.

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B. Standing Committees

Standing Committees shall be the Service Delivery Oversight Committee, and the Fiscal Oversight Committee. Their purpose shall be to review and make recommendations to the full board regarding policies, plans, service delivery proposals, budgets, grants, and such other matters as are referred to them by the board or Executive Committee.

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Members will be appointed by the Chair for a one-year appointment and may be reappointed to a Committee in subsequent years. The members of each Standing Committee shall elect from among the members a Chair or Co-Chairs for a one-year term. The Chair or Co-Chairs may be re-elected to an additional one-year term by the members.

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C. Ad Hoc Committees

Ad Hoc Committees may be established by the full board as needed. Those Committees may be established to address any issue for which the full board determines that the subject matter or issue cannot be adequately addressed by the Standing Committees. The members of each Ad Hoc Committee shall elect from among their members a Chair or Co-Chairs for a one-year term. The Chair or Co-Chairs may be reelected to an additional one-year term by the members.

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D. Associate Members for Standing and Ad Hoc Committees

Associate Members for Standing and Ad Hoc Committees are non-voting and may be appointed to each Standing or Ad Hoc Committee. Associate Members are individuals or representatives of organizations and agencies whose work and knowledge is deemed important to the Standing or Ad Hoc Committee. The Standing or Ad Hoc Committee may nominate representatives of the organizations and agencies they desire as Associate Members. These nominations shall be confirmed by a majority vote of the full board at the meeting at which they are nominated, unless, on motion of the board, the vote on confirmation is continued to a subsequent meeting of the full board. The term of each Associate Member shall be for one year from the date of their confirmation by the board.

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An Associate Member may be reappointed in subsequent or consecutive years to the Standing or Ad Hoc Committee on which they served. Vacancies may be filled at any time using this same process.

Article VIII: Meetings

A. Regular

Regular meetings of the board shall be held each month, as scheduled by the board.

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B. Special

Special meetings may be called by the board Chair or upon the request of two members of the board or the Executive Director. With agreement of the majority of board members, a special meeting may be convened. Public notice shall be given in accordance with the Virginia Freedom of Information Act.

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C. VFOIA

All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Va. Code § 2.23700 *et seq.*, as amended (“VFOIA”). Pursuant to Va. Code § 2.23701, “meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through electronic communications means as permitted by the VFOIA, 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.

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D. Quorum and Voting

A quorum is necessary for a vote. A majority of the membership of the board shall constitute a quorum. In making any recommendation, adopting any plan, or approving any proposal, action shall be taken by a majority vote of board 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 the board shall be taken during a public meetings, and no vote shall be taken by secret or written ballot or proxy.

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Article IX: Parliamentary Procedures

Robert's Rules of Order Newly Revised, latest edition shall govern the board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

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Article X: Amendments

Recommendations to amend, alter or supplement these bylaws may be proposed at any regular meeting of the board. A two-thirds (2/3) vote of those present and voting is needed to send the recommended changes to the Board of Supervisors for their approval for the changes to be effective. Prior to any vote by the board, notice of the proposed changes must be given to each member of the board in writing no less than thirty days prior to the vote.

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Approved _____
CSB Board Chair

_____ Date

Bylaws of the Fairfax-Falls Church Community Services Board

Preamble

Subject to the provisions of:

- A. Chapter 5 (Community Services Boards) of Title 37.2 (Behavioral Health and Developmental Services) of the Code of Virginia, as amended, and,
- B. Joint Resolution adopted by the Board of Supervisors of Fairfax County on April 23, 1969, and by the Councils of the Cities of Fairfax and Falls Church on May 28, 1969, as amended, and,
- C. Other applicable laws and regulations.

The following bylaws apply to, and govern the administration of, the Fairfax-Falls Church Community Services Board.

Article I: Name

As provided by action of the Board of Supervisors of Fairfax County and the Councils of the Cities of Fairfax and Falls Church on August 1, 1978, the name of this board is the FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD, hereinafter referred to as the “BOARD”.

Article II: Purpose

- A. Mental Health, Developmental Disabilities, and Substance Use Disorder Services – In conformity with the provisions of Va. Code § 37.2-500, this board is established as an administrative policy board whose general purpose shall be to ensure and oversee the establishment and operation of local mental health, developmental disabilities, and substance use disorder services.
- B. The core of services provided shall include emergency services and, subject to the availability of funds appropriated for them, case management services. The core of services may include a comprehensive system of inpatient, outpatient, day support, residential, prevention, and other appropriate mental health, developmental disabilities, and substance use disorder services necessary to provide individualized services and supports to persons with mental illnesses, developmental disabilities, or substance use disorders.

Article III: Powers and Duties

- A. Mental Health, Developmental Disabilities, and Substance Use Disorder Services – In order to implement the purpose, set forth in Article II hereof, pursuant to the requirements of Va. Code § 37.2-504 and in accordance with the actions taken by the Board of Supervisors of Fairfax County and the Councils of the Cities of Fairfax and

Falls Church to establish the board as an administrative policy board, the board shall:

1. Review and evaluate all existing and proposed public community mental health, developmental disabilities, and substance use disorder services and facilities available to serve the community and such private services and facilities as receive funds through it and advise the local governing bodies of the political subdivisions that established it as to its findings.
2. Pursuant to Va. Code § 37.2-508, submit to the governing body of each political subdivision that established it, an annual performance contract for community mental health, developmental disabilities, and substance use disorder services for its approval prior to submission of the performance contract to the Virginia Department of Behavioral Health and Developmental Disability Services (“Department”).
3. Within amounts appropriated therefore, provide such services as may be authorized under such performance contract.
4. In accordance with its approved performance contract, enter into contracts with other providers for the delivery of services or operation of facilities.
5. Make policies concerning the delivery of services or operation of facilities under its direction or supervision, subject to applicable standards, policies or regulations promulgated by the State Board of Behavioral Health and Developmental Services (“State Board”).
6. Participate with local government in the appointment and annual performance evaluation of an executive director of community mental health, developmental disabilities, and substance use disorder services, according to minimum qualifications established by the Department, and prescribe their duties. The compensation of the executive director shall be fixed by local government in consultation with the board within the amounts made available by appropriation, therefore.
7. Prescribe a reasonable schedule for fees for services provided by personnel or facilities under the jurisdiction or supervision of the board and establish procedures for the collection of the same. All fees collected shall be included in the performance contract submitted to the local governing bodies pursuant to subdivision 2 of this subsection and Va. Code § 37.2-508 and shall be used only for community mental health, developmental disabilities, and substance use disorder purposes. The board shall institute a reimbursement system to maximize the collection of fees from persons receiving services under its jurisdiction or supervision consistent with the provisions of Va. Code § 37.2-511 and from responsible third-party payors. The board shall not attempt to bill or collect fees for time spent participating in involuntary commitment hearings pursuant to Va. Code § 37.2-814.
8. Accept or refuse gifts, donations, bequests or grants of money or property from any source and utilize the same as authorized by the governing bodies of the political subdivisions that established it.
9. Seek and accept funds through federal grants. In accepting such grants, the board shall not bind the governing bodies of the political subdivision that established it

to any expenditures or conditions of acceptance without the prior approval of such governing bodies.

10. Have authority, notwithstanding any provision of law to the contrary, to disburse funds appropriated to it in accordance with such regulations as may be established by the governing bodies of the political subdivisions that established it.
11. Develop joint annual written agreements, consistent with policies and procedures established by the State Board, with local school divisions; health departments; boards of social services; housing agencies, where they exist; courts; sheriffs; area agencies on aging; and regional Virginia Department for Aging and Rehabilitative Services offices. The agreements shall specify what services will be provided to consumers. All participating agencies shall develop and implement the agreements and shall review the agreements annually.
12. Develop and submit to the local governing body of each political subdivision that established it and to the Department the necessary information for the preparation of the Comprehensive State Plan for mental health, developmental disabilities, and substance use disorder services pursuant to Va. Code § 37.2-315.
13. Take all necessary and appropriate actions to optimize the involvement and participation of consumers and family members of consumers in policy formulation and services planning, delivery, and evaluation.
14. Institute, singly or in combination with other operating community services boards, administrative policy boards, local government departments with policy-advisory boards, or behavioral health authorities, a dispute resolution mechanism that is approved by the Department. The dispute mechanism enables consumers and family members of consumers to resolve concerns, issues, or disagreements about services without adversely affecting their access to or receipt of appropriate types and amounts of current or future services from the board.
15. Notwithstanding the provisions of Va. Code § 37.2-400 or any regulations promulgated thereunder, release data and information about individual consumers to the Department so long as the Department implements procedures to protect the confidentiality of such information.
16. Carry out other duties and responsibilities as assigned by the governing body of each political subdivision that established it.

Article IV: Members and Terms of Office

- A. In accordance with Va. Code § 37.2-502 as implemented by the Board of Supervisors of Fairfax County and the Councils of the Cities of Fairfax and Falls Church, the board shall consist of sixteen members, thirteen of whom shall be appointed by the Board of Supervisors of Fairfax County, one of whom shall be designated by the Office of the Sheriff of Fairfax County; and one of whom shall be appointed by the Council of the City of Fairfax and one by the Council of the City of Falls Church. In accordance with Va. Code § 37.2-501, one-third of the appointments shall be identified consumers or former consumers, or family members of consumers or family members of former consumers, at least one of whom shall be a consumer receiving services. The term of appointment is three years, and a person may serve only three, consecutive full terms.

- B. Vacancies shall be filled for unexpired terms in the same manner as original appointments. Persons appointed to fill a vacancy may serve three additional full terms.
- C. Members are expected to regularly attend all meetings. The board Chair may notify the Clerk to the Board of Supervisors if any board member misses three consecutive board meetings as well as meetings of the standing committee to which the board member has been appointed and this may serve as grounds for removal. Members may be removed from the board in accordance with the appointing authority policies and procedures governing removal from Boards, provided that such policies and procedures are consistent with the requirements of the Virginia Code.
- D. Each member of the board shall serve on at least one Standing Committee. If a board member misses three consecutive committee meetings, the member may be recommended for removal from the committee by the committee through the Committee Chair.
- E. Each member of the board shall conduct himself or herself cordially and appropriately to members of other governmental or private entities, members of the public or CSB staff, when representing the board.

Article V: Officers and Their Duties

A. Officers

The officers of the board shall consist of a Chair, immediate past Chair, Vice Chair, and a Secretary, each of whom shall have such powers and duties as generally pertain to such respective offices, as well as such powers and duties as from time to time may be conferred upon them by the board, and which shall specifically include, but not be limited to, the powers, duties and responsibilities set forth hereinafter in Sections B, C, and D of Article VI.

B. Chair

The Chair shall preside at all meetings of the board; sign or cause to be signed the minutes when approved by the board and such other official documents required of him/her in the course of business of the board; appoint such committees as deemed necessary by the board for its operation and to serve as an *ex officio* member of all committees except the nominating committee; work closely with local public and private facilities, mental health, developmental disabilities, and substance use disorder associations of Virginia, and other groups interested in mental health, developmental disabilities and substance use disorder issues; maintain liaison with the Board of Supervisors of Fairfax County and the Councils of the Cities of Fairfax and Falls Church and the Department; and keep the Board of Supervisors, City Councils, and the Department's Commissioner advised and fully informed as to the activities and programs of the board.

C. Vice Chair

In the absence of the Chair, the Vice Chair shall perform the duties of the Chair.

D. Immediate Past Chair

In the absence of the Chair and the Vice Chair, the immediate past Chair shall perform the duties of the Chair.

E. Secretary

The Secretary shall sign all policies after they have been approved or amended by the board and perform such other duties as requested by the Chair of the board. The Secretary also regularly reviews and updates the CSB Board Member Orientation Handbook. In the absence of the Chair, the Vice Chair, and the immediate past Chair, the Secretary shall perform the duties of the Chair.

Article VI: Officers' Nomination, Election, and Term of Office

A. Nomination and Election

At its regular meeting in April of each year, the board shall appoint three of its members to serve as a nominating committee. The committee shall submit the name of at least one nominee for each of the offices of Chair, Vice Chair, and Secretary at the June meeting of the board at which meeting the election of officers of the board shall be held.

Nominations also may be made from the floor. Members of the nominating committee shall be eligible for nomination, but no member shall be nominated whose consent to serve has not first been obtained. A majority of those present and voting shall constitute an election.

B. Term of Office

The term of office of all officers shall be for one year, beginning on July 1 following the election, or until their respective successors are elected, but any officer may be removed from office, either with or without cause, at any time by the affirmative vote of a majority of all the members of the board. No officer may serve more than two consecutive terms in the same office.

C. Vacancies

A vacancy in any office arising from any cause may be filled for the unexpired portion of the term as authorized by the board. The filling of a vacancy in office for the unexpired portion of a term will not prevent an officer from serving the two consecutive terms in the same office as proved in (B) above.

D. Absences

In the absence of the Chair, Vice Chair, Secretary and immediate past Chair from any meeting, the board shall select one of its members to act in such capacity during that meeting.

Article VII: Executive Committee, Standing Committees and Ad Hoc Committees

A. Executive Committee

There shall be an Executive Committee of the board. The purpose of the Executive Committee shall be to draft the agenda for the next full board meeting and to administer, subject to the authority and approval of the board, the required and necessary business of the board between regular meetings.

The Executive Committee shall consist of the Chair, past Chairs continuing to serve on the board, Vice Chair, Secretary, and the Chairs of Standing Committees. The Executive Director shall serve as an *ex officio*, non-voting member of the Executive Committee.

B. Standing Committees

Standing Committees shall be the Compliance Committee, the Service Delivery

Oversight Committee, and the Fiscal Oversight Committee.

Purpose of the Compliance Committee is to provide oversight and direction to the CSB Compliance Program. Its members are the members of the Executive Committee and Legal Counsel. The Compliance Committee chair will be the current CSB Board Chair or designee.

Purpose of the Service Delivery Oversight and the Fiscal Oversight Committees shall be to review and make recommendations to the full board regarding policies, plans, service delivery proposals, budgets, grants, and such other matters as are referred to them by the board or Executive Committee. Members will be appointed by the Chair for a one-year appointment and may be reappointed to a Committee in subsequent years. The members of these Standing Committee shall elect from among the members a Chair or Co-Chairs for a one-year term. The Chair or Co-Chairs may be re-elected to an additional one-year term by the members.

C. Ad Hoc Committees

Ad Hoc Committees may be established by the full board as needed. Those Committees may be established to address any issue for which the full board determines that the subject matter or issue cannot be adequately addressed by the Standing Committees. The members of each Ad Hoc Committee shall elect from among their members a Chair or Co-Chairs for a one-year term. The Chair or Co-Chairs may be reelected to an additional one-year term by the members.

D. Associate Members for Standing and Ad Hoc Committees

Associate Members for Standing and Ad Hoc Committees are non-voting and may be appointed to each Standing or Ad Hoc Committee. Associate Members are individuals or representatives of organizations and agencies whose work and knowledge are deemed important to the Standing or Ad Hoc Committee. The Standing or Ad Hoc Committee may nominate associated organizations and agencies as Associate Members. These nominations shall be confirmed by a majority vote of the full board at the meeting at which they are nominated, unless, on motion of the board, the vote on confirmation is continued to a subsequent meeting of the full board. The term of each Associate Member shall be for one year from the date of their confirmation by the board. An Associate Member may be reappointed in subsequent or consecutive years to the Standing or Ad Hoc Committee on which they served. Vacancies may be filled at any time using this same process.

Article VIII: Meetings

A. Regular

Regular meetings of the board shall be held each month, as scheduled by the board.

B. Special

Special meetings may be called by the board Chair or upon the request of two members of the board or the Executive Director. With agreement of the majority of board members, a special meeting may be convened. Public notice shall be given in accordance with the Virginia Freedom of Information Act.

C. VFOIA

All meetings shall be open to the public except as provided under the Virginia Freedom of

Information Act, Va. Code § 2.23700 *et seq.*, as amended (“VFOIA”). Pursuant to Va. Code § 2.23701, “meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through electronic communications means as permitted by the VFOIA, 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.

D. Quorum and Voting

A quorum is necessary for a vote. A majority of the membership of the board shall constitute a quorum. In making any recommendation, adopting any plan, or approving any proposal, action shall be taken by a majority vote of board 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 the board shall be taken during public meetings, and no vote shall be taken by secret or written ballot or proxy.

Article IX: Parliamentary Procedures

Robert’s Rules of Order Newly Revised, latest edition shall govern the board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

Article X: Amendments

Recommendations to amend, alter or supplement these bylaws may be proposed at any regular meeting of the board. A two-thirds (2/3) vote of those present and voting is needed to send the recommended changes to the Board of Supervisors for their approval for the changes to be effective. Prior to any vote by the board, notice of the proposed changes must be given to each member of the board in writing no less than thirty days prior to the vote.

Approved _____
CSB Board Chair

Date

Board Agenda Item
February 23, 2021

CONSIDERATION - 2

Limited Amendment to the Bylaws for the Police Civilian Review Panel

ISSUE:

Approval of a limited amendment to the Bylaws for the Police Civilian Review Panel.

TIMING:

Board action is requested on February 23, 2021, so that the amended Bylaws can become effective immediately.

BACKGROUND:

The Board of Supervisors approved the establishment of the Panel on December 6, 2016, as part of Action Item No. 17 on the Board's agenda that day. The Board established the Panel for the purposes of building and maintaining public trust between the Fairfax County Police Department, the Board, and the public, and to enhance police legitimacy.

At the time the Panel was originally established, its initial Bylaws approved by the Board of Supervisors on July 11, 2017, provided that "[n]o Panel Member may serve more than one, one year term as Chair." This provision in the Bylaws has not been amended since the initial approval in 2017.

There has been some difficulty this year in identifying a current Panel member who wishes to serve as Chair. To create additional flexibility in filling the Chair position, it is necessary to make a very limited amendment to the Panel's Bylaws to allow a Chair to serve more than one, one-year term, as long as such terms are not successive. No other changes to the Bylaws are requested at this time.

The proposed amendment to the Bylaws helps bring the practice of the Panel, insofar as selection of a Chair is concerned, more in line with the standard bylaws used by other County boards, authorities, and commissions. The proposed changes are not contrary to any law or county policy.

FISCAL IMPACT:

None.

Board Agenda Item
February 23, 2021

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amendment to the Panel's Bylaws

ASSIGNED COUNSEL:

Anita V. McFadden, Panel Counsel

Elizabeth D. Teare, County Attorney

BYLAWS OF THE FAIRFAX COUNTY POLICE CIVILIAN REVIEW PANEL

Approved by the Board of Supervisors on July 11, 2017

Accepted by the Police Civilian Review Panel on August 3, 2017

Amendments Approved by the Board of Supervisors on October 16, 2018, November 19, 2019, and December 1, 2020

ARTICLE I. NAME¹

The name of this organization is the **Fairfax County Police Civilian Review Panel**.

ARTICLE II. PURPOSE

The Board of Supervisors, pursuant to Virginia law, established the Panel on December 6, 2016, to enhance police legitimacy and to build and maintain public trust between the FCPD, the Board of Supervisors and the public. The Panel will:

- A. Review certain Investigations to ensure the thoroughness, completeness, accuracy, objectivity, and impartiality of the Investigations;
- B. Provide an independent process for commencing an Initial Complaint against the FCPD or its officers; and
- C. Make recommendations on law enforcement policies, practices, and procedures to assist the FCPD Chief of Police ("Chief") and Board of Supervisors in policy review.

The Panel shall report directly to the Board of Supervisors.

ARTICLE III. COMPOSITION OF THE PANEL AND TERM OF OFFICE FOR PANEL MEMBERS

- A. Composition and Qualifications.
 - 1. The Board of Supervisors shall appoint each Panel Member.
 - 2. The Panel shall be comprised of nine Fairfax County residents with expertise and experience relevant to the Panel's responsibilities. At least one Panel Member shall have prior law enforcement experience other than as a member of the FCPD or the FCSO.
 - 3. The Board of Supervisors shall endeavor to create an independent and fair body giving due consideration to the following factors, among others it may choose: community and

¹ Certain terms used in these Bylaws are defined in the attached Exhibit A incorporated herein by this reference.

civic involvement; diversity; law enforcement and/or criminal investigative experience; reputation in the community; geographical representation; and other factors designated to ensure a balanced Panel representative of Fairfax County.

4. No Panel Member may be a current employee of Fairfax County, a current or former member of the FCPD or the FCSO, have a relative (i.e., an immediate or extended family member) who is a member of the FCPD or FCSO, hold public office, or be a candidate for public office.

B. Terms of Service.

1. Panel Members shall be appointed for three-year terms, except for the inaugural Panel (which shall have terms as described below) and may be appointed to no more than two consecutive terms.
2. Panel Member terms shall be staggered.
3. With respect to the inaugural Panel, three Panel Members shall be appointed for three-year terms, three Panel Members shall be appointed for two-year terms and three Panel Members shall be appointed to a one-year term.
4. The Panel Members of the inaugural Panel are eligible to be appointed to a second three- year term upon expiration of the Panel Member's initial term.

C. Resignations, Removals and Vacancies.

1. Panel Members serve at the pleasure of the Board of Supervisors.
2. The Chair shall notify the Board of Supervisors if a Panel Member is absent from three consecutive Panel meetings or is absent from five Panel meetings in any calendar year (unless the absence is for good reason as determined by the Chair).
3. Any Panel Member may resign from the Panel at any time by delivering written notice of termination to the Board of Supervisors with a copy to the Chair. The resignation will be effective upon receipt, unless an effective date of the resignation is specified in the notice.
4. The Board of Supervisors may appoint a new Panel Member for the unexpired Panel Member term resulting from a vacancy that occurs for any reason.

ARTICLE IV. CHAIR, VICE CHAIR, OTHER OFFICERS AND COMMITTEES

A. The Initial Chair and Vice-Chair.

The Board of Supervisors may choose to designate one of the Panel Members as the initial Chair. At a time agreed by the Panel Members, the Panel shall elect the initial Vice-Chair.

B. Succession; Annual Election of Officers; Vacancies.

1. Unless the Panel Members agree otherwise, the Vice-Chair shall succeed to the Chair position upon expiration of the Chair's term.
2. Panel Members shall elect the Vice-Chair and other officers (as determined by the Panel Members) who shall be responsible for those functions as assigned by the Panel and the Chair.
3. All Panel officers shall be elected at the first meeting of each calendar year. Unless the Panel Members agree otherwise, terms of office for Panel Officers shall be for one year, effective March 1st of each calendar year.
4. No Panel Member may serve successive ~~more than one, one-year~~ termss as Chair.
5. If there is an officer vacancy, the Panel may elect a replacement officer at any time after the vacancy occurs to serve the balance of the unexpired term.
6. Before the election of any replacement officer, the Chair or Vice-Chair shall provide the Panel Members with at least two weeks written notice of the proposed election before the meeting at which the replacement is to be elected.
7. Election of Panel officers must take place in a meeting duly called as provided for in Article V.

C. Duties of the Chair and Vice-Chair.

1. The Chair shall:
 - (a) Preside over all Panel meetings at which the Chair is present;
 - (b) Act as a liaison between the Panel and (i) the Board of Supervisors, (ii) the FCPD, and (iii) the Auditor, as needed;
 - (c) Serve as the Panel's official spokesperson;
 - (d) Oversee the preparation of the Panel's annual report described in Article IX.B;
 - (e) Perform any other duties as the Panel may delegate; and

- (f) Delegate any of these duties to other Panel Members.
- 2. The Vice-Chair shall:
 - (a) Preside over Panel meetings in the absence of the Chair; and
 - (b) Perform any other responsibilities delegated by the Chair or requested by the Panel.
- 3. Panel Committees.
 - (a) The Panel may establish as many committees as the Panel deems necessary to perform the Panel's duties. All Panel committee meetings shall comply with the notice and other requirements of the Virginia Freedom of Information Act.

ARTICLE V. QUORUM, VOTING AND MEETINGS

A. Quorum.

At any Panel meeting, the presence of five Panel Members shall constitute a quorum. Any Panel meeting may be adjourned from time to time by a majority of the votes cast upon the question, whether or not a quorum is present, and the meeting may be held as adjourned without further notice.

B. Voting.

The vote of a majority of Panel Members present at a meeting with a quorum is necessary for the Panel to take an action. Notwithstanding the previous sentence, the affirmative vote of a majority of all Panel Members is required to approve Panel Findings or the Annual Report. All votes of Panel Members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy. All Panel Members who are present at a meeting, including the Chair, may vote at any meeting.

C. Meetings.

- 1. The Panel shall meet as often as necessary to conduct Panel business.
- 2. All Panel Meetings shall be conducted in accordance with VFOIA, and, except for closed sessions, all Panel Meetings shall be open to the public.
- 3. All Panel Meetings shall be preceded by a Panel Meeting Notice, and, except for emergency Panel Meetings, a Panel Meeting Notice shall be published at least three working days before the Panel Meeting. Notice, reasonable under the circumstances for emergency Panel Meetings, shall be given contemporaneously with the notice provided to Panel Members.

4. Panel Meeting Notices shall be:
 - (a) provided to the Office of Public Affairs for posting at the Government Center and on the County Internet site, and
 - (b) placed at a prominent public location by the Clerk of the Board of Supervisors.
5. All Panel Meetings shall be conducted in:
 - (a) places that are accessible to persons with disabilities,
 - (b) public buildings whenever practical; and
 - (c) accordance with Robert's Rules of Order, Newly Revised (except as otherwise provided by Virginia law or these Bylaws).
6. Except as specifically authorized by VFOIA, no Panel Meeting shall be conducted through telephonic, video, electronic, or other communication means where the Panel Members are not all physically assembled to discuss or transact public business.
7. At any Panel Meeting, at least one copy of the agenda and, unless exempt from disclosure under VFOIA, all materials furnished to Panel Members shall be made available for public inspection at the same time the documents are furnished to the Panel Members.
8. Any person may photograph, film, record, or otherwise reproduce any portion of a Panel Meeting required to be open, but no person broadcasting, photographing, filming, or recording any open Panel Meeting may interfere with any of the proceedings.
9. The Panel shall keep minutes of its Panel Meetings, and those minutes shall include:
 - (a) the date, time, and location of each meeting;
 - (b) the Panel Members present and absent;
 - (c) a summary of the discussion on matters proposed, deliberated, or decided; and
 - (d) a record of any votes taken.
10. The Panel meeting minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media.11. The Panel may solicit and receive public comment and answer questions about any matter relating to law enforcement policies, practices, and procedures up to six times annually. As long as all applicable VFOIA requirements are followed, the Panel may solicit, receive, and respond to such public comment in up to six public meetings annually, sponsored by the Panel or by

others, where the public is invited to comment.

ARTICLE VI. PANEL AUTHORITY TO REVIEW INVESTIGATIONS AND REVIEW PROCEDURES

A. Scope of Panel Review Authority.

1. The Panel shall review Investigations to ensure their thoroughness, completeness, accuracy, objectivity, and impartiality where (1) the subject matter of an Investigation is an allegation of “abuse of authority” or “serious misconduct” by a FCPD officer, and (2) a Review Request is filed. The Panel shall not review:
 - (a) alleged misconduct that is subject to the exclusive review by the Auditor;
 - (b) any Complaint related to an incident that occurred before December 6, 2016;
 - (c) an Initial Complaint that is filed more than one (1) year after the date of the incident that is the subject of the Investigation (unless the Panel determines that there is good cause to extend the filing deadline);
 - (d) a Review Request filed more than sixty (60) days after the date of the FCPD notice sent to the complainant that informs the complainant of the completion of the FCPD’s investigation of the complainant’s Initial Complaint (unless the Panel determines that there is good cause to extend the filing deadline); or
 - (e) a Complaint concerning matters that are subject of a pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding; or any complaints from Fairfax County employees that are subject to any process, proceeding or appeal as set forth in the County’s Personnel Regulations or that are subject to the Police Department’s General Orders 310.1, 310.2, or 310.3.
2. The Panel may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court’s judgment has been appealed. The Panel shall not act on any Review Request that is the subject of an administrative proceeding until any administrative appeals are resolved.
3. Where a Complaint alleges misconduct within both the Panel’s scope of authority and the Auditor’s scope of authority, the Panel and the Auditor shall each conduct a review of the Investigation within their requisite scope of authority. The Auditor and Chair shall coordinate the work of the Panel and Auditor to ensure efficient use of resources and avoid duplication of effort. If the matter cannot be divided between the Auditor and the Panel in an efficient manner, then the Auditor shall conduct the review of all portions of the investigation.
4. If there is a conflict in the scope of authority between the Auditor and the Panel, then the matter shall be resolved by the Auditor.

B. Definition of “Abuse of Authority” or “Serious Misconduct”.

For purposes of determining the Panel’s authority to review an Investigation, “abuse of authority” or “serious misconduct” by an FCPD police officer includes, but is not limited to:

1. the use of abusive racial, ethnic or sexual language or gestures;
2. harassment or discrimination based on race, color, sexual orientation, gender, religion, national origin, marital status, age, familial status, immigration status or disability;
3. acting in a rude, careless, angry, retaliatory or threatening manner not necessary for self-defense;
4. reckless endangerment of detainee or person in custody;
5. violation of laws or ordinances; or
6. other serious violations of Fairfax County or FCPD policies or procedures, including the FCPD Canon of Ethics, that occur both on or off duty.

C. The Complaint.

1. Content and Filing of a Complaint.

- (a) An Initial Complaint and a Review Request shall be in writing and shall be deemed filed when delivered or emailed to the Office of the Independent Police Auditor.
- (b) A Complaint shall contain:
 - (i) identifying information for the person filing the Complaint;
 - (ii) a statement describing the reasons for the Review Request, unless the Complaint is an Initial Complaint;
 - (iii) the specific police behavior of concern;
 - (iv) a description of the incident in which the behavior occurred; and
 - (v) a list of the names, addresses and phone numbers of all witnesses to or persons with knowledge of the incident known by the complainant.
- (c) The Panel shall immediately forward an Initial Complaint to the FCPD for investigation. The FCPD shall complete its investigation and provide an Investigation Report to the Panel within sixty (60) days. The Panel shall extend the 60-day period upon request of the Chief to protect an ongoing criminal or internal administrative investigation, or for other good cause, with notice to the complainant and the Board of Supervisors.

2. Initial Disposition Notice.

- (a) The Panel shall conduct an initial review of each Review Request and may conduct the initial review as a committee of the whole or establish a subcommittee of at least three Panel Members (with rotating membership) to conduct the initial review. The Chair may appoint, on a rotating basis, one or more Panel Members as Review Liaisons to manage the disposition of a Complaint in accordance with written duties established by the Panel.
- (b) Within 30 days of Receipt of the Investigation Report, the Panel shall send an Initial Disposition Notice to the complainant with the Panel's determination of its authority to undertake a review of the subject Investigation.
- (c) The Panel will determine if the Panel has authority to review the subject Investigation taking into account whether the underlying Complaint:
 - (i) is timely filed; or
 - (ii) is a Review Request of alleged misconduct that is subject to exclusive review of the Auditor.
- (d) If the Panel determines that the Panel does not have authority to review the subject Investigation, the Initial Disposition Notice shall state the reasons for the Panel's decision.
- (e) Where the Panel finds that a review of the subject Investigation is warranted, the Initial Disposition Notice shall include a description of the review process, a deadline for completion of the review, and a date for the Panel Review Meeting.
- (f) If the underlying Complaint alleges police misconduct that requires the Auditor's review, the Panel shall (i) promptly forward the matter to the Auditor and (ii) send an Initial Disposition Notice to the complainant explaining the reasons for the referral.

D. Pending Proceedings.

- 1. If at any point in the review process the Panel learns that the matters of a Review Request are the subject of pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding, the Panel shall:
 - (a) suspend its review;
 - (b) defer the review pending resolution of the criminal, civil or administrative proceeding by the trial court;
 - (c) notify the complainant and the Board of Supervisors, in writing, of any deferrals; and
 - (d) track any deferred matter and notify the complainant and the Board of Supervisors once the proceedings are closed and the request for review may proceed.
- 2. The panel may request assistance of Counsel, the Auditor, the Chief, or the County

Attorney in making its determination that matters of a Review Request are the subject of pending proceedings.

3. The Panel may act on a Review Request after the trial court has ruled in any such civil or criminal proceeding, even if the trial court's judgment has been appealed. The Panel shall not act on any Review Request that is the subject of an administrative proceeding until any administrative appeals are resolved.

E. Panel Meetings to Review Investigations.

1. Additional Requirements for Panel Review Meetings.

In addition to the requirements for Panel Meetings generally set forth in Article V.C., Panel Review Meetings shall be conducted as follows:

- (a) If the Panel determines it has authority to review an Investigation under article VI.A.1, the Panel shall convene a Panel Review Meeting to review an Investigation as to which a Review Request has been submitted within sixty (60) days of Receipt of the Investigation Report.
- (b) The Panel Review Meeting Notice shall not only comply with Article V.C.4., but shall also include a statement inviting any person with information about the Investigation or the incident that is the subject of the Panel Review Meeting to submit the information in writing to the Chief or the Auditor.
- (c) Notwithstanding Article V.C.4, Panel Review Meeting Notices shall be published and sent to Panel Members, the FCPD Internal Affairs Office, the County Attorney's Office, and the complainant at least fourteen (14) days before the Review Meeting.
- (d) The Panel may conduct as many Panel Review Meetings as the Panel deems necessary to complete the requested review.
- (e) The Panel shall not take testimony or receive evidence.
- (f) At the request of the Panel or if the Complainant attends and requests an opportunity to be heard at the Panel Review Meeting, the complainant shall have the opportunity to state the reasons for filing the Review Request, and the Panel may ask questions of the complainant regarding those reasons. The Panel shall submit to the FCPD contact information for those persons who were not interviewed with a request for further investigation of the matters under review.
- (g) At the request of the Panel, an FCPD representative knowledgeable of the Investigation under review shall appear before the Panel at a Panel Review Meeting (as determined by the Panel) to review and answer questions from the Panel about the Investigation, including all findings of fact, evidence collected and received, witness statements and action taken or not.
- (h) At the Panel's discretion, it may request further investigation by the FCPD, and the

FCPD shall, within a reasonable time, conduct further investigation and provide to the Panel a supplemental report that details the findings of the additional investigation.

- (i) Translation services will be provided for a complainant or other person that needs translation assistance to present to the Panel or respond to questions from Panel Members.

2. Closed Sessions, and Confidential Matters During Panel Review Meetings.

- (a) The Panel may conduct portions of any Panel Meeting (including Panel Review Meetings) in closed session, so long as the purpose for and conduct of the closed session is consistent with VFOIA.
- (b) Any statement made by a FCPD police officer to the FCPD that the FCPD required under the provisions of *Garrity v. New Jersey*, 385 U.S. 493 (1967), shall not be disclosed in public. The Panel shall have confidential access to the entire statement for its review. Unless the FCPD officer consents to the public release of the entire statement given during an Investigation, the FCPD representative(s) presenting information to the Panel on a Complaint may publicly state only that the officer admitted or denied the allegation.
- (c) Panel Members shall not reveal the identity of (i) any juvenile, or (ii) victim of sexual assault (unless authorized to do so by the victim in writing).
- (d) Each Panel Member who reviews a FCPD officer's personnel record or a FCPD internal administrative investigative case file shall sign a Notice of Confidentiality affirming that an officer's personnel record and those portions of the investigative case file reflecting officer discipline, other officers, confidential informants, victims, or witnesses, personal information including names, social security number, date of birth, driver's license number, agency-issued identification number, student identification number, criminal or employment record, shall not be disclosed or disseminated unless the information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia Law.
- (e) Portions of records of law-enforcement agencies, including the FCPD, that contain specific tactical plans or investigative procedures, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public, shall also not be disclosed or disseminated unless such information has been disclosed by the FCPD in a disposition letter or at a Panel meeting, or by the Complainant, and is not otherwise specifically prohibited by separate statute or ordinance under Virginia law.
- (f) If information subject to the Panel's review concerns an identifiable juvenile, the requested information shall first be forwarded to the County Attorney's Office for redaction in conformance with Code of Virginia §16.1-301, as amended.

F. Disposition of Review Requests.

1. Timely Completion.

- (a) The Panel shall complete the review of an Investigation and issue a public written report detailing the Panel Findings (defined below) within ninety (90) days of Receipt of the Investigation Report.
- (b) The Panel may extend the deadline for completion for good cause. The Chair shall report all deadline extensions (and the reason for the extension) to the Board of Supervisors. The Panel shall send written notice to the complainant, if the deadline for completion is extended. The notice shall include an approximate date for completion.

2. Panel Findings.

- (a) Upon completing a requested Investigation review, the Panel may reach one of the following Panel Findings:
 - (i) Concur with the findings and determination detailed in the Investigation Report;
 - (ii) Advise the Board of Supervisors that the findings are not supported by the information reasonably available to the FCPD and recommend further review and consideration by the Chief; or
 - (iii) Advise the Board of Supervisors that, in the Panel's judgment, the Investigation is incomplete and recommend additional investigation.
- (b) If the Panel Finding is either (ii) or (iii) above, the Board of Supervisors may direct the Chief to take further action as the Board of Supervisors deems appropriate.
- (c) A majority of the appointed Panel Members must concur in the Panel Findings for the Panel Findings to be the authorized conclusion of the Panel.
- (d) The Chair may assign to one or more Panel Members concurring in the conclusions of the Panel Findings the responsibility for drafting the Panel's final review report that shall be sent to the complainant, the Board of Supervisors, the Chief and the Auditor.

ARTICLE VII. RECOMMENDATIONS FOR REVISIONS TO FCPD POLICIES, TRAINING AND PRACTICES

A. Review of Law Enforcement Policies and Practices.

- 1. The Panel may recommend to the Chief and the Board of Supervisors revisions to FCPD policies, practices, and procedures that the Panel concludes are needed.

2. The Panel may conduct up to six public meetings annually, where it solicits and receives public comment and answers questions relating to law enforcement policies, practices, and procedures. Such public meetings may be sponsored by the Panel or by others, and they must meet applicable VFOIA requirements.

B. Meetings with the Auditor.

The Panel may meet periodically with the Auditor concerning the findings and recommendations of the Auditor as to use of force cases so that the Panel can provide the Panel's view to the Board of Supervisors and the Chief as to changes in policies and practices that may be warranted.

ARTICLE VIII. OTHER DUTIES OF PANEL MEMBERS

A. Training.

All Panel Members shall complete all training mandated by the Board of Supervisors, which may include police ride alongs. The Panel shall determine the calendar for the presentation and completion of the required training. The Panel shall conduct other training as it determines would be helpful.

B. Confidentiality.

Each Panel Member shall maintain the confidentiality of all confidential or privileged information that Panel Members receive during service on the Panel.

C. Conflicts of Interest.

Panel Members shall avoid conflicts of interest with the provisions of Chapter 31 – State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100, et seq. A Panel Member shall consult with counsel to the Panel if the Panel Member believes that the Panel Member has or may have a conflict of interest with respect to a matter that the Panel will consider. A Panel Member with a conflict of interest shall not participate in or vote on the matter.

D. Communications.

1. Only the Chair or the Chair's designee shall make public statements on behalf of the Panel. The primary means for the Panel to communicate to the public shall be the Panel's written reports that are approved by a majority of the Panel Members.
2. Except as expressly authorized by the Chair in furtherance of a Panel Member's duties, Panel Members shall make diligent efforts to avoid individual discussion of a matter

before the Panel with any person with an interest in the matter, including but not limited to a complainant, a witness to events giving rise to a complaint, or an FCPD officer that is the subject of a Complaint. The Panel Member shall inform the Chair if any interested party communication occurs and provide the Chair with any information about the communication that the Chair requests.

ARTICLE IX. RECORDKEEPING; ANNUAL REPORT

A. Recordkeeping.

1. All Panel meetings, including Panel Review Meetings and Public Comment Meetings, but excluding closed sessions within a Panel Meeting, shall be recorded and records maintained in accordance with the Library of Virginia Records Retention and Disposition Schedule.
2. The Auditor shall maintain a copy of all Complaints together with the reports detailing the disposition of each Complaint.

B. The Annual Report.

1. The Panel shall prepare the Annual Report describing its activities for the reporting year, including any recommendations to the Board of Supervisors, Auditor, and the Chief for revisions to FCPD policies, training, and practices that the Panel concludes are needed.
2. The Annual Report must be approved by a majority of the appointed Panel Members before the Annual Report is released publicly.
3. The Panel shall deliver the Annual Report to the Board of Supervisors through the Auditor and the Chair of the Board's Public Safety Committee. The Annual Report shall then be released to the public.
4. The initial Annual Report of the Panel shall be due on March 31, 2018. Subsequent Annual Reports shall be published in accordance with this section no later than March 1st of each year.

ARTICLE X. COMPLIANCE WITH LAW AND COUNTY POLICY; CONFLICTS OF LAW AND POLICY; PANEL IMMUNITY

A. Compliance with Law and County Policy.

The Panel and each Panel Member shall comply with all Virginia laws, including, but not limited to, VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code §§ 2.2-3100 through -3131, as amended, all County ordinances, the Panel Code of Ethics and with all County policies concerning the activities of its boards,

authorities, and commissions.

B. Conflicts of Law and Policy.

These Bylaws are not intended to conflict with Laws or policies of the Board of Supervisors. To the extent there is a conflict between any Law or any other resolution or matter passed by the Board, and these Bylaws, the Law or Board action shall govern.

C. Panel Immunity.

Panel Members shall enjoy the protection of sovereign immunity to the extent allowed and provided under Virginia law whether common law or statutory, including, but not limited to, the Virginia State Government Volunteers Act, Virginia Code §§ 2.2-3600, *et seq.*, and the provisions of Virginia Code § 15.2-1405.

ARTICLE XI. DUTIES OF THE COUNTY EXECUTIVE AND THE AUDITOR; BOARD OF SUPERVISORS

A. The County Executive.

1. The County Executive shall cause the attendance of any County employee, other than the involved officer(s), at any Panel meeting whose appearance is requested by the Panel, unless the required attendance violates a statutory or constitutional right of the employee.
2. The County Executive shall cause the submission (from any County agency including the FCPD) of any relevant documents or other relevant materials requested by the Panel, including the full FCPD internal administrative investigative case file, unless legal privilege to withhold exists and is not waived.

B. The Auditor.

The staff of the Office of the Auditor shall provide administrative support for the Panel.

C. The Board of Supervisors.

1. The Board of Supervisors may conduct a review of the Panel at any time, except that the initial review shall be conducted within six months of receipt of the Panel's first annual report.
2. The Board of Supervisors shall ensure the Panel and Panel Members, as necessary, have the benefit of legal counsel.

ARTICLE XII. EFFECTIVE DATE OF THE BYLAWS; AMENDMENT OF THE BYLAWS

A. Effective Date of the Bylaws.

The Bylaws shall become effective upon approval by the Board of Supervisors.

B. Amendment of the Bylaws.

These Bylaws may be amended by the Panel by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to the Bylaws shall become effective upon approval of the Board of Supervisors.

DRAFT

Exhibit A

DEFINED TERMS

The following terms used in these Bylaws of the Fairfax County Police Civilian Review Panel mean the following:

Abuse of Authority has the meaning assigned to the term in Article VI.B.

Annual Report means the written annual report the Panel shall deliver to the Board of Supervisors as described in Article IX.B.1.

Auditor means the Fairfax County Independent Police Auditor.

Board of Supervisors means the Board of Supervisors of Fairfax County.

Bylaws means the Bylaws of the Fairfax County Police Civilian Review Panel

Chief means the FCPD Chief of Police.

Complaint means collectively, unless the context otherwise indicates, an Initial Complaint and a Review Request.

Counsel means the legal counsel that the Board of Supervisors designates to support the Panel.

FCPD means the Fairfax County Police Department.

FCSO means the Fairfax County Sheriff's Office.

Initial Complaint means a complaint from any person about the FCPD or its officers that has been first submitted to the Panel and not the FCPD.

Initial Disposition Notice means the notice that the Panel sends to a complainant detailing the Panel's disposition of the Review Request after the initial review described in Article VI.C.2.

Investigation(s) means a FCPD internal administrative investigation.

Investigation Report means the completed written FCPD report setting forth the findings of the Investigation.

Laws means collectively any Virginia or Fairfax County law, ordinance, regulation, resolution, or other Fairfax County policy duly authorized by the Board of Supervisors.

Meeting(s) has the meaning assigned to the term in VFOIA and includes work sessions, when sitting physically, or through telephonic or video equipment, as defined in VFOIA, as a body or entity, or as an informal assemblage of (i) as many as three Panel 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.

Panel means the Fairfax County Police Civilian Review Panel.

Panel Findings means those conclusions that the Panel can adopt in response to a Review Request that are delineated in Article VI.F.2(a).

Panel Meeting means a meeting of the Panel.

Panel Meeting Notice means the written notice stating the date, time, and location of a Panel Meeting.

Panel Member(s) means each of the persons that the Board of Supervisors appoints to the Panel.

Panel Review Meeting means a Panel Meeting where a Review Request is reviewed by the Panel, including a Panel Meeting where a complainant or FCPD representative is present to discuss an Investigation.

Panel Review Meeting Notice means the Panel Meeting Notice for a Panel Review Meeting.

Public Meeting(s) means a Panel Meeting open to the public conducted on issues within the Panel's jurisdiction and on law enforcement policies and practices where the public is invited to comment on such issues and policies and practices.

Receipt of the Investigation Report is deemed to occur at the first Panel meeting subsequent to FCPD making an Investigation Report available to the Panel in response to a Review Request.

Review Request means a person's request for the Panel to review an Investigation.

Serious Misconduct has the meaning assigned to the term in Article VI.B.

VFOIA means the Virginia Freedom of Information Act, as amended from time to time.

Board Agenda Item
February 23, 2021

3:30 p.m.

Public Hearing on SE 2020-SP-017 (The Michaels Development Company I, L.P.) to Permit an Independent Living Facility, Located on Approximately 20.53 Acres of Land Zoned R-1 and WS (Springfield District)

This property is located at 13090 Autumn Willow Dr. and 13208 Lee Hwy., Fairfax, 22030. Tax Map 55-3 ((1)) 26A and 26B.

PLANNING COMMISSION RECOMMENDATION:

On February 3, 2021, the Planning Commission voted 12-0 to recommend to the Board of Supervisors the following actions:

- Approval of SE 2020-SP-017, subject to the proposed development conditions dated January 25, 2021;
- Modification of Sect. 13-304 of the Zoning Ordinance to modify the 25-foot transitional screening and waiver of the barrier requirement along Stringfellow Road in favor of the 50-foot natural buffer;
- Modification of Sect. 11-203 of the Zoning Ordinance to provide one loading space in lieu of the required two spaces; and
- Modification of Sect. 9-306(5) to permit the use to be located on land fronting on and with access to Autumn Willow Drive in lieu of a collector street or major thoroughfare.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
February 23, 2021

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2020-CW-2CP, Housing Element and Workforce Dwelling Unit (WDU) Policy, and Proposed Revisions to the WDU Administrative Policy Guidelines

ISSUE:

Plan Amendment (PA) 2020-CW-2CP proposes changes to the Housing and Land Use Elements of the Policy Plan, the Plan's Glossary, and the Area Plans volumes of the Comprehensive Plan related to rental Workforce Dwelling Units (WDUs) to consider changes based on the WDU Policy Task Force's recommendations, as well as to reflect current conditions and ensure consistency between the Comprehensive Plan and other countywide policy documents, such as the *Communitywide Housing Strategic Plan*. Proposed changes to the WDU Administrative Policy Guidelines work in tandem with the proposed revisions to the Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION:

On February 3, 2021, the Planning Commission voted 12-0 to recommend that the Board of Supervisors adopt PA 2020-CW-2CP, and the revisions to the WDU Administrative Policy Guidelines. The Planning Commission's recommended plan text is provided via a link in the "Enclosed Documents" section of the report, along with the links to the verbatim of the Planning Commission's action and the staff report. The Planning Commission supported the staff recommendation for the proposed amendment as described in the Background section with two modifications. The first modification recommends an alternative structure to the Tysons Urban Center Option 1 WDU 13% commitment level, as proposed by the development industry representatives on the WDU policy task force. The second modification recommends that Rental WDUs associated with high-rise condominium developments in Tysons should be provided at the same commitment level as for-sale units, but at the rental AMI income tiers.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:

Routine

BACKGROUND:

On July 14, 2020, the Board of Supervisors authorized PA 2020-CW-2CP to consider revisions to Comprehensive Plan related to rental WDUs and other related changes to the Housing Element to reflect current conditions and ensure consistency between the Comprehensive Plan and other Board of Supervisors' policy documents. These changes affected the Housing and Land Use Elements of the Policy Plan volume of the Comprehensive Plan, the Glossary of the Comprehensive Plan, and the Area Plan volumes. The authorization advanced the recommendations of the WDU Policy Task Force, which the Board of Supervisors established to make recommendations on policy guidance within the Comprehensive Plan for rental WDUs. Other components of the authorization included revisions to the WDU Administrative Policy Guidelines for countywide and Tysons-specific implementation of the WDU program, which are Board-adopted policy documents but are not components of the Comprehensive Plan.

The proposed amendment would rewrite the Introduction to the Housing Element of the adopted Policy Plan based on current conditions and the policies established within the 2015 *Strategic Plan to Facilitate the Economic Success of Fairfax County*, the 2017 *One Fairfax Policy*, and the 2018 *Communitywide Housing Strategic Plan*. The revisions would update data on housing needs, revise outdated terminology, and remove references to programs that no longer exist. Limited changes to the objectives and policies in the Housing Element are proposed, including one that would state a county preference for the development of affordable units (compared to cash contributions to the Housing Trust Fund), and to clarify that rental WDUs are expected in high density developments, including those outside of activity centers. Proposed changes to the Land Use Element of the Policy Plan and the Glossary consist of editorial changes to reflect current programs, terminology, and definitions, such as price-appropriate housing, Affordable Dwelling Unit, Affordable Housing, Workforce Dwelling Unit, and Assisted Housing, and to remove obsolete terms such as Public Housing, which no longer exists in the County.

Proposed modifications to Appendix 1 of the Housing Element - Guidelines for the Provision of Workforce Housing, which is a countywide policy, - would lower the household income levels served under the rental WDU program from a maximum of 120 percent of the Area Median Income (AMI) for the Washington D.C. Metropolitan Area to a new maximum of 80 percent of AMI, and would also lower the recommended voluntary commitment level for rental WDUs (WDU percentage of total residential units) from a minimum of 12 percent to a minimum of eight percent (consisting of four percent of the total units at 80 percent of AMI, two percent at 70 percent of AMI, and two percent at 60 percent of AMI and below). No changes are proposed to the maximum 20 percent density bonus associated with the provision of rental WDUs, or the WDU policies associated with for-sale units. Figure 1 shows the current and proposed WDU policy commitment levels and associated income tiers for countywide and Tysons-

specific implementation. Other changes to Appendix 1 include new language regarding the applicability of the WDU policy to office-to-residential conversions, minimum unit sizes for 3 and 4-bedroom units (consistent with the adopted Tysons policy), and a three percent additional bonus density available for Type V (wood and masonry) construction projects that are subject to the provision of both Affordable Dwelling Units (ADUs) and WDUs.

Figure 1. Current and Proposed Rental WDU Policy Commitment Levels and AMI Tiers

	Current WDU Policy – Rental Units	Proposed WDU Policy – Rental Units										
Countywide WDU Policy	<p>4% at 80% AMI 4% at 100% AMI 4% at 120% AMI 12% WDU commitment</p> <p>A density bonus of 12% may be applied for meeting the 12% WDU commitment, with increased bonus available up to a maximum of 20% provided a proportional increase in WDUs.</p>	<p>2% at 60% AMI 2% at 70% AMI 4% at 80% AMI 8% WDU commitment</p> <p>A density bonus of 12% may be applied for meeting the 8% WDU commitment, with increased bonus available up to a maximum of 20% provided a proportional increase in WDUs.</p>										
Tysons WDU Policy	<p>2% at 60% AMI 3% at 70% AMI 5% at 80% AMI 5% at 100% AMI 5% at 120% AMI 20% WDU commitment</p> <p>A density bonus of 20% may be applied for meeting the 20% WDU commitment (projects outside ¼ mile radius from Metro stations).</p>	<p>The developer would elect either Option 1 or Option 2:</p> <table><tr><td>Option 1</td><td>Option 2</td></tr><tr><td>2% at 60% AMI</td><td>10% at 60% AMI</td></tr><tr><td>3% at 70% AMI</td><td>10% WDU commitment</td></tr><tr><td>8% at 80% AMI</td><td></td></tr><tr><td>13% WDU commitment</td><td></td></tr></table> <p>A density bonus of 20% may be applied for meeting the 13% or 10% WDU commitment (projects outside ¼ mile radius from Metro stations).</p>	Option 1	Option 2	2% at 60% AMI	10% at 60% AMI	3% at 70% AMI	10% WDU commitment	8% at 80% AMI		13% WDU commitment	
Option 1	Option 2											
2% at 60% AMI	10% at 60% AMI											
3% at 70% AMI	10% WDU commitment											
8% at 80% AMI												
13% WDU commitment												

Several proposed changes would affect area-specific guidance within the Area Plans volumes of the Comprehensive Plan. As shown in Figure 1, the proposed amendment would replace the current 20 percent commitment guidance for rental WDUs in the Tysons Urban Center with two options from which a development could select. Option 1 would lower the voluntary commitment level from 20 percent to 13 percent (consisting of eight percent of the total units at 80 percent of AMI, three percent at 70 percent of AMI, and two percent at 60 percent of AMI and below, per the Planning Commission alternative to the staff recommendation of two percent and three percent, respectively). Option 2 would lower the commitment level from 20 percent to ten percent of the total units, all of which would be provided at 60 percent of AMI and below. Rental WDUs associated with high-rise condominium developments in Tysons would be provided at the same commitment level as for-sale units, but at the rental AMI income tiers, as part of the Planning Commission alternative to the staff recommendation that did not propose changes to the recommendations on high-rise condominium development. Modifications to the rental WDU guidance for the Annandale Community Business

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Center (CBC) would lower the income levels and the voluntary commitment levels from 20 percent to 13 percent to maintain the current policy alignment with the Tysons plan. Modifications to the WDU rental guidance for the Seven Corners CBC would lower the income levels and voluntary commitment levels from 15 percent to 10 percent for Sub-unit A3 and Land Unit B and from 12 percent to 8 percent for Land Unit C guidance, to reflect the proportional reduction to the countywide policy. The amendment would not affect the implementation of the WDU policy in Reston, which is undergoing a separate study that is anticipated to address WDUs.

Other changes to the Area Plans include the removal of “assisted housing” tables from the planning district texts in order to eliminate an ongoing plan maintenance issue resulting from new housing developments being brought online more frequently than these sections can be updated. Further, current information regarding assisted housing in a particular area can be found elsewhere through a dashboard-maintained Department of Housing and Community Development (HCD).

Proposed changes to the WDU Administrative Policy Guidelines are largely editorial and would combine two sets of guidelines (one for countywide implementation, the other specifically for Tysons implementation) into one document.

A full description of the changes proposed with the amendment is contained in the staff report, which is provided below in the Enclosed Documents section.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

The Planning Commission verbatim from the January 27, 2021, public hearing is available online at the following link:
<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2021%20verbatim/verbatim12721pa2020-cw-2cphousingelementandwdupolicy.pdf>

The Planning Commission verbatim and recommendation from the February 3, 2021 decision-only meeting, as well as the Planning Commission’s Handout, dated January 27, 2021, which shows the two modifications to the staff-recommended plan amendment in the Tysons Urban Center text, is available online at the following link (pages 1-10). The Planning Commission’s complete recommended plan text is shown on pages 11-131, with the modifications to the staff recommendation shown on page 60:

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<https://www.fairfaxcounty.gov/planningcommission/sites/planningcommission/files/assets/documents/pdf/2021%20verbatim/verbatim2321pa2020-cw-2cphousingelementandwdupolicy-deonly.pdf>

The staff report for PA 2020-CW-2CP is available online at:

<https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/compplanamend/he-wdu-policy/2020-cw-2cp-staff-report.pdf>

STAFF:

Tom Fleetwood, Director, HCD

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

Teresa Lepe, Deputy Director, HCD

Leanna H. O'Donnell, Director, Planning Division (PD), DPD

Judith Cabelli, Director, Affordable Housing Development Division, (AHD), HCD

Meghan D. Van Dam, Chief, Policy & Plan Development Branch, PD, DPD

William Mayland, Deputy Zoning Administrator, Zoning Administration Division, DPD

Abdi Hamud, Affordable and Workforce Housing Program Administrator, (AHD) HCD

Kelly Atkinson, Planner IV, Zoning Evaluation Division, DPD

Graham Owen, Planner III, Policy & Plan Development Branch, PD, DPD

Board Agenda Item
February 23, 2021

4:00 p.m.

Public Hearing to Consider Amendments to the County's Solid Waste Management Ordinance, Chapter 109.1, to Prohibit the Use of Plastic Bags for Yard Waste

ISSUE:

Public hearing regarding a series of amendments to the County's Solid Waste Management Ordinance, Chapter 109.1, to prohibit the use of plastic bags for the set-out and collection of yard waste.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed amendments as set forth in Attachment 1.

The proposed amendments have been prepared by the Department of Public Works and Environmental Services (DPWES) and the Office of the County Attorney.

TIMING:

On January 26, 2021, the Board authorized the advertisement of a public hearing to be held on February 23, 2021, to consider amendments to the County's Solid Waste Management Ordinance, Chapter 109.1, to prohibit the use of plastic bags for the set-out and collection of yard waste.

BACKGROUND:

Chapter 109.1, Fairfax County's solid waste management ordinance, requires that yard waste be recycled.

Fairfax County does not own or operate a compost facility, so licensed waste collectors operating here must send collected yard waste to commercial composting facilities operating in the region. The resulting compost is a desirable and highly valued product. When plastic bags are introduced into the compost process, it is very difficult to remove plastic shreds from the final product entirely. Plastic in the compost, even in small amounts, reduces overall product quality and provides a pathway for the plastic to get into our environment.

Plastic bags are not necessary for the storage or collection of yard waste. Collection using a reusable container or paper bags are the optimal methods for managing yard waste while protecting the quality of compost. Because the paper bag becomes a part

of the finished compost (they are designed to be compostable), the practice also reduces the quantity of process waste requiring disposal.

PROPOSED AMENDMENTS:

The proposed amendments to Chapter 109.1 can be summarized as follows:

Article 1 – General Requirements

Section 109.1-1-2 Modifies the definition of brush to add that it is a component of yard waste and adds a definition of reusable container that can be used to store yard waste.

Article 2 – Recycling

Section 109.1-2-6(d) Includes yard waste in the list of source-separated recyclables that shall not be collected as refuse, even if such yard waste is placed at the curb on a refuse-only collection day.

Article 4 – Required Permits, Registrations, and Certifications

Section 109.1-4-2(b) Includes yard waste in the list of recyclables that shall not be collected without registering with the County as a recycling business. CTO holders that also collect recyclables will remain exempt from this requirement.

Article 5 – Collection of Solid Waste

Section 109.1-5-2(g)(4) Adds “yard waste in plastic bags” to the list of items that **cannot** be collected.

Section 109.1-5-3(d)(3) Adds the word “paper” before the word “bag” to describe the type of bag acceptable for use and adds “reusable containers”. It changes the word “brush” to “yard waste”, and further specifies that yard waste shall not be placed in plastic bags.

Section 109.1-5-5(a)(4) Is rewritten to state that, “Yard waste shall be set out in paper yard waste bags, reusable containers, other storage devices as approved by the Director, or bundled with string as instructed by the collection provider and shall not weigh more than fifty pounds.” It also states that “yard waste shall not be placed in plastic bags.”

Section 109.1-5-6(a)(5) Deletes a redundant statement on yard waste set out requirements.

Article 7 – Disposal of Solid Waste

Section 109.1-7-1(c)(2) Removes the term “by any person” and clarifies that yard waste must be delivered to a legally permitted facility.

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed Amendments to Chapter 109.1.

STAFF:
Rachel Flynn, Deputy County Executive
Randolph Bartlett, Director, Department of Public Works and Environmental Services (DPWES)
John Kellas, Deputy Director, DPWES, Solid Waste Management Program (SWMP)
Eric Forbes, Director, DPWES, SWMP, Solid Waste Recycling, Engineering, and Compliance Division

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney

**PROPOSED AMENDMENTS
TO
CHAPTER 109.1 OF THE CODE OF THE COUNTY OF FAIRFAX COUNTY
Solid Waste Management**

PROPOSED AMENDMENTS TO CHAPTER 109.1 (SOLID WASTE MANAGEMENT ORDINANCE)
OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
Amend Article 1 General Requirements, Section 109.1-1-2 Definitions, by revising it as follows:

Section 109.1-1-2. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

Authorized Agent means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Brush is a component of Yard Waste that includes ~~means~~ shrub and tree trimmings arising from i) general residential landscape maintenance and ii) similar non-residential landscape maintenance.

Certificate-to-Operate is the permit/approval for any person to engage in the business of collecting MSW in Fairfax County.

Collection means the collection and transportation of MSW.

Collection vehicle means any vehicle used to collect and/or transport MSW.

Collector means any person engaged in the regularly-scheduled commercial collection and/or transportation of MSW from two or more residential, commercial, industrial, institutional or other establishments.

Community Association or Homeowners' Association means an unincorporated association, corporation or other organization that owns or has under its care, custody, or control real estate subject to a recorded declaration of covenants that obligates a person, by virtue of ownership of specific real estate, to be a member of the unincorporated association, corporation or other organization. For the purposes of this Chapter, an unincorporated association, corporation or other organization representing residents shall be considered the designee of Association members when acquiring solid waste services.

Compensation means any type of consideration paid for the collection, transportation or disposal of MSW, including, but not limited to, direct or indirect compensation by tenants, licensees, or similar persons.

Composting facility means a permitted facility producing a stabilized organic material.

Construction/Demolition Debris (CDD) means solid waste generated during construction, remodeling, repair, or demolition of pavements, houses, commercial buildings or any other structures. CDD includes, but is not limited to: lumber; wire; sheetrock; brick; shingles; glass; pipes; concrete; paving materials; metals; and plastic; if part of the materials of construction and/or empty containers for such materials.

Construction/Demolition Debris (CDD) landfill means a land burial facility which accepts CDD for disposal.

Customers means anyone providing compensation to collectors and/or recycling or disposal facilities. Persons using County drop-off facilities shall also be considered customers.

Department means the Fairfax County Department of Public Works and Environmental Services.

Director means the Director of the Fairfax County Department of Public Works and Environmental Services or his/her designee.

Disposal means the final placement or destruction of MSW.

Disposal site means a facility at which MSW is disposed.

Energy/Resource Recovery Facility (E/RRF) means a disposal site designed for the purpose of reducing the volume of MSW through incineration. The process further produces steam, and/or electricity, as a result of the combustion process.

Hazardous waste means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

Household Hazardous Waste (HHW) means discarded household products that contain corrosive, toxic, ignitable, or reactive ingredients, or are otherwise potentially harmful if released to the environment. Products that fall into this category include, but are not limited to certain paints, cleaners, and pesticides. Latex paint is not HHW.

Materials Recovery Facility (MRF) means a facility where source-separated recyclables are either stored until large enough volumes are collected to be shipped to a buyer or processor, or they are processed to meet the specifications of recycling markets.

Mixed paper means corrugated cardboard, magazines, catalogues, envelopes, office paper, brochures, phone books, junk mail, food boxes (such as cereal and cracker boxes), shoe boxes, and any other clean paper product without food residue.

Municipal Solid Waste (MSW) means that waste which is normally composed of residential, commercial, non-residential and institutional solid waste and residues derived from combustion of these wastes, as defined in Virginia's solid waste management regulations at 9 VAC-20-81-10. MSW includes recyclables.

Person means and includes an individual, designee, corporation, association, firm, partnership, joint stock company, county, city, town, school, or any other legal entity.

Pipestem driveway means an extension off of a public road where one or more houses share a private drive to which their own driveways connect.

Principal Recyclable Material (PRM) means the recyclable material from the following list that comprises the majority of a business or commercial property's waste stream: newspaper, ferrous scrap metal, non-ferrous scrap metal, used motor oil, corrugated cardboard, kraft paper, container glass, aluminum, mixed paper, metal cans, cloth, automobile bodies, plastic, clean wood, brush, leaves, grass and other vegetative materials. "Principal recyclable materials" do not include large diameter tree stumps.

Property Manager (PM) means a company, employee, or individual employed or otherwise engaged, including as a volunteer, by a property owner or a community association to manage day-to-day operations at one or more locations on the owner or owners' behalf and is considered to be a designee when acquiring solid waste services.

Putrescible material means organic material that can decompose.

Recyclables means any of the materials that are or may be recycled, including but not limited to those listed in Article 2 – Recycling and the Recycling Program Requirements.

Recycling means the process of separating a material from the waste stream with the intent of diverting it from disposal.

Recycling center means a facility used for the collection of source-separated recyclable materials.

Recycling route means the route a collector follows to collect source-separated recyclable materials from customers.

Recycling system means the means by which recyclable materials are separated from the waste stream at the point of generation, and may include the means of delivering source-separated materials to a recycling center or MRF.

Refuse means all MSW having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination, or other discarded materials.

Regulations means rules, guidance, and/or requirements issued by the Director pursuant to this Chapter.

Responsible company official means the individual designated by an entity to act on its behalf. This individual must have the authority and control to ensure compliance with this Chapter.

Reusable container means any rigid plastic container, tarpaulin, or yard waste storage device whose use does not introduce plastic into the yard waste stream. Other types of reusable storage devices may be classified as Reusable Containers, if approved in writing by the Director.

Sanitary landfill means a land burial facility for the disposal of MSW which is so located, designed, constructed and operated to contain and isolate the MSW so that it does not pose a substantial present or potential hazard to public health or the environment; provided, however, that the term "sanitary landfill" shall not mean a land burial facility which only accepts non-putrescible MSW (such as a CDD landfill, as defined in this Chapter).

Significant Modification means any physical change in or change in the method of operation of a commercial establishment that has the potential to result in a change in the quantity or characteristics of MSW being generated or managed by the establishment or facility.

Solid waste means any material defined as "solid waste" in 9 VAC 20-81-10 et seq., of Virginia's solid waste management regulations.

Solid waste broker means a person or entity that, for a fee or other consideration, brokers, acts as a designee or otherwise arranges agreements between solid waste generators (including property owners, community/homeowner's associations, property managers or other entities) and providers of municipal solid waste collection, recycling, or disposal services.

Solid waste generators includes any persons that produce solid waste.

Source reduction is the reduction or elimination of the quantity or toxicity of waste being generated, which can be achieved through changes within the production process, including process modifications, feedstock substitutions, improvements in feedstock purity, shipping and packing modifications, housekeeping and management practices, or increases in the efficiency of machinery and recycling within a process. The term does not include dewatering, compaction, or waste reclamation.

Source separation is the process of removing recyclable materials from the waste stream at the point where the material is generated. For residential material, the source is considered the household and contiguous residential property such as lawns or yards. For commercial material, the source is considered the commercial premises in which business is conducted and contiguous property such as storage yards.

Tare weight means the operating weight of a fully-fueled vehicle with no payload but includes the driver; i.e., the empty weight of the vehicle.

Transfer station means any MSW storage or collection facility at which MSW is transferred from collection vehicles to other vehicles or means of transportation, for shipment to another site for permanent disposal.

Tree removal means any activity which generates MSW from the maintenance, trimming, or removal of trees or shrubs where any individual piece or bundle exceeds 50 pounds in weight, is longer than four feet in length, or larger than six inches in diameter. Christmas trees are exempt from these size limitations if they are less than eight feet in length.

Unacceptable waste means waste which is prohibited from disposal at Fairfax County facilities by Fairfax County Code, rules or regulations, the *Virginia Code* and/or the Code of Federal Regulations.

Waste collection route means the route a collector follows to collect any MSW set out by customers for collection.

Yard waste means the organic fraction of MSW that consists of grass clippings, leaves, vines, and brush arising from general landscape maintenance. Yard waste also includes similar materials collected from non-residential landscape maintenance, such as maintenance of streets, parks and recreational areas. Yard waste does not include any materials arising from tree removal, land clearing, or development activities.

Amend Article 2 Recycling, Section 109.1-2-6 Maintenance of Recycling System, by revising it as follows:

Section 109.1-2-6. Maintenance of Recycling System.

(a) No solid waste permit shall be issued to a collector or continue in effect until and unless the collector provides a written statement indicating that it: maintains a recycling system for residential customers in accordance with this Chapter and offers and/or maintains a recycling system to multi-family and non-residential customers in accordance with this chapter.

(b) Recycling containers shall be subject to the requirements of Article 5 - Collections, Section 109.1-5-6.

(c) The mixing of refuse with any recyclables required to be source-separated or that have been source separated, except as provided for in 109.1-5-3 (d) (3), is prohibited.

(d) Where source-separated recyclable materials (including yard waste) are set out for collection on a scheduled refuse-only collection day, collectors shall not collect those recyclables; That material will be collected on the next scheduled recyclables or yard waste collection day. Collectors shall leave information for the customer to inform them about why those materials were not collected.

(e) Construction and demolition debris cannot be collected in the same container with MSW and/or recyclables.

(f) Only certain recyclables as designated by the Director can be collected in an open-top container. They are: white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.

Amend Article 4 Required Permits, Registrations, and Certifications, Section 109.1-4-2 CTO Application and Recycling Registration Requirements, by revising it as follows:

Section 109.1-4-2. CTO Application and Recycling Registration Requirements.

(a) No person shall engage in the business of collecting MSW without a valid and current CTO or appropriate solid waste permit from the Director.

(b) No person shall engage in the business of collecting recyclables (including yard waste) without first registering with the County as a recycling business. However, CTO holders that also collect recyclables are exempt from the requirement to register as a recycling business.

(c) The provisions of 109.1-4-2 (a) and (b) shall not apply to the County, nor employees for the holder of any CTO or permit/approval, nor shall this provision prohibit any person from collecting, processing, recycling, or disposing of their own household solid waste.

(d) A CTO or permit shall only be issued upon receipt of a complete application and upon a finding that the applicant has complied with all applicable sections of the Fairfax County Code and the *Code of Virginia*. This includes proof of payment of other fees required by Fairfax County required under other codes. CTO Permit holders will be invoiced monthly for disposal charges incurred during the month.

(e) Applicants for a CTO shall provide the Director with a copy of the Statement of Service required by the Fairfax County Solid Waste Management Program Permit Manual, accompanied by proof acceptable to the County that customers are or will be furnished with the Statement of Service upon occupancy and at least annually thereafter.

(f) MSW collectors with only one permitted collection vehicle shall provide written certification to be included with the CTO application that another collector holding a current CTO is committed to act in a backup capacity should the permitted vehicle become unusable. The applicant must immediately notify the Director concerning any change in this backup arrangement during the term of the CTO. Backup collection arrangements obtained by the CTO holder may not be used by the CTO to avoid payment of delinquent disposal fees.

(g) The Director may require additional information of any applicant or holder of a CTO, permit, or registration as is necessary to ensure that the individual or company is competent to satisfactorily and lawfully perform or continue to perform the proposed service.

(h) Applications shall be approved or denied by the Director with 30 days of the receipt of a complete application.

(i) Applicants operating without the appropriate CTO or other permit(s), or operating while a CTO or permit has been suspended, may be denied renewal of a CTO or other required permit(s) for a period of up to one year from the time of the offense, in addition to any other penalties described in this Chapter.

(j) All CTO and permit holders shall pay solid waste disposal fees and abide by the rules and regulations of the facility at which material is being discharged.

Amend Article 5 Collection of Solid Waste, Section 109.1-5-2 Manner of Collection, by revising it as follows:

Section 109.1-5-2. Manner of Collection.

(a) No person shall knowingly or willfully contract with any MSW collector who does not possess a County-issued Certificate-to-Operate for collection services or with any recycling business that is not registered with Fairfax County. For purposes of this Section, evidence of a knowing violation is the voluntary contracting by a person after having received written notice from the County that the MSW collector is not authorized to operate within the County or that the recycling business is not registered in the County.

(b) MSW collection shall be conducted in such a manner that it does not create a nuisance or safety hazard, adversely affect public health, violate any ordinance or Code of the County of Fairfax, nor allow such conditions to continue. This includes, but is not limited to, obeying all applicable speed limits and other traffic controls in transit to, from, and while serving collection routes, operating the vehicle

on the correct side of the street at all times, giving way to oncoming traffic where it is required by law to do so, picking up litter that may have gathered around the collection container or been released during transportation, and returning empty containers so that they do not interfere with pedestrian or vehicular traffic.

(c) Collection of MSW shall be by permitted collection vehicles and shall be conducted in such a manner that it is not dumped, spilled, stored or thrown into any street, court, lane, alley, sewer inlet, vacant public lot, stormwater structure, public way, private property, or any area not designated as a lawful disposal site.

(d) In the event any MSW spills or falls into a street, public way, court, lane, or alley during the process of collection, it shall be deemed the responsibility of the collector to immediately correct such conditions.

(e) MSW shall be completely emptied at a lawful disposal or recycling site as soon as possible after the completion of any daily collection route, and shall not be stored in MSW collection vehicles for a length of time exceeding 24 hours, excluding Sundays.

(f) Collection vehicles shall not be parked overnight anywhere other than in properly zoned locations. Parking of collection vehicles on the public right-of-way, other than temporary stops during the collection route, is a violation of 109.1-6-2 (a).

(g) The following collection methods are prohibited unless specifically approved in writing by the Director:

- (1) Commingling refuse and recyclables in one collection container.
- (2) On-call service or collection of refuse or recyclables less frequently than once per week.
- (3) Collection of refuse or recyclables in an open-top container, other than white goods, scrap metal, Christmas trees, or cardboard at construction and demolition sites. This shall not apply to construction and demolition debris that is collected for recycling rather than disposal.
- (4) Collection of yard waste in plastic bags (other than for purposes of disposal of invasive, noxious, or diseased vegetative material).

Amend Article 5 Collection of Solid Waste, Section 109.1-5-3 Solid Waste to be Collected, by revising it as follows:

Section 109.1-5-3. Solid Waste to be Collected.

(a) MSW generated by normal household or commercial activities from premises to which collection services are being provided shall be collected in accordance with the requirements of this Chapter.

(b) The following materials are not subject to the collection requirement of 109.1-5-3:

- (1) Dead animals and pets;
- (2) Manure;
- (3) Tree stumps;
- (4) Dirt, stone, rock, and brick;

- 271 (5) Containerized liquids;
272 (6) Friable asbestos;
273 (7) Lead-acid batteries;
274 (8) Appliances containing ozone-depleting chemicals;
275 (9) Scrap metal and discarded appliances that are over 50 pounds in weight or 48
276 inches in length; and
277 (10) Poisons, corrosives, flammables, explosives or other unacceptable or hazardous
278 waste. It should be noted that items considered to be household hazardous
279 waste (HHW) are subject to the collection requirements of 109.1-5-3.
- 280 (c) For materials required to be collected curbside under this Article: (1) materials too large
281 for containers shall be collected if tied securely in bundles not exceeding four feet in length; and (2) no
282 single container or bundle shall exceed 50 pounds gross weight.
- 283 (d) The base price for any collection contract shall include the minimum level of service
284 unless otherwise approved by the Director. The minimum level of service for collection by material type
285 shall be as follows:
- 286 (1) *Refuse*: For residential customers, weekly removal of all refuse that is set out
287 and prepared in accordance with Section 109.1-5-3(c). For non-residential
288 customers, weekly collection is required unless specifically approved by the
289 Director in writing.
- 290 (2) *Recyclable Materials*: weekly removal of all recyclable materials from residential
291 and non-residential customers properly prepared and set out. Other collection
292 frequencies may be adopted for containerized and non-residential recycling
293 service through application for and approval of an alternative recycling system.
- 294 (3) *Yard waste from single-family and townhouse residential units, including*
295 *brush*, from March 1 to December 24, weekly removal for recycling of up to ten
296 individual paper bags, reusable containers, or bundles. BrushYard waste may
297 be limited to individual pieces or bundles of no greater than 50 pounds in weight,
298 four feet in length, and no piece larger than six inches in diameter. Yard waste
299 set out for collection shall not be placed in plastic bags. Outside this period, yard
300 waste may be collected with refuse.
- 301 (4) *Christmas trees from single-family and townhouse residential units*: removal and
302 recycling of all trees of less than 8 feet in length that are set out during the first
303 two weeks of January.
- 304 (e) Nothing in this Chapter shall preclude the collector from providing a higher level of
305 service than required, with regard to frequency, quantity, size, material type, or other
306 factor.
- 307 (f) All MSW collected by the collector, upon being loaded into the collection vehicle, shall
308 become the property of the collector.
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312 **Amend Article 5 Collection of Solid Waste, Section 109.1-5-5 Collection Points and Set-Out**
313 **Restrictions, by revising it as follows:**
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Section 109.1-5-5. Collection Points and Set-Out Restrictions.

- (a) Set-out of **residential** refuse and recycling shall comply with the following:
- (1) Containers for residential use shall be stored upon the residential premises.
 - (2) The outside storage of refuse and recyclables in plastic bags with closed tops for not more than 12 hours is allowed by residential customers only.
 - (3) Loose, bulky non-putrescible materials which are too large to fit into mechanically dumped containers may be set out, provided that they are: 1) securely bundled; or 2) completely contained and adequately secured to prevent leakage or spillage; and, 3) individual bundles, bags, boxes or other containers do not exceed four feet in length and 50 pounds in weight.
 - (4) ~~Yard waste may only be set out in bags, reusable containers, or in piles as instructed by the company which will be collecting them.~~ Yard waste shall be set out in paper yard waste bags, reusable containers, other storage devices as approved by the Director, or bundled with string as instructed by the collection provider, and shall not weigh more than fifty pounds. Yard waste shall not be placed in plastic bags.
 - (5) Recyclable materials shall be set out separately from MSW intended for disposal and contained so as to prevent leakage or spillage but not to preclude visual identification and inspection. Recycling shall be set out as described in subsections (3) and (4) above. Individual containers, bundles, bags, and/or boxes of recyclable materials set out for collection shall not exceed four feet in length and 50 pounds in weight.
 - (6) On each scheduled collection day, residential refuse and recyclables shall be placed at the curb line or at a point on the property line at the edge of pavement or terminal point of a pipestem driveway easement, adjacent to the public right of way where the collection vehicle stops. Residential refuse and recyclables shall not be set out for curbside collection on any sidewalks or any other portion of the public right of way where they could interfere with pedestrians or vehicular traffic.
 - (7) If MSW placed at the curb or in the public right-of-way by a residential customer is not picked up within ten days, the County may remove them and recover the costs of removal.
- (b) Set-out of **non-residential** refuse and recycling shall comply with the following:
- (1) All containers shall be stored upon private property, at points which shall be well drained and fully accessible to collection vehicles and to public health inspection, fire inspection, and solid waste inspection personnel, in addition to complying with Section 109.1-5-6.
 - (2) Non-residential customers are only permitted to store refuse and recyclables outdoors inside of an approved container as described in Section 109.1-5-6. Non-residential customers are not permitted to store refuse or recyclables in bags, boxes or bundles outside unless specifically approved in writing by the Director.
 - (3) Recyclable materials shall be set out separately from MSW intended for disposal and contained as described in Section 109.1-5-6 so as to prevent leakage or spillage but not to preclude visual identification and inspection. Co-collection of recyclables and refuse in a single container is not permitted and does not comply with the recycling requirements in Article 2 of this Chapter.

- (4) If MSW placed at the curb or in the public right-of-way by a non-residential customer is not picked up within ten days, the County may remove it and recover the costs of removal from the customer, collection company and/or designee.

Amend Article 5 Collection of Solid Waste, Section 109.1-5-6 Collection Containers and Vehicles, by revising it as follows:

Section 109.1-5-6. Collection Containers and Vehicles.

- (a) Containers (including compactors, front-end containers and roll-off containers) used to collect refuse and recycling shall comply with the following:
- (1) All refuse containers shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the disposed materials contained therein and must be closed when not in use.
 - (2) Any dumpster, front-loading container, compactor or wheeled cart provided for collection of recycling shall be of sturdy, rodent and insect resistant and watertight construction with tight fitting lids sufficient to prevent leakage or spillage of the recyclables contained therein but not to preclude visual identification and inspection and must be closed when not in use.
 - (3) Collectors who provide refuse and/or recycling containers shall be responsible for maintaining up-to-date name and contact information on these containers. Where a collector chooses to change this information, the collector must either correct the changes on every container (except containers used for collection at single-family homes or townhouses), or remove that container from service. Collectors may not charge a fee for updating containers in this manner.
 - (4) Open-top containers may not be used to collect, store, or transport refuse or any other putrescible items. Open-top containers may not be used for recyclables except per 109.1-5-2 (g)(3).
 - ~~(5) Yard waste may only be set out in bags, reusable containers, or in piles, as according to Section 109.1-5-5 (a) (4).~~
 - ~~(56)~~ All roll-off containers and compactors shall have safety reflectors affixed to both sides and ends of container. Safety reflector requirements for said roll-off container or compactor shall include the use and/or combination of reflective tape, reflective paint, or reflective glass
 - ~~(67)~~ All solid waste collection containers with a capacity of two cubic yards or larger and are used for the collection of solid waste shall be clearly marked with the owner's name and telephone number and the type of material acceptable for the container.
 - ~~(78)~~ In the event of refuse or recycling collection service cancellation by a customer, the owner of the refuse or recycling collection container shall be responsible for removing the container(s). All such containers shall be removed within ten business days of customer service cancellation. Any container which is not removed within ten business days of service cancellation shall be deemed abandoned and subject to removal by the County. The Director must make a reasonable attempt to notify the owner of the container prior to removal by the County. Containers removed by the County will be emptied, and stored at the owner's expense, including the cost for disposal of waste contained therein, and

409 may not be reacquired until all such expenses have been paid. Any container not
410 reacquired within 30 days will be forfeited to the County of Fairfax and sold at
411 public auction or added to the County's assets.

412 (89) The County can require the owner of any container to remove that container if it
413 is found to create a nuisance, traffic impediment or adversely affect public health
414 or safety. If after making a reasonable attempt to notify the owner of this
415 requirement the Director is unable to contact the owner, or if the owner fails to
416 remove the container after notification of such requirement, the County may
417 remove, empty and store the container at the owner's expense, including the cost
418 for disposal of waste contained therein, and the container may not be reacquired
419 until all such expenses have been paid. Any container not reacquired within 30
420 days will be forfeited to the County of Fairfax and sold at public auction or added
421 to the County's assets.

422 (b) All vehicles used to collect refuse and recycling shall comply with the following:

423 (1) All collection vehicles to be used in the collection of MSW must have a collection
424 vehicle permit (see Article 4).

425 (2) All collection vehicles for which a collection vehicle permit is being sought must
426 be designed and manufactured specifically for the collection of MSW.

427 (i) Design and manufacture shall include a completely enclosed and
428 watertight truck body with automatic dumping capabilities, and additional
429 requirements as determined by the Director in the collection vehicle
430 inspection and as described in this Chapter and in the Fairfax County
431 Solid Waste Management Program Permit Manual.

432 (ii) All collection vehicles shall display the current name and telephone
433 number of the company operating the vehicle.

434 (iii) Vehicles permitted to collect recyclables must be clearly identified as
435 such. Such signage shall be removed if the vehicle is used to collect
436 refuse.

437 (iv) The Director may consider the use of vehicles not specifically
438 manufactured for the collection of MSW under emergency conditions or
439 for other reasons as determined by the Director. The vehicles must
440 receive a temporary vehicle permit prior to being put into service.

441 (3) All collection vehicles to be used in the collection of MSW shall be maintained in
442 a manner that prevents spillage of the types of MSW to be collected therein, and
443 provides proper control of odors, vermin, and liquid waste leakage.

444 (4) No collection vehicles of any type are required to enter into any pipestem
445 driveway for the purpose of conducting refuse or recycling collection operations
446 or turning around.

447 **Amend Article 7 Disposal of Solid Waste, Section 109.1-7-1 Disposal Site Designation, by revising**
448 **it as follows:**

449 **Section 109.1-7-1. Disposal Site Designation.**

450 (a) All refuse collected under the provisions of this Chapter shall be disposed of only at
451 disposal sites designated by the Director.

452 (b) It shall be unlawful for any person to dispose of MSW in or at any disposal site other than
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those designated by the Director pursuant to paragraph (a) above. This provision shall not apply to the occupants of single-family residences or family farms disposing of their own MSW if such occupants have paid the fees, rates and charges of other single-family residences and family farms in the same service area.

(c) Nothing contained in previous subsections shall be deemed applicable to:

- (1) Garbage, trash, and refuse generated, purchased or utilized by an entity engaged in the business of manufacturing, mining, processing, refining or conversion except for an entity engaged in the production of energy or refuse-derived fuels for sale to a person other than any entity controlling, controlled by or under the same control as the manufacturer, miner, processor, refiner or converter.
- (2) Recyclable materials which are those materials that have been source-separated ~~by any person~~ or materials that have been separated from garbage, trash, and refuse ~~by any person~~ for utilization ~~in both cases~~ as a raw material to be manufactured into a new product other than fuel or energy. ~~except that yard ;~~ Yard waste must be delivered to a yard waste management facility legally permitted to operate in the Commonwealth of Virginia.
- (3) Construction/demolition debris to be disposed of in a landfill.
- (4) Waste oil.

(d) All MSW disposed of at solid waste management facilities operated by the County of Fairfax shall become the property of the County.

Board Agenda Item
February 23, 2021

4:00 p.m.

Public Comment on Issues of Concern

4:00 p.m.

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. *Kimberly LaFave, et al. v. County of Fairfax et al.*, Case No. CL-2021-0001569 (Fx. Co. Cir. Ct.)
 - 2. *JBG Tysons Hotel LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2020-0020862 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 3. *Mathieu Ghirardo v. Jarryd Blackford*, Case No. GV20-011457 (Fx. Co. Gen. Dist. Ct.)
 - 4. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Harry F. Kendall, III, and Laura P. Kendall*, Case No. CL-2008-0003244 (Fx. Co. Cir. Ct.) (Braddock District)
 - 5. *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)
 - 6. *Leslie B. Johnson, Zoning Administrator v. Yen Anh Bui and Thi A Doan*, Case No. CL- 2020-0013871 (Fx. Co. Cir. Ct.) (Mason District)
 - 7. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Blanca Gutierrez and Elias A. Gutierrez*, Case No. CL-2021-0001603 (Fx. Co. Cir. Ct.) (Mason District)
 - 8. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jonathan Q. Morgan and Naoko Morgan*, Case No. CL-2021-0001602 (Fx. Co. Cir. Ct.) (Mason District)