

Office of the County Attorney

Mission

To provide the best possible legal counsel and representation to County officials and agencies in support of their mission to protect and enhance the community.

Connection to the Countywide Strategic Plan

The Fairfax County Board of Supervisors adopted the first-ever Countywide Strategic Plan on October 5, 2021. The Countywide Strategic Plan serves as a road map to help guide future work, focusing on the 10 Community Outcome Areas that represent the issues of greatest importance to the community, and uses the County's One Fairfax policy to invest in people and places that have limited access to opportunity. On February 17, 2026, the fourth Annual Report on the work of the strategic plan was released to the public. The report contains point-in-time progress highlights for each of the community outcome areas, plus a number of additional initiatives to embed the elements of the plan within department-level work. The report also includes eight data dashboards and data stories that are being replicated across all of the outcome areas. In addition to helping engage residents, these dashboards will serve as a resource to leadership who can utilize the data to focus and guide the overall work of the County. For more information on the Countywide Strategic Plan, please visit www.fairfaxcounty.gov/strategicplan. The Office of the County Attorney primarily supports the following Community Outcome Area:



Community Outcome Area	Vision Statement
Effective and Efficient Government	<i>All people trust that their government responsibly manages resources, is responsive to their needs, provides exceptional services and equitably represents them.</i>

Focus

The Office of the County Attorney (OCA) is divided into four sections: General Law; Land Use; Personnel, Behavioral Health, and Human Services; and Public-Private Partnership, Procurement and Pensions (P5).

The General Law section advises County agencies on multi-jurisdictional leases, emergency management, and transportation matters, including the formation of special tax and transportation improvement districts; interacts with the Virginia General Assembly on proposed legislation; drafts proposed County ordinances; and issues legal opinions to the governing body and the County government on all manner of subjects. This section also maintains intensive collection and litigation efforts regarding bankruptcies. In addition, the General Law section defends litigation brought by, among others, large corporations located in the County to challenge real estate, business personal property and Business, Professional and Occupational License (BPOL) tax assessments. In addition, this section represents the County's interest in utility cases before the State Corporation Commission. The General Law section also provides support in addressing Conflict of Interests Act inquiries. Further, the section renders legal advice and representation on a wide variety of specialized areas of law including election law, first amendment issues on social media, and environmental law. The section advises several key agencies including the Department of

Transportation, Land Development Services, the Department of Public Works and Environmental Services, and the Office of Environmental and Energy Coordination with respect to the County's Environment and Energy Strategic Plan, and litigates all Chesapeake Bay Preservation Ordinance, Stormwater Management Ordinance, and Erosion and Sediment Control Ordinance cases.

In addition to the above duties, the General Law section handles requests for legal advice related to public records, including the Virginia Freedom of Information Act (VFOIA), the Health Insurance Portability and Accountability Act (HIPAA), the Virginia Public Records Act, the Virginia Data Collection and Dissemination Practices Act, and the countywide data sharing agreement. The VFOIA work is accomplished with the assistance and guidance of two full-time Freedom of Information Act (FOIA) attorneys. In addition to responding to FOIA requests, the attorneys continue to provide legal advice and guidance to County agencies, as well as training for specific agencies and general countywide training on FOIA, issues related to data retention, and dissemination. The General Law section's advice on data sharing supports programs such as the County's Opioid Task Force, County's Data Analytics Governance Council and Data Analytics Advisory Group, among others.

The Land Use Section works closely with the Department of Planning and Development, Department of Public Works and Environmental Services (DPWES), and Land Development Services (LDS) to evaluate legal issues in a proactive effort to resolve conflicts and thereby diminish the chance of litigation. If litigation results, this section defends the legislative decision of the Board of Supervisors in the state and federal trial and appellate courts. This section's attorneys are also an integral part of the County team that drafts the Zoning Ordinance and amendments thereto, as well as building and land development regulations. Further, this section plays a crucial role in the efforts of the Zoning Administrator, the Property Maintenance Code Official, and the Director of DPWES to improve communities through the enforcement of various land use laws in the Zoning Ordinance, Fairfax County Code, and the Code of Virginia. This section also brings and defends condemnation actions, assists the County in acquiring, leasing, and selling real property, initiates legal action against developers who default on land development projects, and reviews subdivision documents affecting County property interests. Finally, this section assists the P5 section with the litigation of Fair Housing claims in Circuit Court.

The Personnel, Behavioral Health, and Human Services section defends County personnel decisions before administrative bodies and in state and federal courts. In addition, this section defends the County and its agencies in alleged employment discrimination cases, other federal civil rights claims, Americans with Disability Act litigation, and tort actions (such as personal injury automobile accidents). The section also supports the County's ongoing work to implement collective bargaining, providing comprehensive legal advice and support to the County Executive, Department of Management and Budget, and Department of Human Resources regarding negotiations, arbitration, mediation, and the resolution of labor disputes. This section also renders legal advice on an ongoing basis to County agencies and employees in an effort to prevent and resolve legal issues on an informal basis and, failing that, to ensure that the County is in the best legal position possible if litigation ensues. Attorneys in this section also draft and review personnel regulations and County Code changes that affect County agencies and employees.

In addition, the Personnel, Behavioral Health, and Human Services section civilly prosecutes cases involving abuse and neglect of children and elderly individuals. Abuse and neglect cases occupy the efforts of six full-time attorneys, and these attorneys each handle between 80 and 90 active litigation cases at a time. These attorneys also review agreements and memoranda between the County and federal, state, and local jurisdictions and entities such as INOVA, non-profits, or private corporations. In addition, the attorneys in this section assist with adult protective services matters.

The Personnel, Behavioral Health, and Human Services section also provides legal services and representation to the Fairfax-Falls Church Community Services Board (CSB). Two full-time attorneys represent the CSB's and the County's interests in civil commitment hearings for individuals requiring mandatory inpatient mental health services. The number of hearings has been steadily increasing. In FY 2024, attorneys handled 1,340 hearings, and in FY 2025, they handled 1,485 hearings. The section also addresses subpoenas for CSB personnel and records and gives guidance to CSB regarding its duties and responsibilities under the many state and federal laws and regulations governing the health care industry.

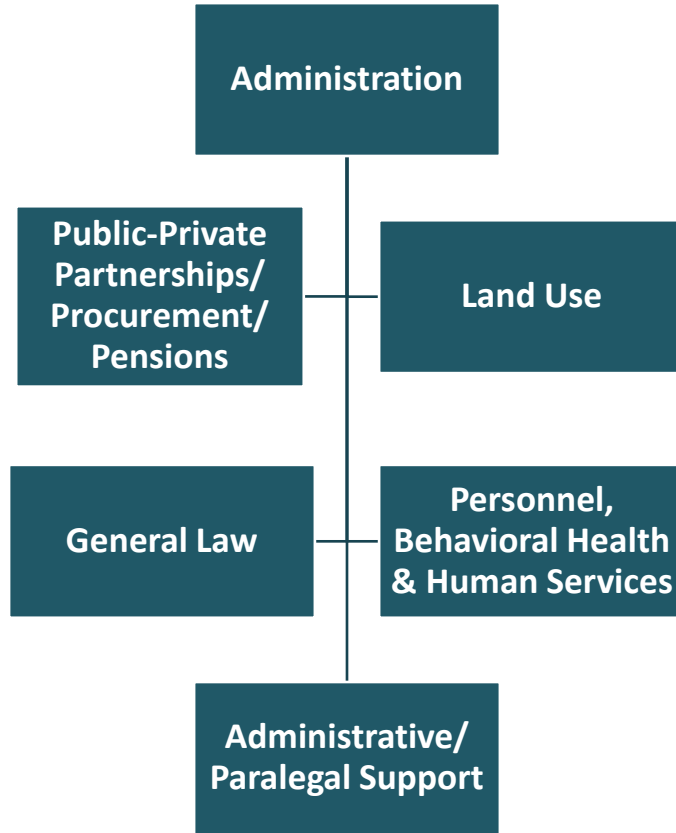
The Public-Private Partnerships, Procurement and Pensions section assists in the planning and negotiation of significant infrastructure projects that leverage both public and private resources and drafts the myriads of contracts that reflect these complicated transactions. The attorneys in the P5 section also support the Fairfax County Redevelopment and Housing Authority (FCRHA), the Department of Housing and Community Development (HCD), and the Department of Planning and Development (DPD). A growing population density and an aging population on lower fixed incomes during their retirement years look to the County to assist them in meeting their housing needs, resulting in more work for the office in providing legal advice and transactional expertise to the FCRHA. The Board of Supervisors' initiative to provide more affordable and workforce housing also results in greater OCA involvement in the FCRHA's work. In its housing capacity, the P5 section defends the existing stock of affordable dwelling units, ensures compliance with federal and state regulations, drafts leases and other housing-related contracts, and assists with the review of Fair Housing claims. In addition, the P5 section supports DPD in its mission to facilitate strategic redevelopment and investment opportunities within targeted commercial areas.

The P5 section also provides legal assistance to various County agencies regarding public contracts, specifically for the procurement of goods and services and receipt of grant funds. The P5 section's work on procurement matters involves working with the Department of Procurement and Material Management and DPWES to provide advice at all phases of procurement, such as legal review of County contracts and answering questions under the Virginia Public Procurement Act. If a County procurement is challenged, the P5 section defends the County's interests in such litigation. A growing area of work for the P5 section includes the review and drafting of all necessary legal documents in connection with the County's receipt of federal, state, and private grant funds. In addition, the P5 section provides legal advice related to the administration and financial investments of the Fairfax County Retirement System (FCRS) and assists with amendments to the County's retirement ordinances.

All sections of the OCA are also engaged in reviewing draft legislation that is presented to the Virginia General Assembly for consideration. In 2025, despite the short General Assembly session, the OCA submitted over 1,087 legal reviews of draft legislation. Further, all sections of the OCA are engaged in providing ongoing training for the multitude of County clients served by the office and are engaged in state and local bar association activities. Attorneys also regularly serve as expert lecturers for continuing legal education seminars.

As the office fully implements the Board of Supervisor's One Fairfax policy, there is ongoing work to provide current and prospective employees with a welcoming and inclusive environment in which to work and grow and to excel in the role of legal counsel to the Board of Supervisors and the County. The office follows a unified and cohesive equity plan, which promotes an understanding of diverse perspectives, backgrounds, and experiences. This equity plan seeks to continue to broaden the impact on equity both internally and throughout the County.

Organizational Chart



Budget and Staff Resources

Category	FY 2025 Actual	FY 2026 Adopted	FY 2026 Revised	FY 2027 Advertised	FY 2027 Adopted
FUNDING					
Expenditures:					
Personnel Services	\$10,383,275	\$11,155,199	\$11,155,199	\$11,894,916	\$11,894,916
Operating Expenses	1,017,977	602,141	1,869,895	612,141	612,141
Subtotal	\$11,401,252	\$11,757,340	\$13,025,094	\$12,507,057	\$12,507,057
Less:					
Recovered Costs	(\$466,522)	(\$466,522)	(\$466,522)	(\$466,522)	(\$466,522)
Total Expenditures	\$10,934,730	\$11,290,818	\$12,558,572	\$12,040,535	\$12,040,535
Income:					
Litigation Proceeds	\$71,939	\$143,254	\$143,254	\$143,254	\$143,254
Total Income	\$71,939	\$143,254	\$143,254	\$143,254	\$143,254
NET COST TO THE COUNTY	\$10,862,791	\$11,147,564	\$12,415,318	\$11,897,281	\$11,897,281
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	69 / 69	69 / 69	69 / 69	71 / 71	71 / 71

**FY 2027
Funding
Adjustments**

The following funding adjustments from the FY 2026 Adopted Budget Plan are necessary to support the FY 2027 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 5, 2026.

Employee Compensation \$430,033

An increase of \$430,033 in Personnel Services is required to reflect the cost of employee compensation increases. This amount includes \$219,060 for a 2.00 percent cost of living adjustment (COLA) for all eligible employees, effective the first full pay period in July 2026. Also included is \$210,973 for performance-based and longevity increases for non-uniformed merit employees, effective the first full pay period in July 2026, as well as other compensation adjustments for non-uniformed employees. For more information on the County's compensation plans as well as specific details for those employees covered under the Collective Bargaining Agreements, please see the Adopted Budget Summary in the Overview Volume.

Collective Bargaining Positions \$319,684

An increase of \$319,684, including \$309,684 in Personnel Services and \$10,000 in Operating expenses, and 2/2.0 FTE Assistant County Attorney V positions are included to support ongoing work to implement the County's collective bargaining agreements. It should be noted that an increase of \$169,428 in Fringe Benefits funding is included in Agency 89, Employee Benefits, for a total of \$489,112. For further information on Fringe Benefits, refer to the Agency 89, Employee Benefits, narrative in the Nondepartmental program area section of Volume 1.

**Changes to
FY 2026
Adopted
Budget Plan**

The following funding adjustments reflect all approved changes in the FY 2026 Revised Budget Plan since passage of the FY 2026 Adopted Budget Plan. Included are all adjustments made as part of the FY 2025 Carryover Review, FY 2026 Third Quarter Review, and all other approved changes through April 30, 2026.

Carryover Adjustments \$922,754

As part of the FY 2025 Carryover Review, the Board of Supervisors approved funding of \$922,754 in encumbered carryover.

Third Quarter Adjustments \$345,000

As part of the FY 2026 Third Quarter Review, the Board of Supervisors approved funding of \$345,000 to support increased costs for legal services.

Position Detail

The FY 2027 Adopted Budget Plan includes the following positions:

OFFICE OF THE COUNTY ATTORNEY – 71 Positions			
Leadership			
1	County Attorney	1	Paralegal I
Operations			
1	Management Analyst III	1	Financial Specialist II
1	Management Analyst I		
Public-Private Partnerships/Housing/FOIA			
1	Deputy County Attorney	1	Assistant County Attorney VI
1	Senior Assistant County Attorney	3	Assistant County Attorneys V
2	Assistant County Attorneys VII		

commissions, the County Executive and County departments as it collectively endeavors to successfully achieve the 10 community outcome areas of the Countywide Strategic Plan as well as the shared commitment to equity through the One Fairfax policy.

Community Outcome Area	FY 2023 Actual	FY 2024 Actual	FY 2025 Estimate	FY 2025 Actual	FY 2026 Estimate	FY 2027 Estimate
Effective and Efficient Government						
Effective and Representative County and School Workforce						
Percentage point change of lawsuits concluded favorably during the fiscal year	6	6	1	1	0	0
Percentage point change of responses meeting timeliness standards	0	(1)	(10)	1	0	0
Customer Satisfaction with County Services						
Percentage point change in zoning enforcement requests meeting 40-day submission standard	0	(4)	0	0	0	0

A complete list of performance measures can be viewed at <https://www.fairfaxcounty.gov/budget/fy-2027-adopted-performance-measures-pm>